

Selling to the council

A guide for suppliers



Selling to the Council
A Guide for Suppliers and Contractors

Contents

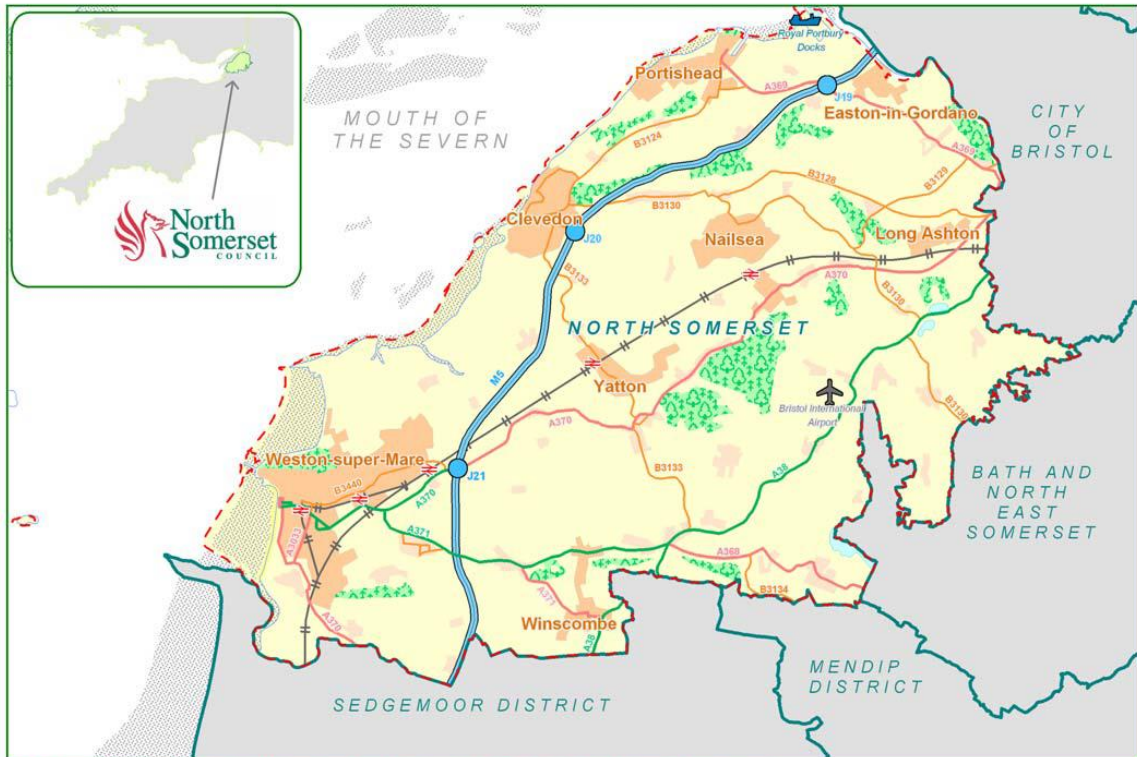
About North Somerset Council	Page 3
About this Guide	Page 4
How is procurement organised?	Page 4
Social value	Page 5
Local Supply	Page 5
What Rules & Regulations must be followed?	Page 6
What are European Procurement Directives?	Page 6
Procurement Process: How do I find out about opportunities?	Page 8
Procurement Process: How do I apply for contracts?	Page 8
Procurement Process: What information do I need to provide?	Page 9
Procurement Process: What if I am invited to tender?	Page 10
Procurement Process: What are the council's expectations of contractors?	Page 11
Procurement Process: How else might I be evaluated?	Page 11
Procurement Process: How is the contract awarded?	Page 12
Flow Diagram: Tender Stage	Page 13
Can I get some feedback?	Page 13
How are contracts monitored?	Page 14
Where can I get further information?	Page 14
Appendix 1- Equality & Diversity	Page 15
Appendix 2- Health & Safety	Page 16
Appendix 3- Suppliers introduction to the Portal	Page 17

Selling to the Council

A Guide for Suppliers and Contractors

Background Information

North Somerset Council is the local authority of North Somerset. It is a unitary authority, possessing the powers of both a non-metropolitan county and district council combined. There are two parliamentary constituencies in the North Somerset boundary the North Somerset constituency and the Weston-Super-Mare constituency.



