

Addendum to University of Dundee Procurement Policy Dec 2022

The University's Procurement Policy was launched in 2018 and is due to be reviewed in 2023. As a precursor to this full review, a process efficiency exercise was conducted by the Procurement Team in Aug 2022. The efficiency exercise resulted in several proposed amendments to the Procurement Policy. The amendments better reflect the existing culture and risk appetite across the University and have been designed to maximise efficiency whilst minimising the impact on the University's overall approach to Procurement governance and risk.

The amendments to the policy came into effect as of 1st Dec 2022 and will remain in place until the full review of the Procurement Policy is completed in 2023.

The amendments can be separated into four broad areas:

1. Procurement thresholds;
2. Non-Competitive Action (NCA) threshold;
3. Pcard thresholds; and
4. Exemptions from the University's 'No PO, No Pay' Policy.

Details of the amendments can be found in the pages below. The amendments supersede the relevant sections within the main Procurement Policy. All other areas of the Policy not impacted by the amendments remain in place and must be adhered to.

Amendment to UoD Procurement Policy



Policy / Process	Current Thresholds/Processes		Revised Thresholds/Processes as of 1 st Dec 2022		Benefits
Procurement Thresholds	£0 - £4,999	Single quote	£0 - £24,999	Single quote	<ul style="list-style-type: none"> • Reduced process burden on end user • Category Manager resource reallocation to strategic/higher value activities • Threshold aligned with 1U Requisition Workflow (Procurement Pool). • No retrospective sample audit required
	£5,000 - £49,999	3 written quotes	£25,000 – 49,999	3 written quotes	
	£50,000 - £177,896	Regulated tender (Proc)	£50,000 - £177,869	Regulated tender (Proc)	
	Over £177,897	GPA tender process (Proc)	Over £177,897	GPA tender process (Proc)	
Non-Competitive Action	£0 - £4,999	n/a	£0 - £24,999	N/A	<ul style="list-style-type: none"> • Reduced process burden on end user and Procurement • Analysis of NCAs in 2021/22 shows this would remove 46% of NCAs but retain impact on 86% of the NCA spend. • Threshold aligned with 1U Procurement approval workflow • Category Manager resource reallocation to strategic/higher value activities.
	£5,000 - £49,999	Procurement review	£25,000 - £49,000	Procurement review	
	£50,000 - £177,896	Procurement review	£50,000 - £177,896	Procurement review	
	Over £177,897	Procurement & Legal review	Over £177,897	Procurement & Legal review	
Purchase Cards	Single Transaction Limit	£5,000	Single Transaction Limit	£10,000	<ul style="list-style-type: none"> • Reduce new supplier requests for one-off low value purchases.
	Monthly Transaction Limit	£7,000	Monthly Transaction Limit	£15,000	

Amendment to UoD Procurement Policy



Policy / Process	Revised 'No PO, No Pay' Exceptions List as of 1 st Dec 2022			Benefits	Comments
No PO No Pay Exceptions	REF.	EXPENDITURE TYPE	EXAMPLES	<ul style="list-style-type: none"> Focus on Procurement Policy scope (Goods/works/services) Remove workload generated by non-influenceable spend areas Decrease burden on End User for New Supplier process Decrease burden on AP and Procurement for New Supplier Process Reduce number of Active Suppliers. 	<ul style="list-style-type: none"> Potential impact on off-payroll working checks (IR35) Introduce regular audit of manual payments Introduce/utilise alternative payment methods in future to reduce manual invoice processing No commitment in 1U prior to invoice being processed.
	1.	Spreadsheet upload	<ul style="list-style-type: none"> GP Practice, Study Payments and Student Funding 		
	2.	Consolidated Invoices	<ul style="list-style-type: none"> Key Travel and canon invoices 		
	3.	Direct debit	<ul style="list-style-type: none"> Fuel Cards and Barclaycard 		
	4.	Delegate attendance at conferences	<ul style="list-style-type: none"> Delegate package deals, Discounted conference accommodation rates 		
	5.	Property-related charges	<ul style="list-style-type: none"> Rent, Rates, Council Tax, Insurance premiums, TV Licence 		
	6.	Ancillary goods & services for students on placement	<ul style="list-style-type: none"> Consumables, Local accommodation and Placement fees 		
	7.	Donations to local charities	<ul style="list-style-type: none"> Community groups and Sports clubs 		
	8.	GPs and dental Practices	<ul style="list-style-type: none"> Records access fees and Supervision fees 		
	9.	Import related 3 rd party charges	<ul style="list-style-type: none"> Customs charges, Duty & import VAT 		
	10.	HE common roles (off-payroll)	<ul style="list-style-type: none"> Artists & performers Guest speakers Sports coaches & instructors Tutors & moderators Placement providers & supervisors 		
11.	One-off payments <£1,000	<ul style="list-style-type: none"> Low value One-off P Card not accepted 			



Amendment to UoD Procurement Policy – Notes

- Use of established contracts and framework agreements must be explored prior to undertaking a separate procurement process.
- Whilst there is no requirement to obtain multiple quotes for purchases up to £25k, if individuals wish to obtain quotes from multiple suppliers to prove VfM, then this is encouraged.
- Even in situations where only one quote has been obtained, the quote should be in writing and terms and conditions should have been agreed prior to any work starting or goods being delivered. The University's terms and conditions can be found [here](#).
- Details of how to process payments that fall within the 'No PO, No Pay' exceptions will follow.
- All other parts of the published Procurement Policy will continue to apply to purchases of goods, services and works and other Procurement-related activity.



