



University of the  
West of England

## Code of Practice

# Equalities in Procurement

## **Introduction**

### **The University of the West of England & Equalities**

The University of the West of England, Bristol (Bristol UWE) is committed to eliminating inequalities in all functions, including procurement. The University strives to ensure that their services are equally accessible and appropriate to the differing needs of all community sectors, regardless of race, colour, nationality, ethnic origin, gender, marital status, disability, age or sexuality.

The latest Census (2001) figures show that Bristol's population is diverse with approximately 8% from black and minority ethnic communities and 17.8% with a long term limiting illness, for example.

Bristol UWE's Equalities Policy outlines the University's commitment to achieving equalities in procurement. It is vital that we can assure all students and staff that Bristol UWE and our suppliers do not operate discriminatory practices but offer equality of opportunity.

### **Objectives of this Code of Practice**

Equalities issues must be a key consideration for anyone involved in the procurement process, from identification of the service needs and objectives, to award and management of a contract.

Application of this Code of Practice (COP) will ensure that procurement is carried out in a way that promotes equality of opportunity, is not in breach of legislation and that services provided through contracts meet the needs of all users. Through this code of practice and the development of procurement good practice we are seeking to:

- Deliver contracts in a way which is non-discriminatory and promotes equality of opportunity;
- Ensure that suppliers deliver goods, works and services that cater for all student and staff needs;
- Ensure that there is no difference in the satisfaction rates of students or staff, from different equalities groups;
- Select suppliers that are representative of the local population and are from different areas, with respect to ethnic diversity etc;
- Encourage suppliers to promote equality of opportunity beyond the scope of their contract.

It is not always clear the extent to which equalities issues can be promoted and achieved through the procurement process, under procurement legislation and policy. This COP seeks to clarify the position in respect of how far equalities issues can actually be taken into account.

## Procurement & Equalities

Procurement plays a major role in the delivery of Bristol UWE's services. Building equality into the procurement process, and therefore into service delivery, ensures that the services meet the diverse needs of the University.

Through the Procurement Strategy all staff involved in procurement should be aiming to:

- Provide customers with the right services, in the right way at a competitive cost;
- Continuously improve the services we offer;
- Provide services designed to meet customer needs;
- Find the best way of delivering services designed to meet the needs of the people who use them.

Equalities issues are also integral to the achievement of these objectives. Without full consideration of customer needs it is not possible to provide services that are accessible and appropriate to all.

Being responsive to customers' needs is essential to procuring appropriately and achieving quality in service provision - 'quality means equality'.

Since a large proportion of the University's work is put out to tender, it is important that the suppliers awarded these contracts can demonstrate the same level of commitment to equality as does the University. This commitment should be demonstrated in their delivery of services and in their own employment practices.

It is therefore the University's policy to include equalities issues in the contracting process, by taking the following steps:

- Ensuring suppliers' employment policies, procedures and practices are not discriminatory;
- Ensuring that suppliers provide and develop services which are appropriate and accessible, through customer consultation;
- Providing opportunities for people from equalities groups to win University contracts;
- Monitoring whether contracts do meet these equalities aspirations.

Clearly the integration of equalities in procurement is also important in countering discrimination and in fulfilling our legal obligations under equalities legislation.

## What is meant by 'equalities'?

Various inequalities exist in society, which Bristol UWE intends to tackle in all of their functions including procurement:

**Race Equality** – black and minority ethnic people have historically faced discrimination in all areas of life. This discrimination has often been based on the grounds of colour, religion, race or national origins, leading to racist attitudes and practices. This is legislated for in the *Race Relations Act 1976 and Race Relations Amendment Act 2000*.

**Sex Equality** – women or men can be treated less favourably than the opposite sex in comparable circumstances. In some cases a condition or practice may be applied to both sexes but it adversely affects a considerably larger proportion of one sex than the other. Women are most often discriminated against and disadvantaged. This is legislated for in the *Sex Discrimination Act 1975, amended 1986*.

**Disability Equality** – disabled people can face discrimination because of their impairment and/or experiences of mental/emotional distress, for example when trying to access education, training, job opportunities and mainstream services. Disabled people as full citizens should have the same rights in relation to employment and services as non-disabled people. This is legislated for in the *Disability Discrimination Act 1995*.

**Sexual Orientation** – lesbians, gay men and bisexuals can experience discrimination because of attitudes and practices. Employment and service delivery procedures and practices should not be based on the assumption that everyone is or should be heterosexual. This is legislated for in the *Employment Equality (Sexual Orientation) Regulations 2003* (applies to employment only).

**Age Discrimination** – people can be discriminated against based on assumptions and stereotypes about their age. This prejudice is most often experienced by older and young people. Legislation on age discrimination is expected in Britain by the end of 2006.

**Religious Belief Discrimination** – this is often related to racial discrimination and it is therefore often difficult to separate the two. This discrimination is caused by religious prejudice and intolerance in society, and a general lack of knowledge about faith communities/belief groups. This is legislated for in the *Employment Equality (Religion or Belief) Regulations 2003* (applies to employment only).

## **Legal Framework and Relevant Policy**

Bristol UWE, as other organisations, must not discriminate on the basis of race, colour, nationality, ethnic origin, gender, marital status, disability, age or sexuality, in any of their procurement activities. Discrimination on many of these grounds is illegal and is legislated against in various acts.

The University remains responsible for meeting their duties and complying with legislation even where functions are carried out all, or in part, by external suppliers. The University therefore expects everyone working on its behalf to practice equal opportunities, and be able to demonstrate that they take all reasonably practicable steps to allow access and equal treatment in employment and service delivery for all.

### **What legislation is applicable?**

- Race Relations Act 1976 and Amendment Act 2000
- Disability Discrimination Act 1995
- Sex Discrimination Act 1975
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Human Rights Act 1998

Suppliers will be expected to comply with all relevant legislative provisions, as listed above. Race Relations legislation is particularly significant as this is where legislation is most stringent.

The *Race Relations Act (RRA) 1976* makes discrimination on the grounds of race, colour, nationality, ethnic or national origin unlawful in employment, disposal of premises, and the provision of education, housing, goods, facilities or services.

The *Race Relations (Amendment) Act 2000* places a duty on all public bodies to eliminate discrimination, and to promote race equality and good race relations, in their functions. The duty extends to ensure not only that suppliers do not discriminate but that they also promote equality of opportunity and good race relations.

Suppliers themselves must not discriminate, but they do not have the same legal obligation to promote equality of opportunity as public bodies do. The University must therefore build relevant equality considerations into the planning of procurement projects and throughout the complete procurement process to ensure that our RRA duty is met.

Whilst there is not a similar duty to promote and eliminate discrimination in terms of disability, sex or age for example, the University must ensure that it carries out its duties in accordance with UK legislation governing these equalities issues.

UK legislation prohibits discrimination in the provision of goods, facilities and services, where the process of procurement and contracting plays a large part.

Suppliers should also comply with the Codes of Practice in Employment, produced by the Equal Opportunities Commission, Disability Rights Commission and Commission for Racial Equality.

The Purchasing Team also need to ensure that their duties in respect of the following are met:

- Best Value
- Requires Universities to make continuous improvements in the way they carry out their functions.
- Achieving value for money
- Procurement must therefore be based on the optimum combination of whole-life cost and quality, to meet the customer's requirements, including those relating to equality.

There are no specific requirements under the EU Procurement Directives in respect of equalities, but it is possible to take account of equalities issues (and other social considerations) in procurements conducted under the directives.

Where equalities issues are a core requirement to the contract, this will form part of the specification (e.g. access to buildings) issued with the tender documents. Equalities issues can also be promoted in the contract conditions where the University can stipulate the way in which the contract is to be performed.

Equalities considerations can be taken into account as long as it does not result in restricted access to the contract in question, to the detriment of tenderers from other Member States.

## **Legislative Developments**

Further changes to equalities legislation are expected. The government has already stated that it intends to expand the duty to promote racial equality to include disability and possibly gender. This COP goes beyond the current legislation in some cases, seeking to develop good procurement practice and anticipate developments in legislation.

## **The Relevance of Equality to Particular Contracts**

At the very beginning of any procurement project there are three key issues to consider.

### **Relevance**

- Equalities are more relevant to some contracts than others;
- Equalities are particularly relevant where there is interaction between suppliers, University employees, and students.

### **Proportionality**

- The more relevant equalities issues are, the more they need to be considered at each stage of the procurement process;
- Look at the nature and purpose of each contract and the effect it could have on our customers;
- The size, value and length of the contract are also key considerations;
- It may be appropriate to consider simpler procedures and requirements for some small, low value, one-off or short-term contracts.

