

SELLING TO THE CROWN PROSECUTION SERVICE – A GUIDANCE FOR SUPPLIERS



The Departmental Procurement Unit (DPU) of the Crown Prosecution Service (CPS) is a Headquarters unit with three main responsibilities:

- undertaking major procurement projects and letting national call-off contracts
- developing Departmental procurement policy
- providing support and advice to managers and procurement staff

Its principal objectives are to ensure that:

- best procurement practice is followed throughout the CPS
- value for money is obtained
- all relevant legal requirements are met

The unit is staffed by a team of qualified procurement professionals.

LOCAL PURCHASERS

Delegation of budgets has given local managers responsibility to purchase most of their own goods and services. Locally, purchasers will draw from DPU-arranged contracts, with miscellaneous general items being purchased from local or regional suppliers.

To identify and meet local needs, each Service Centre and Headquarters Office has a designated Local Procurement Officer (LPO).

NETWORK

The Department has formed a Procurement Advisory Group (PAG) in order to network and exchange information and views across the Department with the common aim to obtain best value for money in all of the Department's procurement activities.

As a potential or continuing supplier to the CPS, you may be asked to attend one of the regular PAG meetings to discuss and/or demonstrate products and services that may be of interest.

WHAT DOES THE CPS PURCHASE?

The CPS predominately purchases a wide range of services.

These include:

- office cleaning
- catering
- security
- reprographics
- facilities management
- travel services (including car hire, hotels, air and rail travel)
- management consultancy
- legal services
- training and development
- estate management services

The Department also purchases supplies.

These include:

- stationery and consumables
- printing
- furniture and furnishings
- office machines
- videos and recording equipment

IT SUPPLIES AND SERVICES

The CPS entered into a ten-year Private Finance Initiative (PFI) contract, known as Compass, with Logica UK Limited on 31 December 2001.

Logica are now responsible for the provision of IT services, including the implementation of a programme of service improvements and the development of IT solutions to meet CPS business requirements.

HOW DOES THE CPS SELECT SUPPLIERS?

Choosing the most suitable supplier is one of the more important decisions of any contract and key to the achievement of value for money.

The selection process leading to the appointment of suppliers involves three main stages; pre-tender, where the CPS identifies potential suppliers; invitation, where the Department asks for quotations or issues tender documents; and evaluation and award, where the Department goes through the selection process and awards the contract.

HOW DOES THE CPS FIND SUPPLIERS?

The CPS uses a wide range of sources to identify potential suppliers, such as:

- reputation
- visits
- suppliers' catalogues
- trade information
- Yellow Pages
- representatives/sales staff
- trade exhibitions
- advertising in local, national or trade press
- the internet

For contracts that exceed the EC value threshold, the CPS will also seek interest by advertising in the Supplement to the Official Journal of the European Union (OJEU). Further details about EC tenders, including the current monetary thresholds for tendering, are available on the Office of Government Commerce website: www.ogc.gov.uk

The result of each sourcing exercise is a list of suppliers to invite to quote or tender.

INVITATION

In making a purchase, the CPS uses three main methods:

- oral quotations
- written quotations
- Invitations to Tender

In selecting a method, the main criterion is the likely value of the contract.

QUOTATIONS

When selecting suppliers by inviting oral or written quotations, the CPS tries to be as explicit as possible about its needs, including quality, delivery and packaging. When inviting written quotations, a specification and a copy of the appropriate Departmental standard conditions of contract will be sent to suppliers.

TENDERING

Tendering is a more formal process than obtaining quotations. The CPS tries to provide clear Invitation to Tender packages with sufficient information to enable suppliers to respond to the bid.

The Invitation to Tender package includes instructions to tenderers, a specification including questionnaire(s), standard and/or special terms and conditions of contract, and a return label.

The Department allows sufficient time for the return of tender proposals with a minimum period of 40 days for tenders advertised in accordance with the EC Procurement Rules.

