



Public Sector Food Procurement Initiative (PSFPI)

How to increase opportunities for small and local producers when aggregating food procurement Guidance for buyers and specifiers

Produced by Defra's Food Procurement Unit with help from the Office of Government Commerce, Small Business Services, NHS Purchasing and Supply Agency and policy makers and practitioners from the public, private and voluntary sectors involved in implementing the PSFPI

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Purpose of guidance

This guidance is designed to help buyers and specifiers of food and catering services who are seeking to collaborate with others to aggregate demand, to:

- Encourage small producers to tender for their business; and
- Safeguard the delivery of other PSFPI objectives while abiding with UK public procurement policy and the legal framework.

This guidance complements the guide '*Aggregation - is bigger always better?*' produced by the Office of Government Commerce (OGC) to help buyers:

- Assess the benefits and potential dangers of aggregation; and
- Decide whether or not aggregation is the best solution for a particular contract, taking account of the requirements of the contract and the organisation - including the costs of letting and managing it and the structure and properties of the market.

Ten things for buyers and specifiers to do

1. Break contracts into "lots" to facilitate bids from small producers.
2. Simplify the contract documents, add a degree of standardisation and put up front the information necessary for suppliers to understand your requirements
3. Gear the length of the contract to achieve the best combination of price and product
4. Consider introducing longer-term contracts
5. Widely advertise tenders
6. Advise potential bidders on how to tender for your contracts
7. Engage in projects to help small and local producers do business with the public sector
8. Encourage social enterprises to compete for contracts, where feasible.
9. Alert small producers and suppliers to your organisation's main contractors so that they know who to do business with
10. Open up contracts to small and local producers by specifying more fresh and seasonal produce that can be grown in the UK.

Public Sector Food Procurement Initiative (PSFPI)

Defra formally launched the PSFPI in August 2003 to help deliver the Government's Sustainable Farming and Food Strategy.

PSFPI objectives include: increasing opportunities for small and local producers to tender to supply food to the public sector; raising standards of production; addressing barriers to supply; increasing consumption of healthy food; reducing environmental impacts; promoting fairly trade goods; and improving choice for ethnic minorities.

Defra is funding regional workshops and regional projects to deliver these PSFPI objectives – details on the PSFPI web site at

<http://www.defra.gov.uk/farm/policy/sustain/procurement/index.htm>.

UK public procurement policy and the legal framework

Contracts valued above a certain threshold¹ need to comply with the consolidated EU Public Procurement Directive and the UK Public Contracts Regulations. These are implemented in UK law and ensure that public procurement is fair, transparent and not used to discriminate against suppliers by setting up barriers to free trade.

The Directive and the Regulations govern specifications, advertisements, tendering processes and the award of contracts.

Additionally, all public procurements are required to comply with the EU Treaty of Rome of which the principles of non-discrimination and equal treatment, transparency, proportionality and mutual recognition to ensure free movement of goods and supplies still apply. This means, for example, that public sector buyers cannot restrict their purchases to specific locations or categories of suppliers.

Furthermore, the UK Government's public procurement policy requires that all purchases of goods and services must achieve value for money having due regard to propriety and regularity. Value for money is defined as "the optimum combination of whole life cost and quality (or fitness for purpose) to meet the customer's requirement".

The emphasis on whole life costs means that buyers are required to take account of all aspects of cost, including running and disposal costs, and *not* just the initial purchase price. The reference to "quality to meet the customer's requirement" enables public bodies to specify what they need to meet their own operational and policy objectives, while contributing to the Government's objectives on environmental matters. Buyers must satisfy themselves that specifications are justifiable in terms of need, cost effectiveness and affordability.

These policy and regulatory requirements are designed to secure value for money for the taxpayer and to improve the competitiveness of, and opportunities for, all suppliers across the EU.

Legal framework

There is sufficient scope within the legal framework for public sector bodies to pursue sustainable development considerations in their procurement of food and catering services.

This is explained in OGC and Defra's joint note on environmental issues in purchasing at: http://www.ogc.gov.uk/sdtoolkit/reference/ogc_library/procurement/ogcdefrajointstatement.pdf and in the advice for buyers on the PSFPI web site.

The '*Frequently Asked Questions*' on the home page deal with common policy and legal queries – see <http://www.defra.gov.uk/farm/policy/sustain/procurement/index.htm>.