Procurement Policy

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1. Overview

1.1. 5 key messages everyone should know about the Procurement Policy

1. A risk-based approach has been taken to the revised procurement thresholds with greater controls in place for higher value contracts. The table below shows the financial levels and the associated procedures to be followed:

Value	Procedure
£0 - £5,000	Single Quote
£5,000 - £50,000	Three Quotes
£50,000 and over	Undertaken by Procurement

2. Schools and Directorates are permitted to award commercial contracts for goods and services up to a total value of £50,000. If the total value of the contract (annual cost multiplied by the contract period in years) exceeds £50,000 then the contract must be awarded by Procurement. All works related contracts must be awarded by appropriately trained staff in Estates and Campus Services.
3. On commencement of the OneUniversity system, the University will introduce a 'No PO, No Pay' Policy. This will provide greater governance over purchasing transactions and will ultimately result in being able to make better financial decisions.
4. The SSJ (Single Source Justification) process has changed and has been replaced with an NCA (Non-Competitive Action) process. The new process involves a risk-based approach where higher value contracts and agreements which expose the University to greater risk require more scrutiny and are reported to senior management.
5. The Procurement Reform (Scotland) Act 2014 requires a contract award notice to be placed on the Public Contracts Scotland web portal for all contracts with a total value in excess of £50,000. This potentially exposes the University to greater risk as all contracts including those awarded through a Non-Competitive Action will be publicised.

1.2. Purpose

The purpose of the Procurement Policy is to set out the principles and policies on which procurement activity is undertaken by members of staff on behalf of the University.

Whilst this document contains the policies to be followed, more detailed procedure documents can be found on the Procurement website.

The policies laid out below will apply to all purchases, irrespective of the source of funds or who is authorised to make commitments on behalf of the University.

All University staff need to understand this policy in order that they can then work with the Procurement Service to best effect.

Due to the varied nature of Procurement issues, it has not been possible to cover all eventualities within this policy document. Therefore, if a member of staff is in any doubt as to the correct course of action to take, they should contact the Procurement Team for advice.

Members of staff must not depart from the policies within this document without obtaining prior consent from the Head of Procurement.

1.3. Objectives

The objective of the revised policy is to update the University's approach to Procurement in line with new legislation and current best practice by bringing together into a single document, the various policies, procedures and guidance that currently exists on the University's Procurement website.

1.4. Benefits

The updated Procurement policy provides a single repository for the policies surrounding both Procurement (contractual), Purchasing (transactional) and some Payment-related policies. Procurement legislation has been updated in the last 2-3 years therefore an update of the University's Procurement Policy is timely. However, the approach taken to the policy should ensure that any further changes to Procurement legislation or legislation relating to procurement or purchasing processes is dealt with in a coordinated way thus minimising the risk of different policies and procedures contradicting each other.

1.5. Scope

This policy applies to all external spend or similar consideration through a contractual relationship committed by members of staff or individuals instructed to work in the interests of the University of Dundee for the purchase of goods, services and works as defined within the legislation detailed below. Elements of this policy will also apply to situations where goods, services or works are obtained without any identifiable contractual consideration (e.g. receipt of equipment through a loan agreement with another Institutions, work undertaken by a supplier as a zero cost 'pilot', etc.). Specific areas outwith this policy include:

- Staff costs (Payroll); and
- Partnership agreements undertaken by RIS where there is no purchase of goods, services or works.

The policies set out within this document comply with all National and International legislation.

Specifically, the policy complies with the following Procurement legislation;

- Procurement (Scotland) Regulations 2016; and
- Public Contracts (Scotland) Regulations 2015.

All procurement by or on behalf of the University must comply with the above and all applicable Scottish and European laws and regulations, the laws of other countries as may be appropriate and any pre-agreed contractual obligations.

2. The policy

2.1. Conflict of Interest, Staff Conduct and Treatment of Suppliers

2.1.1. Conflict of Interest

Employees should adhere to all guidance surrounding the declaration of a conflict of interest. A conflict of interest is defined as any personal interest, which may affect or be seen by others to affect an employee's impartiality in any matter relevant to his or her duties. Any interest that meets the above definition with regards to the specific procurement exercise must be declared to the Head of Procurement.

The University's Code of Practice on Conflicts of Interest provides examples as to where conflicts of interest may occur and what action to take regarding disclosure if an employee feels a conflict of interest exists. Whilst the list of examples in the Code of Conduct are not exhaustive, one of the examples specifically relates to Procurement;

(e) A personal involvement in any company or commercial enterprise which is in a contractual relationship with the University, or which is in the process of negotiating a contract with the University, where the employee has been concerned or connected with placing or negotiating the contract in question or with the research or other activity which the contract might cover.

Section 12 of the University's Financial Regulations also contains information and guidance relating to conflicts of interest.

2.1.2. University Staff Conduct During Purchasing/Procurement (Tender) Processes

University staff involved in purchasing or contract award decisions will conduct themselves in line with the University's values namely to behave ethically and professionally, with the best interests of the University at heart and to;

- Be open, honest and fair;
- Keep your word and be trustworthy;
- Be accountable for actions and decisions;
- Respect confidentiality when appropriate;
- Be open to challenge without defensiveness and willing to challenge without aggression; and
- Have the courage to question actions and instructions from others that are inconsistent with University values.

2.1.3. Treatment of Suppliers

The University will undertake all Procurement exercises in such a way that meets the Principles deriving from the treaty on the functioning of the European Union. The Treaty applies to all procurement activity regardless of value, including contracts below the thresholds at which advertising in the Official Journal of the European Union is required and including contracts which are exempt from application of the EU Procurement Directives. The principles which the University will operate regarding Procurement are as follows:

- **Transparency** - contract procedures must be transparent and contract opportunities should generally be publicised
- **Equal treatment and non-discrimination** - potential suppliers must be treated equally
- **Proportionality** - procurement procedures and decisions must be proportionate; and
- **Mutual recognition** - giving equal validity to qualifications and standards from other Member States, where appropriate.

As well as these principles, the University will:

- Work with our suppliers to help them meet our requirements;
- Endeavour to use local suppliers where appropriate; and
- Ensure suppliers receive payment on time providing:
 - The goods and/or services have met our contractually agreed specifications;
 - The invoice meets the requirements of the University's 'No PO, No Pay' policy.

