

Public Procurement

a guide for **social
economy enterprises**



A Guide For Social Economy Enterprises

FOREWORD

As the Minister responsible for Public Procurement in Northern Ireland, I am delighted to support this Public Procurement Guide for social economy enterprises.

The social economy sector is an integral part of the Northern Ireland economy and one of the objectives in the Government's three- year Strategic Plan for "Developing a Successful Social Economy" is to create a supportive and enabling environment in which it can prosper. One of the structures put in place by Government to support this approach is the social economy Forum, which provides an influential platform for the sector and Government to jointly consider key issues, prioritise programmes of work and review and monitor progress.

Through the Forum, the sector identified an opportunity to help create a more supportive and enabling environment for social economy enterprises by increasing their knowledge, understanding and capability to compete successfully for Government and other public and/or private sector contracts. At the same time, Government accepted its role in both removing barriers that would prevent increased participation by the sector and raising awareness of the sector among those involved in the procurement of goods, works and services for Government.

The Central Procurement Directorate is represented on the Forum and has welcomed the opportunity to work with the sector on a Joint Sectoral/Departmental Working Group. This Guide has been produced in close co-operation with the Joint Working Group and is a first step in helping the sector to understand public procurement, to consider if public sector business is right for social economy enterprises and, if so, how to prepare bids and address issues on the delivery of the contract.

I wish the Joint Working Group and all of those enterprises bidding for and competing for contracts continued success.



IAN PEARSON MP

Public Procurement

A Guide For Social Economy Enterprise

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INTRODUCTION

This guide has been produced by the Public Procurement Joint Working Group, which was established by the Social Economy Forum in June 2003. Through the Forum, the social economy sector identified an opportunity to help create a more supportive and enabling environment for social economy enterprises by increasing their knowledge, understanding and capability to compete successfully for government and other public and/or private sector contracts.

If you work with or manage a social economy enterprise, this guide aims to help you:

- Decide if public sector business is for you;
- Identify what the public sector is;
- Find business opportunities in the public sector;
- Understand the public procurement process;
- Prepare bids; and
- Understand the issues in contract delivery.

The social economy sector in Northern Ireland includes a range of organisations such as credit unions, housing associations, local enterprise agencies, community businesses, co-operatives, employee-owned businesses, community development finance initiatives, social entrepreneurs and social firms. Given its relatively low visibility to date and diversity, no firm figures are available to quantify the overall size and scale of the sector. A rough estimate of employment was carried out in June 2000 which indicated a range of between 30,000 and 48,000 jobs (5 - 8% of total employment). However this was based on different definitions. It is now recognised that this is a relatively limited way of measuring the sector and work is now underway to develop a robust set of baseline figures for the size and scale of the sector as a way of benchmarking against the social economy in the UK and in other regions and to measure growth.

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WHAT IS THE PUBLIC SECTOR?

The public sector employs more than 31% of the NI workforce and includes:

- Central civil government departments and agencies;
- The health sector;
- The education sector;
- Northern Ireland Assembly;
- Public Corporations;
- Local Authorities; and
- Cross Border Agencies.

The public sector in Northern Ireland spends approximately £1.7bn out of a total budget of £7bn each year on public procurement and is always looking for new suppliers. With a spend of this magnitude there are bound to be opportunities for social enterprises to provide goods and services and fulfill works contracts. Even if you are already supplying one part of the public sector, it is worth looking for opportunities in other areas. To compete and win in this market; enterprises need to research the marketplace and identify those areas of need within public bodies which they are capable of delivering; have at their disposal the necessary skills, experience and resource; consider subcontracting where the tender is too large or complex; or, to gain experience, offer to become a sub-contractor to a competitor; above all, do not overstretch resources and fail to deliver.

Whatever your business, there is almost certainly a market for it somewhere within the public sector, whether by contracting directly or by becoming a sub-contractor.

WHAT DOES THE PUBLIC SECTOR BUY?

Given the scale of the public sector it is impossible to detail the full range of works, goods and services that public bodies purchase. The following is a list of common procurement areas:

- Accountancy/Audit
- Banking
- Bottled Water
- Catering Equipment
- Catering Services
- Cleaning Services
- Clothing and Footwear
- Construction/Maintenance Services
- Facilities Management
- Food Products and Beverages
- Furniture and Fittings
- ICT Equipment
- Information and Computer Technology Services
- Laundry Services
- Legal Services
- Medical and Laboratory Devices
- Medical Surgical Equipment and Supplies
- Office Machinery
- Pharmaceuticals
- Plant and Machinery
- Post Office Counters
- Protective Wear
- Repair, Maintenance and Installation Services
- Tools, Equipment and Building Materials
- Training Services
- Uniforms

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PUBLIC SECTOR PROCUREMENTS IN NORTHERN IRELAND

The Northern Ireland Executive has responsibility for public procurement, which includes Northern Ireland Departments and their Agencies, Northern Ireland public corporations, Northern Ireland non-departmental public bodies (including Health and Social Services Boards, Education and Library Boards and Health Trusts) and local authorities. Public procurement policy, therefore, applies to all public bodies for which the Executive has legislative responsibility.

Public procurement is defined as the process of the acquisition, usually by means of a contractual arrangement after public competition, of goods, services, works and other supplies by the public service. This definition covers both conventionally funded, more innovative types of procurement such as PPP/PFI (Public Private Partnership/Private Finance Initiative) and contracting out of services previously delivered by the public sector. The process spans the whole life cycle from mutual conception and definition of need to the end of a contract.

The concept of “best value for money” is defined as “the optimum combination of whole life cost and quality (or fitness for purpose) to meet the customer’s requirements”. While “best value for money” will be the primary objective of procurement policy, this definition allows for the inclusion, as appropriate, of social, economic and environmental goals within the procurement process.

IS PUBLIC SECTOR BUSINESS FOR YOU?

Your first, fundamental consideration as a social economy enterprise is to decide if public sector business is for you. Public sector contracts represent a valuable business opportunity for many social economy enterprises.

Nevertheless, it remains an important first step to evaluate your developing business strategy, weigh up the pros and cons of contract delivery for the public sector and be clear about how it links to your social objectives.

Issues for your Board

There are challenging, strategic questions for a Board or Committee to consider if your organisation is considering the public sector contract route to business growth and development.