Importance of small and local suppliers

The OGC publication '*Smaller supplier – better value*' gives good reasons why the public sector should increase the opportunities for small suppliers, including the following:

¹ For current thresholds please visit the OGC website
http://www.ogc.gov.uk/procurement_policy_and_application_of_eu_rules_eu_procurement_thresholds_.asp

- Bringing in more suppliers will often bring greater competition to the market place, offering greater value for money to purchasers and potentially reducing the costs of procurement.
- Smaller businesses have lower administrative overheads and management costs than larger firms. Depending on the nature of the procurement, this can result in lower prices.
- Smaller businesses have short management chains and approval routes, so they can respond quickly to changing requirements.
- Being a large customer of a small business means your custom is important to them – often resulting in a better, and often more personal, level of service and in a better relationship with the supplier.
- Smaller businesses may also be more willing and able to tailor a product or service to meet specific customer needs than a large firm that sells an established offering.

Local multiplier effect

The New Economics Foundation has found that every £10 spent locally can generate £25 for the local economy.

The PSFPI cannot require buyers to source locally - because to demand local produce would contravene the legal framework governing public procurement that is designed to ensure free trade. That is why the policy emphasis is to increase the opportunities for small local producers and suppliers to tender for contracts for the supply of food, and the capacity of small local suppliers to meet demand.

Increasing the number of tenders helps achieve value for money by increasing competition. It's also good for the environment in helping to reduce traffic congestion, fuel consumption and emissions of carbon dioxide, where local suppliers win the contracts. Indeed the twin crises of global warming and dwindling oil supplies is forecast to drive up fuel costs forcing all sectors to become more innovative and efficient in the way they use energy.

Appendix A provides a case study showing the benefits gained by several Local Education Authorities working together with their primary suppliers to increase opportunities for regional producers.

Social enterprises

Consider encouraging social enterprises to compete for contracts. These businesses operate in sectors across a range of public services, including the caring services, and can offer cost effective, responsive and innovative solutions to procurement needs.

They trade with a social purpose using business tools and techniques to achieve social aims and Government policy is for them to play a growing role in helping to deliver public services.

More information about social enterprises is given in the guide '*More for your money: a guide to procuring from social Enterprise*' produced by the Social Enterprise Coalition in collaboration with the society of Procurement Officers. A version of the publication specific to the NHS is also available from their web site. URL:

<http://www.socialenterprise.org.uk/Default.aspx>.

Aggregation

Aggregating demand means collaborating with other catering units within an organisation, or with other organisations, and agreeing to present these requirements in a coordinated way to the market.

There are three main ways to aggregate demand:

- (1) Where an organisation consolidates its procurement contracts over a large geographical area. An example is the consolidation by NHS Purchasing and Supply Agency of its vegetable contracts into one national contract for the NHS Trusts.
- (2) Where similar organisations come together over a larger geographical area to combine their procurement. Examples include local authorities buying through a local authority purchasing consortia or a group of NHS Trusts setting up a collaborative venture as they have done in Cornwall.

Cornwall Food Programme

The Cornwall Food Programme supports the food procurement of five Cornish NHS Trusts. On behalf of the trusts they have worked with potential suppliers to find new sources of high quality, local products at cost effective prices.

- (3) Where organisations from different parts of the public sector collaborate their procurement within a locality. An example is a proposal to link up local authorities with an NHS Trust in the West Midlands.

'Smaller supplier – better value'

This guide published by the Office of Government Commerce's advises that:

"The drive for greater efficiency in public sector procurement may lead to some small contracts being replaced by fewer larger (and longer) contracts. Big partnership-style contracts can bring benefits, sometimes in better value, but also in reduced procurement and contract management costs, single points of contact when problems arise, and a closer working relationship with the supplier. However larger contracts do not always deliver better value for money, and purchasing authorities need to consider the impact of procurement strategies on the supply base".

The National Audit Office's report into "Smarter food procurement in the public sector" takes a similar view to 'Smaller supplier – better value' (see box above), observing that:

"Increasing aggregated purchasing is a clear method of raising efficiency, and the trend within the public sector is likely to be in this direction; this makes it all the more important Defra works with others to explicitly address the best ways in which to combine this with meeting sustainability objectives."

But:

"Aggregation of public sector demand should not automatically mean aggregation of supply. Procurers may need to assess the longer-term impacts of the sustainability and contestability of the market when deciding how their package of requirements should be presented to the market. Certainly, the aggregation of demand need not put small local suppliers at a disadvantage"

The report “Smarter food procurement in the public sector” estimates that the public sector in England could save £80m (by 2010-11) from aggregating demand to reduce procurement costs and increase purchasing power. Just over half of public sector bodies (excluding the schools sector which is more fragmented) do not engage in any joint buying with other public bodies – despite 44% using at least 2 of the same major suppliers.

