

Kingston University

PROCUREMENT POLICY & GUIDE

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1 INTRODUCTION

This document has been prepared to assist buyers within Kingston University to understand the concepts and principles of good and responsible procurement and to respect, protect and promote human rights through their purchasing decisions in compliance with the Modern Slavery Act (2015).

The key drivers for procurement are identified and an explanation of how the corporate unit will contribute to the delivery of value for money across the institution is provided.

The processes and procedures outlined within this guide are underpinned by the University's Financial Regulations and should be used in relation to all non-pay expenditure whether recurrent or capital across the institution and its entities.

1.1 Context

Kingston University (KU) is a publicly funded organisation and its annual non-pay recurrent and capital expenditure amounts to tens of millions of pounds. It is therefore essential that the University's procurement practices demonstrate adherence to and, where legally required, comply with the following fundamentals:

- Establishing need in the first instance
- Applying the highest professional standards
- Delivering Value for Money (VFM)
- Compliance to public procurement legislation
- Appropriate governance
- Added value benefits

It is against this context that the University's procurement policies, processes, procedures and systems are developed.

1.2 Scope

This document sets out the key concepts and principles of good and responsible procurement. The processes and procedures outlined in the policy and guide are underpinned by the University's Financial Regulations and should be used in relation to all non-pay expenditure whether recurrent or capital across the University.

The document applies across the whole of KU and provides all the steps from procuring to payment.

1.3 Links to related documents

This procurement policy and guide is influenced by and has links to

- KU Financial Regulations and Policies
- Public Contracts Regulations 2015

1.4 Policy Statement

KU's policy for procurement is to:

- Facilitate a legally-compliant approach to procurement.
- Facilitate the delivery of value for money targets for all requirements covering products/ services/ works which are sourced from external providers via legally-compliant contracts/framework agreements and meet the need of stakeholders.
- Enable stakeholders to have an input to the procurement process to ensure that all new contracts/agreements meet the wider needs of the University.
- Deliver added value opportunities and enhance the student experience.
- Ensure a consistent approach to procurement across the University and provide professional guidance for internal colleagues throughout the procurement process
- Provide opportunities to consolidate contracts to enable greater leverage in obtaining improved deals and supplier performance.
- Promote the use of collaborative framework agreements (where feasible and beneficial).
- Facilitate the effective implementation of a category management approach to procurement
- Enable the identification and effective management of key procurement risks.
- Ensure compliance with the Institutions' Financial Regulations.
- Secure sustainable and effective supply chains across all areas of the university's activities.

1.5 Sustainable procurement

A sustainable procurement policy statement is provided at Annex A.

1.6 Value for money (VFM) statement

The University is required to ensure adequate arrangements are in place to secure economy, efficiency and effectiveness in accordance with the Office for Students terms and conditions of funding for higher education institutions.

- This policy seeks to promote the maximisation of value for money, ideally on a whole-life cost basis.
- End user representation (where appropriate) is required to have an input into determining the criteria and weightings that will determine a measurement of value for money within each contract/agreement.
- Although cost will remain an important criterion, quality will normally account for an equal or higher proportion of the weighting for new and replacement contracts, especially where this will justifiably enhance the student experience.

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- All value for money benefits, delivered through procurement, are to be identified in a value for money benefits register.
- The transfer of risk to contractors (where commercially and operationally beneficial) is to be considered for each contract/framework agreement.

1.7 Procurement Toolkit

A Procurement toolkit is available which provides buyers and the Corporate Procurement Unit team with the following:

- Advisory information
- Procurement document templates
- Databases and registers
- Strategy and Policy documents

1.8 Corporate Procurement Unit (CPU)

The CPU is part of Kingston University's Finance Department and is responsible for:

- A category management approach
- Promoting best and responsible procurement practice across the University
- Providing professional procurement advice and guidance (toolkit)
- Managing all tendering processes with an anticipated or known value above £200,000
- Ensuring compliance to public procurement legislation
- Minimising risk to the University in terms of its finances and reputation
- Achieving benefits of aggregate demand
- Delivering value for money and added value
- Enhancing sustainable procurement opportunities
- Vetting and approving new suppliers
- Managing supplier relationships and performance via devolved contract managers
- Developing suitable Performance Indicators
- Developing management information to enable informed decision making
- Collaborating with other institutions and bodies to benefit the University
- Developing procurement policies, processes, procedures and systems appropriate to the University's strategic and operational needs

The team is managed by the Head of Procurement.