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The main settlements are Weston-super-Mare and three smaller towns of Clevedon, Nailsea and Portishead.

North Somerset Council provides a full range of local government services including highways, social services, children services, planning, parks and open spaces, waste collection and disposal, property maintenance and the council is also a local education authority. It has a population of around 206,100. North Somerset borders the local government areas of Bristol, Bath and North East Somerset, Mendip and Sedgemoor.

As a contracting authority, we spend around £160 million per annum on various works, goods and services to bring benefits to the area and its residents. The council operates out of the Town Hall, Weston-super-Mare and Castlewood, Clevedon.

www.n-somerset.gov.uk

The council is organised by Directorates, or departments, each with its own specific responsibilities:

Selling to the Council

A Guide for Suppliers and Contractors

People and Communities

This Directorate covers a range of services comprising Adult Social Services, Housing, Children and Young People's Services and Public Health.

Development and Environment

This Directorate provides a variety of services, which mainly deal directly with the public. Services include roadworks, waste collection, recycling, trading standards, libraries, transport and a range of environmental services.

Corporate Services

This Directorate is headed by the Chief Executive Officer, and includes areas like Finance, Property and Asset Management, Legal Services etc.

About this Guide

Naturally many organisations will want to sell their services and supplies to the council, so we have put together this Selling to the Council Guide to assist suppliers and contractors who wish to supply North Somerset Council with goods and services, by:

- Outlining the rules that the council must follow
- Explaining where to find details of opportunities to supply the council
- Explaining how to tender for the council's business
- Explaining what is expected of you when undertaking work for us

How is procurement organised?

This authority has a Strategic Procurement Service (SPS) responsible for developing the council's procurement strategy, policy, good practice and procedures to drive best value for money procurement. It is also responsible for corporate purchasing arrangements for the majority of supplies e.g. stationery, temporary staff, which are used commonly across the council. SPS also works closely with Directorates who have specific requirements e.g. residential care, highways maintenance.

Contracts let by the council can take a number of forms, including:

- One-off Contracts: e.g. a Highways scheme or specific project; these contracts meet specific needs/individual requirements.
- Framework Agreements: used to procure batches of similar works, supplies or services which the council expects to need over a period of time, but where it has no certainty as to what sort of quantity or details it may require. The council gives indicative quantities and spend but is not bound by them.

Selling to the Council

A Guide for Suppliers and Contractors

- **Renewable Contracts:** These are contracts for services, supplies or goods required regularly. They are generally let over a longer period e.g. five years or more, and will be regularly reviewed and re-procured as necessary.
- **Concessions:** An arrangement whereby the council grants the contractor the right to operate a contract, within stipulated parameters and to benefit from the profit made from the operation e.g. operation of a leisure centre.
- **Dynamic purchasing systems (DPS):** a dynamic purchasing system is similar to a framework agreement with the exception that potential suppliers can apply to join at any time during the lifetime of the DPS. The DPS can be subdivided into separate categories or Lots.

Social Value

The Public Services (Social Value) Act 2012 came into force on 31st January 2013. Public Authorities are required to “consider, prior to undertaking the procurement/commissioning process, how any services procured might improve economic, social and environmental well-being”. The Act applies to all public service contracts over the EU threshold.

The Social Value Policy provides further information on how Social Value should be considered and applied within the council’s procurements, and includes detail on what constitutes Social Value for the council.

[Social Value Policy](#)

Local Supply Policy

The council is committed to working with local organisations, small businesses (SMEs) and the voluntary community sector enterprises (VCSE) as part of its approach to commissioning and procurement.