For this reason it recommended that Defra should:

“Work with major food procurers and the Office of Government Commerce to provide practical guidance on the best ways in which to combine increases in aggregation of public procurement with increased opportunities for local suppliers and Small and Medium-sized Enterprises”.

Benefits from aggregating demand

‘Smarter Food Procurement in the public sector’

This report identifies the following benefits that can arise from aggregating demand:

‘Given that food procurement is common to many public bodies, and that in almost every location there will be other public bodies nearby, there is obvious potential for public food procurers to join together to increase their purchasing power (for example through economies of scale), both to reduce prices and to improve standards of service and nutritional content.

As an example of the potential benefits of increasing aggregation, the Prison Service has achieved annual savings in the order of six per cent on its annual food expenditure following rationalisation of the number of central contracts for food, while a number of local authorities successfully use the Yorkshire Purchasing Organisation, not only to achieve price reductions but also to carry more weight in negotiating higher specifications for nutritional standards with suppliers’.

Other benefits include:

- Strengthened negotiating position in contracting with suppliers
- Lower transaction costs, e.g. from reducing contract management costs
- Freeing up frontline staff to better manage the supply chain and deliver PSFPI objectives
- More consistent application of best practice
- Opportunities for learning through collaboration with other organisations.

Disadvantages from aggregating demand

The disadvantages of aggregation include:

- Need for highly skilled procurers and contract managers, as large contracts can often entail lengthy and costly procurement processes
- Difficulty in joining up the purchasing of different types of organisations, particularly where they are of very different sizes (for instance, primary schools will need much smaller “drop” sizes than acute hospitals) or where they have specific requirements’.

- Insufficient attention paid to attracting the best sub-contractors with negative consequences for achieving value for money
- Possible distortion of the market.

Effect of aggregation on the market

Aggregation can distort the market by stimulating rationalisation of the supply base with a single supplier, or fewer suppliers than before, tendering for the contract on offer – so reducing competition.

This is because very large contracts may pose significant barriers to entry for smaller firms, or those wishing to diversify into the market. A combination of the evolving strength of incumbents, size of contracts and high bid costs can lead to less competitive marketplaces.

Smaller companies may also be automatically excluded from large contracts for capacity or geographical reasons – despite sometimes being able to offer innovative products or services, specialist or niche offerings and a more responsive service through direct access to decision makers within their organisations.

However, aggregation of demand need not necessarily lead to aggregation of supply if steps are taken to specify requirements in such a way as to encourage suppliers to bid for distinct elements of the contract.

Increasing opportunities for small and local producers

Rather than risk excluding smaller suppliers – especially those that have successfully contracted in the past and provided a good service - consider for example, if:

- There are there elements that are best left outside the main contract
- It is really a good idea to place all the work with one supplier – for example, would there be advantages in dividing the contract into lots?

As the NAO recognised in their report into public sector food procurement:

“Greater aggregation may not be the most cost effective approach in all circumstances – though true for most. Joint public sector-commercial ventures, for example, could provide a better solution, e.g. local pub providing meals for North Cerney Primary School, Gloucestershire. UR:

<http://www.defra.gov.uk/farm/policy/sustain/procurement/casestudies/northcerney.htm>

Splitting contracts into lots

The PSFPI guidance for buyers and their internal customers suggests several actions that public sector buyers can take to increase the opportunities for small and local producers and suppliers to tender for their contracts.

One of these actions is to break the contract into “lots” during the tendering process - where this is consistent with value for money - to allow small and medium enterprises to bid for certain parts of supply contracts. This approach (also known as a ‘patchwork’ contract) allows small and large suppliers to compete on equal terms and, at the same time, avoids the danger of disaggregating demand, which is against EU rules.

Allowing for lots and then communicating this fact effectively among local and regional businesses can be a potentially effective method for furthering local food and ensuring security of supply.

Lots can be split in any way, e.g. by product or distribution area. Suppliers can bid for some or all lots. Within product groups, this can be further sub-divided (e.g. prepared and non-prepared vegetables), or services can be separated (e.g. tendering separately for food and distribution). Servicing smaller lots enables smaller suppliers to develop competencies, and reduces risk of over-reliance.

Similarly if a lack of competition has developed, appointing new suppliers to small lots allows confidence to be built while reducing service risk, and developing a better long-term competitive base. An assessment should be made of the cost benefit of an approach that results in handling a larger supplier base.

Additional strategies to reduce process costs (e.g. Purchasing Card or E-invoicing) may allow greater flexibility with the use of lots, provided small suppliers become E-capable. Food contracts already carry a high administrative cost due to market price fluctuations.