2 THE PROCUREMENT APPROACH

- 2.1** All new/replacement non-pay contracts and agreements deemed to be strategic or above £200,000 will be delivered by the CPU. However, the CPU team will work with all directorates, institutes and academic departments across the University to ensure all key requirements are met.
- 2.2** The CPU Team will provide professional procurement advice and services across the university
- 2.3** A procurement toolkit will be provided and maintained by the CPU to assist colleagues involved in procurement to ensure procurement best practice is achieved and best value delivered.
- 2.4** The CPU team will challenge any area which is failing to comply with the Procurement Regulations and best practice.
- 2.5** Where appropriate, representatives from relevant directorates and academic departments will be encouraged to participate in buyer forums and provide their input and support throughout the procurement process as part of a procurement group.
- 2.6** The CPU will ensure that the most effective configuration of contracts/agreements is in place to:
 - Maximise value for money
 - Maximise the use of collaborative framework agreements
 - Provide employment and placement opportunities for our students
 - Promote sustainable and ethical supply sources
 - Allow innovative and environmentally-friendly opportunities to be explored
 - Exert greater influence over our suppliers and a more streamlined approach to contract management.
- 2.7** All contracts/agreements are to be managed to ensure that their performance meets the needs of the respective University and company/market information is obtained to assist with the development of Category strategies.
- 2.8** The Corporate Procurement Team will ensure that all procurement risks are identified, recorded and effectively managed.
- 2.9** All key supply chains are to be reviewed to ensure they are effective, ethical and sustainable. Where possible, small/medium enterprises (SMEs) and local supply chains are to be encouraged.
- 2.10** All key contractors are to be assessed for financial viability and contingency arrangements maintained to ensure continuity of supply/service should any contracted key supplier cease operating or encounter short-term difficulties.

- 2.11 Stakeholder consultation is to be encouraged and incorporated throughout the procurement process to ensure that the end users' requirements are adequately considered (where appropriate).

3 PROCUREMENT PRINCIPLES AND DEFINITIONS

3.1 Demonstrating value for money

All staff engaged in a procurement exercise should aim to obtain best value for money (VFM) and should be able to demonstrate that reasonable steps have been taken to achieve VFM through the procedures outlined in this guide.

3.2 Establishing the need

Consideration must be given to the better use of University resources and to its corporate social responsibilities (sustainability, environmental impact, carbon footprint etc.) when determining the need by challenging the following:

- Is it essential?
- Does an existing or similar product/service exist within the University or partner institutions that can be used instead?
- Is a more environmentally-friendly option available?

Once the need has been established the appropriate procurement process should be followed.

3.3 Quotation and tendering

The University needs to demonstrate VFM through the use of appropriate levels of competition between potential suppliers. The use of quotations and tendering procedures serve this purpose and as part of this process, buyers should endeavour to:

- Identify potential suppliers that are capable of supplying the requirement in terms of quality, price, quantity and timescales.
- Provide evidence of a fair, open, transparent and non-discriminatory method of placing business with a supplier.
- Ensure an auditable process by providing a formal record and prices are sought from reputable suppliers and within a prescribed time period.

A **quotation** is a simple process using standard documentation to investigate the availability of suppliers for a required product or service and to identify the prices, delivery timescales etc. for them.

A **tender** is a much more detailed and robust process used to investigate the availability of a supplier for the product/services/works needed and to identify the prices, delivery timescales etc. for them. Higher value procurements are subject to competition under the Public Procurement Rules.

3.4 Supplier classification

For procurement purposes, the University classifies its suppliers as Preferred and Secondary suppliers.

3.4.1 Preferred Supplier

A preferred supplier is selected through a formal tendering process undertaken by the University or by other organisations to which the University has an affiliation e.g. the London Universities Purchasing Consortium (LUPC), Crown Commercial Services (CCS) etc.

