

# Procurement Best Practice Procedures

(User Guide & Toolkit)

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## 1 What is Procurement?

Procurement describes all those processes concerned with developing and implementing strategies to manage an organisation’s expenditure portfolio, in such a way as to contribute to the organisation’s overall goals and to maximise the value released and/or minimise the total cost of ownership. Procurement is a more comprehensive term than purchasing, which is more focused on the tactical acquisition of goods and services and the execution of plans rather than the development of strategies<sup>1</sup>.

Procurement is at the heart of public service provision and is a fundamental building block and enabler to the States of Jersey government achieving its strategic priorities, objectives and vision. To be successful the drive must be towards strategic procurement to increase the business value of spend and demand management. To achieve the optimum value procurement should be a business partner and change agent and not purely a contract maker. The focus should not just be reducing costs but also receiving Value for Money (VFM).

This document aligns with the Public Finances Manual in terms of Expenditure and provides direction in terms of the activities that should be undertaken when spending the taxpayer’s money.

It also aligns with our legal obligation in terms of the States commitment and committed position with the UN regarding procurement compliance (UNCAC Article 9<sup>2</sup>).

## 2 Which Procurement Process must I follow?

A high level table of the minimum procurement requirements are outlined in Table 1 (see additional requirements for [Group 5 - Consultancy expenditure](#)): -

Group	Threshold	Process	Need Justified	Procurement Strategy	Evaluation Panel	Evaluation Criteria	Advertise	RFQ/ ITT	Evaluation Process	Due Diligence	Evaluation Report	Contract	Contract Management
<a href="#">0</a>	Corporate Contract	Competition process undertaken by Commercial Services											
<a href="#">1</a>	£0-£1000												
<a href="#">2</a>	£1,001-£25,000	1-3 Quotes	Evidence	Basic					Yes	Evidence		PO	Review
<a href="#">3</a>	£25,001-£100,000	Min 3 Quotes	Evidence		Yes	Agreed Method		RFQ	Yes	Evidence	Basic	Signed	Review
<a href="#">4</a>	£100,001+	Full Tender	Evidence	Approved by AO & DCS	Yes	Scored & Weighted	Portal	ITT Portal	Yes	Evidence	AO Approval	Signed	Formal Reviews
<a href="#">5</a>	Consultants (Over £25k)	As per Group value	Evidence	Approved by AO DCS £100k+	Yes	Scored & Weighted	As per Group value	As per Group value	Yes	Evidence	AO Approval	Signed	Formal Review

Please refer to the full requirements on process on Groups 0-5 using the page links or refer to the contents.

Please also see [Appendix 1](#) for a process flow diagram.

<sup>1</sup> Chartered Institute of Procurement & Supply definition library

<sup>2</sup> [https://www.unodc.org/documents/corruption/Publications/2013/Guidebook\\_on\\_anti-corruption\\_in\\_public\\_procurement\\_and\\_the\\_management\\_of\\_public\\_finances.pdf](https://www.unodc.org/documents/corruption/Publications/2013/Guidebook_on_anti-corruption_in_public_procurement_and_the_management_of_public_finances.pdf)

### 3 When do I need an Exemption?

An exemption is the formal process for requesting a deviation from undertaking the competition process associated with the expenditure threshold (Section 2), for example not obtaining 3 quotes for Group 3. Exemptions are usually sought in exceptional circumstances. For example: -

- Emergency requirement e.g. storm / flood damage
- Only one supplier of a product (monopoly supplier or bespoke copyrighted item)
- Goods / services required so urgently that loss or damage may result in any delay (not acceptable as a reason if this is because of poor planning)
- The contract is declared "Secret"
- Government framework contract recognised by Director of Commercial Services as being through a competition process, not undertaken by States of Jersey is being used e.g. NHS, Cabinet Office, CCS or Local Authority agreements (evidence required)