### **Core requirement**

- A core requirement is an essential part of the contract;
- Most likely when procuring services which are provided directly to the student or where there is direct contact between the supplier's staff and University employees;
- Equality is more likely to be relevant to contracts for services but may also be a core requirement for contracts for goods or works.

### **Examples**

**Services** – In service contracts equalities issues are likely to be a core requirement where the service is provided directly to members of staff and students, e.g. the provision of education, accommodation or advice services.

Where the service also involves contact with the students and staff, equality is likely to be a core requirement.

Even in some services that appear to have little relevance to equality, there may be some aspects where equality is relevant, e.g. where the service requires an awareness of different languages or cultural differences.

**Goods** – The primary concern in contracts for goods is that the goods need to be 'fit for purpose'. In certain contracts fitness for purpose means the goods need to be capable of meeting the needs of particular groups, e.g. transport, staff uniforms to comply with specific cultures.

**Works** – Although not as obvious, there may be implications in works contracts for equality. The conduct of contractor's employees towards University staff and towards members of the student body is the key equality requirement in these contracts, e.g. contract for repairing & maintaining residential properties.

## **Existing Contracts**

Any contracts that are already up and running, and procurement projects that are in progress, will still need to comply with the duty to promote racial equality, as well as the discrimination legislation in force for other equalities issues e.g. sex, disability. It is recommended that any contracts currently in operation are reviewed in the light of this COP as there may be a need to amend some contracts, to ensure there is no breach of the University's duties and/or legislation.

All contracts currently in operation should be monitored to ensure that the equality requirements set out in the specification and contract conditions are being met in practice by the contractor.

## **Workforce Matters**

As a result of some procurement projects University staff may be transferred to the successful contractor. In these circumstances the *Transfer of Undertakings (Protection of Employment) Regulations 1981 (TUPE)* apply.

These regulations protect employees' terms and conditions when the business in which they work is transferred from the University to an external supplier. In equalities terms the contractor must guarantee protection against discrimination and provide for equality of opportunity by preserving the terms & conditions of employment with Bristol UWE.

Universities are also duty-bound to ensure that the service providers they employ offer new staff, who work alongside transferred staff on University contracts, a package of terms and conditions that is overall, no less favourable than that received by the transferred staff. This seeks to prevent a two-tier workforce from developing.

Selection of suppliers should aim to offer staff a package of terms and conditions which will secure high quality service delivery. The supplier's terms & conditions need to be designed to recruit and motivate high quality staff, who have the ability and knowledge to meet the terms of the contract, which may be equalities related.

## **Black and Minority Ethnic Businesses**

Black and Minority Ethnic (BME) suppliers play an important economic, social and environmental role in the community, from which Universities can benefit through their procurement projects. BMEs however, are often unfairly represented amongst the suppliers we use.

The University aims to develop a level playing field for all potential suppliers regardless of their size or ethnicity of ownership, and to encourage a diverse range of suppliers to compete for contracts.

### **What are BME businesses?**

Black and minority ethnic businesses are defined as businesses where 51% or more is owned by members of ethnic minority groups OR if there are few owners, where at least 50% of the proprietors are from black or minority ethnic groups - Source: Race Equality and Procurement in Local Government (CRE).

BME businesses, small & medium firms (SMEs), or businesses owned or managed by women and people with disabilities, provide products and services that the University may be purchasing. In some cases the work may be more appropriately delivered by such businesses, which may be better able to meet the customers' requirements.

### **How can the University encourage SMEs and BMEs?**

Their **size and availability of resources** means they have less equalities provisions than larger firms. This should be borne in mind throughout the selection process.

Look at **how the contract is packaged**. Is there anything that is preventing or discouraging SMEs and BMEs? Is the specification written in such a way that deters BMEs/SMEs? Do not specify requirements that are not necessary and which these organisations may have difficulty in meeting. In considering the contract packaging though we must act within the EU Procurement Directives. As such the contract cannot be split to deliberately create smaller contracts, which fall below the directives' limits.

Review **how and where proposed contracts are advertised** in order to attract the widest range of potential suppliers. Place advertisements in a wider range of media including those likely to be used by SMEs and BMEs e.g. Press, Tenders.ac.uk and Supply2Government, Buyer Profile on the Purchasing web site.

University procurement **processes** are often seen as complex and long. The documentation used should be clear, jargon-free, and accessible to all suppliers.

In order to improve the understanding of SMEs and BMEs in terms of what is required the University should provide **feedback** if they are unsuccessful in their application. It is helpful if they are told which aspects of their bid were strongest and what were weakest, along with advice on improving and developing for the future.

Monitor the **application rates and success rates** of BMEs and SMEs to get an idea of how successful we are being in creating a level playing field for all potential suppliers. This could be achieved by asking about the size of businesses and the ethnic origin of the proprietors. (This should be dealt with in the Pre Qualification Questionnaire).

Consideration could be given to offering **training and guidance** to smaller businesses on University procedures to improve their understanding of public procurement generally. Therefore, we have developed a guide to completing PQQ's, available at:

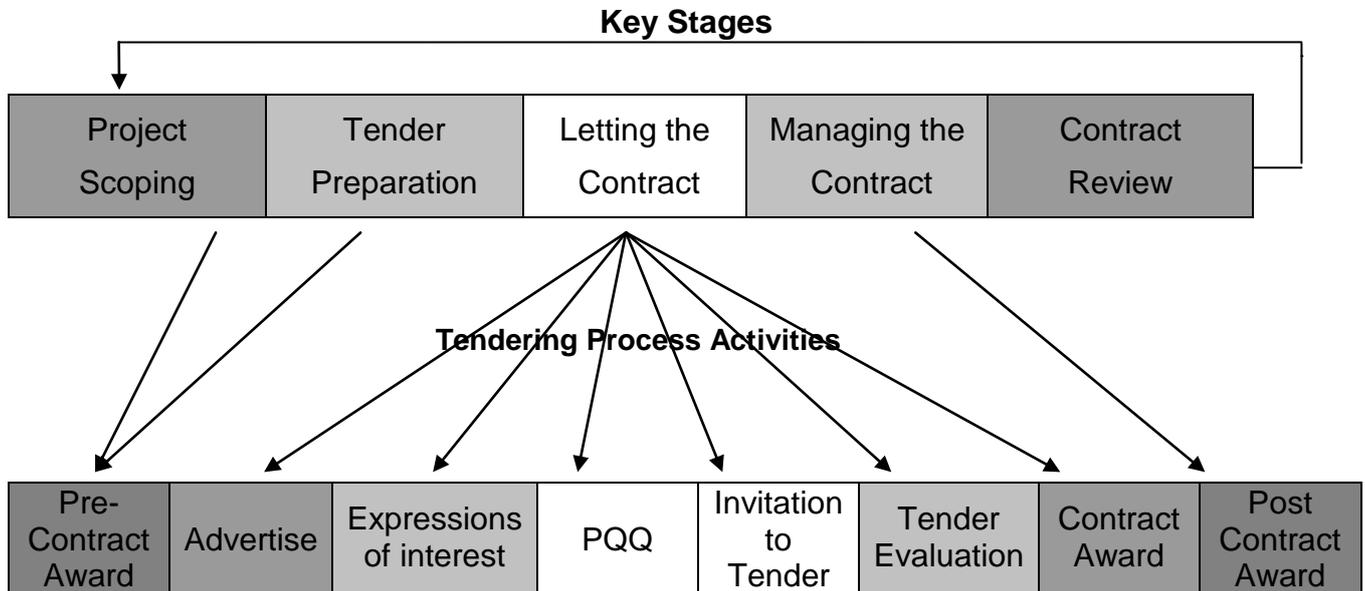
<http://www.uwe.ac.uk/finance/purchasing/procedures/external.shtml>

Even where large contracts are awarded, main suppliers can be encouraged to use SMEs and BMEs as sub-contractors.

If it appears that our procurement policies and practices have an adverse impact on suppliers from particular sectors of the community we must remove any barriers that prevent those firms from being able to compete on equal terms.

It is the University's aim to encourage BMEs to apply for contracts, and in doing so all decisions must be made in accordance with applicable policies and procedures. Suppliers must have the requisite technical capacity, including that relating to equality in employment and service delivery, and all procurement decisions must be based on value for money.

## Building Equality into the Procurement Process



The University can specify the services they want and spell out equalities aspects that must be met by the suppliers. To ensure that equalities objectives are delivered to all groups covered by the University's equal opportunities policy, appropriate service standards and targets should be used in the specification and effective monitoring developed to ensure that services are delivered.