Every opportunity should be taken to use preferred suppliers as the process of selection ensures compliance, best value and appropriate governance.

The Preferred Supplier List (PSL) is the University's official register of all valid and authorised preferred suppliers. The CPU will update this list after any tendering process and publish it on the Procurement website.

3.4.2 Secondary Supplier

Secondary suppliers are selected through the quotation process. Existing secondary suppliers can be used for future quotations.

3.5 Aggregation

Aggregation is the calculation of the University's expenditure by category and/or supplier and can be broken down as follows:

- Goods / equipment – whole life cost (purchase price / maintenance / supplies / disposal)
- Services – total cost over the contract term (4 years if the requirement is recurring)
- Category – the range of goods and / or services applicable to each area of spend or supplier
- Supplier – total spend by the whole University with single supplier/s or a range of suppliers,

The aggregated value is then used to determine the procurement route. For instance, if the spend exceeds the UK threshold in any of the areas or categories above then a UK tendering process must be used.

For these purposes, spend is exclusive of VAT.

3.6 Framework Agreements

A framework agreement is developed through a tendering process and therefore ensures compliance, appropriate governance and best value.

The framework can consist of a single supplier or multiple preferred suppliers and sets out the terms and conditions under which specific purchases (call-offs) from the selected supplier(s) can be made throughout the term of the agreement.

The University has access to framework agreements developed by other Public Sector Bodies or higher education purchasing consortia. The University will always seek to use these frameworks where appropriate as this saves time, resources and can provide better value for money.

Supplier(s) within a framework used by the University are classified as Preferred Suppliers.

Framework agreements used by the University can have a single supplier or multiple suppliers.

3.6.1 Single Supplier Frameworks

Here the framework is established with only one provider and with an established price and delivery schedule.

3.6.2 Multiple Supplier Frameworks

Here the framework agreement has been established with a number of providers (2 or more).

Depending on the rules of the specific framework, where the price and terms laid down in the framework agreement are sufficiently adequate to cover the particular requirement, the University can usually award the call-off without further competition.

Where the price and/or terms laid down in the framework agreement are not precise or complete enough for the particular call-off, a further or mini competition should be held with all the suppliers, within the framework, capable of meeting the particular need.

3.6.3 Mandatory/Permissive contracts and framework agreements

All contracts/framework agreements classified as 'Mandatory' (please refer to the CPU website for the latest list) must be used for all related requirements. Any request for deviation from this mandate must be directed to the Head of Procurement. Only in exceptional circumstances will a deviation be allowed by the Head of Procurement.

Where products, services or works are covered by a mandated contract/framework agreement, under no circumstances should buyers make any purchases from suppliers/contractors outside of the mandated contract/framework agreement.

Where contracts/framework agreements are classified as 'Permissive' a buyer may use an alternative supplier/contractor providing that compliance with the Financial Regulations and value for money is maintained and due diligence checks have been conducted on the company to ensure that any risks are able to be managed effectively.

3.6.4 Types of Procurement Routes

Depending on spend values and other criteria, the University can use three different procurement routes to select a supplier:

- (a) Tendering competitively via the CPU (for purchases in excess of £200k). Where the value exceeds the UK threshold the CPU will ensure that the Public Contract Regulations are complied with.
- (b) Seeking competitive quotations for purchases ranging between £3k and £200k. This is usually undertaken by buyers devolved across the University and can be done by contacting capable suppliers directly or via the eMarketplace. Templates, help and advice are available from the CPU (please refer to the table in 3.6.5 for the various thresholds and the number of quotes required).

- (c) A purchasing card can be used to buy goods and services from a chosen supplier (preferably a preferred or secondary supplier) where the value is £3k or below.

3.6.5 Expenditure Levels and Procurement Route

The following limits and thresholds, as endorsed by the Financial Regulations, apply to the University its non-pay recurring revenue and capital expenditure.