**Poor planning is not a justification for not completing a competitive process.**

**Exemption Required (Table 2)**

Group	Threshold	Process	Deviation	Department	Commercial	Method	Additional Requirements
0	n/a	Use Corporate Contract	Alternative required	Approval by AO	Approval by DCS	Procurement Strategy or Exemption Form	Exemption forms should be supported with the relevant quotation and draft contract documents.
1	£0-£1000	Prove price agreed					
2	£1,001-£25,000	1-3 Quotes					Formal commitment should not be given to the supplier prior to sign off (please see <a href="#">Breach</a> )  Treasurer & Chief Internal Auditor to review quarterly
3	£25,001-£100,000	3 Quotes	Not able to obtain 3 quotes	Approved by AO	n/a	Exemption Form	
4	£100,001+	Full Tender	Not able to undertake open competition process	Approved by AO	Approved by DCS	Procurement Strategy or Exemption Form	

**Other Required Exemptions (Table 3)**

Description	Department	Commercial	Method
Contract Duration 5 years+	Approved by AO or in line with SoD	CSD Approval Required	Procurement Strategy or Exemption Form
Not advertising or not utilising eportal to manage ITT process (Over £100k)	Approved by AO or in line with SoD	CSD Approval Required	Procurement Strategy or Exemption Form
Contract variation exceeding 10% of total value of contract or >£100k (lowest calculation will apply)	Approved by AO or in line with SoD	Not Required	Exemption Form
Contract variations exceeding £100k (aggregated*)	Approved by AO or in line with SoD	CSD Approval Required	Exemption Form
Contract extension not identified within the original competition process	Approved by AO or in line with SoD	CSD Approval Required	Exemption Form

\* multiple variations that exceed £100k in value

Where competition requirements have been waived in accordance with the scheme of delegation, documentary evidence should be retained to justify the exemption and the prior approval of the relevant Accounting Officer (or their delegate) outlined within the scheme of delegation.

Where the procurement has already taken place (due to an emergency or an urgent requirement), the acknowledgement of the Accounting Officer (or their delegate) should be sought as soon as possible.

## 4 Breach

### 4.1 What is a Breach?

If an exemption to the competition process or requirements listed in Table 3 have not be complied with in advance of committing to the expenditure, either by formal means (e.g. purchase order or contract) or with verbal commitment, then this is classed as a breach.

### 4.2 How is a Breach recorded?

If a breach has occurred this must be disclosed in the year end Government Statement, a breach form completed and the following professionals notified: -

#### **Breach of Procurement related Financial Directions**

- ✓ The Director of Commercial Services
- ✓ The Treasurer of the States

### 4.3 Code of Conduct

If a breach has occurred Accounting Officers should refer to HR Codes of Conduct to establish if they have been complied with.

## 5 Group 0 - Corporate Contracts

The Commercial Services Department have several contracts for regularly purchased items, in place which can be found on Supply Jersey or MyStates. Use of these contracts is mandatory.

If there is an existing contract for what you need to buy, you **must** use the existing contract, even if you find a cheaper price elsewhere. When corporate contracts are put in place the total cost of acquisition is considered to ensure value for money.

Purchase price and value for money **are** not one in the same. There is no need to waste time and money duplicating effort seeking an alternative when there is an option already available with agreed terms. Your time is not a free resource and could be better spent focusing on an area of your departments expenditure that hasn't already been reviewed / contracted.

Corporate contracts cover specific goods and services that have been agreed for the supplier to provide, e.g. you can't buy furniture from a supplier that we have contracted with for providing stationery. You'd need to use the approved furnishings supplier.

If you feel you have a legitimate reason for not using a States contract you **must** complete an exemption in advance which needs to be approved in line with the scheme of delegation and Director of Commercial Services. If you have completed the purchase already a "Breach" form must be completed and may be reviewed by the Treasurer of the States and Chief Internal Auditor.

## 6 Group 1 - Expenditure under £1000

When spending under £1000 you should always apply prudence and common sense. If your instinct is that the expenditure is unjustified it probably is. All States of Jersey expenditure can be open to public scrutiny as it is tax payer's money and therefore you should apply the principle "can I justify this purchase to the general public if asked". If no, then do not proceed.