In return, the CPS requires the following information from prospective suppliers:

- acknowledgment that the invitation has been received
- a clearly written proposal that meets the requirement, provides references, and specifies deliverables and the basis of costs or fees
- disclosure of any conflict of interest which may influence the proposed contract

EVALUATION

The object of the evaluation process is to identify the tender or tenders which provide the best overall value for money for the particular purchase. Tender evaluation is strictly controlled and conducted objectively and impartially. Evaluation and subsequent discussions with suppliers will generally identify a winning tender. Occasionally, evaluation will not separate tenders and in these circumstances, shortlisted bidders may be asked to provide samples or demonstrate their products or services. It may also be necessary for a visit to be arranged to the shortlisted suppliers' premises.

Any references which may have been requested will also be followed up.

AWARD

Once a decision has been reached following evaluation of written quotations or tenders, the successful and unsuccessful supplier(s) will be informed in writing without delay. Within the boundaries of commercial confidentiality, the CPS will provide, on request, feedback to successful and unsuccessful tenderers.

TERMS AND CONDITIONS

The CPS seeks to conduct business on its own conditions of contract. There are several sets of standard terms and conditions in use, covering various categories of goods, general services and consultancy services. The relevant set is always included in the Invitation to Tender package. Copies are also available upon request from the DPU.

SUPPLIER RELATIONSHIP

The CPS aims to maintain an open and collaborative relationship with suppliers and potential suppliers. To do this, the Department will endeavour to practise the highest standards of honesty, integrity, impartiality and objectivity. In all, it seeks to be fair, efficient and courteous.

In return, the CPS expects suppliers to observe similar standards of integrity, professionalism, cooperation, courtesy, competence and efficiency.

Suppliers are expected to apply high ethical standards in their dealings with the CPS. In addition, the Department expects that goods and services supplied conform to requirements and the right quality in the right quantity is delivered at the right time, to the right place and to the agreed price.

PAYMENT POLICY

The Confederation of British Industry has issued a prompt payment code which is widely recognised in the commercial world. The CPS has adopted the principles of that code and those principles are complied with by purchasing and accounting staff.

The CPS is committed to pay suppliers in accordance with the terms of their contract. If no specific terms are agreed, then the Department will pay 30 days from receipt of a valid invoice or from receipt of the goods/services (whichever is the later).

In order to meet the Department's contractual obligations, it is important that a supplier's invoice provides the details required to match it to the original order/contract.

In particular, it is essential that suppliers quote:

- costs
- delivery charges
- VAT
- any purchase order or contract reference provided by the CPS at the time the order or contract is placed

If some of this information is missing, it may delay payment.

THE CPS COMPLAINTS POLICY

The CPS aims to deal with complaints sensitively, fairly and in confidence. If a supplier's complaint is justified, the Department will apologise, try to put the matter right and take steps to ensure it does not happen again.

The CPS will try to reply to your complaint within three working days. If a full reply cannot be sent within that time, receipt will be acknowledged and the Department will aim to send a full reply within ten working days.

WHO SHOULD SUPPLIERS APPROACH?

To be given the opportunity to supply to the CPS, or for further information on any aspect of the Department's purchasing policy or procedures, a supplier should first make initial contact with the DPU.

Please contact:

Departmental Procurement Unit
50 Ludgate Hill
London EC4M 7EX
Tel: 020 7796 8404/8174
Fax: 020 7796 8463
Email: procurement@cps.gsi.gov.uk

WHAT CAN SUPPLIERS EXPECT?

The CPS will endeavour to deal with suppliers' enquiries in a fair and constructive manner, but no guarantees can be offered that an initial approach will result in a company being selected as a supplier.

The CPS does not maintain an approved list of suppliers, but it does maintain a list of potential suppliers for the future. If a future need is anticipated, a supplier's details will be added to this list.

SUSTAINABLE PROCUREMENT

The CPS is committed to promoting the conservation and improvement of the environment.

