



Responsible procurement: guidance for suppliers

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2 Responsible procurement

2.1 Introduction

This guide is intended to give suppliers an understanding of Teignbridge District Council's approach to responsible procurement, as per our responsible procurement strategy, and explains and what we expect from suppliers during the tender process.

In this guide we focus on the following areas:

- social value
- ethical sourcing
- health and safety
- equality and diversity
- safeguarding and
- sustainability.

2.2 Social value

2.2.1 What is social value?

Social value is about making the best use of the money that we have to get the best possible outcomes including improving the economic, social and environmental wellbeing of the area. Social value can be seen as the broad subject encompassing each of the topics considered in this guidance note (ethical sourcing, health and safety, equality and diversity, safeguarding and sustainability).

2.2.2 Our expectations

Our suppliers are expected to have a good understanding of the ways in which they deliver social value and be capable of suggesting ways in which our contracts can deliver additional social value.

2.2.3 How this will be assessed: specification and contract

Where it is relevant to do so we will include specific requirements in our specifications that seek to ensure our suppliers' commitment to delivering social value throughout the life of the contract.

The suppliers of awarded contracts may also be monitored against specific terms and conditions that seek to make sure that social value is being delivered through the contract in a way that is measurable; this might include contractual commitments to employ people from disadvantaged groups, to engage with sub-contractors and supply chain partners from under-represented sectors of the market or to secure apprenticeship places for local people, as examples.

2.2.4 How this will be assessed: award

Where specific requirements have been included in our specifications we may assess this at the award stage of a tender process. You may be asked questions that seek to clarify your approach to social value or the ways in which you suggest you can deliver social value and specific award criteria and weightings may be applied, depending on how important these issues are in the successful delivery of the contract. In most cases where such questions are used up to 10% of the total evaluation weighting may be given to issues of social value. In cases where the weighting exceeds 10% we will explain the reasons for this in our tender documents.

2.3 Ethical sourcing

2.3.1 What is ethical sourcing?

Ethical sourcing means ensuring that the suppliers that we work with to deliver our goods and services have responsible labour, health and safety, environmental and ethical working practices.

2.3.2 Our expectations

Our suppliers are expected to have a good understanding of the ethical issues associated with their industry and the goods/services they are planning to provide. The principles that we would wish our suppliers to uphold include:

- elimination of slavery from the supply chain
- humane treatment of employees
- elimination of child labour from the supply chain
- safe and hygienic working conditions for employees
- payment of living wages
- no excessive working hours
- regular employment
- employment practices that do not practice discrimination
- the right to collective bargaining and freedom of association
- fair trade.

Where your partners business practices are less ethical than your own we expect you to work with them to make improvements all the way through the supply chain. We would also expect our suppliers to be aware of and compliant to relevant policy and legislation, including but not limited to the;

- Modern Slavery Act 2015
- Working Time Regulations
- Equality Act 2010
- Transfer of Undertaking (Protection of Employment) Regulations 2006 as amended in 2014 (TUPE)

2.3.3 How this will be assessed: specification and contract

We may include specific requirements in our specifications that seek to ensure our suppliers' commitment to ethical practices throughout the life of the contract.

The suppliers of awarded contracts to which issues of ethical sourcing apply may also be monitored against specific terms and conditions that may be included in those contracts. Such terms may be drafted seeking assurance from the supplier that they will comply with the relevant legislation and warn that a breach of the term may give rise to a claim for damages and/or termination of the contract.

2.3.4 How this will be assessed: selection and award

Where relevant this will be considered in the 'selection' questionnaire sent to applicants of our tender processes. These questions will ask suppliers to self-certify that they meet our requirements and will be assessed on the basis of pass or fail. An example of the type of question that may be asked is as follows:

Ethical sourcing		
(Please indicate your answer by marking 'X' in the relevant box):	Yes	No
<p>Has your organisation been convicted of breaching the Modern Slavery Act 2015, or had any notice served upon it, in the last three years by authority? If your answer to the this question is "Yes", please provide details in a separate Appendix of the conviction or notice and details of any remedial action or changes you have made as a result of conviction or notices served.</p> <p>The Authority will not select bidder(s) that have been prosecuted or served notice under this legislation in the last 3 years, unless the Authority is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches.</p>		
<p>If you use sub-contractors, do you have processes in place to check whether any of these organisations have been convicted or had a notice served upon them for infringement of this legislation?</p>		

Where specific requirements have been included in our specifications we may also assess this at the award stage of a tender process. You may be asked questions that seek to clarify your approach to ethical sourcing and specific award criteria and weightings may also be applied, depending on how important these issues are in the successful delivery of the contract. In most cases where such questions are used up to 10% of the total evaluation weighting may be given to issues of ethical sourcing.