You will need to weigh up the benefits and risks involved in becoming a contractor to the public sector. For example, does it undermine or support your social objectives? Do you have the capacity for the contract processes; both for bidding and if/when you win one or more contracts? Will you need to recruit a suitable director/manager and other new staff for new business development and operation?

Implications for your organisation

Another issue to consider is whether the change in direction and culture of your enterprise may affect existing staff.

- a. Should there be attention to the training and development needs of the organisation?
- b. Will current and new staff need to be integrated while this process is underway and work demands change?
- c. The culture of your enterprise might need to change and it’s senior management may have to take on new tasks.

Consider the timescale you envisage for gaining new business and transforming the fortunes of the enterprise.

- a. Will the new business still be viable after spending time and resources on winning it?

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- b. Have you thought through, and planned for, the potential risks to your organisation: over-expansion, performance failure, workforce issues and cash flow?
- c. How will you minimise the risks of 'contract dependency' after concluding a contract, can you diversify enough or win enough business to avoid this?
- d. Perhaps there should be plans for a flow of suitable alternative business to balance possible public sector contract activity?

The potential for growth

None of these questions is intended to put you off. What is important is that all the risks are carefully considered before going down this road. By doing so, you will substantially increase your chances of success.

Long-term plans for the growth and development of the enterprise are also your concern, as well as day-to-day viability. As a Board, you will need regular reports on progress towards your new public sector procurement goals, to enable you to oversee the pace and scale of change and consider how this affects the viability of the organisation including cash flow.

Issues of scale and size and how big do you go?

Having a longer-term strategy for growth may be important. Entering into some fields can entail a heavy start up cost. The full infrastructure costs may only be viable in the long run if you can expand your business and spread such costs over a number of contracts. Your strategy should assess what scale of business is necessary for your organisation to be financially successful in the long-term while retaining the focus on your social objectives.

Common sense dictates that you should make a careful decision about how many bids to make, and for what, so that you can grow the enterprise without overstressing it. You may even decide to take the plunge and, after some bids are made, find it is not for you. This is a reasonable test on the way to business diversification, provided your strategy has been commensurate with the potential risks and rewards. You will need to assess this as part of other market research you do to develop your enterprise.

Market research

To compete and win in the public sector market, enterprises need to research the marketplace and identify those areas of need within public bodies which they are capable of delivering; have at their disposal the necessary skills, experience and resources; consider sub-contracting where the tender is too large or complex; or, to gain experience, offer to become a sub-contractor to a competitor. Above all, do not overstretch resources.

Market Research Checklist

List your strengths as a business – have you a unique selling point as a social economy enterprise?	Judge the scale you can realistically operate at in future years assuming growth options.
Identify competitors – how do you differ and how close is their threat to you?	Consider where capital for expansion can come from.
Consider future development options for the goods or services you offer – is there new technology, or a trend to follow?	Are there private, public and social economy enterprise sectors to work in – are they exclusive or complementary for the business to grow into?
Assess the size of the market.	What risks are there in different scenarios – can they be minimised?

'You have to allocate time to the tendering process and keep yourself aware of what opportunities are out there and how best to take advantage of them'(Anne Molloy, Social Economy Agency)

The contract culture

Entering the 'contract culture' is not for all. It can be challenging to win business in competition with many others trading in a similar field. This is especially the case for a small or growing organisation, where there are risks and obstacles.

You may already be conscious of business opportunities that are out there. However, you may not have felt that the processes of bidding to win goods or service contracts, or the pitfalls of entering the contract culture, are for you.

One message is clear from those who have followed this path before: the best course of action is to take one careful step into the field and to seek experience through a modest contract or sub-contract.

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Starting out with a specialist or 'spot' contract can be a valuable experience for a new contractor. You may, however, want to take stock of the way this affects viability and long term prospects if the main body of the contract, and perhaps the less problematic areas or parts of it, is not offered in a way for which you can bid.

Assess exactly when in your business strategy you will consider making the big bid for a major, mainstream contract. Above all else, remember to talk to others who have gone down this road before, to hear how their organisations have delivered high quality public services through contracts that enable them to meet their social objectives.

In addition to the contacts and case studies in this Guide the Department of Trade and Industry's publication 'Public Procurement: A Toolkit for Social Enterprises' and the Scottish Executive's publication 'Tendering for Public Sector Contracts: A Practical Guide for Social Economy Organisations in Scotland' are useful sources for contact details of other organisations that have experience in public sector procurement. These can be viewed at: www.dti.gov.uk/socialenterprise and www.socialeconomyscotland.info.

Case Study

Community Technical Aid is a social economy enterprise specialising in public and community consultation. The company employs planners, architects and development staff to assist disadvantaged and excluded communities to: improve their areas; prepare community plans and strategies; develop community facilities and amenities; respond to planning and development proposals; and present their views on major planning and strategic initiatives. The firm has successfully tendered for contracts to organise and independently facilitate and report on public and community consultations for a number of area plans, has won contracts with the Magherafelt and Strabane Local Strategy Partnerships and the Western Health and Social Services Board and has won contracts, in partnership with another agency, for consultation on the Reform of the Water Service and the Regional and Belfast Metropolitan Transport Strategies. For CTA, like any small firm, the main risk with public procurement was building the capacity to tender for and win contracts. Big firms can use a scatter-gun approach to tendering; they have the capacity and resources to compete for many contracts. Whereas the small firm, with fewer resources is more limited in what it can tender for.

CTA realised the importance of building up the business's capacity for the tendering process. They recognised that they didn't have the appropriate range of skills to win contracts but knew they could acquire these skills by going into partnership with someone else. CTA tendered alongside an Events Management company for different aspects of the same contract. Working with the Events Company led to further joint projects and CTA learnt a lot from the more experienced company, including the economic importance of limiting activity to the client's terms of reference. Through strategic partnerships they were able to win contracts and to build up their own skills base and reputation in this area.

Colm Bradley, Community Technical Aid, offers the following advice to other SEEs considering public procurement:

'Have a clear strategic view of why you are going down the procurement road. Buy in the skills if necessary and learn from them.'

'Take a long-term view, do 3 or 4 contracts, without expecting to make money from them, to build up your skills and capacity.'

'Getting into the market is difficult and we invested a lot of time in getting to know the market and developing the skills to compete within it. But you need to keep on top of market conditions. When we started out there was little competition for community consultation from private firms. But the market has now changed and every time you tender for something you have to start from scratch.'