### Stage One: Project Scoping

#### Service Review

Conduct a review of the existing service provision to establish whether it is meeting the needs of current customers and whether it would meet the needs of potential customers. It is necessary to assess the quality, efficiency and effectiveness of existing services, and the extent to which they reach and are accessible to staff and students, and whether they are viewed as appropriate by those who might or do use them.

Using equalities **monitoring data** the diversity of staff and students can be investigated which will contribute towards their needs.

#### Consultation

Consulting staff and students, the people who will ultimately use the service, will help to identify their needs. Discussions with them may also help to assess whether the proposed arrangements would have an adverse impact on particular staff or student groups.

It is essential that any review and consultation is representative of all sectors of the University as customers are not homogenous.

The extent of consultation will ultimately depend on the nature and scale of the contract in question.

## **Core Requirement**

At this stage it is necessary to determine how relevant equality is to a particular procurement project in order to establish how equalities issues need to be integrated with later stages in the process.

Equality will be a core requirement where it is an essential part of the contract.

**The following areas need to be considered before moving on to preparing the tender documents:**

### **Risk assessment**

- Identify risks of the contract, including those relating to equalities
- Might include the public relations impact associated with our procedures and service delivery, and potential breaches of legal and statutory equality requirements
- Take any risks identified into account when writing the specification and the other contract documents
- Might be able to minimise these risks in the contract through our equalities requirements

### **Management, monitoring, control**

- Reflect on how equalities aspects of the contract will be managed, monitored and controlled
- Write processes and requirements into the contract documents
- Make clear what information the supplier is required to provide in order to enable the University to monitor compliance of the contract

### **Service needs & objectives**

- Recall the equalities needs & objectives that have been identified
- May include requirements in respect of the way in which the service is delivered or the goods provided
- Consider what the customer needs from the service in question
- The impact equalities will have on the contract documents will depend whether equality was assessed as being a core requirement

### **Workforce Issues**

- Will the contract involve University staff transferring to an external contractor?
- Consider the implications and TUPE legislation.

## **Tender Packaging**

- Must be packaged to deliver best value and continuous improvement.
- Does the packaging discourage or eliminate certain suppliers?
- How can it be packaged to encourage SMEs/BMEs to tender?
- Inappropriate aggregation of smaller contracts for example, may exclude smaller businesses.

## **Stage Two: Tender Preparation**

### **What contract documents are needed?**

- Pre-Qualification questionnaire
- Invitation to tender
- Contract conditions
- Specification

Key issues to consider prior to preparing the contract documents:

### **Pre-Qualification Questionnaire**

Equalities issues have been integrated into the standard corporate PQQ template. These questions should be used for all contracts.

### **Invitation to Tender**

The invitation to tender should include information on the University's duty to promote race equality and our commitment to equalities generally. This information should allow tenderers to understand the University's requirements in terms of equalities and submit a tender that encompasses these elements.

### **What information should be included in the invitation to tender?**

- The University's Equalities Policy and any related documents.
- Facts about the customer where they are relevant to the contract.
- Details of the current provision of service;
- Summary of the main challenges to improve equality performance under the proposed contract;
- Terms & conditions for the transfer of staff to the contractor under TUPE, if applicable.

It is also appropriate to make clear what is expected of tenderers as evidence of their ability to meet the equality elements of the specification. This might include information on the staff that would perform the contract, where necessary. For example, details on staff qualifications and training, supervision arrangements, language skills and knowledge of particular cultures. Request method statements, in which tenderers can demonstrate their preferred methods to delivering the equality outcomes in the specification.

The invitation to tender must set out the criteria to be used in evaluating tenders, including any equalities criterion e.g. experience in providing the service to a diverse population and ability to provide customer facing staff that can speak and understand certain minority languages.

The invitation to tender must also refer to the contract conditions that relate to equalities legislation. Tenderers should be asked to confirm that they would comply with these conditions if the contract were awarded.

## **Contract Conditions**

The contract conditions set out the legal requirements and conditions under which the contractor must operate the contract. Equalities requirements can be inserted here making them contractual terms and conditions, which can be monitored for compliance. The clauses should alert suppliers to all the relevant equalities standards and practices they should be following in delivering the contract.

There are standard contract conditions relating to equalities that **must** be included in all contracts, whether equality is a core requirement or not. These cover suppliers and sub suppliers, and their obligations under current UK legislation on race, gender and disability.

### Standard Contract Conditions

The current standard equality contract conditions, taken from the Terms and Conditions, are included in Appendix B.

The contract clauses should inform the supplier of any monitoring that the University will undertake during the contract, and stipulate what information the contractor needs to provide to facilitate this process. This commits the contractor to provide information to the University that enable it to see that the firm is complying with any contract conditions.

The contract conditions should require suppliers to inform the University of any findings of unlawful discrimination against the firm during the contract and any steps the firm takes in response to that finding.

If supplier's employees will be working alongside University employees, we can require the supplier to comply with Bristol UWE's equalities policies and codes.

### Contract Award Criteria

- Will the tender be evaluated in terms of the most economically advantageous or lowest price?
- More likely that tenders will be selected on the basis of 'most economically advantageous' (MEAT)
- MEAT allows equalities matters to be considered, as long as they relate to the subject of the contract

## Specification

The needs & objectives set out during the earlier stages of the process will now form the basis of the specification. The contract specification should be used to set out explicitly what the supplier is required to do in terms of equalities. It is the only opportunity to state clearly and precisely what is expected of the potential contractor and to ensure that equality policy objectives are unambiguously set out.

With a clear specification it is more likely that the supplier will meet your requirements and expectations. **Suppliers rarely provide more than is required of them in the specification; so don't expect them to deliver something not specified.**

Equalities issues must be integrated throughout the specification and built into the appropriate clauses. Constant reference should be made to equality throughout the body of the specification and contract documents. It is not enough to merely refer to the University's equal opportunities policy in the introduction.

### Examples of Specifications

- A contract for repairing and maintaining residential properties would bring the contractor's staff into direct contact with students and therefore the contractor would need to take steps to accommodate any special needs, including those who did not understand English very well or those with disabilities.

### Input vs. Outcome Specifications

The type of specification you use may influence the quality of tenders you receive. Specifications can be prescriptive or open-ended, or a mixture of both.

Input/Prescriptive	Vs.	Outcome/Open-ended
Describes exactly what is required in detail		Describes the service to be required in broad terms
Supplier says if they can deliver and that their staff can meet the specified standards of behaviour		Suppliers submit evidence of how they would deliver the service
Doesn't give suppliers an opportunity to show they're aware of what is involved in delivering equalities		Gives suppliers the opportunity to show that they know what is involved in delivering equalities policy objectives and to bring in their own ideas and experience

Ideally equality requirements should be specified as outcomes or performance targets, as it then provides scope for suppliers to be innovative in the way they deliver the service.

## Case Studies/Method Statements

Using **case studies or method statements** in specifications is a very effective way of getting potential suppliers to demonstrate their understanding and explain their approach to dealing with equalities issues and meeting the specified objectives. The suppliers' responses are then used in evaluating tenders.

### What is the difference between case studies and method statements?

Method statements require the supplier to indicate how it will organise staff and operate any particular part of the contract. Case studies are more like an exam question where tenderers are given particular sets of circumstances and are invited to say how they would deal with the situation.

In order to ensure that the supplier has a thorough understanding of the particular service in question, the statements should address specific equalities requirements in this University, rather than generalised statements that could apply to any University or contract.

### Example method statements

Include in the specification, staff/student profiles and targets by gender, ethnic origin, employment, disability, age etc. Tenderers could then be asked to state how they intend to meet the equalities targets and achieve the profiles, and what monitoring procedures they intend to use in achieving this aim.

In a contract for accommodation services tenderers may be asked to demonstrate how they will ensure that the cultural and individual needs of students are met, to include specific details on the training of contractor's staff.

Furthermore, method statements become part of the contract documents and hence suppliers are bound to act in the way they have said they will in their method statements. They form an important part of the monitoring system providing a framework for assessing the completion and quality of work.

An equal opportunities **method statement or case study** should require the supplier to:

- Detail the specific measures they would introduce to improve the implementation of equal opportunities in service delivery;
- Identify how specific equal opportunities targets will be implemented;
- Explain the type and programme of staff training in equal opportunities required as part of a customer care strategy;
- Put forward ideas and innovations about their approach to improving equal opportunities as part of a quality service.