2.4 Health and safety

2.4.1 Introduction

We are committed to protecting the health, safety and welfare of our staff, contractors, residents and visitors. Where our services and works are delivered by contractors we may include an assessment of their approaches to health and safety in our tender processes and continue to review our suppliers' ongoing performance when it comes to health and safety matters.

2.4.2 Our expectations

Our suppliers are expected to have a good understanding of their legislative requirements around health and they must have suitable policies and procedures in place that explain how they meet the relevant legislation, as a minimum.

Suppliers' approaches to health and safety may be included at the tender assessment stage prior to the award of a contract and could include:

- whether you have a health and safety policy statement
- what organisational arrangements you have made for health and safety
- whether you have previously been in receipt of enforcement or remedial orders from the Health and Safety Executive and what actions you have taken to remedy the situation
- whether you enforce your policies and procedures on your sub-contractors and/or supply chain partners
- your sources of health and safety advice
- your approach to first aid, fire and emergency evacuation, display screen equipment and manual handling, where appropriate
- your approach to accidents and reporting
- whether and how often you review or audit your procedures.

We would also expect our suppliers to be aware of and compliant to relevant policy and legislation, including but not limited to the;

- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1999
- Health and Safety (Display Screen Equipment) Regulations 1992
- Personal Protective Equipment at Work Regulations 1992
- Construction (Design and Management) Regulations 2015
- Manual handling Operations Regulations 1992
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995.

2.4.3 How this will be assessed: specification and contract

We may include specific requirements in our specifications that seek to ensure our suppliers' commitment to health and safety throughout the life of the contract. This might include specific reference to the legislation that applies to the contract, to highlight the health and safety factors associated with the delivery of the contract or to include specific health and safety standards that must be met.

Specific terms and conditions that seek to ensure the suppliers' ongoing compliance to the relevant health and safety legislation will also be included in our contracts. An example of the type of clause that we will include is as follows:

The Supplier shall promptly notify the Customer of any health and safety hazards which may arise in connection with the performance of its obligations under the Agreement. The Customer shall promptly notify the Supplier of any health and safety hazards which may

exist or arise at the Customer’s premises and which may affect the Supplier in the performance of its obligations under the Agreement.

The Supplier shall:

comply with all the Customer’s health and safety measures while on the Customer’s premises; and

notify the Customer immediately in the event of any incident occurring in the performance of its obligations under the Agreement on the Customer’s premises where that incident causes any personal injury or damage to property which could give rise to personal injury.

2.4.4 How this will be assessed: selection and award

Where relevant this will be considered in the ‘selection’ questionnaire sent to applicants of our tender processes. These questions will ask suppliers to self-certify that they meet our requirements and will be assessed on the basis of pass or fail. The questions asked are as follows:

Health and Safety		
(Please indicate your answer by marking ‘X’ in the relevant box):	Yes	No
Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements.		
Has your organisation or any of its Directors or Executive Officers been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years? If your answer to this question was “Yes”, please provide details in a separate Appendix of any enforcement/remedial orders served and give details of any remedial action or changes to procedures you have made as a result. The Authority will exclude bidder(s) that have been in receipt of enforcement/remedial action orders unless the bidder(s) can demonstrate to the Authority’s satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches.		
If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations?		

Other questions may also be included around your health and safety performance, delivery of training on health and safety to employees and improvements to health and safety practices.

Where specific requirements have been included in our specifications we may also assess this at the award stage of a tender process. You may be asked to provide a method statement setting out your to approach health and safety in the delivery of the contract, which may be assessed generally or under specific evaluation criteria and weighting. Construction contractors may also be asked to supply a method statement detailing how it intends to take account of the pre-construction health and safety information provided as part of the tender document.

2.5 Equality and diversity

2.5.1 What is does equality and diversity mean?

Equality: means treating people equally and with fairness and respect.

Diversity: means recognising and giving regard to people's different backgrounds and taking account of their needs.

2.5.2 Introduction

We are committed to fair and equal treatment and we respect and value diversity both in the types of companies to whom we award contracts and the people and suppliers that they employ. We may include an assessment of our suppliers' approaches to equality and diversity, particularly for services in which a focus on people is important, and continue to review our suppliers' ongoing performance when it comes to matters of equality and diversity.

2.5.3 Our expectations

Our suppliers are expected to have a good understanding of their legislative requirements around equality and diversity and they must have suitable policies and procedures in place that explain how they meet the relevant legislation, as a minimum.

Suppliers' approaches to equality and diversity may be included at the tender assessment stage prior to the award of a contract and could include:

- whether you have an equality and diversity policy statement
- what organisational arrangements you have made for equality diversity, to include training for staff
- whether you have previously had a finding of unlawful discrimination against you and the remedial actions that you have taken as a result
- whether you have had a complaint upheld about you by the Equality and Human Rights Commission and what you have done to prevent this from happening again
- whether you enforce your policies and procedures on your sub-contractors and/or supply chain partners
- whether and how often you review or audit your procedures.