EXPENDITURE THRESHOLDS	
Transaction Whole Life Value*	Minimum Required Procedure
Under £3,000	One written quotation must be obtained from the market, and the buyer should have market knowledge to satisfy that the quotation provides value for money.
£3,001 - £15,000	At least two written quotations (received at the same time) must be obtained from the market to satisfy the selected quotation provides value for money.
£15,001 - £200,000	An Invitation to Quote (ITQ) tender document outlining the scope of the requirement and essential criteria should be issued under KU's standard terms and conditions to at least three suppliers. At least three written quotations should be obtained at the same time.
£200,001 – UK threshold	Procurement Services manage all tenders over £200,000. If a contract with a preferred supplier is not available to meet a requirement, an Invitation to Tender (ITT) document outlining the scope of requirements and essential criteria must be issued to at least 5 suppliers. Aggregation applies.
Exceeding – UK threshold for 'Other contracting authorities'	UK tendering procedures apply. The current UK thresholds (inclusive of VAT) are £214,904 for supplies and services, £5,372,609 for works and concessions contracts, and £663,540 for Light Touch Regime (LTR) contracts for services. Aggregation over contract term applies.

* These values include VAT

3.6.6 Exceptional circumstances

Where sufficient quotations or tenders are unable to be sought in accordance with the table at 3.6.5, please contact the Corporate Procurement Unit to discuss the circumstances and what action will be required to proceed with the proposed procurement/contract.

3.7 Procurement routes

3.7.1 £3,000 or below

(a) Does a preferred supplier exist for the same product or service?

Yes Place an order with the preferred supplier (or use a purchasing card subject to approval). No further quotations are required.

No Check to see if a secondary supplier exists.

(b) Does a secondary supplier exist?

Yes Place an order with the secondary supplier (or use purchasing card subject to approval) and further quotations are not required.

No Search for a suitable supplier, obtain a quote and place an order or use a purchasing card (subject to approval).

Request a new supplier set up on Unified, unless a purchasing card is used for this particular requirement.

3.7.2 Between £3,001 and £15,000

(a) Does a preferred supplier exist for the same product or service?

Yes Place an order with the preferred supplier and further quotations are not required.

No Check to see if a secondary supplier exists.

(b) Does a secondary supplier exist?

Yes If you have used the secondary supplier within the last 12 months for the same product/service and the same terms are available then place the order with the secondary supplier and no further quotations are required. Otherwise two written competitive quotations are required, ideally from existing suppliers where this is feasible. Where an existing secondary supplier is chosen, the quotations should be retained on file within the Directorate/Department to satisfy audits and for compliance with Financial Regulations.

No Two competitive quotations (obtained at the same time) are required from suitable companies before an order is placed.

Request a new supplier set up in Unified. Quotes and required documentation must be attached to the new supplier request.

3.7.3 Between £15,001 and £200,000

(a) Does a preferred supplier exist for the same product or service?

Yes Place an order with the preferred supplier and further quotations are not required.

No Check to see if a secondary supplier exists.

(b) Does a secondary supplier exist?

Yes If you have used the secondary supplier within the last 12 months for the same product/service and the same terms are available then place the order with the secondary supplier and no further quotations are required. Otherwise, three written competitive quotations are required, ideally from existing suppliers where this is feasible. Where an existing secondary supplier is chosen, the quotations should be retained on file within the Directorate/Department to satisfy audits and for compliance with Financial Regulations.

No Three competitive quotations (obtained at the same time) are required from suitable companies before an order is placed.

Request a new supplier set up in Unified. Quotes and required documentation must be attached to the new supplier request.

3.7.4 Between £200,001 and UK Threshold

Please refer to CPU.

3.7.5 Exceeding UK Threshold

Please refer to CPU.

3.8 Tendering procedure

CPU tendering classification (above £200k)

The University's tendering procedures fall under the following two classifications:

(a) Institutional Tendering

This procedure should be followed by the CPU team for expenditure between £200,001 and UK threshold. The procurement may be conducted as a bespoke competitive tender exercise (and advertised as appropriate) or a call off or mini competition via a suitable existing framework agreement.

(b) UK Tendering

This procedure should be followed by the CPU team for expenditure that exceeds the UK thresholds. The procurement may either be conducted as a bespoke competitive tender exercise or a call off or mini competition via a suitable existing compliant framework agreement. A minimum period of four months should be allowed for a bespoke compliant contract to be developed but please liaise with the CPU to determine the likely timeframe required. The University has a preference to follow the Restricted or Open Procedure though other Procedures may be followed subject to the review and agreement of the Head of Procurement.

