

Procurement Policy

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Note: All policies must be read in conjunction with all other SOAS policy, procedure and guidance documents. Printed copies of policies may not be the most up to date, therefore please refer to the policy pages on the SOAS external website or intranet for the latest version.

1. Introduction / Purpose

- 1.1. The purpose of this Policy is to ensure that all procurement undertaken by representatives of the School is performed fairly, transparently, ethically, sustainably and is legally compliant.
- 1.2. This policy provides details of:
 - Procurement Procedure requirements
 - Thresholds
 - Information about relevant legislation
 - Other relevant information
- 1.3 Further specific practical guidance is provided in procurement advisory documents available on the SOAS Intranet site.
- 1.4 Whilst every attempt has been made to ensure this document is comprehensive there may be situations which it does not cover. In these situations any queries should be directed to the Head of Procurement.

2. Scope of Policy

- 2.1 This policy applies to all persons purchasing goods and/or services on behalf of the School.
- 2.2 This Policy does not apply to expenses incurred by School staff through the course of their work. Please refer to the SOAS Travel and Expenses policy.
- 2.3 Breach of this policy and its associated procedures may be investigated in accordance with the School's disciplinary procedure.

3. Definitions

Contract Management Plan means a formal template which details how the contract should work and how it will be managed proactively during its life. It includes meeting dates, expected levels of service, key milestones, payment dates and serves as a record of performance.

Data means any information which relates to the company, its operations or its staff or students.

IR35 (Off payroll working) means the legislation that requires workers, who would have been an employee if they were providing their services directly to the School, pay the same tax through their own limited company or another type of intermediary to the client.

Financial Regulations means the SOAS internal financial regulations owned by the Director of Finance and Procurement

Framework Agreement means a contract between a purchasing consortium and one or many suppliers which may be utilised by SOAS to award a procurement in a cost effective and risk averse manner

Financial check means the formal checking of the financial status of a supplier or suppliers to ensure the organisation is stable and will be undertaken by the central procurement team.

Goods and Services means products or services provided by an individual or company. Includes maintenance work, soft and hard facilities management, does not include construction or demolition services.

Intend means the electronic purchasing software used by SOAS.

Mixed Procurement means where a SOAS requirement includes the provision of Works and Goods or Services

Procurement means the acquisition of Goods, Services or Works in return for payment

Public Contracts Regulations means the Public Contracts Regulations 2015 (as amended). These regulations set out the legal requirements which must be adhered to by public bodies when applicable.

Purchasing Consortium is a membership organisation responsible for delivering Framework Agreements. Examples are Crown Commercial Services and the London Universities Purchasing Consortium. These organisations are collectively known as Consortia.

Single Tender Action means, where very specific situations apply, the process which may be followed to award a contract without following the usual competitive process.

Thresholds mean the monetary values associated with the requirement at which a specific procurement process applies.

Works means construction or demolition services including electrical wiring, insulation work, plumbing and gas, heating and ventilation, building completion (plastering, flooring, joinery, wall coverings, internal or external painting and glazing). Includes major renovation projects, does not include routine maintenance or decoration (soft and hard facilities management).

4. Roles and Responsibilities

4.1. All persons responsible for or involved in the procurement of Goods, Services and Works

- must adhere to this policy
- are required to ensure they are able to demonstrate they are achieving value for money through the process undertaken,
- must ensure that the highest levels of ethical standards and behaviour are maintained at every stage of the procurement process.
- must seek appropriate authority in line with the SOAS Financial Regulations

4.2 All procurement processes must follow the below steps as a minimum:

- Be aware of existing contractual obligations
- Understand and clearly specify in writing the requirement and the impact of the procurement on the School department/s
- Follow the correct procurement process in accordance with the thresholds table
- Formally contract with the supplier in writing – simple or complex
- Raise a purchase order (this may be our contract for smaller requirements)
- Receive goods/services
- Receive and check invoices
- Pay the supplier on time
- Contract manage the agreement (for all contracts longer than one year)

It is not acceptable to raise a purchase order after goods or services have been received or only in response to an invoice.

Payments to suppliers will be made in arrears, and to 30 day payment terms. Any exceptions should be discussed with the Head of Procurement.

5. Main Content

An appropriate commercial process, relative to the size, risk and complexity of requirements must be undertaken for all procurement at SOAS.