2.2. Sustainability and Equality

2.2.1. Equality

The University's [Equality and Diversity Policy](#) ensures that the requirements of the Equality and Diversity Act 2010 are taken into account when procuring services from other [external] providers. The policy also mentions the Specific Duties that fall on Procurement with regards to Equality and Diversity. These are covered in greater detail in a guidance document entitled "[Procurement and the public sector equality duty: A guide for public authorities \(Scotland\)](#)" produced by the Equality and Human Rights Commission Scotland. The specific duty for public procurement is two-fold:

(i) Award Criteria

Due regard must be given to whether the award criteria used when awarding contracts should include considerations to enable better performance of the general equality duty.

(ii) Conditions relating to the performance of a relevant agreement

Any contractual performance conditions in a relevant agreement must have due regard to whether the condition(s) should include considerations to enable better performance of the general equality duty.

The document also contains further guidance regarding how to apply the specific duties and requirements of the Equality and Diversity Act throughout the Procurement process (from identifying a need through to contract and supplier management. Any contracts that have Equality and Diversity as a core requirement or where it is highly relevant should be advertised, evaluated, awarded and managed in compliance with the above guidance from the Equality and Human Rights Commission Scotland.

2.2.2. Sustainability

One of the University's strategic aims is to deliver sustainable ambition through exercising environmental responsibility.

The University also has an [Environmental and Sustainability Policy](#). Several of the key aims of the policy specifically relate to or have an impact on Procurement:

- Promote sustainable procurement;
- Reduce the use of energy and utilities: and
- Promoting trade justice by achieving and retaining fair-trade status for the University and Students Union.

Procurement meet the University's overall strategic aim as well as the requirements of the policy in several ways including:

- Ensuring sustainability issues are considered at every stage of the Procurement process and in every contract undertaken by Procurement.
- Ensuring all contracted and transactional suppliers added to the approved University of Dundee purchasing system are required to sign up to the [Sustain Supply Chain Code of Conduct](#)
- Through contract management review existing contracts and University practices relating to Procurement to establish a more sustainable approach.

2.2.3. Supply Chain Code of Conduct

The University of Dundee utilises the [Sustain Supply Chain Code of Conduct](#) in all procurement exercises undertaken by Procurement. All suppliers added to the approved University of Dundee purchasing system are required to sign up to the code which covers several sustainability-related areas including compliance with social, ethical and environmental regulations and best practice approaches.

2.2.4. Procurement Ethics

The University of Dundee's Procurement Code of Ethics is based on the [CIPS Corporate Code of Ethics](#). However, it should be noted that the University has not undertaken any formal application or subsequent assessment in order to obtain the CIPS Corporate Ethics Mark.

The code covers all areas of the relationship with suppliers including the need for confidentiality and the concepts of impartiality, honesty, integrity and criminal activities such as bribery, fraud and corruption. The code provides the minimum standards which should be met by members of staff when undertaking purchasing/procurement-related activities.

The following list of activities is not exhaustive, but is designed to assist members of staff when considering which activities could fall within the remit of the code:

- Engaging with suppliers;
- Selecting suppliers;
- Obtaining quotations;
- Evaluating tender/quotation responses;
- Awarding contracts;

- Placing purchase orders;
- Managing suppliers;
- Payment of invoices;
- Sponsorship;
- 'Partnership' working;
- Obtaining goods or services at an initial zero cost from suppliers (e.g. 'free' pieces of work undertaken by consultants);
- Undertaking 'pilot' activities with a supplier (where there is a negligible or reduced upfront financial commitment for an initial period with the likelihood of future more substantial financial commitments, etc.).

Members of staff within Procurement and those in Schools and Directorate with responsibility for purchasing or procurement-related activities should:

- Continually enhance knowledge of all relevant laws and regulations in the countries in which the organisation operates, either directly or indirectly;
- Commit to eradicating unethical business practices including bribery, fraud and corruption;
- Conduct all business relationships with respect, honesty and integrity, and avoid causing harm to others as a result of business decisions;
- Treat all stakeholders fairly and impartially, without discrimination or favour;
- Actively support and promote corporate social responsibility (CSR);
- Avoid any business practices which might negatively impact the reputation of the University;
- Ensure procurement decisions minimise any negative impact on human rights and the environment;
- Declare any personal interest in a procurement or commercial decision;
- Respect the confidentiality of information received and never use it for personal gain;
- Remain impartial in all business dealings and not be influenced by those with vested interests
- Practise due diligence in all business undertakings;
- Accept accountability and take ownership of business ethics;
- Foster a culture of leadership by example;
- Take steps to prevent, report and, if appropriate, remedy unethical practices.

Members of staff within the University's Procurement Team will:

- Use category and contract strategies to drive unethical practices from the supply chain;
- Put ethical policies and procedures in place, undertake regular reviews of the policies, monitor adherence and act on non-compliance;
- Mandate the education and training of all staff involved in sourcing, supplier selection and supplier management to professional standards;
- Provide a safe environment for the reporting of unethical practices.

Members of staff must raise any matter of concern of an ethical nature with their immediate line manager, another senior colleague, or the Procurement Team if appropriate, irrespective of whether it is explicitly addressed in the Code.

2.3. Risk

2.3.1. Risk Register

The [Procurement Risk Register](#) can be found on the Procurement web pages. The register is reviewed on an annual basis and covers risks related directly to the Procurement Team as well as procurement and purchasing-related risks for the University as a whole.

2.3.2. Health and Safety

Many purchasing and procurement-related activities have health and safety implications. These range from the delivery and installation of large items of scientific equipment to dealing with hazardous waste in a laboratory environment. However even relatively mundane purchases can have potential health and safety implications. For example, a whiteboard may need to be fixed to a wall which is likely to involve using a stepladder and power tools not to mention the risk to individuals of disturbing the surface of the wall should it contain asbestos fibres. Therefore prior to making any purchase or placing a contract, individuals should ensure they have the relevant skills and knowledge to ascertain any potential health and safety implications surrounding the purchase/contract award. As a minimum, the individual should consider the lifecycle of the product as a way of identifying areas of potential health and safety concern and where specialist training/advice may be required:

- Delivery;
- Installation;
- Operation (including any waste products);
- Maintenance; and
- Decommissioning & disposal.