### Variants

- Consider accepting variants
- Gives the supplier the flexibility to show that they can be innovative in delivering the contract
- May provide opportunities for saving money and improving service delivery

## Workforce Requirements

It may be relevant for contracts to include requirements relating to the supplier's workforce, to ensure that all the equalities requirements and standards of the contract are met. The supplier must be capable of providing the goods, works and services to the specified standards. Their workforce therefore should have the appropriate skills and abilities, and be highly motivated, suitably trained, supervised and managed. So, for example, there may be a need for the supplier's staff to speak another language or be aware of the cultural needs of particular staff or students.

## Dealing with complaints from customers

Included in the specification should be a requirement for suppliers to develop a system for receiving, logging and forwarding complaints from customers. This system must be accessible to **all** customers. Complaints procedures might be an area that could be tested using method statements and case studies.

## Performance Targets

The specification, where possible, should include performance targets relating to equalities, which can be used in measuring future performance and development of the service. For example, the supplier must conduct customer satisfaction surveys and ethnic monitoring of people who use the service. It would also be recommended that the contract provides for the supplier to make adjustments in the light of the results of monitoring.

## Examples of equalities targets include:

- To improve the take up of the service by particular sections of the University;
- A specific proportion of staff completing equal opportunities training, especially those on the frontline;
- Register and monitor complaints from minority communities;
- Take action if it is clear from monitoring that the service is not delivering the required quality and therefore needs improvement.

## Checking the specification for equalities provisions

1. Identifies the needs of different customer groups and potential customers
2. The content of the service covers the needs of different customers in terms of availability, access and openness
3. The process of delivery takes into account equalities issues
4. The service is delivered by suitably skilled and qualified staff with adequate supervision
5. Performance standards relating to equalities requirements
6. How equalities policies will be applied in different areas of the contract
7. Equalities provision in decision making regarding allocating resources, the use of buildings, issuing tenancies and in the planning & design of service delivery
8. Staffing and employment matters in so much as they effect the implementation of equalities clauses in the specification
9. Equalities related performance targets are set
10. Take up and access to services for different groups will be monitored
11. Promotion and marketing of the service to all current and potential customers with a requirement for specific initiatives to reach different sections of the University
12. Recognition that needs may change throughout the contract
13. Commitment to consultation with different groups of customers and potential customers
14. Availability, distribution and quality of information about the service
15. Complaints procedures and investigation
16. Service relationship between staff and customers
17. Customer care provisions and awareness training for staff
18. Monitoring of equalities requirements and adequate default/performance related financial damages for failures
19. Representative customer groups involved in the review of services

## **Stage Three: Letting the Contract**

### **Advertising**

A notice submitted to the Official Journal of the European Union (OJEU) and any adverts placed in newspapers, journals or web sites, should state if equality is to be evaluated as a core requirement.

Adverts should not be placed in a way that could discriminate against certain suppliers particularly SMEs and BMEs.

### **Expressions of Interest**

At this stage it is only permissible to measure certain criteria – personal standing, economic and financial standing, and technical capacity. Technical capacity includes the contractor's capacity to meet legislation such as the Race Relations Act, Sex Discrimination Act and other equalities legislation.

Where the contract involves the provision of a service the PQQ questions can relate to the providers' capacity to meet equality service delivery criteria as well as to equality in the supplier's workforce.

Before issuing PQQs it must be clear what reliable evidence is required and how the answers will be evaluated (see section c, PQQ Evaluation).

### **PQQ Evaluation**

See Appendix A – Standard PQQ Template for Services

The focus here is that suppliers have the **intent** to implement an equalities policy effectively. At this stage it is not appropriate to take the time and effort to establish that a supplier is definitely doing what they say they are – we are looking for their intent. At later stages in the procurement process we should be ensuring that suppliers really have the ability to meet any contract specific equality requirements (tendering) and are actually doing what they indicated they would (post contract monitoring).

If the supplier's policy and supporting evidence does not meet the criteria, we can give suggestions on how they can improve to comply with the University's requirements. Once suppliers can demonstrate that they have made sufficient improvement firms will be entitled to apply again.

### **Taking account of size**

Smaller firms cannot always be expected to have the resources to develop their equalities policies and procedures to the extent that larger organisations are able to. With this in mind we could use different evaluation thresholds for different sizes of firms, where more is expected of larger suppliers than small and medium sized firms.

### **Invitation to Tender**

Ensure that all the required documents are enclosed and that all equalities requirements are made clear.

### **Tender Evaluation**

Each tender must be evaluated for verification of the tenderers' ability to meet the requirements of the specification, including those relating to equalities as well as quality and meeting users' needs.

It is key that the emphasis given to equality requirements in evaluating tenders is in proportion to the objectives for the contract as a whole. In some circumstances equalities criteria may be heavily weighted in say, catering contracts. In contrast, evaluation of tenders for a cleaning contract would not be so heavily focused on equalities issues, although there are still likely to be some requirements in respect of the contact the supplier's staff would have with University staff and students.

### What is required from tenderers?

- Suppliers' responses on how they would achieve and implement the requirements we set out in the specification;
- A supplier's understanding of the University's equalities policies and the equalities provisions in the specification;
- A working knowledge and experience of implementing equal opportunities;
- A commitment to equal opportunities;
- An understanding of the equalities needs in employment;
- Commitment to train staff in implementing the specification;
- Commitment to monitor the take up of the service and to take action in response to monitoring results;
- Plans to consult with customers and potential customers;
- Development of appropriate complaints procedures;
- Provision of information in community languages and alternative formats;
- Willingness and ability to change/redirect services;
- Commitment to outreach and development work to increase access.

In evaluating tenders it is not possible to re-introduce any of the matters that were addressed at pre-qualification stage.

### Evaluating method statements

- Number, qualifications and experience of staff to be deployed on the contract;
- How the supplier will maintain the required level of expertise over the length of the contract;
- How the particular service will be managed;
- Quality systems to be employed in the service;
- How performance standards/targets will be achieved and maintained;
- The supplier's technical approach;
- Their ability and resources to carry out the specified service;
- Proposals for promoting customer care;
- Methodology for seeking user involvement and utilising customer views;
- How equalities policies will be implemented in service delivery;
- How the supplier will meet the needs of specific groups e.g. women, young people and ethnic groups, as relevant to the contract;
- Proposals for developing and improving the service;
- Training proposals to implement procedures, customer care, and equalities, and to attain and maintain performance standards.

Again, in the evaluation of tenders it is necessary to take account of the size of the supplier and therefore their ability and available resources for implementing equalities policies. It is essential however that all procurement decisions are made in accordance with applicable policies and procedures. The key consideration in evaluating tenders is that suppliers have the requisite technical capacity to deliver what is required.

## **Contract Award**

It is good practice to inform all unsuccessful tenderers of the outcome, and provide them with feedback on their tender even if they do not specifically request it. This gives an opportunity to offer unsuccessful tenderers advice, giving them help in improving the equalities aspects of their future bids. This is also beneficial for us in future tendering exercises as it improves the market for successive contracts.

## **Stage Four: Managing the Contract**

The inclusion of equalities issues will only be effective if suppliers' practices are monitored and managed during the course of the contract to ensure that they are meeting their commitments.

### **Initial meeting**

Before the contract begins, a meeting should be held with the supplier to develop a clear, mutual understanding of the contract, including the equality aspects. It is essential to ensure that the supplier understands their responsibilities in relation to equalities issues.

Also ensure that the contractor understands what monitoring will take place and what information they must provide for these purposes.

### **Continuous Monitoring**

In all contracts monitoring should continue throughout the contract to check that standards and requirements are being met.

The monitoring methods to be used should be detailed in the tender documents. You may specify that the supplier conducts a regular customer satisfaction survey, collects & analyses information on service usage and provides regular reports, for example. Do not be content with relying on the contractor's monitoring – it is important for the client to conduct sample monitoring. Any customer satisfaction surveys and monitoring conducted should include gender, disability and race information, for example, to allow the results to be broken down. From this it will be evident if one group is being treated differently or are less satisfied with the service provided.

In larger contracts regular meetings should take place with the supplier to discuss the performance of the contract, any problems encountered, and improvements necessary. Also conduct regular site visits to see how the supplier performs and implements the equalities requirements of the contract in practice.

The monitoring arrangements for smaller contracts and standing lists should be relative to the size of the contract and the relevance of equalities issues. Spot monitoring, for example, or a paper based monitoring system may be more appropriate for smaller contracts.