3.9 Involvement in tendering procedures

A procurement group (comprising of key stakeholders and/or subject matter experts) will be convened by a member of the CPU.

Participation in a procurement group will enable key stakeholders to have an input into the development of a new contract and will involve the following:

- A review market conditions and key suppliers
- A review of previous contract/s (where appropriate) and the development of an updated specification and required key performance indicators
- Agreeing the timeframe for the procurement
- Agreeing the level of involvement of each member of the group to ensure availability and involvement at each relevant stage
- Agreeing evaluation criteria and weightings
- Evaluation of bids and submissions as required
- Attending bidder presentations/demonstrations and site visits
- Determining the successful supplier
- Helping to promote the new contract across the University
- Providing feedback during the term of the new contract on supplier performance.

3.10 Evaluation criteria

The evaluation criteria must be clearly apportioned and show all commercial and technical weightings. The following list gives a breakdown of the most commonly used criteria (you do not have to include all of the criteria listed below, and it is also not an exhaustive list).

Commercial:

- Price – The lowest price will score highest. This may be a total price or a calculation of unit prices against a quantity model. Whole life costing should be determined where appropriate.
- Economic and financial standing and stability – assessing audited accounts and credit rating scores (at selection stage if subject to Public Contracts Regulations).

Technical:

- Technical delivery (method statement) – assesses an organisation's detailed plan on how they will provide the work or deliver the goods and/or services in line with the specification.
- Timeframe for delivery – assesses an organisation's proposals for delivering the requirements in accordance with the University's requirements.

- Experience & Skills of staff proposed - assessment here may be in the form of CV's or staff profiles (at selection stage if subject to Public Contracts Regulations).
- Company experience and references – assesses the organisation's previous work contracts. Look for evidence of the previous successful delivery of contracts which are similar in volume, size or value. You may require past University experience etc. (at selection stage if subject to Public Contracts Regulations).
- Quality Assurance – assesses the details or certificates for any quality assurance or relevant standards required to perform the requirement (at selection stage if subject to Public Contracts Regulations).
- Legal Compliance – assesses any legal certifications that must be held to perform the requirement (at selection stage if subject to Public Contracts Regulations).
- Sustainability – assesses compliance with environmental obligations (at selection stage if subject to Public Contract Regulations).

Once the criteria list has been finalised (separately for shortlisting and offer stages if subject to Public Contracts Regulations), their weighting needs to be allocated depending on which criteria is considered most important.

3.11 Evaluation approach

The evaluations may be broken down into separate elements but each element must be carried out by a panel (of at least two persons) rather than one individual. This ensures an open and fair assessment of all bids. The evaluators should score against the criteria set as described above, with the highest scoring bid(s) winning and, subject to approval, being awarded the contract.

3.12 Systems

Use of the University's 'Procure to Pay' systems will be supported by the CPU for the efficient raising and receipting of purchase orders and for the payment of suppliers.

A review of payment processes will be made with all relevant parties at the institution to determine the most suitable and efficient options (including purchasing cards).

The CPU will use and maintain an e-tendering system for procurements.

4 MANAGING SUPPLIER RELATIONSHIPS AND PERFORMANCE

4.1 Periodic supplier reviews

The CPU will enable a Service Level Agreement (comprising key performance indicators) to be developed during the procurement stages and agreed prior to the award of contracts.

Regular contract review meetings will provide a mechanism for contract users to comment on the performance of the supplier prior to the review.

Where appropriate key stakeholders will be invited to attend the review meetings to ensure that issues or performance failure of a technical nature are discussed with the relevant individuals as appropriate.

4.2 Reporting issues and performance failures

In order to be able to monitor contract performance it is necessary to record, report and detail all performance issues which could relate to:

- Unsatisfactory performance
- Misunderstanding the requirement
- Poor communication
- Contractor insolvency

It is important that all issues and performance failures are reported to the CPU preferably by email and are evidence-based so matters can be recorded and relayed to the relevant supplier for rectification. Where appropriate, the CPU will develop a service improvement programme with the failing supplier to identify achievable measures that can be put in place to bring the performance back to the required standard within the earliest possible timeframe.