If University staff are in any doubt as to whether a product or service they are purchasing poses any health and safety concerns, they should contact their [safety representative](#) or contact [Safety Services](#). More information regarding Health and Safety policies can be found on the Safety Services website and on the University's [Safety Policy](#).

2.3.3. Information and Data Security

Information is a critical asset of the University with much of the University's worth being placed on the value of our research. However, the University's worth can also be defined in reputational terms, therefore the security with which we store sensitive information also forms part of the University's worth – specifically in relation to reputation.

Even though the University maintains a high level of information security, there is often a necessity to involve external organisations in data/information processing/storage. Therefore, it is of paramount importance that information and data security requirements are considered when placing contracts and/or transacting with external organisations, and particularly suppliers, irrespective of the financial value of the requirement. The introduction of GDPR (General Data Protection Regulation) requires additional measures to be taken where the contract involves an external organisation acting as a data processor – specifically where the data involved is of a personal nature. Separate guidance will be available regarding GDPR, however in the interim, if there are doubts as to whether any specific action is required, then the University's Information Officer should be contacted.

If University staff are in any doubt as to whether a product or service they are purchasing poses any risk regarding information and data security or if the requirement being met by the supplier involves the processing, accessing or of storing personal data, then they should follow the guidance on the

UoD IT [Information Security](#) pages. Further guidance can be obtained from the [My Responsibilities](#) pages of the aforementioned website.

2.3.4. Freedom of Information Requests

As a Public Sector Institution, the requirements of the Freedom of Information (Scotland) Act 2002 apply to the University. The Act allows individuals to request certain types of information from public sector organisations. This often includes information relating to the organisation's purchasing and Procurement activity. Members of staff should be cognisant of the fact that any information communicated to or received from suppliers may be requested and subsequently released through a Freedom of Information request.

Many suppliers utilise Freedom of Information legislation and the associated request process in order to obtain purchasing and other commercial information. Members of staff should be cognisant of the fact that external parties may be able to obtain commercial information relating to Purchasing/Procurement and that this information may be used for commercial gain by external suppliers or to gather evidence to instigate a legal challenge through the relevant Procurement legislation.

2.3.5. Supplier Terms and Conditions

With the exception of framework agreements which ordinarily have pre-agreed terms and conditions, where possible, the [University's standard terms and conditions](#) should be used when awarding contracts to suppliers. If a supplier refuses to accept the University's standard terms and conditions and insists on using their own, then the supplier should be invited to highlight which conditions they refuse to accept. In situations where the supplier rejects the University's standard Terms and Conditions in their entirety (insisting on their own), Procurement should be contacted to review the supplier's terms and conditions. Procurement will liaise with the supplier regarding any conditions which expose the University to an unacceptable level of risk and will highlight any specific conditions which either cause concern or require some form of specific activity to the requestor.

Note: It is possible that Procurement may advise not to contract with a supplier if the level of risk is deemed as being high.

2.4. Procurement of Goods, Services and Works

2.4.1. Scottish Government Procurement Journey

The policies and procedures detailed within this document have been developed to supplement the procedures within the [Scottish Government's Procurement Journey](#).

2.4.2. Value for Money

Value for Money (VfM) is not about buying the cheapest goods/services, but the balance between the lifetime cost of the purchase and the quality of the item/service. Most grant funding organisations require proof that their funding has been used to achieve VfM. The best way of proving VfM is to undertake a fair, open and transparent competition between multiple suppliers/providers. This principle is at the heart of the University's Procurement Policy. The need to demonstrate VfM is greater for more expensive items, hence the University has implemented a scaled approach to

situations where quotations/tenders are sought. However, the University has many existing contracts in place which automatically provide assurance that VfM is being achieved. This does not mean that the aforementioned contracts will always provide the lowest price, but it does provide an assurance that the requirement has been competitively tendered and that VfM is being achieved as a whole by the University with the goods, service or works being provided at a consistent quality from a reputable supplier that meets the University's requirements relating to Health and Safety, Sustainability, etc. See S.2.4.4 for more details on the use of existing contracts.

2.4.3. Works Contracts

Works contracts have different thresholds compared to contracts for goods and services and are normally let by colleagues in the Estates & Campus Services Directorate. Works-related requirements include the development, alteration and operation of the University's physical estate and buildings. Requirements that meet the above criteria or impact on the fabric of the University's estate or buildings should be undertaken by the Estates & Campus Services Directorate.

Separate procedures are in place for works contracts, therefore members of staff should contact the Estates & Campus Services Directorate for more information.

2.4.4. Use of Finance and Procurement systems

All purchases should be made through an approved University of Dundee purchasing tool. Goods and services can be purchased by raising a requisition/Purchase Order (PO) on the established Finance/Procurement system or by using a University Purchase Card.

Unless on the exceptions list, purchases made outwith these tools will breach the University's No PO, No Pay policy and will result in the invoice being returned to the supplier and the requisitioner having to raise a retrospective order. This could result in payment of the invoice being delayed and the supplier putting the University 'on hold' and refusing to take any further orders.

Under no circumstances are goods and services to be bought using the requisitioner's private funds in order to be claimed back on expenses. If an individual submits an expense claim for a purchase that should have been made by raising a Purchase Order or through a purchase card transaction, the University reserves the right to reject the request and not reimburse the individual.

2.4.5. Use of contracted suppliers and suppliers on existing Framework Agreements

It is the University's policy to purchase from existing contracts. Only if the item is unavailable from an existing contract should the requisitioner source the goods/service from elsewhere. The University has access to multiple Framework Agreements from which goods/services can be purchased. Framework Agreements are a set of general terms with normally multiple suppliers under which purchases can be made or contracts awarded. Before instigating a purchase from a framework agreement, purchasers should establish:

- Whether a framework exists that could be used to purchase the goods/service to meet their requirement. Details of the framework agreements available to the University can be found on the [APUC Contracts Finder](#) (N.B. Not all Framework Agreements can be used by the University. Some frameworks are only available to specific public sector organisations,

specific sectors or organisations in specific geographic areas);

- Even where a Framework Agreement does exist, if the agreement is suitable;
- What rules should be followed in using the framework. Some frameworks operate a system where suppliers are ranked whilst others require a further competition to be held between the suppliers on the framework. All Framework Agreements will have a 'Buyers Guide' or other formal guidance document detailing the process to be followed.