Selection of bidders will be based solely on the criteria set out for the procurement, and the contract will be awarded on the basis of the most economically advantageous tender, however, the council does try and lower the barriers to SMEs and VCSEs bidding for contracts. The council’s Contract Standing Orders state that for procurements

- under £5,000 quotations are not required and a direct award to a single supplier is permissible. Preference should be given to local and VCSE organisations where they exist and offer value for money and can deliver the works, services and/or goods to be supplied.
- between £5,000 and £49,999 – a minimum of 3 written quotations are required. In selecting suppliers to quote, preference should be given to local organisations where they exist and offer value for money and can deliver the

Selling to the Council

A Guide for Suppliers and Contractors

works, services and/or works to be supplied. The contract must also be entered on the Council's Contracts Register, which can be accessed here: <http://www.n-somerset.gov.uk/my-council/data-protection-foi/publicationscheme/what-we-spend-and-how-we-spend-it/>

The Local Supply Policy provides further information on how the council supports local organisations:

[Local Supply Policy](#)

What Rules & Regulations must be followed?

As a local authority there are regulations which the council has to follow when procuring supplies, works and services. It is vital that if you wish to contract with North Somerset Council you are fully aware of the rules and regulations, which govern the way we operate.

The following table summarises the rules that must be followed, depending on the value of the purchase:

<i>Estimated Contract Value</i>	Permitted Sourcing Options
<i>Up to £4,999</i>	Quotations not required, Direct Award permissible
<i>£5,000 to £49,999</i>	Invite 3 quotes
<i>£50,000 to £99,999</i>	Invite 5 quotes
<i>Above £100,000</i>	Open Tender, OJEU if over threshold

Advertising

All contracts over the value of £100,000 must be tendered and as such advertised on the council's e-procurement system www.supplyingthesouthwest.org.uk and Contracts Finder. In addition all tenders over the OJEU threshold (see below) must be advertised in the Journal.

What does OJEU mean?

OJEU stands for the Official Journal of the European Union. It is a publication which public bodies have to publish opportunities in if they are over a certain value. The EU Procurement Directives are the overarching framework which dictate the way public bodies have to carry out their procurement activities for contracts over the relevant thresholds for local authorities (see table below). We have a legal requirement to comply with these Directives.

The thresholds from January 2018 are:

Services	Supplies	Works	Light touch regime
£181,302	£181,302	£4,551,413	£615,278

Selling to the Council

A Guide for Suppliers and Contractors

Note: these values are net of VAT.

Note: the thresholds are reviewed every two years.

Under the EU Procurement Directives, North Somerset Council can conduct their procurement using one of the following procedures:

- Open – this is a one stage process and any organisation can respond to the advert and submit a tender.
- Restricted – this is usually a two stage process. A pre-qualification, suitability assessment (selection process) is applied to those responding to an advert. Following evaluation of this stage (the first stage), only the most suitable applicants are invited to tender (second stage).
- Competitive Dialogue – used only for very complex procurements where discussion with potential suppliers is critical to the tendering process. This process is used when one or more solutions needs to be developed in order to meet the requirements of the tender.
- Competitive Procedure with Negotiation – used only in exceptional and limited circumstances. Following a selection and tender process the council can negotiate with suitable bidders, alternatively, if required, the council can revert back to a restricted procedure.
- Innovation Partnership – this is a new procedure introduced under the EU Procurement Directives that can be used under only very specific circumstances. Following a selection process a negotiated approach is used to invite suppliers to submit ideas to develop innovative supplies, services or works aimed at meeting a need for which there is no suitable existing 'product' on the market.

Minimum mandatory OJEU time limits apply to these procedures. These do vary slightly depending on the method of publication and procurement process used.

Where our procurements exceed the EU thresholds (see above), we must follow some basic requirements:

- Decide which of the procedures is the most appropriate;
- Publish a Prior Information or Contract Notice (PIN/CN) in the Official Journal of the European Union (OJEU) to give all EU suppliers an equal opportunity to tender – [ted electronic daily website](#)
- Consideration will be given to breaking larger procurements into Lots;
- Invite tenders according to the process being used taking account of the minimum timescales required;

Selling to the Council

A Guide for Suppliers and Contractors

- Select a suitable contractor using the criteria published in the Prior Information/Contract Notice and tender documents;
- Follow a mandatory ten-day standstill process for OJEU contracts (this is also referred to as the 'Alcatel period'). This is a period of time between notifying the successful & unsuccessful bidders and the actual award of contract.
- Publish details of any new contracts awarded on OJEU and Contracts Finder websites.