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WHAT ARE THE BENEFITS OF PUBLIC SECTOR CONTRACTS TO YOU?

Public-sector organisations are good customers. They have to be fair, honest and professional in the way they choose suppliers and in any dealings with them. They are also long-standing, stable customers, and have to pay promptly and in line with agreed contract terms. Public-sector organisations have to pay accounts within 30 days (or any other agreed credit period) of receiving a valid bill or invoice. You will find more information on prompt payment law later in this guide.

Many social economy enterprises have found that competitive tendering has also made them more efficient in all company activities.

'Tendering is about outputs and that discipline has helped us in our grant-aided work, so it has had extra benefits. We had to get much better at managing projects, time-management, the allocation of resources etc. It has sharpened us up.' (Colm Bradley, Community Technical Aid)

THE WAY IN

The Executive's procurement policy requires public works, supplies or services to be acquired by competition unless there are compelling reasons to the contrary. Subject to the public authority's legal obligations, the form of competition will be proportionate to the value and complexity of the procurement transaction. The following table provides a general overview of the different procurement procedures:

Contract Value	Procurement Procedure	Where are tender opportunities advertised
< £1000	Written quotation	- Not advertised
> £1000 < £30,000	Selected Tender	- Not advertised - 3 - 5 Companies selected to tender
> £30,000 < EC threshold	Publicly advertised tender competition	- Local press - Tender directories - Websites
> EC Threshold	Publicly advertised tender competition in compliance with the UK procurement regulations	- OJEU - Local press - Tender directories - Websites

EC procurement directives

All public sector procurement contracts within the European Community are covered by an EC treaty, no matter what their value. The treaty sets down principles to prevent discrimination against firms from any Member State to remove restrictions on moving goods and services freely. The principles of the treaty are backed up by a series of EC procurement directives. The directives have been included in UK law as a number of regulations.

The directives and regulations set down procedures and standards (based on openness, non-discrimination and competition) for choosing tenderers and awarding contracts with an estimated value above a set limit. Anyone who has supplied a tender can take action in the High Court if they have been harmed, or are at risk of harm, by the public sector breaking these regulations. Anyone who feels they have not been treated fairly under the process can also complain to the European Commission. You can find information about the EC procurement directives and regulations on the Office of Government Commerce website: www.ogc.gov.uk or from a Euro Information Centre (EIC). website: www.investni.com/eic

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Where are opportunities advertised?

Opportunities for contracting with the public sector may be advertised in a wide variety of places. Contracts below the EC limit are often advertised in the three provincial daily newspapers, or in trade journals and some public sector bodies advertise forthcoming contracts on their websites. However, public-sector organisations are not compelled by law to advertise low-value contracts at all.

Official Journal of the European Union (OJEU)

Almost all public procurement contracts for business worth more than an EC limit must be published in the daily supplement of the Official Journal of the European Union (OJEU). This provides information on the current requirements and invites suppliers to express an interest, or to tender directly in some cases, depending on the contract procedure. It also sets out information about contracts that have been awarded.

The regulations that say precisely which contracts must appear in OJEU are very detailed. You can get information about these from the Department of Finance and Personnel, Central Procurement Directorate, telephone the Policy Unit on (028) 9082 3186 or e-mail: procure.policy@dfpni.gov.uk

A rough rule-of-thumb is that tenders for more than £100,000 of services and supplies or for more than £3.8 million of works must appear in OJEU. However, there are many exceptions to these limits. Some organisations have made it their policy to advertise more widely in OJEU than they have to.

There are several ways of gaining access to OJEU.

- Tenders Electronic Daily (TED) is the on-line version of OJEU. It uses subject and country codes to give you direct access to notices that may interest you. However, many businesses find it easier to use the TED service offered by Business Information Services-INI, Euro Info Centres and commercial organisations. You can gain access to TED, free of charge, from the website: www.ted.publications.eu.int/official/
- You can get copies of OJEU (available only in CD-ROM format) by paying a subscription or by buying copies from The Stationery Office. If you want an individual copy, you should contact The Stationery Office Orders Department (contact details www.tso.co.uk telephone 0870 600 5522, fax 0870 600 5533, e-mail customer.services@tso.co.uk). You should send your requisition to pay by subscription to European Subscriptions at the same address.

- You can also see copies at some Euro Info Centres, central libraries or Chambers of Commerce.

Business Information Services – Invest Northern Ireland

Business Information Services offers Northern Ireland companies and entrepreneurs access to a wealth of business and commercial information ranging from reports on local and international markets, to company data and public procurement opportunities. These services are based in Upper Galwally, Belfast, BT8 6TB.

Tel: (028) 9023 9090
Fax: (028) 9049 0490
E-mail: info@investni.com

The Euro Information Centre

The Euro Information Centre is open to any business that needs information on European legislation, programmes, funding and business issues. The Centre is also represented on a specialised European working group for public procurement and through this group the Centre also has access to other resources and specialist expertise. These services are based in Upper Galwally, Belfast, BT8 6TB.

Tel: (028) 9023 9090
Fax: (028) 9049 0490
E-mail: info@investni.com

There are five Regional Information Centres, based in the Invest NI offices, in Ballymena, Belfast, Londonderry, Newry and Omagh, which provide useful information and advice. See the Invest NI website for further details of these centres – www.investni.com

Public Procurement Information Services

The Public Procurement (PP) information service delivered to companies by Invest NI uses TED data combined with dedicated matching software to provide companies with details of all EC above threshold procurement opportunities on a daily basis through e-mail. During 2002-2003 180 companies registered for the service and won combined orders of over £80m as a result of using the service. Invest NI also offers an advisory service on pursuing public sector tender opportunities to all companies and offers companies access to other tendering publications and databases

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which enable companies in specialised sectors such as ICT and construction to access information more easily.

Tendering journals

Other useful sources of information on public sector opportunities are tendering journals which provide details on tender opportunities for goods, services and construction contracts. There are two journals currently published in Northern Ireland. (contact details: Business Information Publications Ltd, Park House, 300 Glasgow Road, Shawfield, Glasgow G73 1SQ.