If purchasers are unsure if a Framework Agreement exists that could be utilised or have any queries regarding specific framework agreement, then they should contact Procurement.

If the goods/service are unavailable from a contracted supplier AND an existing Framework Agreement is unsuitable, then the procedures laid out in points 2.4.12 to 2.4.15 will apply.

2.4.6. No PO No Pay

On commencement of the OneUniversity system, the University will introduce a 'No PO, No Pay' Policy. This will provide greater governance over purchasing transactions and will ultimately result in being able to make better financial decisions. This effectively means that invoices from suppliers MUST quote a valid Purchase Order number for them to be processed and ultimately paid by the University.

The policy encourages:

- Users to process transactions with external suppliers on the appropriate University system; and
- Suppliers to only accept official University Purchase Orders.

Invoices received with a valid PO number will be processed as normal by Accounts Payable.

Transactions undertaken outside of the approved University systems and not covered by the agreed exceptions list are in breach of both this policy as well as the University's Finance Regulations.

Therefore Invoices received without a valid PO number will be returned to the supplier and the requisitioner must raise a retrospective PO on the University system thereby risking the University being put on hold by the supplier and/or the supplier exercising their rights under the Late Payment of Commercial Debts (Interest) Act 1998 as amended by the Late Payment of Commercial Debts (Scotland) Regulations 2013.

2.4.7. Use of Online Retailers

Purchasers may buy from online retailers e.g. Amazon ONLY if:

- The item is not available from a UoD contracted supplier or framework agreement supplier;
- The value of the requirement is below £250.00;
- The supplier is paid using a UoD payment tool (e.g. Purchase card);
- The supplier can process the order with the relevant VAT type/rate;
- The item is NOT classified as IT software or hardware (excluding IT peripherals);
- The item is NOT classified as restricted in any way e.g. radio isotopes, biological services and pharmaceuticals; and

- An appropriate person is willing to take responsibility for any subsequent issues.

The individual placing the order is ultimately responsible for any reasonable subsequent issues regarding the item and therefore must satisfy themselves that the risk to the University is minimal.

In order to mitigate risk, consider the following points before placing an order:

- Does the supplier seem reputable? You may want to contact them to ensure they are genuine/ legitimate.
- What is the lead time? Where is the item being sent from? Are there likely to be any charges or delays due to customs?
- Is there some sort of warranty and if so, how long is it for and will the item need to be returned to the reseller (wherever they are based) if faulty?
- Risks regarding electrical items, chargers, rechargeable batteries and cables etc. – Items may be listed as “Original Equipment Manufacturer” (OEM) but could in fact be counterfeit and therefore increase the risk of fire/damage or other health and safety risks to individuals or the University estate.
- As with all purchasing card transactions the University will not be able to account for any spend until after the purchasing card statement is received. This severely hampers the ability of the University to operate commitment accounting and therefore manage the organisations finances in the most appropriate way. Therefore, you must ensure the item cannot be purchased from a contracted supplier or a supplier that accepts purchase orders.
- Reputation of the University – Some online retailers have been accused of not paying appropriate levels of Corporation Tax or unfair work practices such as zero hours contracts. Therefore, the purchaser should consider any potential negative impact on the University’s reputation by transacting with such companies.

Above all else individuals must use common sense in order to mitigate risk to the University and if they are in any doubt, then the individual should contact the Procurement team.

2.4.8. Use of Purchasing Card

The University provides a Purchase Card (PCard) programme for the purchase of business-related goods, services and qualifying business expenses.

A PCard is issued to an individual member of staff (“Cardholder”) to purchase on behalf of a School or Directorate. The Cardholder is the only person permitted to purchase goods and services or charge expenses using the card issued in their name. Under no circumstances may the card or the card details be divulged to another person, including the Cardholder’s Manager or the member of staff requesting a purchase to be made.

Failure to comply with this policy and associated procedures may result in card suspension, cancellation and disciplinary action. Any breaches will be brought to the attention of the Cardholder and may be escalated to the relevant Line Manager, School Manager / Professional Services Director and Human Resources as appropriate.

School and Directorate staff may apply for a PCard if they;

- have a role or responsibility for the purchase of goods and services on behalf of their Directorate; or
- would otherwise submit a claim for an advance payment to cover expenses; or
- are required to travel frequently on University business; and
- are current employees (permanent/temporary contract, for a minimum of 12 months) on payroll with purchasing duties as part of their role; and
- have completed the mandatory online [training modules](#); and
- have obtained the required financial responsibility approval.

The Finance and Procurement Team are responsible for setting card restrictions, monitoring breaches, approving card applications and for issuing, suspending and cancelling cards.

Schools and Directorates are responsible for the financial and operational control of the Purchasing Cards and must ensure any transactions are undertaken in accordance with this policy and the **Purchase Card Procedures**.

Purchase Cards are subject to a standard individual transaction limit of £5,000. Cardholders must not split a purchase with a value higher than £5,000 with the intention of circumventing the individual transaction limit or the University's Purchasing Policy.