EU Treaty principles of transparency and equal treatment apply to all procurement exercises.

Light Touch Regime for Health, Social, Education and certain other service contracts

The Light Touch Regime (LTR) is a specific set of rules for certain service contracts that tend to be of lower interest to cross-border competition, meaning service providers in other European Countries. The services these rules apply to are detailed in the Public Contracts Regulations (2015).

How do I find out about opportunities?

Potential suppliers should register on the [Supplying the South West website](#) (referred to as the portal) and Contracts Finder on the [GOV.UK website](#) to receive automatic alerts when relevant opportunities are available. This is free of charge and gives you sight of all the procurement opportunities you may wish to bid for. Supplying the South West is the portal used by most local authorities in the South West so you will be able to see many opportunities from a wide range of local authorities.

We recommend that all organisations registered on the portal regularly update their details, particularly if key people leave. The council cannot amend suppliers' details on the portal.

Details of forthcoming contracts which are being openly tendered are advertised through the portal. All relevant tender documentation is available to download from here. Paper copies are not provided. All processes to let contracts over £10,000 are undertaken via the portal. Appendix 3 is a guide to registering and basic use of the portal.

Contracts over EU thresholds are also advertised in the Official Journal of the European Union (OJEU). Potential suppliers should review the [official EU website](#) regularly to obtain details of potential forthcoming opportunities.

How do I apply for contracts?

The prior information/contract notice or advertisement will advise potential bidders of the process to be followed for that particular procurement. Potential bidders will need to register on the Portal (see link above) and complete the tender documents, which will be used to assess their suitability to supply the council and their ability to satisfy the standards required to tender for the contract. It is essential that you supply all of the information requested and respond by the due date.

What information do I need to provide?

For above EU threshold contracts, the council is likely to use either the Open (one stage) or Restricted (two stage) procedures. Where our procurements exceed the thresholds, we must follow these basic requirements:

Standard Selection questionnaire (SQ)

You will be asked to provide details about your organisation to verify that it can be identified as a legitimate trading organisation, that it has acceptable levels of economic and financial standing. You may also be asked for your Equality & Diversity and Health & Safety policies. You will also be asked project specific questions to demonstrate that your organisation has the experience and technical capability to deliver the contract. There is a template stipulated by Central Government which must be used by local authorities.

Economic & Financial standing

You will be asked for certain financial information as we need to be sure that your organisation can meet the requirement for the life of the contract e.g. a copy of your audited accounts for the most recent two years. The level of financial information will vary depending on the scope and size of the contract.

Technical & Professional Ability

We will ask for information to assess whether an organisation has the relevant experience and technical ability to carry out the categories of work, and to provide the type and quality of service required. You will be asked to provide details of similar contracts held by your organisation, over recent years, and to provide the details of named contacts. The council will usually contact the named individual to confirm the details provided.

Insurances

You are also asked to provide assurances regarding insurance cover to be in place before the contract commences. These levels are set as deemed appropriate in relation to the contract available.

Selling to the Council

A Guide for Suppliers and Contractors

Equality and Diversity

North Somerset Council is committed to eliminating inequalities in all functions, including procurement. The council strives to ensure that their services are equally accessible and appropriate to the differing needs of all community sectors, regardless of age, disability, race, religion or belief, sexual orientation, pregnancy and maternity, marriage or civil partnership, sex, gender reassignment.

For additional information on Equality and Diversity please see Appendix 1.

Health and Safety

North Somerset Council is committed to providing a safe and healthy environment for its employees, service users and those affected by its operations. Suppliers play a key role in achieving this and prior to carrying out work for the council, information will be sought concerning bidders' Health & Safety policies and operational safety procedures. You will be expected to know how to manage health and safety in your area of work and to accept responsibility for it.

For additional information on Health and Safety please see Appendix 2.