Tel: 0141 332 8247
Fax: 0141 331 2729
Website: www.bipcontracts.com

Or Commercial Information Company, Jennymount Business Park, North Derby Street, Belfast BT15 3HN,

Tel: (028) 9075 5100
Website: www.cicireland.com

A TYPICAL PROCUREMENT PROCESS

The following diagram shows a typical procurement process within the public sector. It is likely that low-value, specific purchases will follow a simplified version of that described below.

Defining the procurement strategy

The public-sector organisation defines its aims, decides what is needed, prepares the business case and then decides how the procurement exercise will be carried out. It will take account of market conditions, legislation and public-sector policy.

Inviting tenders

The public-sector organisation invites suppliers to put in an offer, or tender – often in response to an advert in OJEU or a trade magazine. In some cases suppliers have to pre-qualify before being invited to tender. They do this by answering a questionnaire or supplying information about their financial status, previous experience and references and so on.

Evaluating and refining tenders

The public-sector organisation then evaluates the tenders against set standards relating to best value for money, which may include social and/or environmental as well as economic objectives. This process usually includes a period of clarifying the tender before it is accepted.

Awarding the contract

The public-sector then awards the contract to the supplier whose bid offers 'best value for money' and offer the opportunity of feedback to all companies who submitted tenders.

Managing how the contract is put in place

Everyone involved works together to put operations in place for the forthcoming contract.

Managing the contract

The supplier and the organisation manage the contract and the supplier's performance is checked and monitored by the organisation.

Review the testing

The need for the contract will be reviewed regularly and after a set period of time the contract will be advertised again.

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Contract, terms and conditions

Most government contracts are based on standard contract documents appropriate to the supplies, services or works being purchased. You should contact the relevant organisation for specific details. The contract cannot be completed until the supplier and the public-sector organisation agree about the terms and conditions. It is important for you to fully understand the responsibilities both sides have under the contract.

There are many types of contracts – from one-off purchases to long-term service contracts. For certain requirements, such as stationery, purchasers will often let 'call-off contracts' which last for a period of time which allows them to place orders to meet the needs as they arise. 'Framework arrangements' allow organisations to identify a number of companies that have successfully met the standards in open competition, without the need to use the full tender process each time. Framework arrangements are often used for consultancy services.

Increasing your chances

Although there are clear benefits from doing business with the public sector, it is important to realise that bidding procedures are testing and that the process is a competition. This is because the public sector must award contracts on the basis of getting best value for money for the taxpayer. At each stage of the tendering process there are issues you should consider. We have outlined some of these issues below. Some of the advice is obvious, but we have included it in this Guide because it is not always followed.

Be on time

You will always be asked to provide information by specific dates and to return the tender by a specific time. Remember that the date given is the last date by which the organisation needs information. It is important to make sure that information and tenders arrive promptly.

The advertisement

For most requirements there will be an advertisement in OJEU, newspapers, trade magazines or on the website of a tendering authority. The advertisement is the first of a number of selection processes – an opportunity for you to decide whether your business can carry out the contract. If there is a contact name and number in the advertisement, it will often be useful to phone or write in with questions or just to check that you really understand the requirement. Be aware that OJEU advertisements are limited to a certain number of words and you may be able to get extra clarification from the contact.

Pre-qualification

There may be a number of pre-qualification stages that you are asked to go through before being invited to submit your tender. If you have expressed an interest in the contract, you will then be asked to send in information such as evidence of your financial position, previous experience, and references. You must provide all the information you are asked for. For example, if you are asked about previous experience, you should tailor your reply to your audience and emphasise the experience that is most relevant. The information provided at these stages will be evaluated and will form the basis of deciding whether you will go to the next stage. If you are in any doubt about what is needed, ask.

Invitation to tender (ITT)

If you receive an invitation to tender, you are being invited to make an offer which may then be accepted by the buyer. You must keep to all the requirements at this stage. The decision about who is chosen is based on certain criteria which are usually listed according to how important they are in the contract notice or ITT (delivery, quality, method, personnel, price and so on). It is important to concentrate on the most important criteria but you must make sure you provide relevant information on all criteria. Again, if you are in doubt, you should contact the buyer. Of course, you need to make sure that your offer is competitive and represents best value for money.

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Quality assurance

Public-sector organisations may want to assess their contractors against certain quality assurance standards. If you are in an industry where external assessments are normal, or are becoming normal, and if it is appropriate to the contract, you may find this a requirement.

If your firm operates an approved quality management system, which in the case of social economy enterprises may include a social auditing system, you should be able to guarantee to provide consistent quality of your products or services. Purchasers, including some government procurement agencies, encourage their suppliers to use quality standards. You can also gain added confidence if you get independent assessment of the system in operation.

You can get more information on standards from the Department of Trade and Industry website www.dti.gov.uk/strd/certify.htm.

If you are unsuccessful

Always take up the opportunity for a debriefing to see what you can learn from this, regardless of whether or not you win the contract.

Under the EC directives a public-sector organisation has to provide feedback to you, within 15 days, if you have asked for this information. Being unsuccessful in one contract does not mean you will be unsuccessful in future. You should keep trying and use the feedback to help develop any future bids.

OTHER OPPORTUNITIES

Consortium bids

It is sometimes assumed that public policy has been unfavourable to smaller businesses and contractors due to the search for economies of scale and the trend towards aggregation of smaller contracts into larger ones. There are often good business reasons for the aggregation of a host of similar, smaller contracts into a larger, more economical one for a major organisation like a council or Government department. The management of dozens of smaller contracts can be expensive and unnecessary and if you are seeking work from a local council or public body, this can be a barrier to gaining business. If a service is uniform then you may be deemed to be unable to deliver it across a whole area, or in a host of locations simultaneously, if you are small.

However, if a bid is received from a group of contractors perfectly able to deliver the complete service to the required standard, quality and price, then there may be no obstacle and you should pass the 'fitness test' in the pre-tender assessment. Bear in mind that dialogue with the authority letting the contracts is essential at an early stage if you wish to clarify that such opportunities exist, and that the structure of the contract and basis on which it will be monitored does not exclude this option without good reason.

'We find that tendering in partnership with others widens our capacity to win contracts and works better'. (Anne Molloy, Social Economy Agency)

Sub-contracting opportunities

Many of the highest-value government contracts are let to large companies. However, small companies can still play a part in these contracts, perhaps as sub-contractors or by forming consortia.

Becoming a sub-contractor can be helpful for gaining experience. This can include contracting with a larger private sector firm who may lack the expertise you have, for example, with specialist issues and requirements, or one, which seeks to demonstrate it can deliver social objectives through partnership with a dedicated organisation like yourself.