Goods or Services can be ordered using a PCard only in the following circumstances:

- The goods or services cannot be obtained from a contracted or framework supplier; and
- The total cost of the purchase is below £5,000; and
- The goods or services being purchased are not classified as a **Blocked Merchant Category** of spend; and
- The purchase does not require a formal contract to be agreed and signed e.g. due to the need to agree Terms and Conditions for financial, intellectual property, reputational, safety or critical supply risk; and
- The purchase complies with the University's Procurement & Finance Policies & Procedures irrespective of the method of payment; and either
- The goods or services are purchased on a one-off basis and we do not anticipate using the supplier again; or
- that regular transactions with the supplier may occur but there is no mechanism to accept Purchase Orders (e.g. online retailer orders, conference bookings);

Business and travel expenses must also meet the following additional criteria:

- The expenses are incurred in accordance with the University's **Staff Travel and Working Overseas Policy**; and
- The expenses are incurred in accordance with the University's **Staff Reimbursement Policy**; and
- The requirement is listed on the list of **Acceptable Business Expenses**;
 - o Telecommunication Services
 - o Catering and catering supplies
 - o Training and educational
 - o Medical supplies and services

- Business clothing and footwear
- Freight and storage
- Professional services
- Office stationery, equipment and services
- Computer equipment and services
- Print and advertising
- Books and periodicals
- Mail and courier services
- Miscellaneous industrial/commercial supplies
- Vehicles servicing and spares
- Automotive fuel
- Travel – Air/rail/road
- Auto rental
- Hotels and accommodation
- Restaurants and bars
- General retail and wholesale
- Leisure activities

Cardholders are responsible for maintaining a compliant end to end process including expediting approval in a timely manner. All relevant transaction related documentation must be retained in accordance with the relevant published [retention policy guidelines](#).

Cardholders must keep their card and card details secure at all times and must take all reasonable precautions to prevent the loss or theft of cards and card details.

2.4.9. Restricted categories of spend (including IT)

As well as both financial (budget) and Procurement approval, certain commodities may be routed for approval to a specialist area due to legislative controls, health & safety concerns or for existing infrastructure checks. For example, Purchase orders raised for radioactive material may be sent to an appropriate approver within Safety Services or a purchase order for IT equipment may be sent to UoD IT for approval. Members of staff should use an approved University of Dundee purchasing system in order to ensure an appropriate approval route is followed for **restricted categories** of spend.

2.4.10. Procurement Approval Thresholds for Purchasing Tools

All Purchase Orders over £25,000 will be routed to Procurement for approval in the OneUniversity system.

2.4.11. Threshold Values and Contract Values

All values detailed in the thresholds below are exclusive of VAT and relate to the total contract value over the life of the contract. For example, if the servicing of a piece of equipment is valued at £20,000 per annum and the contract is to be in place for 3 years, then the total contract value would be £60,000.

2.4.12. Contracts/purchases up to £5,000

For lower value purchases below £5,000, it is adequate for the Purchaser to obtain a single quote if they are confident of achieving Value for Money (VfM).

VfM can be achieved when the purchaser is confident that:

- The price/cost of the item/service is reflective of what it would cost if other suppliers were quoting; and/or
- The price being paid is "fair" based on previous experience or market/product awareness.
Note: Whilst a single quote for a product/service below £5,000 is adequate, the Purchaser can obtain multiple quotes in order to evidence VfM. Quotes obtained through internet searches are adequate.

2.4.13. Contracts/purchases from £5,000 to £50,000

Three written quotes should be obtained for purchases between £5,000 and £50,000. Quotes can be received by email and the agreement reached with the supplier must be based on the University's relevant Terms and Conditions.

Note:

- Where appropriate, the Purchaser must request the relevant insurance from the supplier;
- Advice should be sought from the University's Information Officer and IT Security if the purchase involves the supplier accessing, storing or processing University data – particularly if that data is personal data.
- Where appropriate, quality and cost should be taken into account in the decision to award the contract;
- Responses from suppliers should be evaluated in a like-for-like manner;
- Suppliers and any quotations received from suppliers should be treated as per 2.1.3 of this policy;
- Successful suppliers should receive a communication stating their offer is to be accepted and that the contract will be formed with the relevant documentation or using a Purchase Order.
- Unsuccessful suppliers should be informed that their offer will not be accepted ensuring they are thanked for taking part in the process;
- Advice should be sought from Estates and Buildings if the purchase involves any form of installation – particularly where equipment is being attached to the floor or walls of University property or requires specialist electrical installation or to be plumbed in.

2.4.14. Contracts/purchases from £50,000 to £189,330 (OJEU limit)

Purchases and contracts over £50,000 in value breach the Regulated threshold as per the Procurement Reform Act (Scotland) 2014 and the Procurement (Scotland) Regulations 2016 and as such must be publicised on the Public Contracts Scotland portal. Therefore, the procurement process or process of utilising a framework agreement including the contract award must be undertaken by one of the Procurement Team. This is the case for ALL purchases not using an existing contact including purchases or contracts awarded using a framework agreement.

Note: Procurement should be contacted prior to any contact being made with any supplier.

2.4.15. Contracts/purchases over £189,330 (OJEU limit)

Purchases and contracts over £189,330 breach the Public Contracts (Scotland) Regulations 2015 and as such must be advertised in the Official Journal of the European Union. Therefore, the procurement process or process of utilising a framework agreement including the contract award must be undertaken by one of the Procurement Team. This is the case for ALL purchases not using an existing contact including purchases or contracts awarded using a framework agreement. University employees who wish a procurement process to be undertaken by the Procurement Team should complete the [Request for Procurement Action \(RfPA\)](#) form which can be found on the Procurement website.

Note: Procurement should be contacted prior to any contact being made with any supplier.

2.4.16. Non-Competitive Action (NCA)

The University is required to comply with both national and international Procurement legislation as well as the wider principle of ensuring public funds are utilised appropriately in order to achieve value for money. Spending public funds without an objective competitive process that is fair, transparent and non-discriminatory has the potential to breach the Public Contracts (Scotland) Regulations 2015 as well as individual research funding bodies' terms & conditions. This could expose the University and its employees to accusations of impropriety and ultimately a risk of financial loss in the form of:

- Expenditure against a research grant being disallowed;
- Inability to obtain future funding due to a downgrade in the University's Assurance Rating
- A legal challenge for breach of Procurement legislation or
- Reputational damage as a result of any of the above.

The Non-Competitive Action process is used in situations where it is impossible or impractical to undertake a competitive procurement process such as obtaining quotes or receiving tender responses from multiple suppliers for goods, services and works in excess of £5,000 in total contract value.

The NCA process must only be undertaken where all existing contracts and available framework agreements have been exhausted. There are two reasons for undertaking an NCA process:

1. Product/service is unique, and no other supplier can provide an equivalent that meets the user's requirements; or
2. Specific product/service is required for technical reasons to meet existing infrastructure/system or for reasons of continuity.