Tips for Tendering

- Find out key contacts - Procurement & Commissioning
- Get involved in market analysis & feedback on strategies
- Don't miss the opportunity – sign up early to the Portal, Tenders Electronic Daily & Contracts Finder for alerts
- Familiarise yourself with the Portal (there are user guides to help you), make sure it is the right person who is signed up attend any market development days
- Ask for & read any feedback given to you through previous tenders
- Ask for feedback sessions if you are not clear

It is essential that dates and times stipulated as deadlines for the submission of documents, at any stage of a process, are adhered to. The Portal will not allow you to submit any documentation after the deadline. This is to ensure a fair process.

Once the deadline for receipt of standard selection questionnaire has passed, all submissions will be evaluated. This evaluation will be done against the evaluation criteria which will have been provided by the council with the original tender pack.

What if I am invited to tender?

Applicants who have been shortlisted after evaluation of the SQ will receive a set of tender documents, which will consist of all or some of the following:

- Letter of invitation – this advises when tenders should be submitted.
- Instructions to tenderers – provides guidance for completing tender documentation.

Selling to the Council

A Guide for Suppliers and Contractors

- Specification – sets out what needs to be achieved and includes policies, procedures and guidelines that need to be followed. Bidders are expected to bid on the basis of this specification, which will include performance targets or criteria to be met in delivering the services, supplies or works.
- Pricing Schedule – the document where you enter all your prices.
- Terms & Conditions – defines how North Somerset Council will let the contract, the rules bidders must comply with and the relationship between the council and the selected contractor.
- Tender evaluation criteria – advises how the tender submission will be evaluated and the contract awarded.
- Any additional supporting information – such as North Somerset Council policies that bidders are expected to follow.

Tenders must be returned by the date given. The system will not allow you to submit tenders after the deadline. This is because all tender documents must be opened at the same time in order to ensure a fair process.

As the portal is web-based, we advise all bidders not to leave uploading their submission until just before the deadline, but to upload several hours in advance. The reason is that there might be a large number of applicants trying to upload their submissions, not only for the tender that you are involved in, but there might also be other tenders with the same closing date and time – this is unavoidable.

Once the deadline for receipt of tender documents has passed, all documents will be evaluated. This evaluation will be done against the evaluation criteria which will have been provided by the council with the original documentation.

What are the council's expectations of contractors?

North Somerset Council needs to ensure that we offer value for money services to our taxpayers. We therefore expect excellent performance from contractors/suppliers, demonstrated through:

Appropriate total cost

Suppliers should consider the total, whole life costs of supply when putting together their tenders.

Quality

Contractors/suppliers are expected to provide services, supplies and works to an appropriate standard of quality, to meet the needs set out in the specification.

Adherence to council policies and protocols

We are committed to delivering our services, with consideration for a number of issues including social value, equalities, health and safety, and look for suppliers/contractors who are committed to helping us achieve our aims in these respects.

Selling to the Council

A Guide for Suppliers and Contractors

Safeguarding of children and vulnerable adults

All suppliers of personal care and support services that the council purchases for its service users must have the necessary safeguarding policies, procedures and training in place and be registered where appropriate with the Care Quality Commission (CQC).

Integrity

Honesty is expected in all dealings between the council and its contractors in addition to other relevant parties. In particular it is a criminal offence to give or offer any gift, inducement or reward to a local government official. It is North Somerset Council's policy not to accept inducements, gifts or hospitality. Bidders should note that they risk being excluded from the procurement process for failing to observe this requirement.

Innovation

Suppliers are encouraged to be innovative and suggest new ideas to add value, continuously striving to improve their performance.

Communication

Suppliers are expected to maintain good communications with the council throughout the contract.

How else might I be evaluated?

The tender documents may include Method Statements and/or Case Studies, which are used to determine how bidders would manage the service or deal with particular issues. In responding to method statements and case studies bidders are expected to show what methods and procedures they propose to use in undertaking the work, showing initiative and innovation in delivering the service.

At any time during the tender process you may be invited to give a presentation or attend an interview as part of your submission. The council may also conduct site visits to see first-hand how bidders organise their work. In some instances, it might look like similar questions are being asked at both SQ and tender stage (e.g. technical merit, experience, etc.). Be aware that questions at SQ stage relate to the organisation as it stands at the time of completing the SQ; those asked at tender stage relate to how the organisation will be able to deliver the contract should they be successful.