## **Dealing with problems**

If problems are identified arrange to meet with the supplier. Begin by suggesting action that needs to be taken by the supplier to rectify the situation. A time period can be given in which we expect to see improvements to their service. Ultimately, if the supplier does not make improvements and rectify the situation, the supplier can be deemed to be in breach of the contract and defaults may be invoked.

## **Stage Five: Contract Review**

In line with the duty to achieve best value it is necessary to review and evaluate a contract as a whole as it nears its end. In the context of equalities you will want to evaluate the extent to which the contract has achieved the specific equalities objectives and has promoted equality.

As a result of this contract review you may be able to draw some lessons for future procurement projects.

## **Checklist for Contract Managers**

- Conduct a service review and consult customers to ensure that all equalities requirements are taken into account
- Identify all needs and objectives in relation to equalities
- Ensure that there is an understanding of the requirements of equalities legislation and other relevant policies, amongst those involved in the procurement project
- Determine whether equalities is a core requirement of the contract
- Include equality requirements in the specification where equality is a core requirement
- Include non-discrimination contract conditions plus any other relevant equalities contract conditions
- Ensure that the contract is appropriately packaged
- Identify appropriate selection criteria
- Using the PQQ, check suppliers' ability to deliver equality in employment and service delivery
- Use method statements/case studies to assess the contractor's understanding and ability
- Check the specification for all of the aspects listed on page 22
- Include all relevant equalities information in the Invitation to Tender
- Evaluate tenders for meeting the equality requirements in the specification, using the pre-determined criteria
- Check that the supplier has accepted the equalities contract conditions
- Provide feedback to unsuccessful suppliers
- Meet the successful supplier to discuss the equalities contract conditions and other relevant issues
- Monitor the supplier's performance in terms of equalities as set out in the specification and contract conditions

## **Glossary**

### **BME Business**

Black and Minority Ethnic Business – defined as a business where 51% or more is owned by members of ethnic minority groups OR if there are few owners, where at least 50% of the proprietors are from black or minority ethnic groups.

### **Core Requirement**

A requirement which the supplier must meet to provide effectively and efficiently the goods, works, or services that are the subject of the contract.

### **Discrimination**

When a person is treated less favourably for some reason than others are or would be, in the same or similar circumstances.

### **Packaging**

The formal dimensions of a contract; its length, its scale and complexity, and its application.

### **Performance Targets**

Targets for the supplier to meet when performing the contract.

### **RRA Duty**

The duty under the Race Relations Act to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between people from different racial groups

### **SME**

Small or Medium Enterprise – defined as a business that employs up to 50 people.

### **Supplier**

An organisation that is interested in providing goods, works or services to the University.

### **Tenderer**

A supplier who has been selected to submit a tender for a contract.

## **Appendix A**

### **Standard PQQ Template – For Services**

Bristol UWE is committed to ensuring that our employees and service users are not discriminated against because of age, disability, sex, sexuality, race, colour, ethnic origin or religion.

This commitment extends to suppliers working on our behalf and we expect suppliers to promote equality and remove discrimination, providing services for all.

It is expected that all suppliers working with Bristol UWE do not employ discriminatory practices and therefore comply with their statutory obligations under:

- The Race Relations Act 1976, as amended 2000
- The Sex Discrimination Act 1975, as amended 1986
- The Disability Discrimination Act 1995
- The Employment Equality (Religion and Belief) Regulations 2003
- The Employment (Sexual Orientation) Regulations 2003
- Or equivalent legislation in the countries in which they employ staff

It is also expected that suppliers observe the Codes of Practice for Employment produced by the Commission for Racial Equality (CRE), Equal Opportunities Commission (EOC) and Disability Rights Commission (DRC).

### FOREWORD

Every year the University of the West of England spends millions of pounds on various works, goods and services.

The University wishes to use that spending power to select the best suppliers to provide those goods and services.

It is looking to secure, best value for money, not just in the short-term, but also via longer-term benefits for the University and/or students.

The University requires that a supplier demonstrates its ability to carry out the work applied for, and recognises its responsibilities in respect of:

- Standards of Work That it will be done well and both supervised and carried out by suitably qualified, competent personnel.
- Health and Safety Commitment including the safety policy statement of intent, organisation and arrangements to meet the policy and agreement to comply with legislation, codes of practice and safe working systems. Your previous record will also be taken into account.
- Business Continuity The University requires that suppliers providing essential services are able to maintain service in the event of a major emergency.
- Sustainability The University is committed to improving the environment and quality of life in the work it does and the services it provides whether itself or through others.
- Equalities The University is committed to ensuring that our students and employees are not discriminated against because of age, disability, sex, sexuality, race, colour, ethnic origin or religion.

This commitment extends to suppliers working on our behalf and we expect suppliers to promote equality and remove discrimination, providing services for all. If you work with the University you will be expected not to discriminate and to comply with all statutory obligations such as under:

- The Race Relations Act 1976, as amended 2003
- The Sex Discrimination Act 1975, as amended 1986
- The Disability Discrimination Act 1995, as amended 2005
- The Employment Equality (Religion and Belief) Regulations 2003
- The Employment (Sexual Orientation) Regulations 2003
- The Employment Equality Age (Regulations) 2006
- Or equivalent legislation if you employ staff in any other country

**You should complete the answers using the questionnaire. You should not refer to general promotional literature or policies. Nor should you include these unless the University has specifically asked you for them.**

### GUIDANCE NOTES

The information disclosed in this form will be used in the selection of tenderers.

- Please note that whenever used in this questionnaire, the term organisation refers to a sole practitioner, partnership, incorporated company, co-operative, charity or analogous entity operating outside the UK, as appropriate, and the term 'officer' refers to any director, company secretary, partner, associate, trustee or other person occupying a position of authority or responsibility within the organisation.
- Answer the questions specifically for your organisation not for the group if you are a part of a group of companies. Where, however, group policies, statements etc. are normally used in your firm, please answer accordingly.
- Where a question requests a YES/NO answer please make it clear which answer is indicated and include further information necessary to clarify that answer. The University may be interpret any ambiguous replies in its favour.
- If you are proposing to tender as part of a consortium, you will need to lodge a statement explaining the corporate or other structure under which the consortium will tender. Each participant must complete a questionnaire and you must demonstrate which participant will be responsible for which part of the contract. You should also note that the University will only accept bids from consortia where all participants accept full joint and several liabilities for the whole contract.
- Where the spaces given for any answer is insufficient then please continue your answer on a separate page, again clearly marking your firm's name and the question to which it relates.
- This questionnaire must be fully completed even if you have previously submitted a questionnaire to the University. It is not acceptable to cross reference to earlier or other questionnaires.
- Applicants should note that they may be asked to clarify or provide additional information before the University is able to determine its select list of tenderers, and that the provision of false information may disqualify an applicant from inclusion. Also, that in accordance with the provisions of the Data Protection Act 1998, the name of a person dealing with an application will be a matter of record.
- Non UK based organisations should attempt to answer each of the questions in this questionnaire substituting where relevant the appropriate legislation, code of practice or professional qualifications which are applicable within their domestic jurisdiction.
- Guidelines on completing the questionnaire can be found on our website [www.uwe.ac.uk/finance/purchasing](http://www.uwe.ac.uk/finance/purchasing)
- Please complete all parts of this questionnaire fully providing all the necessary supplementary information before returning it to us by no later than the date on the PQQ.
- The provision of false or misrepresented information will result in your tender being rejected. Please ensure all information is provided, we are unable to chase up any missing information and it may invalidate your tender.



TENDER REF
TENDER NAME

To be returned by:

Which of the following services / sizes of project do you wish to be considered for? (Please tick relevant boxes)

Table with 2 columns: Description (Lot 1, Lot 2) and a tick box.