When selecting one of the above reasons it is the responsibility of the Directorate/School to sufficiently evidence and justify using the NCA process. Statements of fact must be supported on the NCA form along with evidence. For example, stating "There are no other suppliers that can provide product X" must be supported by evidence such as the research undertaken.

Note:

- S. 23(2) of the Procurement Reform (Scotland) Act 2014 states that:
 - o "A contracting authority must publicise the award of a contract under a regulated procurement on the Public Contracts website". Therefore, a contract award notice will be published on the Public Contracts Scotland (PCS) website for **ALL** contacts

above the Regulated threshold of £50,000. This includes contracts which have followed the Non-Competitive Action process.

- Contracts above EU threshold which have been awarded through the Non-Competitive Action process will be passed to the Head of Legal for comment prior to being returned to the relevant School/Dept.
- Contracts above the Regulated threshold of £50,000 which are awarded through the Non-Competitive Action process will be reported to the University's Professional Services Group on a monthly basis.
- A completed NCA form does not guarantee the University will be exempt from legal action or any punitive action taken by a grant provider.

2.4.17. Request for Information (RFI) Process

Prior to undertaking an NCA process, requisitioners and purchasers should consider contacting Procurement to publish a Request for Information (RFI) notice on the Public Contracts Scotland Web portal. An RFI process involves publishing a notice calling for information from prospective suppliers. The primary purpose of an RFI is to obtain information to help requisitioners and purchasers to develop a specification with which to go out to market through a competitive tender process. However, the process can also be used to establish whether other suppliers exist in the marketplace who are able to meet the requirements in order to:

- Achieve an improved level of competition; or
- Provide a level of comfort that the product/service is unique, and no other supplier exists in the marketplace.

Failure to respond to an RFI does not prevent a supplier from raising a challenge against the contracting authority. However, it does provide evidence that the contracting authority took some steps to establish whether any other suppliers in the marketplace were able to meet the requirements.

The least risk approach from a value for money and legislative compliance perspective is to undertake a compliant procurement (tendering) process to obtain the relevant goods, services or works.

2.4.18. Using a Voluntary Ex Ante Transparency (VEAT) Notice

Where the contract value of a NCA is above the EU threshold, a successful challenge under Regulation 87 of the Public Contracts (Scotland) Regulations 2015 (duty owed to economic operators), can result in payment of damages, a financial penalty, amendment to the contract (e.g. shortening the contract length) or declaring the contract ineffective. The latter of these remedies (ineffectiveness order) results in all rights and obligations arising out of the contract being declared unenforceable which could result in the supplier raising a claim for damages against the University.

In order to protect the University from an ineffectiveness order, Procurement may advise that a Voluntary Ex Ante Transparency (VEAT) notice is published prior to awarding a contract through a NCA which is above the EU threshold as detailed in 2.4.16 above. Whilst the VEAT notice protects the University from the risk of a contract being declared ineffective, it will only provide protection where the award of a contract without prior publication of a notice is permitted within the Regulations and where a standstill period of not less than 10 days has elapsed between the day after the notice has

been published and the contract being awarded. If a supplier contacts the University during the 10 days, then the notice and therefore the contract award will be suspended pending further investigation by Procurement.

Following the 10 days period or any intervening investigation by Procurement, the contract will be awarded, and a contract award notice will be placed on the Public Contracts Scotland Web portal.

2.5. Added Value

As well as achieving value for money, it is the University's intention to achieve added value from its external spend on goods, services and works through either community benefits or initiatives that enhance the student experience. Where appropriate evaluation criteria and contracts should include provision for wider community benefits and/or initiatives that will benefit the student experience at the University or the University of Dundee as a whole.

Community Benefit Clauses (CBCs) include the targeted recruitment and training of individuals. As such, CBCs will be included within contracts of a significant spend as appropriate and in line with the legislation.

2.6. Goods, Services, Equipment or Works received on loan or on trial/pilot

2.6.1. Goods and Equipment received by UoD on loan from another Higher Education Institution or similar organisation

Advice should be sought from Procurement and, if necessary, the University's Insurance Officer where equipment is being obtained from other Institutions through a loan agreement. Particular attention should be paid to any formal agreement the loaning Institution has in place relating to the risks/responsibilities being assigned to the University. If no such formal agreement is in place, then members of staff should liaise with Procurement and or Legal Services to initiate an agreement.

2.6.2. Goods, Services, Equipment or Works received by UoD on loan or through a trial/pilot agreement with an external supplier

External suppliers may offer the University goods, services or equipment at no cost either through a loan or as a 'pilot'. This is separate to any situation or circumstance that may be covered by the [University's Gifts and Hospitality policy](#). Generally, pilot projects or loan agreements at zero or vastly reduced cost to the University are instigated by suppliers with a view to eventually selling the goods/service etc. at full cost. Members of staff should be aware of this and the fact that irrespective of how successful the pilot has been, where appropriate any subsequent purchase/contractual agreement is subject to both the Regulations and the procedures set out within this policy.

Prior to commencing a pilot or trial period for the provision of goods, equipment or services, members of staff should establish:

- Which party is responsibility for maintenance of the item;
- Which party is responsible for resolving any breakages or instigating any repairs;
- Any fair use policy for the item which is expected to be followed;
- Whether any subsequent purchases will require to be made which are related to the pilot/trial and what agreement these purchases are being made under (e.g. consumables, servicing, etc.);

- Any installation or removal costs associated with the commencement and termination of the pilot/trial; and
- Any specific requirements regarding access to the equipment (e.g. only trained personnel may operate the equipment) or any security requirements (e.g. protection from theft/misuse).

Note: the list above is not exhaustive therefore members of staff should use due diligence to ensure the University's interests, assets and reputation are protected.

