

# Equalities in Procurement

## 1. Procurement Code

On the 27<sup>th</sup> January 2004 the council adopted a new procurement code. The code states that the contracts awarded by the council should support equal opportunities.

## 2. Integrating Equalities into the Procurement Process

Building equalities into the procurement process enables the council to:

- Improve the quality of services delivered by external providers
- Make services more appropriate and responsive to the needs of the diverse communities of Islington
- Help improve overall value for money
- Ensure that our contractors follow good equalities practice.

Equality in procurement involves ensuring not only that contractors are appointed fairly but also that there is equality in service delivery and that contractors practice equality in employment.

It is important that equality is integrated into the council's procurement policies and processes and not just merely an add on. Taking this approach will help us to deliver better services that meet the needs of the diverse community of Islington by building into the contract equality requirements where relevant and then ensuring compliance.

## 3. The Procurement Process

Equality is relevant to all stages of the procurement processes:

- Planning the procurement
- Contract specifications
- Contract conditions
- Selection of tenderers
- Invitation to tender
- Evaluation and contract award
- Contract management.

## **Planning the procurement**

Before commencing a procurement an Equalities Impact Assessment should be carried out. This is to assess the effect of the procurement on different groups and the extent to which promoting equality is relevant to the particular contract. The Equalities Impact Assessment will need to be carried out for each stage of the procurement.

In defining the objectives for the procurement you should determine whether equality is an essential part of the contract. This means considering whether the works, goods or services is likely to affect the council's ability to meet its duty to promote equality.

The duty to promote equality is highly relevant to contracts for services, especially those involving delivery of services to members of the public. This may mean that a contractors staff may need to know another language or be aware of the cultural or religious needs of a particular group. Although contracts for goods and works may need to be capable of meeting the needs of particular groups, for example people with a disability.

## **Contract Specifications**

The specification defines the council's requirements for the supply of works, goods or services. The specification needs to take into account any statutory requirements and the council's own objectives for the contract.

Where it is decided that equality is a core requirement of the procurement these requirements need to be clearly defined in the specification. As far as possible requirements should be specified in terms of measurable performance outputs rather than inputs. Contractors can then be asked to provide a method statement setting out how they intend to meet the specified equality outcomes of the specification.

If equality targets are included in the specification you should consider how these targets are to be measured and monitored.

The specification should also clearly set out the procedure for dealing with complaints which are equality related.

Where contracts are to be awarded for a long period consideration should be given to how the specification can be amended to meet a change in circumstances, such as a change in legislation.

## **Contract Conditions**

The council's standard equalities clause should be included in all contracts. This clause covers equality in workforce matters and equality in service delivery. Further details can be obtained from law and public services on 020 7527 3176.

## **Selection of Tenderers**

Where equality issues are particularly relevant to a procurement this should be made clear in the advertisement calling for expressions of interest. At the pre-qualification stage for EU adverts, shortlisting is restricted to; personal standing, economic and financial standing, technical capacity and for service contracts ability.

You should note that the council uses a standard pre-qualification questionnaire which can be found on the procurement intranet site or by contacting procurement on 020 7527 3131. This pre-qualification questionnaire includes the six approved questions concerning race equality. For procurements which involve workforce equality issues or transferring of staff under TUPE it may be necessary to ask additional questions in the pre-qualification questionnaire.

## **Invitation to Tender**

The invitation to tender is an important document in the procurement process. This document needs to include all information relevant to the equality requirements of the procurement. This may include:

- The council's Race Equality Scheme
- Equality information relating to the contract, for example a breakdown of the ethnic mix of the borough
- Current service details relating to equalities, for example the number of ethnic meals served.

The invitation to tender must set out the criteria to be used for evaluating the tenders received. Criteria involving social/equality consideration may be used in evaluating tenders where:

- They provide an economic advantage to the council
- They do restrict freedom of choice
- They comply with the principle of non discrimination.

For example in the case of a procurement for IT services for all council employees, a proposed criteria relating to the proposed method of meeting the needs of disabled employees would be acceptable.

## **Evaluation and Contract Award**

The purpose of tender evaluation is to select the tender which best meets the council's requirements and offers best value for money. This process must be undertaken fairly and transparently and in accordance with the evaluation criteria notified in the invitation to tender.

When using equality evaluation criteria they must be proportionate to the significance of the equality requirements in the contract. Considerations of workforce equality issues should relate directly to the tenderers' ability to deliver the requirements of the contract.

## **Contract Management**

Successful contract management depends firstly on how robust the contract is, secondly on the relationship developed with the contractor and thirdly on how the contract is managed, monitored and enforced. It is important that when monitoring the contract the equality requirements of the contract are understood. The contractor should be made aware of how the equality requirements will be monitored.

## **Contract Review**

Towards the end of the contract and before re-tendering, the opportunity for reviewing and evaluating the extent to which the contract has been successful against the original objectives of the contract should be taken. Such a review should include looking at whether and to what extent the equality objectives of the contract have been achieved.