PART A - GENERAL INFORMATION

1 ORGANISATION IDENTITY

1.1. Name of the Company in whose name the tender would be submitted:

\_\_\_\_\_

Contact: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Registration No: \_\_\_\_\_ Date of Registration: \_\_\_\_\_

Registered Address if different from above: \_\_\_\_\_

\_\_\_\_\_

Web Site Address: \_\_\_\_\_ E.Mail: \_\_\_\_\_

2 ORGANISATION INFORMATION

2.1. Is your organisation: Please tick
public limited company (PLC) [ ]
limited company (Ltd) [ ]
sole trader [ ]
partnership [ ]
ther [ ] Please State \_\_\_\_\_

2.2. Date of organisation's formation (please provide brief history on a separate sheet):
\_\_\_\_\_

2.3. Date of incorporation in UK if different from 2.2:
\_\_\_\_\_

2.4. VAT registration number:
\_\_\_\_\_



2.5. Is your organisation registered under the Data Protection Act 1984? YES [ ] NO [ ]

If yes, please state your DPA registration number:

---

2.6. Please enclose details of your organisation structure, e.g. organisation chart.

2.7. Are there any courts actions and/or industrial tribunal hearings (including environmental enforcements) outstanding against your organisation, including any findings of unlawful racial discrimination, equal pay, sex or disability? YES [ ] NO [ ]

If so, please give details:

---

---

2.8. In the last three years has your organisation been the subject of any formal investigation, court action, industrial tribunals and/or environmental enforcements, including alleged unlawful discrimination in the employment field? YES [ ] NO [ ]

If so, please give details:

---

---

2.9. In the last 3 years has any contract with your organisation been terminated on grounds of you failure to comply with either or both of: a) Legislation prohibiting discrimination, or b) Contract conditions relating to equal opportunities in the provision of goods, facilities or services? YES [ ] NO [ ]

If yes, please provide details of each occasion and state the corrective action you have taken.

---

---

2.10. Is your company a subsidiary (as defined by the Companies Act 1989) of another company? YES [ ] NO [ ]

If yes, please provide the name and registered office address of the holding or parent company and the ultimate parent (if applicable).

---

---

If yes to the above, which of your employment policies are determined by you and which apply to all firms/organisations within the wider organisation structure?

---

---



2.11. Is your company affiliated or associated with any other company which would be capable of tendering for these Services? YES [ ] NO [ ]

If so, please provide the name and registered office address.

\_\_\_\_\_

\_\_\_\_\_

2.12. Please give the names and responsibilities of the Executive Directors/Partners of your organisation:

Name: \_\_\_\_\_ Responsibility: Health and Safety

Name: \_\_\_\_\_ Responsibility: Equal Opportunities

Name: \_\_\_\_\_ Responsibility: Sustainability

2.13. Please give the number and locations of the premises from which your organisation provides services similar to those required by the University (continue on separate sheet if necessary).

No of Offices: \_\_\_\_\_

Head Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Address service to be provided from: \_\_\_\_\_

\_\_\_\_\_

**3 COMPLIANCE WITH EC LEGISLATION/UK PROCUREMENT LEGISLATION**

3.1. Do any of the circumstances as set out in Public Procurement: The Public Services Contracts Regulations 2006 (SI 2006 No: 5) apply to your company? YES [ ] NO [ ]

The University may request to see evidence in confirmation of your answer at a later date.

**4 FINANCIAL**

4.1. Please indicate the annual turnover as defined in your accounts in (£ sterling) of your organisation over the last 3 years. If your organisation is part of a group, please give figures for both your own organisation and the group.

**4.1.1. Organisation**

Annual Turnover £ \_\_\_\_\_ for Year \_\_\_\_\_ Profit £ \_\_\_\_\_

Annual Turnover £ \_\_\_\_\_ for Year \_\_\_\_\_ Profit £ \_\_\_\_\_

Annual Turnover £ \_\_\_\_\_ for Year \_\_\_\_\_ Profit £ \_\_\_\_\_



4.1.2. Group

Annual Consolidated Turnover £ \_\_\_\_\_ For Year \_\_\_\_\_
Annual Consolidated Turnover £ \_\_\_\_\_ For Year \_\_\_\_\_
Annual Consolidated Turnover £ \_\_\_\_\_ For Year \_\_\_\_\_

4.2. In the last full year, what proportion of your organisations turnover refers to the supply of the services which you now propose to the supply to the University? .....%

4.3. Please enclose a set of the last 3 audited accounts for your own company and the holding and/or ultimate parent (if applicable).

4.4. Please give details of your Bankers:

Name: \_\_\_\_\_
Branch Address: \_\_\_\_\_
Account Name: \_\_\_\_\_
Account Number: \_\_\_\_\_ Sort Code: \_\_\_\_\_
Number of Years account has been open: \_\_\_\_\_

May bankers be approached for a reference? YES [ ] NO [ ]

4.5. Please provide a brief outline of how your organisation would obtain any required funding for this contract (only insert if third party finance is being specifically provided for this contract).

5 AREAS OF BUSINESS

5.1. Please indicate below the principal areas of business activity of your company (not geographical).

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

6 QUALITY ASSURANCE

6.1. Please provide details of any quality assurance accreditation that your company holds e.g. BS EN ISO 9001 or equivalent standard. If no accreditation held, please attach an outline of your quality assurance policy.

7 ENVIRONMENTAL

7.1. Please provide details of any environmental accreditation, e.g. ISO14001, EMAS. If no accreditation held please provide a copy of your environmental policy.

\_\_\_\_\_
\_\_\_\_\_



7.2. Does your company produce a public document, which reviews your company's recent environmental performance? YES [ ] NO [ ]

7.3. What are the key environmental impacts of the services that you would offer and what action have you taken to minimise these?

Two horizontal lines for text input.

7.4. Please describe any special arrangements you have for waste disposal which ensure minimisation of environmental pollution (if none, state 'none').

Two horizontal lines for text input.

7.5. Please describe any measures taken by your company to preserve or protect natural resources (if none, state 'none').

Two horizontal lines for text input.

7.6. Do you use environmental standards to assess your suppliers & contractors? YES [ ] NO [ ]

7.7. Do you give preference to suppliers who meet environmental standards? YES [ ] NO [ ]

7.8. How do you design in 'sustainability'? Please provide supporting evidence.

Two horizontal lines for text input.

8 CORPORATE RESPONSIBILITY

8.1. Community

8.1.1. Has your company developed a community investment strategy? YES [ ] NO [ ]

8.1.2. Does your organisation undertake community investment programmes? YES [ ] NO [ ]

If yes, state the form of investment (e.g. Cash, Staff Time, Gifts in kind, Management time).

Two horizontal lines for text input.

8.1.3. Has the development of your community investment strategy included a review of sourcing/purchasing, e.g. local sourcing, sourcing from disadvantaged communities – disabled, ethnic minorities, etc.? YES [ ] NO [ ]

8.2. Labour Rights in the Supply Chain

The following questions are applicable to companies who have supply chains extending beyond developed countries.

8.2.1. Does your company have a supply chain policy (or similar policy) that requires your suppliers to uphold minimum commitment relating to labour standards which meet core ILO Conventions on Labour Rights?

YES  NO

8.2.2. Do you monitor your suppliers' operations/facilities to assess their compliance with your supply chain policy or directly with the ILO Conventions on Labour Rights?

YES  NO

If yes, please state how you monitor.

---



---

8.2.3. Does your company have plans in place in the event that labour rights concerns are identified in your supply chain?

YES  NO

**9 DIVERSITY AND EQUALITY**

9.1. Is it your policy as an employer to comply with your statutory obligations under the Race Relations Act 1976 (which applies in Great Britain) or equivalent legislation which applies in the countries in which your firm employs staff, and accordingly, is it practice not to discriminate directly or indirectly on grounds of colour, race, nationality, or ethnic or national origin in relation to decisions to recruit, select, remunerate, train and promote employees?

YES  NO

9.2. Do you observe as far possible the Commission for Racial Equality's code of Practice for Employments approved by Parliament in 1983, or a comparable code or statutory guidance issued under equivalent legislation in another member state, which gives practical guidance to employers and others on the elimination of racial discrimination and the promotion of equality of opportunity in employment, including monitoring of workforce matters and steps that can be taken to encourage people from ethnic minorities to apply for jobs or take up training opportunities?