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Case Study

Bryson House Recycling Ltd. is a joint venture between the social economy enterprise trading arm of the Belfast based charity Bryson House and the London based social economy enterprise ECT (Ealing Community Transport) Recycling. The business provides: kerbside recycling services to 55,000 houses in six local authorities in NI: Antrim, Armagh, Banbridge, Belfast, Carrickfergus and Castlereagh; collection services to over 70 schools and businesses in the Belfast area and buys aluminium cans and paper from other collectors. Given the requirement of local authorities to meet the waste management target laid down for them by the EU, the target market for the collection of waste materials by the company is exclusively local authorities. To date the business has won four relatively modest local authority tenders but confidently expects to receive confirmation in the near future of two very significant tenders.

The joint-venture strategy adopted by the company allowed them to draw upon the knowledge and experience of ECT and helped them to identify markets for all recyclable materials; some of these markets outside Northern Ireland, for example, Shotton in Wales (newspapers and magazines); JJ Plastics in Wales (plastic bottles); Alcan in Warrington (aluminium cans) and Coruc in South Wales (steel cans).

'The things you need to be most careful about when tendering for contracts is getting your numbers right and providing all the information the client needs and don't expect things to move too quickly' (John McMullan, Bryson House).

'Public Procurement tendering often requires a real shift in culture for non-governmental organisations. NGOs tend to focus on values e.g. changing people's behaviour. But Public bodies also have other priorities, so you have to learn what they are and to work accordingly' (John McMullan, Bryson House).

There is no single way of finding out about sub-contracting opportunities. Public-sector organisations may give you information about their main contractors or you might identify and contact a supplier who has won a major contract, for example through OJEU.

Approved supplier list

Many public-sector organisations (in particular local authorities) hold lists of potential suppliers for certain types of work, usually for lower-value contracts below the EC threshold limits. If an organisation has an 'approved list', it must still advertise any requirement above the relevant EC limit. The nature of these lists varies between organisations. However, the lists should be regularly reviewed to include new suppliers and to make sure that the existing suppliers continue to provide best value for money. If your firm is accepted onto a list, it does not necessarily mean that you will be invited to tender straight away. To find out about lists held by specific public-sector organisations you may want to contact the organisations listed on the joint Enterprise Ireland, Invest NI and Intertrade Ireland website:

www.go-source.com to establish if they maintain approved lists.

Constructionline

If your products or services are in the construction industry, you should register with Constructionline. Constructionline is owned by the Department of Trade and Industry (DTI) and operated as a concession by the Capita Group. It is a register of contractors who have already pre-qualified, and is often used by public-sector organisations when they are inviting suppliers to tender. Constructionline's registration fees are on a sliding scale. Users of Constructionline are particularly keen to see small businesses registered and there is a special registration scheme for new firms. The advantages include:-

- Being on a level playing field with large companies if you meet the client's standards;
- Greater visibility within government; and
- Reduced paperwork – one application form rather than having to qualify for every contract.

To get more information you should contact Constructionline on 0870 240 0152 or visit the website: www.constructionline.co.uk

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E-Business

This is an ever-increasing feature in public procurement, with many public sector organisations using their websites to notify suppliers of current and forthcoming tenders. While e-tendering is in its infancy pilot exercises indicate that such a means of issuing and submitting tenders would be cost effective. Once the evaluation of the pilot exercises is completed roll out will commence.

The development of electronic trading has the potential to alter access to contracts and their documentation, and to change methods of bidding. It is therefore likely that, in future, more work will be placed online, to seek initial expressions of interest and to follow the whole path from advertisement on the web through to submission and award by electronic means. Without the capability for ICT your enterprise may lose out.

Similarly e-procurement systems offer a cost effective means of ordering and can be used with the Government Procurement Card.

Government Procurement Card

The Government Procurement Card (GPC) is a Visa charge card, issued by Ulster Bank, which reduces the need to issue purchase orders or deal in paper-based systems. Low value orders are placed directly with suppliers who can accept Visa cards, either by electronic ordering systems, personal visit, phone, fax, e-mail or over the Internet. The supplier keys the transaction into a terminal, including the card holder's unique identification number. Once accepted, approval to release the goods or service is given and a delivery is made.

The GPC has been in use across central government and is now available across the wider public sector. It is used mainly to buy low-value goods and services directly from suppliers and within the controlled environment of e-procurement systems can be used for all purchases. The advantage to you when public-sector organisations use GPC is that it removes a lot of the paperwork and speeds up the payment process. Your account is credited within two to four days.

For more information on GPC see the CPD website: www.cpdni.gov.uk

Private Finance Initiative/Public Private Partnerships

The Private Finance Initiative (PFI) and Public Private Partnerships (PPP) provide opportunities for suppliers to bring a wide range of managerial, commercial and creative skills into providing public services. Although it may not be appropriate for small and new businesses to take on these high-value and long-term contracts there are many opportunities for sub-contracting and consultancy work.

PFI and PPP focus on buying services rather than assets. Private firms provide services over the long term rather than simply being upfront asset builders. They combine the responsibilities of designing, building, financing and operating assets to provide improved public services. For further information on developments in PFI/PPP visit the Office of the First Minister and Deputy First Minister website: www.ppp-ni.gov.uk

Paying on time

The government has introduced legislation to give small businesses a legal right to claim interest if another business pays its bills late. You can find more information in a booklet entitled 'Better payment practice – your guidance to paying and being paid on time'. You can get a copy from Invest NI, Business Information Services.

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SELLING TO EUROPE

The EC procurement directives make sure that public-sector organisations in all EC countries advertise contracts greater than the threshold limit. This means that there is a greater scope for you to do business across Europe.

The first step is to assess which markets are open to you and whether or not you can meet their needs. As well as looking in OJEU, and Invest NI, Trade Division and Business Information Services, UK Trade & Investment have a wide range of market information ranging from country profiles to individual sector reports. For more details see the UK Trade & Investment website: www.trade.uktradeinvest.gov.uk.

You can get specific information on Western European Markets from UK Trade & Investment, European Directorate, in London by phoning 020 7215 8000 and from Invest NI, Business Information Services.