Its policy on sustainable procurement is:

- to comply with environmental legislation and regulatory requirements
- to promote environmental awareness amongst suppliers and contractors
- to buy less environmentally damaging products and services
- to consider environmental factors when making procurement decisions
- to develop awareness of environmental issues within the Department

Where appropriate, goods and services specifications will include environmental criteria. The goods or services will be purchased in the normal way through competitive tender and seeking best value for money.

The Department will:

- research and follow guidance relating to the environment
- include environmental conditions or criteria in specification and tender documents where relevant
- evaluate specifications and tenders with appropriate weight given to environmental points
- encourage suppliers and contractors to support our initiative by taking their own action

Where environmental conditions are specified, evaluation will normally take into account:

- regulatory compliance
- environmental effects and performance measures
- existing environmental management procedures
- commitment to management and process improvement

DIVERSITY AND EQUALITY

The CPS values everybody's contribution. It believes that its success and its future depends on the quality of service that it provides, and on gaining the trust of the community it serves. The CPS values the support of suppliers of goods and services, and sees their commitment to this objective playing an important part in helping the Department achieve its goal. If everyone is to feel valued and individuals are to give their best, a working environment that is fair to all and free from discrimination, harassment, victimisation and bullying must be created and maintained.

Through commitment, action and review, the CPS wants to ensure that it has the opportunity to benefit from employment, training and development appropriate to its abilities and regardless of sex, colour, race, religion, ethnic or national origin, disability, age, marital status, working pattern, political persuasion, sexual orientation or gender reassignment. In the Department's approach to contracting with suppliers for the provision of goods and services, it looks to build business relationships with those suppliers who support and apply similar principles within their own businesses. This will form part of the overall evaluation criteria when selecting suppliers to provide goods and services to the organisation.

CONSULTANTS

The CPS approves a wide variety of consultancy projects each year. With such expenditure, the Department is keen to ensure that it receives full value for money, and that consultants and CPS staff work together effectively.

This section therefore outlines the key elements of the Department's policy towards the use of consultants and is a checklist of good practice. This section was produced in consultation with the Office of Government Commerce, Institute of Management Consultants and Management Consultancies Association.

SELECTION PROCESS

The selection process leading to the appointment of consultants involves the same three main stages as other purchases, namely: pre-tender; invitation; evaluation and award. The initial decision to employ consultants will follow the approval of a carefully thought-out project brief. Following this decision, the CPS will follow the selection procedure outlined above. In addition, the CPS expects that consultants will only accept those projects for which they are suitably qualified and which they are able to carry out.

PROJECT DELIVERY

Once appointment has been confirmed, the project stage will commence and be followed by a post-implementation review.

During the project stage, the CPS will:

- appoint a senior member of staff with knowledge of the area concerned as project manager for the duration of the project, unless overriding reasons make this undesirable or impossible
- have early discussions to promote understanding of the requirement, and brief consultants concerning expected problems and concerns
- introduce consultants to the organisation and provide access to the people they need to see
- where appropriate, provide access to suitable accommodation facilities
- enable consultants travelling on official business to use CPS-negotiated travel contracts
- ensure access to relevant systems, documentation and information
- set up steering arrangements when needed
- review progress at agreed stages by comparing quality of inputs and tasks performed against agreed standards
- confirm that consultants have been discharged of responsibility before final payment

The CPS will expect:

- that unless specific permission to the contrary is agreed, all information obtained during a project will be treated as confidential
- at all times, a high professional standard of work, and where specified, the provision of the same consultant(s) through all stages of the project
- effective communication with the project manager
- consultants to be responsive and objective at all times
- adoption of CPS personnel policies, office practices and Health and Safety regulations
- practical and cost-effective recommendations resulting from interim, emerging and final reports, supported, if required, by presentation
- subject to agreement, an appropriate action plan to implement the results to include timing, sequencing, and anticipated cost of implementation
- in the event of Terms of Reference not being fully discharged, remedial work to be carried out at no extra cost to the Department