As with any expenditure a price or pricing parameters should be agreed prior to raising a requisition for goods and services (e.g. price confirmed in a catalogue or quote).

For advice on when a purchasing card can be used please refer to the Public Finances Manual for advice.

## Group 2 - £1k-£25k



## 7 Group 2 – Expenditure from £1001 - £25,000

### 7.1 Identify supplier shortlist

During the research phase of procurement planning you should determine suppliers that are suitable for providing the goods and services required. For purchases in excess of £1000 1-3 suppliers should be invited to provide quotations (a minimum of 1 quote **must** be obtained).

Only suppliers that can provide the goods and services required should be approached, so a fair competition process is undertaken.

### 7.2 Prepare request for quotation documents

The Commercial Team recommend that Supply Jersey or [www.channelislandtenders.com](http://www.channelislandtenders.com) are used to obtain quotations in excess of £1000. Receiving quotes by email or post is not secure and leaves yourself and the SoJ open to unnecessary legal challenges.

### 7.3 Evaluation & due diligence

A comparison of your quotations should be undertaken to ensure that they are being evaluated on a “like for like” basis on both price and quality. You could weight some evaluation criteria to ensure that your method is fair.

Due diligence means checking that your supplier:

- is who they claim to be
- is financially sound
- has the capacity, capability and expertise to deliver
- has the systems and process to deliver
- understands the deliverables and requirements

### 7.4 Evaluation Decision

Once an evaluation decision has been reached a requisition should be raised for the goods / services via Supply Jersey. Unsuccessful bidders should be told as a matter of courtesy.

### 7.5 Contract management against objectives

The successful supplier should be monitored to ensure that they have delivered in accordance with their purchase order / terms of agreement. Purchase order lines should be receipted promptly once delivered.

Group 3 - £25k -£100k



## 8 Group 3 – Expenditure from £25,001- £100,000

### 8.1 Procurement plan

A high-level procurement plan / strategy should be documented of the process that is going to be carried out. For simplicity you could utilise the Procurement Strategy template as framework.

### 8.2 Identify supplier shortlist

During the research phase of procurement planning you should determine suppliers that are suitable for providing the goods and services required. For purchases in excess of £25,001 3 suppliers **must** be invited to provide quotations. Only suppliers that can provide the goods and services required should be approached, so a fair competition process is undertaken.

### 8.3 Request for quotation & evaluation

The Commercial Team advise that Supply Jersey or [www.channelislandtenders.com](http://www.channelislandtenders.com) are used to obtain quotations in excess of £25,000. Receiving quotes by email or post is not secure and leaves the SoJ open to unnecessary legal challenges.

### 8.4 Evaluation & due diligence

See Section [9.9](#)

### 8.5 Evaluation Decision

See Section [9.10](#)

### 8.6 Contract

See Section [9.11](#)

### 8.7 Award contract & purchase order

See Section [9.11.1](#) and [9.11.2](#)

### 8.8 Contract management against objectives

See Section [Error! Reference source not found.](#)

## 9 Group 4 – Expenditure from £100,001 & above

## 9.1 Procurement Plan Definition (Procurement Strategy)

A project brief and/or a procurement strategy / plan **must** be prepared for projects in excess of £100k and be approved in line with the scheme of delegation. The plan relates specifically to the procurement exercise rather than the overall project.

It is recommended that all procurement plans / strategies over £100k are reviewed by a Category Manager or the Commercial Team prior to issuing to the Director of Commercial Services.

## 9.2 Expression of Interest (EoI)

All projects in excess of £100k **must** be advertised for suppliers via [www.channelislandtenders.com](http://www.channelislandtenders.com) clearly identifying the opportunity available. EoI can be published using a small advertisement in the local press referring suppliers to the portal for further details. It is also recommended to send a link to the opportunity on the portal to suppliers that currently provide the service (ensure that they have been given prior notice) and others that you would like to see included.

It is advisable to have your Pre-Qualification Questionnaire (PQQ) or Invitation to Tender (ITT) available at the point of publishing your EoI as suppliers can self-select if the opportunity is appropriate for them and if they wish to proceed.