We would also expect our suppliers to be aware of and compliant to relevant policy and legislation, including but not limited to the;

- Equality Act 2010.

2.5.4 How this will be assessed: specification and contract

We may include specific requirements in our specifications that seek to ensure our suppliers' commitment to equality and diversity throughout the life of the contract. This might include specific reference to the legislation that applies, to highlight the equality and diversity considerations that a supplier may want to make or to seek specific outcomes that help us to achieve our equality and diversity aims.

Specific terms and conditions that seek to ensure the suppliers' ongoing compliance to the relevant health and safety legislation will also be included in our contracts. An example of the type of clause that we will include is as follows:

The Supplier shall:

perform its obligations under the Agreement in accordance with all applicable equality Law and the Customer's equality and diversity policy as provided to the Supplier from time to time; and

take all reasonable steps to secure the observance of this clause by all Staff.

2.5.5 How this will be assessed: selection and award

Where relevant this will be considered in the 'selection' questionnaire sent to applicants of our tender processes. These questions will ask suppliers to self-certify that they meet our requirements and will be assessed on the basis of pass or fail. The questions asked are as follows:

Compliance with Equality Legislation		
For organisations working outside of the UK please refer to equivalent legislation in the country that you are located. (Please indicate your answer by marking 'X' in the relevant box):	Yes	No
In the last three years, has any finding of unlawful discrimination been made against your organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or in comparable proceedings in any jurisdiction other than the UK)?		
In the last three years, has your organisation had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds or alleged unlawful discrimination?		
<p>If you have answered "yes" to one or both of the questions in this module, please provide, as a separate Appendix, a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.</p> <p>If the investigation upheld the complaint against your organisation, please use the Appendix to explain what action (if any) you have taken to prevent unlawful discrimination from reoccurring.</p> <p>You may be excluded if you are unable to demonstrate to the Authority's satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring.</p>		
If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations?		

Other questions may also be included around the delivery of training on equality and diversity to employees and initiatives that seek to improve your approach to equality and diversity.

Where specific requirements have been included in our specifications we may also assess this at the award stage of a tender process. You may be asked questions that seek to clarify your approach to equality and diversity, how you will build equality and diversity considerations into the delivery of the contract and how you intend to take account of a diverse range of service user needs. Specific award criteria and weightings may also be applied, depending on how important these issues are in the successful delivery of the contract. In most cases where such questions are used up to 10% of the total evaluation weighting may be given to issues of equality and diversity.

2.6 Safeguarding

2.6.1 What does safeguarding mean?

Safeguarding is the action that is taken to promote the welfare of children, young people and vulnerable adults and protect them from harm. This means protecting children, young people and vulnerable adults from abuse and maltreatment, preventing harm to their health or development, ensuring children, young people and adults have access to safe and effective care and taking action to enable all children, young people and vulnerable adults to have the best outcomes.

2.6.2 Our expectations

It is everyone's responsibility to keep children, young people and vulnerable adults safe and we expect all organisations that come in to contact with children, young people and vulnerable adults to have policies and procedures in place that explain their approach to safeguarding. Where it is relevant to the contract we may assess potential suppliers' approaches to safeguarding at the tender evaluation stage prior to the award of a contract and continue to monitor suppliers' compliance to the relevant legislation. Considerations could include:

- whether you have an safeguarding policy statement
- what organisational arrangements you have made for safeguarding, to include training for staff
- your safer recruitment procedures
- your organisation's procedure for managing allegations
- whether you enforce your policies and procedures on your sub-contractors and/or supply chain partners
- whether and how often you review or audit your procedures.

We would also expect our suppliers to be aware of and compliant to relevant policy and legislation, including but not limited to the;

- Children Act 2004
- Safeguarding Vulnerable Groups Act 2006
- Children and Families Act 2014
- Children and Young Persons Act 2008
- Education Act 2011
- Department for Education's 'Working together to safeguard children' 2015 statutory

guidance.

2.6.3 How will this be assessed: specification and contract

We may include specific requirements in our specifications that seek to ensure our suppliers' commitment to safeguarding throughout the life of the contract. This might include highlighting the safeguarding considerations that a supplier may want to make, to specifically require suppliers to perform tasks in relation to safeguarding, such as making sure that relevant employees have the correct clearance to work with children, young people and vulnerable adults or to seek specific outcomes that help us to achieve our safeguarding aims.

The suppliers of awarded contracts to which issues of safeguarding apply may also be monitored against specific terms and conditions that may be included in those contracts. Such terms may be drafted seeking assurance from the supplier that they will comply with the relevant legislation and/or policy and warn that a breach of the term may give rise to a claim for damages and/or termination of the contract.