PREPARING YOUR BID

Focus Your Bid on Customer Requirements

Be 'customer focused': sell your clients what they really want/need. Be prepared to explain your purpose and values as a social economy enterprise and how this can bring advantages in the delivery of public services. The Government believes that social economy enterprises are often well placed to be able to deliver good quality, cost-effective public services, demonstrating innovative new practices and increasing the participation of staff and users in service delivery.

Make a fully realistic bid describing the methods you will use to deliver the contract, meeting users' needs and the public body's requirements. Develop your ideas for how you can demonstrate your contribution to local social, economic and environmental well-being in your bid.

Key tip

The local knowledge, experience, expertise, consultancy tools and skills built up by CTA over time has proved advantageous in winning contracts. You have to spell out to clients your skills and experience and how these are relevant to the contract'. (Colm Bradley, Community Technical Aid).

'The main lesson we have learned is that public procurement is not so different from the funding application process in that it is the quality of what you can deliver and how well you can write that up that is the deciding factor' (Paul Roberts, Ashton Centre. The Ashton Centre was contracted to provide Intermediary Labour Market Services in North Belfast).

Financial Issues

How do you total up your real and full costs of delivering a service? If you get this wrong you could lose money and fail to fulfill your social objectives if you do not survive. Getting costs right is always a challenge, but could be even more so for a social economy enterprise. If your background is in the voluntary and community sector then you may have had advice. The guide used by many in the voluntary sector for assessing costs is the ACEVO (Association of Chief Executives of Voluntary Organisations) publication *Funding Our Future II: Understand and Allocate Costs*. This includes a template for allocating costs. Website: www.acevo.org.uk

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You will also want to anticipate matters like the payment regime of the organisation you will be working with. How often and exactly when will you get paid? Is this acceptable and viable for you, in view of your payroll and other costs and the bills you will face? It may be a matter for negotiation before the contract starts if the frequency or delays are not helpful. The public sector should follow good practice in paying bills but the actual timescales to process payments could be a consideration for you. Reasonable changes may be possible if agreed in advance.

VAT

You will also need to consider matters like VAT in cases where you are either paying amounts of VAT that you wish to recover, or where you will be required to charge VAT for services. You may wish to obtain advice on this from a suitable VAT accountant or contact HM Customs and Excise – www.hmce.gov.uk.

Legal issues

It needs to be clearly understood that as you are entering into a contract you should make sure that you have good legal advice about the commitments you are being asked to make (in the tender documents issued) and what you are bidding in return (in your submission). You may wish to obtain advice from a contract lawyer familiar with the field or your sector.

Can you, or must you, comply with TUPE legislation if you win the contract? This issue is explained further below.

Workforce issues

There are many issues in contracts about equal opportunities and employment legislation which need to be taken seriously. You will usually find that this area is looked into in detail by a contracting authority in pre-tender stages. Evidence of compliance with areas including race relations law, equal opportunities, and accident records may be sought.

There are implications if you win a contract which involves inheriting an existing workforce. You should be aware of the TUPE (Transfer of Undertakings and Protection of Employees) legislation, which protects a workforce on the transfer of a service to new owners. If you were unable to comply with this then it would damage your ability to consider winning a contract where the existing workforce would be inherited.

Case Study

Social Economy Solutions (SES) is the trading arm of the Social Economy Agency. SES has tendered for and secured contracts from North Belfast Partnership, Derry LSP, Craigavon LSP, Invest NI and FAS Social Economy Programme, to deliver various programmes of support to social economy organisations.

For SES the tendering process involved a steep learning curve – learning how to put a tender together, how much detail to include, how to cost a job, apportioning time and overheads etc. Through the experience gathered, however, the company has now established the kind of basic information it needs - staff knowledge, skills and experience, firm capacities, track record etc. More recently SES has come to tender for contracts in partnership with others, both other SEEs and private sector firms (Phillip Bain).

Social Capital

Social economy enterprises are distinguished from other economic development or enterprise organisations in that they exist primarily to deliver **social objectives** through economic activity, for example job creation, training for employment, regeneration, integration of people with disabilities etc. Social economy enterprises are further distinguished by a set of cross cutting **values**, which determine the way in which their social objectives are delivered. Values such as equity, co-operation, democracy, friendliness, care and compassion, creativity, innovation, mutuality, accountability are common to many social economy enterprises. Further, social economy enterprises tend to use and create social capital where **social capital** may be considered to consist of those resources within organisations or communities which depend on the presence of high levels of trust, reciprocity, social networks and shared norms of behaviour and a sense of commitment and belonging.

These three 'social dimensions' of SEEs - **social objectives, values and social capital** - can represent and describe the 'added value' of social economy enterprises and are best captured and measured through the process of social **auditing and accounting**. Where there is a social dimension to a contract, social auditing and social accounting may assist you in preparing your bid and help the contracting agency to decide about 'best value for money' when awarding the contract.

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DELIVERING THE CONTRACT

Winning a contract is only the beginning; delivering the contracted service is the long-term task. Delivering the contract is a serious undertaking; ensuring day by day that services and standards are delivered, and that deadlines and targets are met. The implications of a shortfall in this can be directly financial too, there are usually penalties for poor performance.

The contract management process begins at the start of the delivery of the contract. Some contracts will require a seamless continuation from the previous arrangements for the service users. Above all, if you become a contractor you will have to satisfy the wishes of your customer.

The planned improvements included in many contracts are monitored and reported. Customer service is monitored from when you start work for the customer. Usually there are regular meetings with the client. It is important that your Board agrees who your customer is. Customer relationship is critical as it is the interface with the public body that your staff on the ground and your service manager will have.

Beyond that, it will be important to plan for the enterprise to have other work into which to diversify, for the simple reason that there is no guarantee of keeping the same contract a second time, even into an agreed optional extension period after the minimum timescale is completed.

Service end users – what do they expect?

Make sure the whole of your organisation is clear who your priority groups are and that you meet their needs without damaging the organisation or its social objectives. It can be a balancing act if there are occasions when satisfying both the public sector buyer and your end users might conflict, but managing this will be far easier if you have a clear view and are able to prioritise when decisions are needed.

What if things go wrong?

In public service, day in and day out, many services are a necessity and can even be essential for daily life. It is a legal obligation that certain services exist, and there are legal targets for public authorities, hospitals and others to meet. The contractor may well be under pressure to deliver, daily, with a monitoring process to ensure that quality and reliability requirements are achieved.

