**Frequently Asked Questions**

**1. Where can I find tender opportunities for Cumbia County Council?**

Depending on the value of the contract, opportunities can be found in more than one place. We try to advertise as widely as possible:

* [The Chest](https://www.the-chest.org.uk/cms/CMS.nsf/vHomePage/fSection) web portal
* Cumbria County Council [Contracts Register](http://www.cumbria.gov.uk/eLibrary/view.asp?ID=60440)
* Contracts Finder (the government's new Contract Finder portal and lower value contract opportunities can be found on the [Contract Finder](https://www.gov.uk/contracts-finder) website)
* [Official Journal of the European Union (OJEU)](http://ted.europa.eu/TED/misc/chooseLanguage.do) where applicable
* Sometimes advertisements are also placed in appropriate newspapers and trade journals to ensure that the opportunity of a contract is brought to the attention of a wider or specialist audience.

**2. What is the OJEU?**

OJEU is an acronym for the Official Journal of the European Union, the publication in which all contracts from the public sector which are valued above a certain threshold must be published.

OJEU is only published electronically, and is best accessed through [Tenders Electronic Daily (TED)](http://ted.europa.eu/).

OJEU advertisements are published daily in Tenders Electronic Daily (TED), the online version of the Supplements to the OJEU containing calls for tenders, contract awards and pre-information notices.

The current financial thresholds can be found [here](http://www.ojec.com/threshholds.aspx).

**3. What are The Public Contract Regulations 2015?**

All procurement in the public sector is subject to EU Treaty principles of non-discrimination, equal treatment and transparency. The Public Contract Regulations 2015 require contracting authorities such as Cumbria County Council to provide details of procurements in a prescribed format that are over certain financial thresholds.

Any supplier can respond to a tender opportunity by expressing an interest to being considered for tendering. As in all of its tendering exercises Cumbria County Council ensures those companies selected to tender receive the same information on which to make their bid.

Advertisements must appear in the OJEU first before being published on a website or in a publication.

**4. How can I improve my chances of being successful with tenders?**

Cumbria County Council has developed the following documents to offer guidance:

* Top Ten Tendering Tips
* Doing Business with the Council
* The Chest guidance notes
* Contract Procedure Rules

Suppliers have a key role to play in assisting the Council in the delivery of services to those who live, work and visit Cumbria. Our Corporate Procurement Team are increasingly involved in collaborating with suppliers, and attend a variety of supplier and Third Sector events across the County to discuss our contracts and requirements. These events allow us to present and share details on procurement processes, future opportunities and how and where we advertise our contracts. Our team, where necessary, also offer online demonstrations of how to become a registered supplier on our E-Procurement portal, The Chest. We also offer ‘hints and tips’ training at supplier engagement events prior to larger or more complex Procurement exercises.

**5. What are Contract Procedure Rules?**

Cumbria County Council’s Contract Procedure Rules (CPR’s) are mandatory for Officers to follow when purchasing goods, works or services or in the disposal of assets. They are part of the Council’s constitution, and can be found on that part of the website. The CPR’s must be followed in conjunction with the EU Procurement Directives (if applicable due to value). These have been updated in accordance with the new Public Contract Regulations 2015.

**6. How is the value of a procurement assessed?**

The Contract value is based on the probable sum payable to the provider over the term of the contract. If the value is £50,000 per annum for two years, then the value of the contract is estimated at £100,000. If there was an option to extend the Contract for a further year then the value is estimated as £150,000.

**7. If a contract is relatively high value, but is spread over a number of years with a small annual value. Does it still need to be advertised?**

Answer: Yes, Officers must not package tenders in such a way as to avoid the Public Contract Regulations or our own CPR’s.

**8. How does the tender process work?**

All Council business is procured through a competitive process - whether by comparing quotes for low value purchases, or a formal tender process for high risk/high value contracts. Though, how we approach the market is different depending on various factors such as value, complexity, risk, market factors etc.

There are a number of different procurement processes that we use and the time frames for each process will depend on the individual procurement. If the total contract value is above the EU Thresholds then the full EU regulations will apply. There are exemptions that apply to some procurement i.e. the contract falls within the scope of one of the general exclusions listed in the legislation. The Public Contract Regulations set out the time frames for each stage in the process.

It is important for us to allow reasonable time for prospective suppliers to respond and for us to carry out our evaluations. Sometimes it can take up to 12 months for the process to be completed from the commissioning process, seeking permission to procure right through to award.

The first decision we need to take is to decide whether the procurement is covered by a Corporate Contract, or we can utilise a Framework Agreement procured by another public body that is legally complaint for us to use. If not Officers will follow the CPR’s.

Cumbria County Council will give local suppliers a fair opportunity to compete for Council business and will continue to look for ways in which local participation can be encouraged. Although, we cannot discriminate in favour of local companies.

**9. How is a tender assessed?**

Tender evaluation criteria are agreed by the relevant authorised officers before tenders are advertised and will be published in the documents so all bidders are clear on our evaluation methods. Possible criteria are price, service, quality of goods, running costs, technical merit, previous experience, delivery date, cost effectiveness, quality, relevant environmental considerations, aesthetic and functional characteristics, safety, after-sales services, technical assistance and any other relevant matters.

**10. Who decides who to award a tender to?**

The project team upon completion of a tender evaluation must produce a written report and this report will need to be approved by the relevant authorised officers, as per the CPR’s.

**11. I am a member of the public looking for a competent contractor. Can you help?**

No, because the Council does not hold an approved list of suppliers. It cannot recommend contractors for work etc.

**12. What is the community right to challenge?**

The community right to challenge gives community groups, voluntary organisations, charities, parish councils and local authority employees the right to submit an expression of interest in taking over and running a local authority service.

Submitting an expression of interest does not guarantee that the group will be awarded the service, but we must consider and respond to the challenge. If we accept the challenge we must run a procurement exercise in which organisations - including those that made the challenge, and also private companies - can bid to run the service. If a challenge is rejected we must publish the reasons why.