The mandatory ten-day standstill period must be observed for EU contracts before a contract is signed.

How is the contract awarded?

Tender evaluation is always carried out in a comprehensive, equitable, auditable and transparent manner. To ensure fairness the evaluation criteria and method will be clearly defined before tender documents are issued.

Selling to the Council

A Guide for Suppliers and Contractors

The council must be sure that in selecting a preferred bidder it is getting value for money and the services will be delivered effectively. Evaluation is therefore based on two key criteria – how the bidder proposes to deliver the contract (quality) and the cost of the contract (price). The council is looking for the best balance of quality and price, not just the lowest price. In most cases additional criteria will also be used in evaluating bidders.

Contracts are awarded to the bidder who is considered to offer value for money, having regard to price, quality and best value – sometimes referred to as “most economically advantageous tender” (MEAT), and to be best able to meet the council’s specification. Evaluation of the most economically advantageous tender can incorporate a number of factors including:

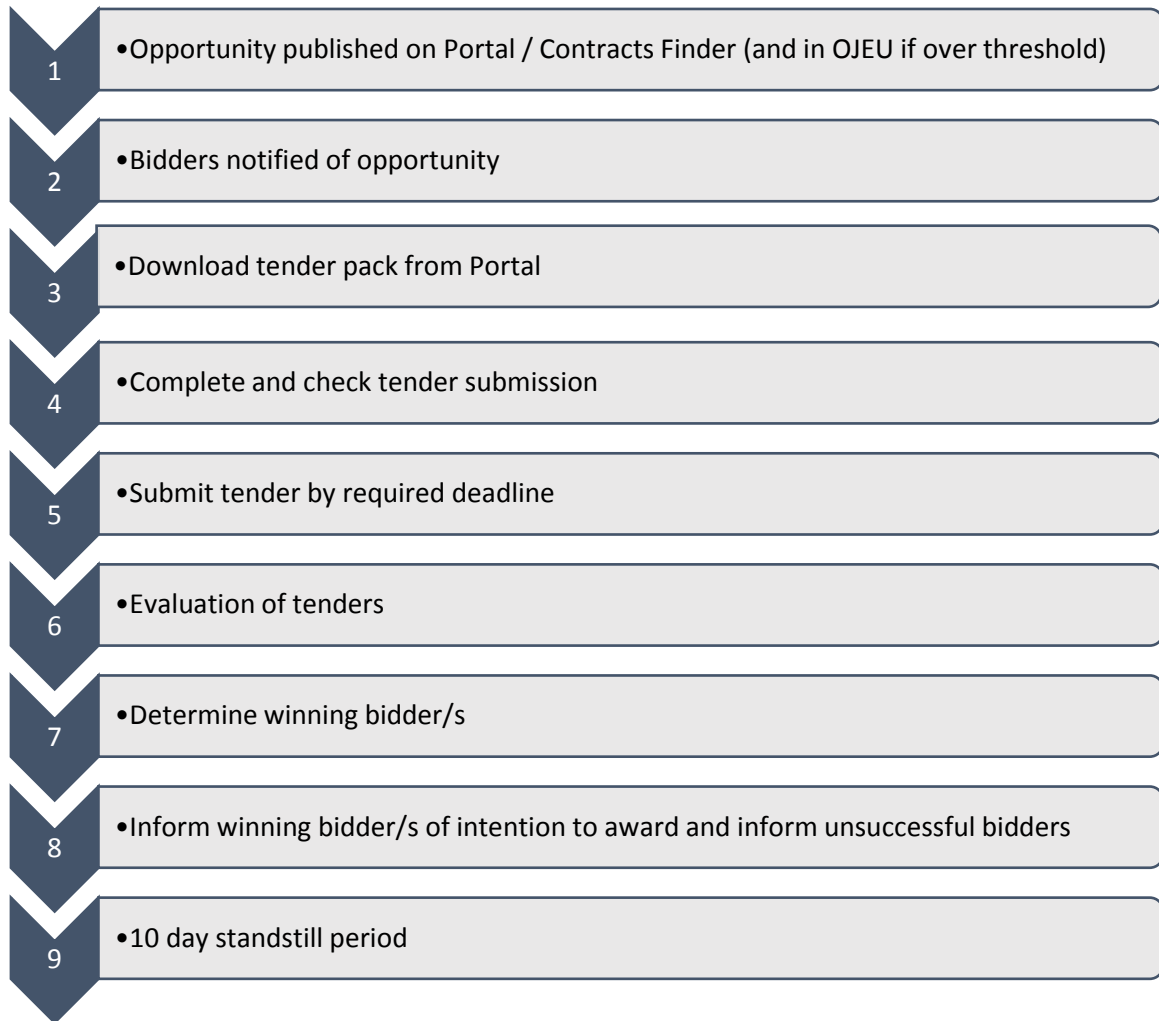
- Financial viability of the tender
- Whether the required quality standards can be met
- Technical merit
- After sales service
- Delivery date
- Technical back-up
- Experience
- Competence
- Policy issues such as equalities & social value