Balancing risks

There are risks to reputation of any failure in the delivery of even the first, smallest contract. While you can celebrate your successes and maximise media coverage to promote your organisation, you must consider the implications of a bad news story in the media. The implications can be directly financial too. There are costs involved in preparing bids that may not be successful. Managing a contract and the relationship with the client involves costs over and above the costs of delivering the service. If there are penalties for poor performance through fines, this can become a routine loss of cash that damages your financial viability.

There are also cash flow issues for contractors if your cost outlays are high in the early days of a contract. The best route is to prepare well and consider options for both capital and revenue, including ways to support any required overdrafts.

Customer satisfaction

Customer service is crucial. The number of calls and complaints and the level of customer satisfaction will be monitored by the client. Do complaints come directly to you, or will a meeting with the client be the first you have heard of any problems? You should carry out your own customer service work, to ensure that you can answer any questions from the client and that you can maintain or increase the level and standard of service over the life of the contract.

Remember that just maintaining this relationship with the client is one of your business activities and costs. Take these dealings seriously and try to see past any personality issues to the role being taken by the client. He or she is there to ensure best value for money and effective delivery of the service. Consider how you could propose any ways to make the relationship work better or to schedule more effective meetings, perhaps on site visits or taking turns to attend each other's premises to see the story from the other's side.

Cashflow and targets

You will need to monitor your costs and of course any trends that help with business planning and development. In addition you will need to keep a close watch over cash flow at all times. While agreed payment regimes are fixed once the contract starts you will need to make sure that the money does arrive in the manner agreed. Discounted cashflow (the actual rate and amount that money due does really arrive to help pay costs and bills) can be a key issue for smaller enterprises with a limited overdraft facility.

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Key tip

'Public Procurement is a big market and payment is secure. However, the timing of payments may cause cash-flow problems for small organisations. So organisations need a sizeable working capital'.
(Anne Molloy, Social Economy Agency)

Take stock of the targets and any improvement requirements included in the contract. Ensure you are on track to fulfill the requirements of the described service. If at any time there are problems then do not put off seeking advice and help. Make sure that the relationship with the client is as effective as possible, to ensure you are warned about any issues that arise and given the best chance to remedy any problems.

CONTACTS & REFERENCES

Case study contacts

Bryson House Recycling Ltd
Tel: (028) 9040 1070
E-mail: John.mcmullan@brysonhouse.com

Ashton Centre,
Tel: (028) 9074 2255
E-mail: paul@ashtoncentre.com

Social Economy Solutions
Tel: (028) 9096 1118
E-mail: Philip@socialeconomysolutions.co.uk

Community Technical Aid
Tel: (028) 9064 2227

Social Auditing References

Social Audit Network www.socialauditnetwork.org.uk

Social Accounting & Audit for Social Economy & Community-based Organisations CBS Network info@cbs-network.org.uk & Social Enterprise Network tr2000tr@aol.com

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FURTHER SOURCES OF INFORMATION

TENDERING DIRECTORIES

CIS REPORTS: Construction Information Services - Ireland
Construction Information Services - Northern Ireland

Published By: Construction Information Services, (a division of Newmarket Information Ltd)

Address: 66 Ranelagh, Dublin 6

Tel: +353 1 491 0043

Fax: +353 1 491 0092

Web: www.newinfo.ie

E-mail: info@cisireland.com

These two reports contain advance market information for contractors and suppliers to the construction and allied industries.

Contracts and Tenders - Suppliers and Services; Construction Works

Published By: Commercial Information Company (CIC)

Address: 116 University Street, Belfast BT7 1HH

Tel: (028) 9024 7647

Fax: (028) 9024 8233

Web: www.tendersireland.com

E-mail: info@tendersireland.com

Two separate reports, which contain all public sector contracts and tenders throughout Ireland and provide details of award notices.

SUBSCRIPTION: £150 + VAT to subscribe to the Internet version - 7 days free trial, £250 for one year subscription (hard copy).

CIC also publishes The Building Report and The Planning Report, giving advance weekly information on major private and public sector building projects in Northern Ireland.

Contrax Weekly: Contracts and Tenders Nationwide

Published By: Business Information Publications Ltd (BIP)

Address: Park House, 300 Glasgow Road, Glasgow G73 1SQ

Tel: 0141 332 8247

Fax: 0141 331 2653

Web: www.bipcontracts.com

E-mail: bip@bipcontracts.com

Publication supplying information on UK and Northern Ireland public sector contract opportunities.

Contrax Weekly Ireland

Published By: Business Information Publications Ltd (BIP)

Address: Park House, 300 Glasgow Road, Glasgow G73 1SQ

Tel: 0141 332 8247

Fax: 0141 331 2653

Web: www.bipcontracts.com/tsi

E-mail: bip@bipcontracts.com

Subscription: Magazine: Annual £280; 6 months £165. Email: Annual £260 + VAT, 6 months £155 + VAT; Online Service: Annual £205; 6 months £130. Various sectors of tenders available by subscription.

Publication providing information on public sector contract opportunities in Northern Ireland and the Republic of Ireland.

The Newmarket Project Database of the Republic of Ireland

This is a software product that provides access to advance information on the construction and allied industries from the CIS database each week. For example, the database will give details of private sector planning applications and approvals by region as well as details of architects and developers.

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DIRECTORIES OF PUBLIC SECTOR BUYERS

Go-Source Directory

Published By: Invest Northern Ireland/Enterprise Ireland and InterTradelreland

Address: Upper Galwally, Belfast BT8 6TB

Tel: (028) 9023 9090

Fax: (028) 9049 0490

Web: www.go-source.com

E-mail: eic@investni.com

Go-Source is an all Ireland Directory of Public Sector Opportunities in Ireland and a guide to doing business in the public sector. Developed and supported by Invest NI, Enterprise Ireland and InterTradelreland, the site offers advice and guidance, an overview of the market, analysis of organisations, information on over 400 purchasers and a fully searchable directory.