YES  NO

9.3. Do you comply with the following UK legislations or equivalent in the countries in which you employ staff:

9.3.1. Sex Discrimination Act 1975 (Amendment) Regulations 2003?

YES  NO

9.3.2. Disability Discrimination Act 1995?

YES  NO

9.3.3. Equal Pay Act 1970?

YES  NO

9.3.4. Employment Equality Age (Regulations) 2006?

YES  NO

- 9.4. Is your approach on race relations and racial equality set out in instructions to those concerned with recruitment, selection, remuneration, training and promotion?  
YES  NO
- 9.5. Is your approach on race relations and racial equality set out in documents available to employees, recognised trade unions or other representative groups of employees?  
YES  NO
- 9.6. Is your approach on race relations and racial equality set out in recruitment advertisements or other literature?  
YES  NO
- 9.7. Are your members of staff with managerial responsibilities required to receive mandatory training on equal opportunities?  
YES  NO
- 9.8. Please provide details of any social or ethical procedures/information you have to ensure your products come from socially and ethically responsible organisations (e.g. organisations avoiding the use of child labour, etc).
- 
- 9.9. Do you consider your company to be an ethnic minority business, which is defined by the Commission for Racial Equality as "a business 51% or more of which is owned by members of one or more ethnic minority groups, or, if there are few owners, where at least 50% of the owners are members of one or more ethnic minority groups"? For this purpose, ethnic minority means groups other than "white British".  
YES  NO

Please providing supporting evidence for all section 9 questions

## 10 STAFF

- 10.1. Number of staff employed within the group:

Permanent: \_\_\_\_\_ Casual: \_\_\_\_\_

- 10.2. Of the above number of staff, which hold the following skills:

	Company Wide	Proposed Office to service this contract
Management/Supervision (i.e. Chartered, Degree or membership level of professional institution)		
Clerical/Support		
Operational		
Directors		
Project Managers		
Admin & Clerical		
Technical		
Other		

(Of Chartered or equivalent status)



10.3. Please give details of staff turnover as a percentage of your workforce for the last 3 years. ....%

10.4 Do you run, or are you willing to run CRB (Criminal Records Bureau) checks on all your staff, including employees and sub-contractors?

- 10.4.1 Already run YES NO
10.4.2 Willing to run YES NO
10.4.3 Not applicable YES NO

11 PROFESSIONAL ORGANISATIONS

11.1. Please indicate which professional or trade bodies your organisation belongs to, including Occupational Safety groups.

Blank lines for listing professional or trade bodies.

12 SELECT LISTS

12.1. Please confirm whether you are or have been or are currently registered on any select lists or any OJEU pre-tendered framework agreements.

Form with three rows for 'Awarding body' and 'Expiry Date'.

13 REFERENCES

13.1. Please provide the following details of any major contracts you have been awarded by central government departments, agencies, local authorities, health authorities, NHS trusts, other universities and private sector developments for the provision of services similar to those required by the University:

- a) Contracts currently undertaken and their value;
b) Contracts that have been undertaken in the last three years and their value;
c) Contracts that have been terminated during the last three years and reasons why.

13.2. Please provide names, addresses and telephone numbers of 3 relevant references who may be contacted by this University with contracts in excess of £20,000

Lot 1 - Description 1

Form with three numbered sections (1), (2), and (3) for providing reference details.



Lot 2 – Description 2

1) \_\_\_\_\_
2) \_\_\_\_\_
3) \_\_\_\_\_

14 INSURANCE

14.1. Please provide details of your organisation’s insurance protection in respect of:

Table with 3 columns: Policy, Insurer, Indemnity Value (£). Rows include Public Liability, Employer Liability, Professional Indemnity Cover. Includes note: Please include valid copies – a minimum of £5million is required

15 HEALTH AND SAFETY

15.1. Is there a Health and Safety Policy in place at all relevant locations in the supply chain and is appropriate training provided? YES [ ] NO [ ]

Please provide a copy of your organisation’s Health and Safety at Work Policy (not the Policy Statement).

15.2. Are written risk assessments and method statements in place for areas of significant risk? YES [ ] NO [ ] N/A [ ]

15.3. How many accidents (that should be notified to the HSE) have you had in the last 3 years? \_\_\_\_\_

15.4. Have you had any enforcement notices or prosecutions by the Health and Safety Executive or Environment Agency (or similar bodies in countries in which you operate) in the past 3 years? YES [ ] NO [ ] If yes, please provide details. \_\_\_\_\_



16 TERMS AND CONDITIONS

16.1. Do you agree to abide by the contract under UWE standard Terms & Conditions (a copy is available on our website)?

YES [ ] NO [ ]

17 CUSTOMER SATISFACTION

17.1. Please detail how you measure your performance, maintain standards and report this to your customers. This should include measurement of response times and set targets.

Four horizontal lines for text entry.

17.2. Please details how you seek to measure customer satisfaction and improve your services for customers.

Four horizontal lines for text entry.

18 BUSINESS CONTINUITY / RISK

18.1. Does your organisation have a risk register which identifies the main operating risks to your business?

YES [ ] NO [ ]

18.2. Does your organisation have a business continuity plan?

YES [ ] NO [ ]

18.3. Does the plan detail how the risks identified will impact on your business and how you will mitigate their impact should they occur?

YES [ ] NO [ ]

18.4. Have you tested your plan?

PART B - ADDITIONAL INFORMATION

19 PREVIOUS EXPERIENCE

19.1. Please describe on a separate sheet (maximum 400 words), your previous experience of providing services similar to those required by the University.

20 SUB-CONTRACTING

20.1. Please give a brief outline on your policy regarding the use of sub-contractors and, if applicable, the percentage you envisage using them for this contract.



21 ENCLOSURES

21.1. Please check that you have enclosed the following details with your completed questionnaire:

- Details of organisational structure. (see 2.6)
• Set of audited accounts for the last 3 financial years (where applicable). (see 4.3)
• Details of acquisition of any required funding (see 4.5)
• Details of quality assurance accreditation and/or policy. (see 6.1)
• Environmental accreditation/policy (7.1)
• Information on procedures ensuring any products are obtained from socially and ethically responsible organisation (9.10)
• Contract information (see 13.1)
• Health and Safety Policy. (see 15.1)
• Statement of previous experience. (see 19.1)

22 COMMENTS

22.1. Please insert any general comments you may wish to make.

Three horizontal lines for inserting comments.

FORM COMPLETED BY:

Name: \_\_\_\_\_ Tel No: \_\_\_\_\_
Signature: \_\_\_\_\_ Date: \_\_\_\_\_
Position: \_\_\_\_\_

Thank you for completing this questionnaire. The information it contains will be held in confidence by the user for the purpose of determining your suitability for meeting our general requirements for the provision of the Services. Further assessment and short listing may be required before any indication can be given on the success of your application for inclusion on our tender list.

The Pre-Qualification Questionnaire should be returned as a hard copy to the following address:

Helen Baker
Head of Procurement
University of the West of England
Frenchay Campus
Coldharbour Lane
Bristol.
BS16 1QY

All information contained in the document and supporting information will be covered by the Freedom of Information Act 2000. Submissions MUST be limited to one A4 ring binder.

## **Appendix B**

### **Current Standard Equalities Contract Conditions**

#### **33. Racial Discrimination and Equal Opportunities**

(a) The Supplier agrees to comply with the University's policies and procedures to prevent unlawful discrimination on the grounds of sex, race, disability, sexual orientation, age, religion and belief.

(b) In carrying out the contract, the contractor shall comply with the provisions of S.71 (1) of the Race Relations Act 1976(as amended) (the 'Act') as if the Contractor were a body within the meaning of Schedule 1A of the Act (or any European equivalent which shall be deemed to include without limitation an obligation to have due regard to the need to eliminate unlawful racial discrimination and to promote equality opportunity and good relations between persons of different racial groups)

(c) the contractor shall comply with the provisions of Parts II, III and IV of the Act, where appropriate

(d) the contractor shall comply with the provisions of S.7 of the Act in all dealings with the Sub-contractors

(e) the contractor shall not discriminate directly or indirectly against any person because of their colour, race, nationality or ethnic or national origin in decisions to recruit, train, promote, discipline or dismiss employees and

(f) the contractor for purposes of ensuring compliance with sub-clauses (b) to (d) above, shall observe as far as possible the provisions of the Commission for Racial Equality's Code of Practice in Employment.

(g) Where in connection with this Agreement the Contractor, its agents or sub-contractors or the Contractors staff are required to carry out work on the Authority's premises or any other premises where the Authority's employees are required to carry out work, the Contractor shall, to the extent required to comply with Clause (b) comply with the Authority's own employment policy and codes of practice relating to racial discrimination and equal opportunities.

(h) The contractor will provide such information as required by the University in relation to its compliance with anti-discrimination legislation and will co-operate with any investigation by the University or a body empowered to carry out such investigations under the relevant legislation.

(i) Where an investigation is conducted, or proceedings are brought which arise directly or indirectly out of any act or omission of the contractor, its agents or sub-contractors and where there is a finding against the Contractor in any such investigation or proceedings, the contractor shall indemnify the University with respect to all costs, charges and expenses (including legal and administrative

expenses) incurred by the University during or in connection with any such investigation or proceedings and further indemnify the University for any compensation, damages, costs or other award the University may be ordered or required to pay to a third party.

(j) Without prejudice to its remedies set out above, the University may terminate the contract if notice has been given to the contractor of a substantial or persistent breach of this clause providing that a reasonable period has been given during which the breach may have been rectified and the contractor has failed to remedy the breach within the stated period.