In this section, information is provided on the different routes to market based on value only.

If a requirement to purchase is considered high risk, for example it is a time sensitive or a vital product or service, where there is a reputational, security or sensitivity consideration, or another identified concern, a more or lesser involved process may be required. In these instances, please contact the Head of Procurement for advice.

Not planning effectively enough in advance for requirements is not a reason for a process to be absent of appropriate competition.

5.1 Authority

Budget, and budget management, for any requirement must be agreed in writing with the budget holder prior to entering into discussions with any suppliers.

Approval to enter into any contractual arrangement must be sought and approved by the relevant person at the level indicated by the value of the requirement.

Information regarding budgets and contractual commitments can be found in the SOAS Financial Regulations, Annex A, Financial Authorities

Most procurement activity is decentralised to department level, operating according to the procurement policy and guidance. The central procurement team are available to provide professional advice on how to secure best value. The procurement team however do not generate purchase requests in Agresso, that is the responsibility of budget holders or their delegates. A small number of contracts are held at School level, with call-offs being made by individual departments, and the supplier relationship managed through Procurement.

5.2 Thresholds

The Thresholds below detail the procurement procedure which should be followed. There may be exceptions however these must be discussed with the Head of Procurement.

Values should be considered inclusive of VAT over a 4-year period. If more than one contract is to be let to the same supplier, the cumulative value of the requirement must be considered.

Framework Agreements should be considered for all procurement requirements below £200,000 for Goods and Services, or below £1,000,000 for Works. The specific Framework Agreement Buyers Guide must be understood in order to use the agreement compliantly.

Please contact the Head of Procurement for advice or see guidance on the procurement pages of MySOAS.

Please refer to the definitions of Goods, Services and Works to ensure you use the correct thresholds table below.

Estimated value of requirement Goods and Services including VAT over a 4-year period	Procedure	Detail	Procurement involvement
<£10,000	No competitive process required.	See guidance. Ask supplier to send information, no SOAS templates required. Use SOAS Standard purchase order Terms and Conditions. Consider Framework Agreements.	No
£10,000 to £25,000	3 Light Touch Quotes	Use SOAS light touch template. Use SOAS Standard Terms and Conditions or supplier terms. Consider Framework Agreements	No
£25,000 to £50,000	3 Formal Quotes	Use SOAS Formal Quote Template and appropriate terms and conditions (relevant to the requirement) available on MySOAS. Consider Framework Agreements.	Seek advice if required.
£50,000 to £200,000	3 Formal Tenders	Use SOAS Formal Tender Template and appropriate terms and conditions (relevant to the requirement) available on MySOAS. Use Intend to run the procurement process. Consider Framework Agreements	Yes
£200,000 +	Formal Tender with Central Procurement Team support	Consult Procurement for appropriate. Use Intend to run the procurement process (Mandatory) Consider Framework Agreements	Yes Mandatory

Estimated value of requirement Works	Procedure	Procurement Route	Procurement Involvement
<£25,000	No competitive process required.	See guidance. Ask supplier to send information, no SOAS templates required. Use SOAS Standard purchase order Terms and Conditions. Consider Framework Agreements.	No
£25,000 to £200,000	3 Light Touch Quotes	Use SOAS light touch template and appropriate terms and conditions (relevant to the requirement) available on MySOAS. Use Intend to run the procurement process. Consider Framework Agreements	No
£200,000 to £500,000	3 Formal Quotes	Use SOAS Formal quote template and appropriate terms and conditions (relevant to the requirement) available on MySOAS. Use Intend to run the procurement process. Consider Framework Agreements	Yes
>£500,000	3 Formal Tenders	Consult Procurement for appropriate legal documents. Use SOAS formal tender template and appropriate terms and conditions (relevant to the requirement) available on MySOAS. Use Intend to run the procurement process. Consider Framework Agreements.	Yes

Mixed procurement. Where the requirement is a mix of Goods/Services and Works, the proportion of the requirement which is of the highest estimated monetary value takes precedence over the categorisation of the requirement. i.e. if Works requirements value is £30k and Goods requirement is £70k the contract would be categorised as a Goods and Services contract.

The acquisition and disposal of buildings and land, both leasehold and freehold, and lease renewals or the acquisition or disposal of space via short term licence agreements are subject to the approval of the Director of Estates

5.3 Single Tender Action (STA)

A Single Tender Action may be used only on occasions where SOAS is required to award a contract to a specific supplier and a competitive process is genuinely not possible.