The criteria to be used will be listed in the tender documents, in order of importance. The weightings of the criteria will also be given.

Typical Open procurement process:

Selling to the Council

A Guide for Suppliers and Contractors



Post Contract Award

Once a tender has closed and all bids have been evaluated, a winning bidder will be selected based on the award criteria given in the tender documentation. All suppliers who have been unsuccessful will be notified in writing, along with the reasons why they have been unsuccessful and the comparative benefits of the winning bid.

Can I get some feedback?

Under the EU directives you are legally entitled to written feedback from us and if your tender is unsuccessful you will be given feedback automatically within the letter sent by the procurement team. However, if you would like further explanation as to why you were unsuccessful you can ask for a debriefing which could include a face to face meeting or teleconference.

Within the limits of confidentiality, we can provide bidders with feedback on which aspects of their submission were strongest and which were weakest, along with advice on improving and developing for the future.

Selling to the Council

A Guide for Suppliers and Contractors

Being unsuccessful in one tender application does not mean you will be unsuccessful in future. You should use the feedback to help you improve for upcoming opportunities.

How are contracts monitored?

You will be expected to provide the service in accordance with the requirements set out in the contract documentation and your proposals to carry out the contract.

In order to ensure that we are continually providing value for money services to our community, suppliers and contractors working for the council are regularly monitored to assess their compliance with pre-defined performance criteria. The contract conditions are strictly applied, and explanations sought if a contractor fails to perform to the levels required.

Where can I get further information?

If you are seeking information regarding a specific contract please use the contact details provided in the advert/contract notice and tendering details.

General information on the tendering process and procurement at North Somerset Council can be obtained from the Strategic Procurement Service, by e-mailing Procurement.Contracts@n-somerset.gov.uk

Should you have any comments or feedback on this guide we would be happy to hear from you, as we are always looking to develop the advice, guidance and support we offer to potential contractors. Please contact us by e-mailing Procurement.Contracts@n-somerset.gov.uk

Appendix 1 - Equality & Diversity

Why is it important?

- We all have different viewpoints
- Working with the public we need to ensure no-one sets out to discriminate
- The Equality Act has specific duties expected of anyone offering a service
 - applies to the council and
 - all service providers

What is the council looking for?

- Knowledge of requirements of Equality Act 2010
 - Who is covered
 - What your responsibilities are
 - Written evidence – a policy
 - Explanation of how you put this into practice
- What the Equality Act says, you show you understand:
 - The 9 Protected characteristics – people with these characteristics have legal protection in specific ways under the Act from discrimination
 - Discrimination can take any one of six different forms
 - Be aware of limited exceptions
 - See Advice for businesses – on Equality and Human Rights Commission website:

<https://www.equalityhumanrights.com/en/advice-and-guidance/core-guidance-businesses>

The council may also ask you

- if any findings of unlawful discrimination been made against your organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court
- if your organisation has had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds or alleged unlawful discrimination.