2.6.4 How will this be assessed: selection and award

Where relevant this will be considered in the 'selection' questionnaire sent to applicants of our tender processes. These questions will ask suppliers to self-certify that they meet our requirements and will be assessed on the basis of pass or fail. An example of the types of questions asked as part of our safeguarding assessments are as follows:

Safeguarding		
Please self-certify against the requirements below (Please indicate your answer by marking 'X' in the relevant box):	Yes	No
Does your organisation require your staff and your sub-contractor's staff to undergo a Disclosure and Barring Service (DBS) check to the standard level.		
Please self-certify that your organisation has a Safeguarding Policy or would be willing to ensure that one is in place upon award of the Contract that complies with current legislative requirements.		
Please self-certify that your organisation has a Safer Recruitment Policy or would be willing to ensure that one is in place upon award of the Contract that complies with current legislative requirements.		

Where specific requirements have been included in our specifications we may also assess this at the award stage of a tender process. You may be asked questions that seek to clarify your approach to safeguarding and how you will build safeguarding considerations in to the delivery of the contract. Specific award criteria and weightings may also be applied, depending on how important these issues are in the successful delivery of the contract. In most cases where such questions are used up to 10% of the total evaluation weighting may be given to issues of safeguarding.

2.7 Sustainability

2.7.1 Introduction

We are committed to protecting and enhancing our environment, promoting sustainable

transport and development and minimising our carbon footprint and impact on climate change. Where our services and works are delivered by contractors we may include an assessment of their approaches to sustainability as part of the tender procedure and continue to review our suppliers' ongoing environmental and sustainability performance after the award of contracts.

2.7.2 Our expectations

Our suppliers are expected to have a good understanding of their legislative requirements around environmental and sustainability matters and they must have suitable policies and procedures in place that explain how they meet the relevant legislation, as a minimum.

Suppliers' approaches to sustainability may be included at the tender assessment stage prior to the award of a contract and could include:

- whether you have an environmental management and/or sustainability policy
- the organisational arrangements that you have put in place around sustainability
- whether you have previously been convicted of a breach in environmental legislation and whether and what you have done to resolve that situation
- whether you enforce your policies and procedures on your sub-contractors and/or supply chain partners
- whether and how often you review or audit your procedures.

We would also expect our suppliers to be aware of and compliant to relevant policy and legislation, including but not limited to the;

- Environment Act 1995
- Conservation of Habitats and Species Regulations 2010
- Hazardous Waste (England and Wales) Regulations 2005
- Site Waste Management Plans Regulations 2008
- Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003.

2.7.3 How this will be assessed: specification and contract

We may include specific requirements in our specifications that seek to ensure our suppliers' commitment to sustainability throughout the life of the contract. This might include specific reference to the legislation that applies to the contract, to highlight the sustainability or environmental factors associated with the delivery of the contract or to include specific environmental standards that must be met.

Specific terms and conditions that seek to ensure the suppliers' ongoing compliance to the relevant environmental legislation will also be included in our contracts. An example of the type of clause that we will include as a basic requirement is as follows:

The Supplier shall supply the Services in accordance with the Customer's environmental policy as provided to the Supplier from time to time.

Where sustainability particularly relevant to the contract we will include additional clauses that actively seek reductions in packaging, the supplier’s energy consumption and a general improvement in the supplier’s environmental performance, as examples.

2.7.4 How this will be assessed: selection and award

Where relevant this will be considered in the ‘selection’ questionnaire sent to applicants of our tender processes. These questions will ask suppliers to self-certify that they meet our requirements and will be assessed on the basis of pass or fail. An example of the types of questions asked as part of our sustainability assessments are as follows:

Environmental Management		
(Please indicate your answer by marking ‘X’ in the relevant box):	Yes	No
<p>Has your organisation been convicted of breaching environmental legislation, or had any notice served upon it, in the last three years by any environmental regulator or authority (including local authority)?</p> <p>If your answer to the this question is “Yes”, please provide details in a separate Appendix of the conviction or notice and details of any remedial action or changes you have made as a result of conviction or notices served.</p> <p>The Authority will not select bidder(s) that have been prosecuted or served notice under environmental legislation in the last 3 years, unless the Authority is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches.</p>		
<p>If you use sub-contractors, do you have processes in place to check whether any of these organisations have been convicted or had a notice served upon them for infringement of environmental legislation?</p>		

Other questions may also be included around the environmental performance, approaches to waste and packaging, approaches to carbon and climate change reduction and energy consumption.

Where specific requirements have been included in our specifications we may also assess this at the award stage of a tender process. You may be asked to provide a method statement setting out your to approach sustainability or environmental management in the delivery of the contract, which may be assessed generally or under specific evaluation criteria and weighting.