2.7. Disposal of Surplus Equipment

2.7.1. Goods, materials, equipment and vehicles become surplus to requirements or unserviceable for several reasons, including the following:

- They no longer meet a specification or safety standard
- An expected rate of demand does not materialise
- They have deteriorated beyond a serviceable condition
- They have suffered damage
- They no longer meet a Directorate's requirements
- The shelf life has expired
- Upgrade, replacement or surplus to requirements (IT Equipment)

Heads of Directorate should ensure that University's goods, materials, equipment and vehicles are disposed of in a method which produces the maximum benefit and lowest risk to the University. In arranging for the disposal or surplus equipment, the objectives are to obtain the maximum benefit to the University either in cash terms or in putting the goods to use in a way that would benefit the University and to minimise any risk of data loss or environmental impact. The method/cost of disposal should not be disproportionate to the sum of money recovered.

2.7.2. Methods of Disposal

The appropriate method of disposal will depend on the expected sale price, type of goods and any data security considerations. Goods can be disposed of via waste management processes, sale, trade-in, tender, auction and donation.

Specialist advice should be sought when electrical items are being considered for disposal. This is due to legislative obligations under the EU WEEE (Waste Electrical & Electronic Equipment) Directive. If sold on by a Directorate or School, the University becomes the supplier and is thereby liable for the disposal of these goods in the future.

The University's Estates and Campus Services Directorate operate a service for the collection of University generated waste material for recycling and disposal. Please use the link below to be directed to their details on the University's website:

<http://www.dundee.ac.uk/estates/energy&environment/>

The University's Safety Services Directorate provides various advice and guidance on meeting regulations for the safe and appropriate method of disposing of hazardous waste. Please use the link below to be directed to further information on the University's website:

<http://www.dundee.ac.uk/safety/policy/>

The University's IT Directorate should be contacted for advice and guidance on the secure destruction and responsible disposal of all IT equipment. Please use the link below to contact them directly:

<https://www.dundee.ac.uk/help4u/>

The Procurement Team can assist you in selling goods and equipment via auctioneers, tendering processes and/or advertisement.

2.7.3. Sales to Staff

With the exception of high value items and those which may present a health or safety risk, sales of surplus goods to staff, is permitted.

Heads of Directorate must ensure that the University is able to demonstrate to the general public, that equipment originally purchased with taxpayers' money or funded money has been disposed of in a method which has maximised the benefit to the University.

Any sale price offered to staff must where practicable reflect the market rate obtainable for the equipment.

2.7.4. Payment

Where a payment for the receipt of surplus equipment has been agreed, the seller must receive such a payment before the equipment is released to the purchaser. All such payments must be credited to the appropriate cost centre/account code.

Where an item is "traded in" against new/alternative equipment, the credit for the part exchange should be discounted from the purchase price and clearly evidenced on an appropriate invoice.

If the Procurement Team have assisted in the sale of goods, any costs incurred via an advertisement and/or an auctioneer shall be payable by the individual Directorate disposing of the goods. Any payment received by the Procurement Office from the sale of goods that they have assisted with, shall be credited in full to the individual Directorate via an appropriate cost centre/account code.

2.7.5. Records

Whichever method of disposal is used it is important to ensure that clear records are kept which provide an auditable trail of the actions taken.

2.8. Accounts Payable

2.8.1. Invoicing Requirements

Unless agreed separately with Procurement, suppliers must send all invoices to the University's Accounts Payable Team.

In order for an invoice to be processed by Accounts Payable, invoices submitted by suppliers must:

- Quote a Purchase Order number from an approved University of Dundee purchasing system;

- As accurately as possible reflect the details contained on the aforementioned Purchase Order;
- Be invoiced to the 'University of Dundee' and addressed to Accounts Payable;
- Include an invoice number and invoice date;
- Show the supplier name and payment address;
- Quote the bank details the payment is to be sent to;
- Include the currency the payment is to be remitted in;
- Separate out the VAT element from other lines on the invoice;
- Be from the supplier with whom the Purchase Order was placed;
- Contain at least one line reflective of what was stated on the Purchase Order. Therefore, invoices containing VAT only lines will be returned and the supplier will require to credit and Invoice/credit for the full value.

The University reserves the right to return any invoice to the supplier that does not conform to the above requirements. This may result in delayed payment or in extreme circumstances, instances where the University is unable to pay for goods, services or works due to the supplier consistently submitting non-compliant invoices. Continued non-compliance may result in the supplier being removed from the University's approved purchasing system(s).

2.8.2. Off-payroll working through an intermediary (IR35) Rules

It is the responsibility of the University to determine whether the off-payroll (IR35) rules apply to individual invoices. In cases where they do then the University will be responsible for paying the correct taxes and national insurance to HMRC.

The University also has a series of questions which are asked as part of the process to add new suppliers to the purchasing systems in order to determine if they are at risk of falling within the IR35 legislation.

The supplier/worker may end up being paid through the University Payroll system if the assessment determines that they are within the off-payroll (IR35) rules.

2.9. Document Retention

The University's [Records Management Policy](#) governs the management of all records produced or acquired in all media by the University and its employees. The [Records Management](#) section of the University's website also contains information regarding the correct disposal of data and information.

With regard to contracts, the retention period is **the end of session in which contract closed + 10 years**. However, documents associated with the contract such as Purchase Orders and Invoices should be retained for **the end of session in which contract closed + 6 years**.

Note: If the purchase/contract relates to a grant, then the grant funder may have separate rules regarding the retention of records.

3. Further information

3.1. Policy Review

The University may make changes to this policy and relative processes from time to time to ensure

that it remains aligned with University strategic priorities. Should anyone wish to make any comments about this policy, suggestions can be forwarded to procurement@dundee.ac.uk.

3.2. Further Assistance

If further assistance in understanding this policy or advice in relation to this policy is required, please contact procurement@dundee.ac.uk.

3.3. Related Policies, Procedures, Guidelines and Local Protocols

A full list of related procedures, processes, guidelines, protocols and training modules can be found on the [Procurement Web Pages](#)

3.4. Definitions & Abbreviations

Definitions and abbreviations are expressed and expanded throughout the policy as required.

4. Document Information

Document Name	Procurement Policy
Status	Final
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