If you have you

- Need to state what finding was.
- Demonstrate how you have dealt with it.
- Need to show you have addressed the issues satisfactorily.

Appendix 2 - Health & Safety

- All businesses need to have a health and safety policy
- There are 3 parts to a policy: Statement, Organisation and Arrangements
- If you employ 5 or fewer people you don't have to write your policy down, but it is probably easier if you do.

For small businesses the Health and Safety Executive publish a template you can use:

<http://www.hse.gov.uk/simple-healthsafety/write.htm>

For certain procurements we may need a Risk Assessment that covers all of your work activity.

Again the HSE provide guidance on this

<http://www.hse.gov.uk/risk/casestudies/>

Appendix 3 - SUPPLIERS INTRODUCTION TO THE PORTAL

The council's e-tendering system is a web-based Portal entitled Supplying the South West ("the Portal") www.supplyingthesouthwest.org.uk. It has been developed so we can publish our contracts and tendering opportunities alongside many other councils in the South West.

This Portal enables each local authority within the South West to advertise all contract opportunities and all awarded contracts on one central Portal giving suppliers the ability to view information from all the councils, and if applicable express their interest in forthcoming opportunities in one central place.

Why do we use this system?

The council's own Contract Standing Orders require a full competitive tender process for all opportunities over £100k (whole life cost). The Portal also enables the council to comply with EU guidance for contract opportunities over the relevant threshold. For best practise, opportunities over £10k will be published on the Portal.

For the council the Portal provides:

- a channel for advertising tenders documents
- a facility for conducting the complete tendering process electronically (e-tendering)

The system also facilitates collaboration between councils on procurement. It is possible for officers of different authorities to collaborate on joint e-tender processes.

Benefits to you as a supplier

It is free to register your details on the system, and once done will allow you to take part in any tenders, questionnaires or quotations with the organisation(s), receive email alerts when opportunities arise in categories of interest, and to express interest in opportunities electronically. This will result in less time being needed to check the portal for opportunities that are relevant and should ensure that no future opportunities are missed.

The system handles all aspects of the tender process including Standard Selection Questionnaires, Invitation to Tenders and Request for quotations. This includes expressing interest in a contract opportunity, the electronic sending and receiving of documentation, questions and answers throughout the tender process, post tender clarification and various notifications through the process.

You only need to register once to do business with all the councils. At the point of registration, you can choose to receive updates from all organisations or may select which organisations you wish to receive opportunity alerts from. You are also given the ability to select the product or service categories that you wish to receive updates

Selling to the Council

A Guide for Suppliers and Contractors

from, ensuring that you only receive information that is relevant to your areas of skills and services.

Once registered you will then be informed automatically of relevant contract opportunities as they are published, based on the organisations and categories that you selected. This is done via an automatic email that is sent to your registered email address, removing the need to check the portal daily.

The Opportunities Store is an area where you can come and see any upcoming tenders that you can potentially get involved with. You can search opportunities without being registered, but if you are registered you will receive automatic notification as described above.

How do I register?

One registration gives access to all councils using the portal and will enable you to access a huge number of contracts and tender opportunities.

Please go to this <https://procontract.due-north.com/Register> to register.

Requirements & tips for using the portal

- Is it critical that you keep the contact details up to date on your account otherwise you may not receive notification of relevant opportunities e.g. if the named contact has left your business. Therefore we would suggest using a generic email address that can be accessed by multiple employees, and/or naming several secondary contacts under your account. Please delete old accounts or users.
- All contact and questions must be directed through the portal.
- Bids must be received by the deadline. No late bids will be accepted.
- All bids must be submitted electronically through the portal. We cannot accept paper or emailed bids.

Questions

If you are experiencing issues using the portal which cannot be resolved by reading the user guides, Proactis Technical Support Team can be contacted on:

- By Tel: 0330 0050352 (lines open from 08:30am to 17:00pm Monday to Friday, excluding English public holidays).
- By Email: ProContractSuppliers@proactis.com

If the question relates to a specific tender or existing contract then this needs to be answered by the contract owner, details of which can be found within the published opportunity.