5 PURCHASE ORDER TO PAYMENT PROCESS

Once the procurement procedure is complete and the supplier selected, purchase orders must be raised, receipted and paid in accordance with the University ordering and payment processes.

Please refer to KU's Financial Regulations.

6 PURCHASING/PROCUREMENT CARDS

Purchasing Cards are available depending upon justification for need and must be used in accordance with the Payment Card Policy.

The cards are used for specific transactions; in particular low value orders, foreign transactions or purchasing via the internet. The Procurement Card is a credit card based system which may be used to procure low value items and services (up to £3k) in a quick and convenient way. The card may only be used to purchase items or services that are for the University's use.

The card must not be used for personal use, cash withdrawals, the payment of bills at bars and restaurants, personal services, leisure activities and IT equipment.

In addition to corporate credit cards for named individuals, the Finance department manages a single University 'Purchasing Card' for larger transactions.

For purchases that cannot be made on individual credit cards, a request can be made for use of the University Purchasing Card to the Accounts Payable team or by completing the application form available on StaffSpace.

ANNEX A

SUSTAINABLE PROCUREMENT POLICY STATEMENT

Kingston University is a Living Wage Employer and a one-star accredited Fairtrade University and aims to achieve Net Zero Scopes 1 and 2 carbon emissions by 2038 and Net Zero Scope 3 carbon emissions by 2050. The University has access to a variety of compliant purchasing framework agreements and is a member of the London Universities Purchasing Consortium which strongly promotes sustainable procurement.

The aim of this policy is to ensure that the University's employees, contractors and suppliers are aware of the University's commitment to long-term social, ethical, environmental and economic sustainability. Through our procurements, we seek to protect and enhance the environment and ensure the well-being of, and create opportunities for, our students, staff and the people within our local community.

The University recognises the potential impact of its procurement of buildings, goods, and services has on the environment and human rights and seeks to integrate sustainability, environmental and social considerations into its procurement processes. This policy outlines the approach that will be taken in order to ensure that in delivering best value for money, the University's carbon footprint is drastically reduced and that resources are procured and used prudently and efficiently with due protection of human rights and the environment within which the University operates.

The University aims to achieve this by training its corporate and devolved buyers to:

- (i) Ensure sustainability and net zero key performance indicators are built into procurement contracts and tenders as appropriate to the product or service being procured.
- (ii) Use the University's General Terms and Conditions of Contract for third parties supplying goods and services to the University. These terms contain clauses relating to sustainable issues such as modern slavery, paying workers the national minimum wage, environmental standards and related legislation.
- (iii) Make use of vetted preferred/approved suppliers and compliant public sector framework agreements.
- (iv) Monitor suppliers' sustainable performance before and after contract award.
- (v) Encourage suppliers to conduct their operations in an environmentally-sensitive manner.
- (vi) Work with suppliers to eliminate or drastically reduce the amount of non-environmentally-friendly packaging.
- (vii) Promote a 'whole life cost' approach to procurement and understanding the total cost of ownership of our resources, including energy consumption, efficiency and disposal.
- (viii) Prioritise the need to minimise carbon emissions with a view to achieving net zero and reduce the negative impacts of packaging and transportation when purchasing goods and services.
- (ix) Select products / services that have minimal effect on the depletion of natural resources and biodiversity.

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- (x) Re-use, repair, repurpose goods as much as possible and use recycled products and/or products derived from reclaimed materials as appropriate.
- (xi) Give preference to ethically sourced goods and/or suppliers with net zero carbon targets, a carbon reduction plan and/or a circular economy approach or indeed to goods top-rated for energy efficiency where feasible.
- (xii) Encourage local enterprises to bid for contract opportunities.
- (xiii) Encourage suppliers to submit their own carbon reduction plans when bidding for high value contracts (£100k or more).
- (xiv) Encourage suppliers to sign up to the University's sustainability engagement tool which is available to all suppliers at no cost to them.
- (xv) State in tender documents, the University's commitment to fair work practices and paying the real living wage in line with the cost of living.