Once you have finalised the PQQ and it is ready to be sent to suppliers, an expression of interest EOI should be set up on the e-portal and the PQQ uploaded. The EOI should remain open for a minimum of 10 days, with an end date and time specified. Once a supplier has expressed interest, the PQQ will be available for download.

## 9.3 e-PQQ Key Qualification Questions

A PQQ process helps to create a shortlist of suppliers. E-PQQ is that the document and response is managed electronically.

You do not need a PQQ for all procurements. It is used when it is anticipated that several suppliers will be interested in the opportunity. You should not include pricing schedules in a PQQ.

The PQQ process will help you shortlist potential suppliers to invite to tender and you can determine their potential to meet the specification outlined prior to issuing an Invitation to tender (ITT) in terms of their:

- technical knowledge and experience
- capability and capacity
- organisational and financial standing

The PQQ will typically cover:

- background corporate information
- A clear brief on the project
- financial position and history
- contractual performance and renewal history
- statements of compliance
- details of customer references
- questions relating to the specific product or service required

## 9.4 Supplier Briefing Events

Supplier briefing events are particularly useful if your project is complex in nature and difficult to convey in the tender documentation. You can also use these forums to allow suppliers to meet and potentially form alliances for submitting a joint bid / tender proposal.

The briefing events should have a formal structure where all suppliers who attend receive the same information, so it is fair and cannot be deemed that one supplier is given preferential details over another.

## 9.5 E-PQQ Evaluation & Shortlist

You should evaluate and score the PQQ responses to shortlist using weighted criteria, which is considered when setting the specific questions. A PQQ evaluation template is available to download but you should structure this document to the specific project.

Before notifying suppliers of the outcome and / or proceeding with submitting an ITT, a report detailing the decision should be written and approved in line with the department scheme of delegation.

## 9.6 Invitation to Tender (ITT) & Evaluation Model Agreed

An ITT is a formal request for a proposal for high value, high risk and complex procurements (goods, works and services), where a quotation request is not detailed enough to enter into a contract. This can be preceded by a Pre-Qualification Questionnaire.

An ITT will include:

- instructions to tenderers on how to respond and details of the documentation being issued to them
- clear timescales
- a detailed specification
- what the supplier is expected to provide to demonstrate they can provide the appropriate goods / services
- the evaluation criteria and weightings
- terms and conditions of contract
- an example of what the future contract will look like and what will be included
- a declaration of compliance
- a pricing schedule detailing the exact financial proposal required

The duration of the contract **must** be no longer than 60 months unless approved in line with scheme of delegation and the Director of Commercial Services.

### 9.6.1 Timing

Suppliers should be given enough time to respond, which does vary depending on complexity of the project. Tenders should not be sent out during peak holiday times (e.g. Christmas, school holidays) as you are unlikely to get a quality response. Key project team staff should not have planned absences for long periods during this stage (e.g. annual leave) if they are identified as key contacts for responding to tender questions.

Seek advice from the Commercial Team if you are unclear.

## 9.6.2 Advertising the ITT

An ITT **must** be completed and uploaded on the e-sourcing portal [www.channelislandtenders.com](http://www.channelislandtenders.com). It is recommended that this should be for a minimum of 20 days. Please refer to [Market Engagement and Research](#) for guidance on preparing suppliers to receive the bids to improve the response rates.

## 9.6.3 Evaluation Model Types

All quotations and tenders should be accepted based on offering the best value for money against pre-set weighted criteria. This is also referred to as the most economically advantageous tender (also called 'MEAT'). Where the quality of the goods or services required is a key factor then the selection of the preferred bidders will not just be based upon the lowest cost.

There are differing types of evaluation model which both score price and quality as a quantitative measure (e.g. 50% quality / 50% price) or accepting the lowest bid based upon suppliers meeting a minimum quality threshold. There are advantages and disadvantages to each method, so extreme caution should be used.

You should clearly present your preferred evaluation model methodology in your Procurement Plan / Strategy and seek advice from the Commercial Team and/or Category Managers.