CPS ORGANISATION AND STRUCTURE

Information about the organisation and structure of the CPS can be found at the Department's website: www.cps.gov.uk

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DISCLAIMER

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Expert public procurement consultancy for Buyers and Suppliers at your service



PASS – HELPING YOU MEET KEY OBJECTIVES

The key objective of public procurement professionals is to ensure that the most suitable supplier is selected to provide goods and services on terms which are likely to offer the best value for money. The PASS service helps you meet this requirement and deliver contracts that offer best value-for-money terms with suppliers who will execute them efficiently.

PASS CONSULTANCY

BIP's *Procurement Advice and Support Service (PASS)* provides organisations with access to experts in public procurement practices and procedures, thus helping you develop and deliver effective and efficient procurement. Our team offers a range of services to meet your specific needs. Whichever area you wish evaluated and improved, we have the experts to help.

The PASS consultancy's mission is to help you deliver the best in government procurement through:

- Practical solutions to improve procurement performance
- Innovative approaches to knowledge transfer within government
- Joined-up government
- Improved performance indicators
- Strategic direction and performance
- Opportunities offered by e-government
- Capacity to deliver change to meet identified needs
- Continuous improvement of services and challenging poor performance
- Sustainable development within decision-making processes and delivery of services
- EU-compliant processes
- Best practice procurement training

PASS TRAINING

Our consultants can provide you with bespoke training packages to suit your needs. Consultancy and training is available for the following: environmental purchasing, partnering, evaluation, e-government, supplier debriefing, UK legal processes and precedents, contract management, EU-compliant tendering and much more.

PASS ONLINE GUIDANCE

The PASS service provides online guidances on all aspects of the public procurement process and legal requirements: www.bipsolutions.com/html/briefing.php

PASS – EFFECTIVE DISPUTE MANAGEMENT

Contractual and procurement-related disputes are time-consuming, expensive and unpleasant. They can destroy client/contractor relationships, can add substantially to the cost of the contract, and can nullify some or all of its benefits or advantages. They can also have an impact on value for money. It is therefore in everyone's interest to work at avoiding disputes in the first place. Inevitably, however, disputes do occur and when they do the importance of a fast, efficient and cost-effective Alternative Dispute Resolution (ADR) procedure cannot be overstated. If a dispute arises, it is important to manage it actively and positively and at the right level in order to encourage early and effective settlement. Unnecessary delays and inefficiency can lead to rapid deterioration in relations and entrenchment of opinions. ADR through PADRE mediation involves the use of a trusted expert third party and is an effective alternative to litigation. PADRE mediation is provided by experts in contracting and public procurement. If you would like more details on how PADRE can help your organisation and become your mediation service of choice, telephone the PASS team on **0845 270 7055** or email pass@bipsolutions.com.

PASS HEALTH CHECK

The PASS service can help your organisation examine its current procurement organisational structures, strategies, processes, practices and related strengths and weaknesses. It delivers a detailed *PASS Mark Health Check Outcome Highlight Report (OHR)* that outlines areas of strength as well as those requiring further attention, and provides an outline *Project Initiation Document (PID)* designed to deliver a more effective and efficient tendering process that will help you achieve optimum performance and better value-for-money procurement.

PASS IN-HOUSE PRESENTATIONS

PASS consultancy can provide you with in-house presentations directed to buyer or supplier. Each presentation will be bespoke to your requirements, whether they be with regards to improving your tendering practices or your procurement strategy or processes. Contact: pass@bipsolutions.com



The *PASS Mark Health Check* is a process-based evaluation technique that helps identify how your company can develop more effective processes when tendering for public sector contracts.

For further information on the **PASS** service, contact our **PASS Team** on **0845 270 7055**, email pass@bipsolutions.com or visit www.bipsolutions.com/pass/