Belfast City Council: Selling to Belfast - An "Ease of Access" Guide to Belfast City Council Purchasing

Published By: Belfast City Council, Procurement Section

Address: The Cecil Ward Building, 4-10 Linenhall Street, Belfast BT2 8BP

Tel: (028) 9027 0268

Fax: (028) 9027 0501

Web: www.belfastcity.gov.uk/purchasing/selling/introduction.htm

Winning Business in the Northern Ireland Public Sector/ Winning Business in the Scottish Public Sector/Tendering for Public Sector Contracts in England and Wales

Published By: Enterprise Ireland

Address: 3rd Floor, Chamber of Commerce House, 22 Great Victoria Street, Belfast BT2 7XL

Tel: (028) 9034 7555

Web: www.enterprise-ireland.com

E-mail: Victoria.milhench@enterprise-ireland.com

Practical guides to opportunities and contacts in public sector markets.

Society Of Procurement Officers in Local Government (SOPO) Yearbook 2003

Published By: Business Information Publications Ltd (BIP)

Address: Park House, 300 Glasgow Road, Glasgow G73 1SQ

Tel: 0141 332 8247

Fax: 0141 331 2653

Web: www.bipcontracts.com/tsi

E-mail: bip@bipcontracts.com

A directory of the contacts for procurement officers in local authorities in the UK.

DIRECTORIES

The Northern Ireland Yearbook 2003

Published By: BMF Publishing

Address: 76 Main Street, Moira, Co. Down, BT67 0LQ

Tel: (028) 9261 9933

A directory and guide to Northern Ireland, the public sector, economy and social life.

The Directory of NI Government 2003/2004

Published By: Carlton Publishing & Printing Co

Address: Unit 2, Wenta Business Centre, Colne Way, Watford, Hertfordshire, WD24 4ND

Tel: 01923 800801

Fax: 01923 800802

Web: www.carlton-group.co.uk/

E-mail: info@carlton-group.co.uk

Directories and mailing lists of government departments. Also provides links to government websites.

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Administration Yearbook and Diary 2003

Published By: Institute of Public Administration
Address: 57-61 Lansdowne Road, Ballsbridge, Dublin 4
Tel: + 353 1 240 3600
Fax: + 353 1 668 9135
Web: www.ipa.ie

A directory which provides details of all key government departments and public bodies in the Republic of Ireland.

Directory Of Scottish Government 2004

Published By: Carlton Publishing & Printing Ltd
Address: Unit 2, Wenta Business Centre, Colne Way, Watford, Hertfordshire, WD24 4ND
Tel: 01923 800801
Fax: 01923 800802
Web: www.carlton-group.co.uk/
E-mail: info@carlton-group.co.uk

Mini-guide on Reading Public Procurement Tender Notices 2003

Published By: Euro Info Centre Working Group for Public Procurement
The mini-guide, which is available in English, is intended to give the reader of tender notices an idea of the general structure of the TED database. Its purpose is to help companies reading the tender notices regulated by the Directives concerning supplies, services, works and utilities.

Guide on Sub-threshold Tender Opportunities in the European Economic Area 2003

Published By: Euro Info Centre Working Group for Public Procurement
This guide is intended to give information, for each Member State of the EEA, on the legal framework of the invitations to tender below the EU threshold and on how to get information on these tenders into the different Member States of the EEA.

USEFUL WEBSITES

UK

www.open.gov.uk - Comprehensive site covering all areas of UK government.

www.hm-treasury.gov.uk - UK Treasury site.

www.ogc.gov.uk - The Office of Government Commerce (OGC) site provides information on supplying to the UK government, procurement regulations, publications and other programmes and initiatives for public procurement. The Office of Government Commerce (OGC) is an independent Office of the Treasury and is responsible for a wide ranging programme which focuses on improving the efficiency and effectiveness of central civil Government procurement.

www.nics.gov.uk - Northern Ireland Executive website, providing information and links to central and local Government websites in Northern Ireland.

www.scotland.gov.uk/procurement/ - This site provides information on central government procurement in Scotland. Scottish Executive Procurement & Commercial Services Division is responsible for ensuring that public funds are utilised to achieve value for money for the taxpayer. A comprehensive guide for suppliers is available from a link. The site provides guidance on contacting the Scottish Executive, key element of Procurement Policy and a Frequently Asked Questions section.

www.achilles.co.uk - A website containing information on Public Procurement legislation, supplier contacts, consulting services and a tenders identification database. The company also runs training and conferences on PP issues.

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www.publicsource.co.uk/public/default.html - Public Source (UK) an equivalent of Go-Source in the UK minus the directory.

www.dti.gov.uk/about/procurement/ - This section of the DTI Website is designed for suppliers and potential suppliers to DTI. It is also intended for procurement contacts in other parts of the public sector, professional bodies, academia and the wider procurement community.

www.cpdni.gov.uk/ - The Central Procurement Directorate is a central procurement body made up of the Procurement Service and Construction Service. Tender invitations are advertised on the Procurement Service website.

www.csarss.net - The Central Services Agency Regional Supplies Service e-procurement website. Suppliers can register company details and login, access procurement opportunities and explore useful links to other sites.

IRELAND

www.fpp.ie - The Forum on Public Procurement in Ireland is the representative body for organizations and individuals concerned with public procurement in Ireland. Covering both Northern Ireland and the Republic of Ireland, its principal objective is to improve the quality and effectiveness of the public procurement market, for the benefit of all participants.

www.e-tenders.gov.ie - The purpose of this site is to provide a central source for Irish public sector procurement opportunities. For users of this site this means providing access to tender notices and other opportunities that currently exist with the Irish public sector.

www.ipf.co.uk/procurement/pac/ - The Procurement and Commissioning Forum – IPF is collaborating with other key players in public sector procurement; the Chartered Institute of Purchasing and Supply (CIPS), the Society of Purchasing Officers in Local Government (SOPO), the Association of University Purchasing Officers (AUPO) and the Healthcare Supplies Association (HSA) to create a unique independent advisory body.

EUROPE

www.simap.eu.int - This EU Public Procurement site provides useful information on the tendering process, information on regulations, procedures and best practice and also provides links to procurement databases worldwide.

www.ted.publications.eu.int - EU Official Journal (TED) Daily journal of new EU tenders - including many of Ireland, North and South.

www.europa.eu.int/business/en/topics/publicproc/index.html - This website gives an overview of the Public Procurement market in Europe and provides information on various issues such as legislation, standards, funding and signposts to other relevant PP websites.

For further information and advice on using the listed the Business Information Services and Euro Info Centre.

Invest NI
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Belfast BT8 6TB

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Fax: +44 (0)28 9049 0490
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Web: www.investni.com