## 9.6.4 Managing Financial Returns

Financial information in bid responses could be restricted in circulation as not all evaluators need sight of this when evaluating the bid quality. For instance, financial proposals could only be distributed to the nominated accountant to undertake financial comparisons and appropriate financial due diligence.

## 9.7 Bids / Tenders returned & Evaluation

The bids **must** be submitted using [www.channelislandtenders.com](http://www.channelislandtenders.com) and are sealed until the deadline. No correspondence about the bidding process should be received by any other unsecure means (e.g. email or paper copies) as the portal provides a full auditable process to protect the individuals, suppliers and States of Jersey from unwarranted criticism about process fairness / transparency.

The assigned lead should provide the evaluation panel with the pre-agreed evaluation score sheets, conflict of interest declaration documentation and instructions on how to proceed / timelines for completion.

The outcome of the initial evaluation should drive out questions for clarification with the suppliers and/or a short list of suppliers.

### 9.7.1 Late Bids

Late bids should not be accepted without consultation with the Commercial Team.

### 9.7.2 Incomplete / Non-compliant Bids

Incomplete bids and/or non-compliant bids that are missing key information that was clearly requested should be recorded as non-complaint. If you are not sure whether the bid is incomplete or non-complaint refer to the Commercial Team or relevant Category Manager.

Evaluators should consider whether it is an error / misunderstanding across all bids or limited in number. If it is a common issue evaluator should ask a clarification question via the portal to determine whether the tender documentation was misunderstood, and measures taken to ensure the suppliers are given a fair time to rectify their response.

If in doubt or a key bidder has not provided the information requested but you feel the competition process could be jeopardised if their bid isn't rectified, please seek advice from the Commercial Team.

### 9.7.3 Inaccuracies / Mistakes

Knowingly accepting an incorrect price is not ethical and will lead to greater issues further in the process.

If you believe a supplier has made a mistake on a bid submission (e.g. a bid is unusually high or low in comparison) please seek advice from The Commercial Team.

### 9.7.4 No bids

If no bids are received during the tender process, then you should return to the "Market Engagement & Research" stage of the Procurement Sourcing Cycle to address what the barriers to bidding are and if there is enough market capability / capacity. You may need to revisit your specification to reflect your findings. Refer to the Commercial Team for support.

## 9.8 Supplier Presentations

Some procurement processes outline that shortlisted suppliers may be expected to attend a presentation to further clarify their proposal and/or provide specific information requested. This should be formally recorded and scored. This can be a separate weighting on performance in your evaluation criteria or revisit of the original scoring matrix, which is updated based upon presentation findings.

Weightings should not differ from what was agreed within the Evaluation Criteria established prior to bid receipt (in your Procurement Plan / strategy) unless agreed in line with the scheme of delegation. Any differentials from the original strategy should be recorded with justification.

Suppliers who are attending a presentation panel should be given enough notice of the meeting time and instructions. Suppliers should be advised to bring along the key individuals that will be working on the project (you may wish to cap the amount able to attend). We should not expect to pay their travel and subsistence expenses to attend.

## 9.9 Final Evaluation & Due Diligence

Final evaluation **must** take place once all the bids, presentations and clarification questions have been received and scored, so there is a total view of the outcome that the process and the results. At this stage you may have one or a couple of preferred bidders, subject to due diligence, so may wish to start negotiating a best and final offer (see [9.11](#)). It is important that the bidders realise they are still in a competition at this phase.

**Due diligence** is about independently verifying a supplier's ability to deliver fully against their contract. It's a matter of prudence and good business practice. Please see Section [Error! Reference source not found.](#) for further details.

## 9.10 Evaluation Decision

The evaluation decision should be documented in an evaluation report and **must** be signed off in line with the scheme of delegation to verify that the evaluation process was carried out correctly and in accordance with the predetermined criteria / pre-agreed variations.

Once the Evaluation Report has been approved all successful and unsuccessful bidders should be informed of the decision and offered feedback / debrief, at the end of the tender process. This is to enable suppliers to be more successful in future tenders. Suppliers should not be given other suppliers bid information.