There are a small number of circumstances where a Single Tender Action may be necessary.

a. A genuine emergency, when immediate action is necessary to:

- Prevent significant loss to SOAS
- Prevent danger, injury or hardship
- Comply with legislation

This reason is not to be used simply because the planning for procurement has not been considered far enough in advance.

b. Only one supplier is able to provide the requirement and no satisfactory alternative is available because of:

- Technical or artistic exclusive rights reasons
- The requirement is for branded items which are sold at a single fixed price

c. Addition or extension to an existing or previous contract where it would be inappropriate to offer the additional work to a competitor due to technical or copyright reasons

d. When “spot-purchase” demonstrably provides better value for money than longer term contract arrangements for example at Auction.

STA's cannot be requested retrospectively.

For Grant funded procurements, where an individual is named and the funding conditions have been met, an STA form is not required for requirements below £25k.

5.3.1. The Public Contracts Regulations

SOAS is not legally required to comply with the Public Contracts Regulations 2015 however, there are a small number of occasions where funding bodies, especially Grant providers, will request that they are followed.

Where a procurement is linked to a Grant, persons must ensure they check the terms and conditions for the appropriate process required, and seek support from the Head of Procurement to ensure the regulations are adhered to compliantly.

5.4 Documentation and Specification

The use of the relevant SOAS quote and tender documentation is mandatory.

Where low value and low risk purchases are made (under £50k) supplier Terms & Conditions may be used (if checked and appropriate) as an alternative to SOAS Terms and Conditions. For requirements above £50k, SOAS standard Terms and Conditions must be used unless the requirement is of a unique or specialist nature, on these occasions, the Head of Procurement must be consulted.

When specifying requirements, these must be clear and accurate with appropriate quantities and quality references. Brand names should be avoided to ensure competition is maximised.

5.5 Digital and Data Assurance

Where any procurement and resulting contract will include the need for a supplier to process, store or manage SOAS Data, the IT Business Change team must be consulted prior to making any contractual commitment. Information is available on the [Business Change and IT Governance My SOAS Pages](#)

5.6 Contracting with Individuals

When contracting with individuals, the IR35 Off Payroll regulations legally require SOAS to demonstrate that we have checked if the person is providing services for which they will pay their own tax and National Insurance or if we should manage this for them through Pay As You Earn (PAYE). You must understand the role requirements to assess whether the regulations will apply (before you request an individual be added to Agresso) and you must complete this CEST form: <https://www.gov.uk/guidance/check-employment-status-for-tax> prior to signing any contract documentation

Full information is available from the HR and Procurement pages on MySoas.

Recruitment of temporary or permanent staff through an agency, must follow the procedures detailed on the HR pages of MySoas.

5.7 Responsible Procurement

All requirements must be specified to cause the least harm to the planet, people and wildlife in regards the manufacture, transport, use and disposal of products and services.

All suppliers being awarded contracts above £50k (for any period of time) must sign the SOAS Supply Chain Code of Conduct.

Quotation or tender documents should include relevant and proportionate questions for the supplier regarding environmental (including reduction, waste and pollution), social (including EDI and Modern Slavery), and economic (including value for money, risk and impacts) sustainability.

In depth advice, and a bank of questions, is available by referring to the Sustainable Procurement Guidance on MySOAS and from the Head of Procurement.

5.8 Conflict of Interest

A conflict of Interest form must be signed by all those with any influence or responsibility for decision making on procurement projects over £50k (over 4 years). Or on all occasions where an actual or potential conflict of interest is evident.

5.9 Record Keeping

Those responsible for the procurement must ensure that clear and accurate records are stored of the competition process, the outcome and the contract itself.

A signed copy of all contracts for procurement over £50k (Goods and Services) and £200k (Works) must be sent to the Head of Procurement for central storage.

A Contract Management Plan must be completed, and regular engagement with the supplier must take place for all agreements which span more than 12 months in length.

6.0 Further Information

[The Public Contracts Regulations](#) (subject to legislative change).

Detailed guidance and advice for each procedure, including templates, can be accessed on the [My SOAS procurement pages](#).

Advice and guidance can be sought from the Procurement Team Procurement@soas.ac.uk