1 ORGANISATION IDENTITY

1.1. Company Name: \_\_\_\_\_
Contact: \_\_\_\_\_
Address: \_\_\_\_\_
Telephone No: \_\_\_\_\_ Fax No: \_\_\_\_\_
Registration No: \_\_\_\_\_ Date of Registration: \_\_\_\_\_
Registered Address if different from above: \_\_\_\_\_
Web Address: \_\_\_\_\_ E.Mail: \_\_\_\_\_

2 ORGANISATION INFORMATION

2.1. Is your organisation: Please tick
a) a public limited company (PLC) [ ]
b) a limited company (Ltd) [ ]
c) a sole trader [ ]
d) a partnership [ ]
e) other [ ] Please State \_\_\_\_\_
2.2. Date of organisation's formation: \_\_\_\_\_
2.3. Date of incorporation in UK if different from 2.2: \_\_\_\_\_
2.4. VAT registration number: \_\_\_\_\_
2.5. Is your organisation registered under the Data Protection Act 1984? YES [ ] NO [ ]
If yes, please state your DPA registration number: \_\_\_\_\_
2.6. Please enclose details of your organisation structure, e.g. organisation chart.



2.7. Is your company a subsidiary (as understood by the Inland Revenue) of another company? YES [ ] NO [ ]

If yes, please provide the name and registered office address of the holding or parent company and the ultimate parent (if applicable).

\_\_\_\_\_

\_\_\_\_\_

If yes to the above, which of your employment policies are determined by you and which apply to all firms/organisations within the wider organisation structure?

\_\_\_\_\_

\_\_\_\_\_

2.8. Please give the names and responsibilities of the Executive Directors/Partners of your organisation:

Name: \_\_\_\_\_ Responsibility: Health and Safety

Name: \_\_\_\_\_ Responsibility: Equal Opportunities

Name: \_\_\_\_\_ Responsibility: Sustainability

3 STAFF

3.1. Number of staff employed within the group:

Permanent: \_\_\_\_\_ Casual: \_\_\_\_\_

4 CORPORATE RESPONSIBILITY

4.1. Community

4.1.1. Has your company developed a community investment strategy? YES [ ] NO [ ]

4.1.2. Does your organisation undertake community investment programmes? YES [ ] NO [ ]

If yes, state the form of investment (e.g. Cash, Staff Time, Gifts in kind, Management time).

\_\_\_\_\_

\_\_\_\_\_

4.1.3. Has the development of your community investment strategy included a review of sourcing/purchasing, e.g. local sourcing, sourcing from disadvantaged communities – disabled, ethnic minorities, etc.? YES [ ] NO [ ]

4.2. Labour Rights in the Supply Chain

The following questions are applicable to companies who have supply chains extending beyond developed countries.

4.2.1. Does your company have a supply chain policy (or similar policy) that requires your suppliers to uphold minimum commitment relating to labour standards which meet core ILO Conventions on Labour Rights?

YES  NO

4.2.2. Do you monitor your suppliers' operations/facilities to assess their compliance with your supply chain policy or directly with the ILO Conventions on Labour Rights?

YES  NO

If yes, please state how you monitor.

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4.2.3. Does your company have plans in place in the event that labour rights concerns are identified in your supply chain?

YES  NO

**5 DIVERSITY AND EQUALITY**

5.1. Is it your policy as an employer to comply with your statutory obligations under the Race Relations Act 1976 (which applies in Great Britain) or equivalent legislation which applies in the countries in which your firm employs staff, and accordingly, is it practice not to discriminate directly or indirectly on grounds of colour, race, nationality, or ethnic or national origin in relation to decisions to recruit, select, remunerate, train and promote employees?

YES  NO

5.2. Do you observe as far possible the Commission for Racial Equality's code of Practice for Employments approved by Parliament in 1983, or a comparable code or statutory guidance issued under equivalent legislation in another member state, which gives practical guidance to employers and others on the elimination of racial discrimination and the promotion of equality of opportunity in employment, including monitoring of workforce matters and steps that can be taken to encourage people from ethnic minorities to apply for jobs or take up training opportunities

YES  NO

5.3. Do you comply with the following UK legislations or equivalent in the countries in which you employ staff:

5.3.1. Sex Discrimination Act 1975 (Amendment) Regulations 2003? YES  NO

5.3.2. Disability Discrimination Act 1995? YES  NO

5.3.3. Equal Pay Act 1970? YES  NO

5.3.4. Employment Equality Age (Regulations) 2006? YES  NO

- 5.4. Is your approach on race relations and racial equality set out in instructions to those concerned with recruitment, selection, remuneration, training and promotion?  
YES  NO
- 5.5. Is your approach on race relations and racial equality set out in documents available to employees, recognised trade unions or other representative groups of employees?  
YES  NO
- 5.6. Is your approach on race relations and racial equality set out in recruitment advertisements or other literature?  
YES  NO
- 5.7. Are your members of staff with managerial responsibilities required to receive mandatory training on equal opportunities?  
YES  NO
- 5.8. Do you consider your company to be an ethnic minority business, which is defined by the Commission for Racial Equality as "a business 51% or more of which is owned by members of one or more ethnic minority groups, or, if there are few owners, where at least 50% of the owners are members of one or more ethnic minority groups"? For this purpose, ethnic minority means groups other than "white British".  
YES  NO

## 6 ENVIRONMENTAL

- 6.1. Please provide details of any environmental accreditation. eg, ISO14001, EMAS. If no accreditation held please provide details of your environmental policy.  
\_\_\_\_\_  
\_\_\_\_\_
- 6.2. Does your company produce a public document, which reviews your company's recent environment performance?  
YES  NO
- 6.3. What are the key environmental impacts of the products/services that you offer and what action have you taken to minimise these?  
\_\_\_\_\_  
\_\_\_\_\_
- 6.4. Please describe any special arrangements you have for waste disposal which ensure minimisation of environmental pollution (if none, state 'none').  
\_\_\_\_\_  
\_\_\_\_\_
- 6.5. Please describe any measures taken by your company to preserve or protect natural resources (if none, state 'none').  
\_\_\_\_\_  
\_\_\_\_\_



6.6. What percentage of your packaging is made from recycled materials? .....% N/A

6.7. Can your packaging be collected after delivery so that you can re-use or recycle? YES  NO  N/A

6.8. What are you doing to reduce the hazardous material content of the products supplied under this contract? \_\_\_\_\_

6.9. Are any of your products eco labelled? YES  NO  N/A  If yes, please state which ones \_\_\_\_\_

6.10. Do you use environmental standards to assess your suppliers & contractors? YES  NO

6.11. Do you give preference to suppliers who meet environmental standards? YES  NO

6.12. How do you design in 'sustainability'? Please provide supporting evidence. \_\_\_\_\_

7 COURT ACTIONS

7.1. In the last three years, has any finding of unlawful discrimination in ANY field been made against your organisation by the Employment Tribunal, the Employment Appeal Tribunal or any court in comparable proceedings in any other jurisdictions on the grounds of unlawful discrimination? YES  NO

If so, please advise what the unlawful finding(s) was/were and what corrective actions have been taken by your company as a result:

Table with 3 columns: Date, Unlawful Finding, Corrective Action Taken. Includes three rows of empty lines for data entry.



7.2. In the last three years, has your organisation been the subject of formal investigation by the Commission for Racial Equality or comparable body on the grounds of alleged unlawful discrimination in the employment field? YES [ ] NO [ ]

If so, please advise what the unlawful finding(s) was/were and what corrective actions have been taken by your company as a result:

Table with 3 columns: Date, Unlawful Finding, Corrective Action Taken. Includes three rows of blank lines for data entry.

7.3. In the last 3 years has any contract with your organisation been terminated on grounds of you failure to comply with either or both of: c) Legislation prohibiting discrimination, or d) Contract conditions relating to equal opportunities in the provision of goods, facilities or services? YES [ ] NO [ ]

If yes, please provide details of each occasion and state the corrective action you have taken.

Table with 3 columns: Date, Unlawful Finding, Corrective Action Taken. Includes three rows of blank lines for data entry.

FORM COMPLETED BY:

Name: \_\_\_\_\_ Tel No: \_\_\_\_\_
Signature: \_\_\_\_\_ Date: \_\_\_\_\_
Position: \_\_\_\_\_

Please return your completed questionnaire to:

Louise Murray
Purchasing and Contracts Manager
Finance Department
University of the West of England
Frenchay Campus
Coldharbour Lane
Bristol
BS16 1QY