## 9.11 Contract

### 9.11.1 Contracts

There several factors when considering the type of contract that we utilise. The States of Jersey Standard Terms and Conditions of Contract which vary depending upon the type of goods / services being procured (e.g. goods, services, professional services) should be used. Suppliers terms should only be utilised in rare instances but should be carefully reviewed to ensure that the implications and requirements are clearly understood and do not put the States of Jersey at unnecessary risk.

Caution should also be exercised when using standard terms and conditions of contract as they may not be appropriate for all types or more complex forms of procurement. The Law Officer's Department and/or the Commercial Team and Category Managers should be consulted if in doubt. Contracts must be signed off in accordance with the scheme of delegation.

### 9.11.2 Purchase Orders

Purchase orders should be raised post contract signing and prior to work commencing to call off the requirements outlined within the contract. The purchase order should refer to the contract reference for clarity on the terms and conditions that apply.

## 9.12 Contract Management against Business Case

For a contract to deliver the benefits outlined in the business case it is essential that it is managed throughout the lifecycle with regular engagement with the supplier and internal customers.

## 10 Group 5 – Procurement of Consultants

The definition of a consultant is: -

***Any expenditure on an individual or organisation engaged on behalf of the Government or States of Jersey to provide independent intellectual input into decision making i.e. the consultant produces a report or written advice***

or

***Any expenditure on an individual or organisation engaged on behalf of the Government or States of Jersey to provide any other services.***

A consultant or consultancy supplier would usually be appointed for the following reasons: -

- A skills gap in the organisation e.g. highly specialised skills unavailable from existing internal resources
- To accelerate a programme of work due to decreased availability of existing resources
- To seek an independent opinion or sanction e.g. a review, independent audit.

If a consultant is required to fulfil an internal (substantive) role or post and has an accompanying job description this would usually be covered by an HR temporary post, agency staff, interim arrangement or professional services contract. In these cases, you **must** refer to HR guidance and determine whether the P59 application process should be followed, with approval from the States Employment Board (SEB).

All expenditure in excess of £20,000 is published every 6 months for public scrutiny.

Departments **must** complete the following steps for expenditure over £25,000: -

- Appoint a Responsible Officer and Scheme of Delegation for the expenditure level
- Carry out a [needs assessment](#) and prepare a specification
- Refer to the [travel and expenses policy for external consultants](#)
- Complete a [Procurement Strategy](#) for expenditure in excess of £25,000
- Carry out a competition process appropriate to the estimated expenditure Group (e.g. RFQ, ITT)
- Complete an [evaluation process](#) with approval / sign off in accordance with the estimated expenditure Group and Scheme of Delegation
- Have a signed contract including deliverables, milestones etc
- An appropriate Licence to Work is in place
- Maintain evidence of the contract management review process, handover and close
- Ensure information is captured for the bi-annual report

## 11 How to buy

### 11.1 Legal Services

Officers should consult with the Practice Manager and Director of Administration of the Law Officers' Department prior to obtaining any external legal services. Departments should not engage any legal services without liaising with the Law Officers Department.

### 11.2 Consultancy Services

Officers **must** follow the requirements outlined within Group 5 and should refer to this prior to commencing procurement activity.

### 11.3 IT Related Equipment & Services

The Category Manager for Information Services / Modernisation and Digital should be engaged when any IT related purchase is being considered.

### 11.4 Works, Construction & Infrastructure

The Category Manager for Infrastructure and/or Growth, Housing & Environment (GHE) should be engaged when any works, construction or infrastructure purchase is being considered.

### 11.5 Healthcare and Associated Products

The Category Manager for Health Care Service should be engaged when any health-related products or services are being considered.

### 11.6 Fleet & Vehicles

The GHE Fleet management team should be contacted where any vehicle related purchase is being considered.

### 11.7 Travel & Expenses

Please refer to the Travel & Expenses Policy ([link](#)) for employee travel and the policy for travel for external consultants.

# Appendix 1 – Procurement Flow Diagram

This diagram illustrates the procurement route that should be taken when procuring goods and services for the States of Jersey.