The NHS Purchasing and Supply Agency² was one of the first public sector bodies to start splitting its food contracts into lots with its national contract for the supply of fresh fruit and vegetables. When the contract was advertised, suppliers were asked to state which Trusts they would like to service.

The result: the appointment of suppliers based around the country that deliver directly to hospitals, rather than the goods going through the usual distribution system. The Agency has also split other food contracts into lots including its meat and poultry contract – see details on the ‘case study’ page of the PSFPI web site at <http://www.defra.gov.uk/farm/policy/sustain/procurement/casestudies/meatpoultry.htm>.

Welsh approach

The Welsh Administrative Assembly recommended in their guidance ‘Food for Thought – A new approach to public sector food procurement’ that lots are used as standard practice and, over time, public bodies in Wales move towards increased cross-sector collaboration, which will allow a regional approach to lots.

Tips

- Gain a good understanding of your supplier base. This will help you decide how best to split the contract into lots, e.g. size, product and distribution.
- Consider splitting supply from distribution where distribution is creating a barrier for small producers and suppliers, particularly when the contract is for supplying food to small, dispersed units such as schools in rural areas. For example, eggs might be sourced from a local producer who then ships them to a fruit and vegetable wholesaler who holds a contract for supply and distribution.

Letting the contract for supply only of certain product lines can not only help smaller producers gain access to public market markets but also reduce overall distribution costs and vehicle emissions.

² Parts of PASA were outsourced to DHL in August 2006 which is responsible for procuring a range of products, including catering, and delivering them to NHS hospitals. The contract requires DHL to reduce prices to hospitals but also to work with clinicians to determine the best products for the NHS and ensure that innovation is not stifled. It will be bound by the public procurement rules that allow a range of companies to provide products to the NHS.

- Check that the contract is not excluding smaller producers and suppliers because of relatively minor details, e.g. an inability to supply a certain size of milk carton.

Model clauses for 'patchwork' contracts

The following is an example of a clause used by a LEA in its tender for the supply and delivery of fresh fruit and vegetables to schools within the county:

- Establishments requiring fresh fruit and vegetables have been divided into twelve lots based on geographical area. Tenderers are encouraged to bid for whole lots (i.e. all establishments within a lot). However, due to the need to ensure service provision to all establishments, tenderers may submit bids for whole lots, part lots or individual establishments in each lot.

Shropshire County Council has taken a similar approach by including a schedule of all Shropshire establishments requiring delivery against which the producer can mark the individual establishments they are prepared to supply. This allows smaller businesses to supply a small part of the contract rather than the whole and larger businesses to place a tender for the whole if they are interested.

NHS Purchasing and Supply Agency include the following clauses in framework contracts (*see box below*), which other public bodies may wish to adopt or adapt:

- This procurement exercise concerns the conclusion of a framework agreement under which one or more successful bidder will be appointed to supply goods and/or services on the terms agreed to such of the customers participating in the agreement as may place orders for such goods and/or services from time to time.
- The Agency cannot mandate the customers to place any orders or any particular level of orders, nor can it require them to place orders with particular successful bidders. It follows that the Agency can give no warranty that any successful bidder will receive any business or any particular level of business under the framework agreement.
- Any volume estimates provided to bidders by Agency staff are statements of opinion, provided in good faith and based on past experience and market knowledge, but they should not be relied upon by bidders in formulating their offers.

PASA also tick the box in the OJEU advert that asks if the contract can be divided into lots.

Framework agreements

Framework agreements are defined as a general agreement between a contracting authority (or authorities) and one supplier, or more than three suppliers, outlining the terms governing contracts to be awarded during a given period - normally no more than 4 years. Framework agreements are concluded according to the normal provisions of the Directive. Based on the award criteria, an agreement can be concluded with one or more than 3 suppliers.³

It is possible to reopen the framework agreement to new offers from the chosen suppliers on the grounds that not all the necessary terms were stipulated in the original framework agreement. They must be notified in writing with a suitable deadline for submission of bids. (Article 32, the utilities Directive art. 14)

³ The 2004 Directives/2006 Regulations require a mini competition should be run between all suppliers on the framework who can fulfil the requirement, unless the framework is set up in such a way as the most economically advantageous (MEAT) supplier can be worked out for a particular requirement.

Things to avoid when splitting contracts into lots:

- Ensure that financial requirements do not exclude small businesses – see OGC’s ‘Supplier Financial Appraisal Guidance’.⁴
- Ensure the lots and patchworks are designed in a way that small businesses still have the chance to compete.

Some general tips for helping small suppliers are given in Appendix B

Specifying fresh and seasonal produce

EU and UK legislation is put in place to govern *how* public authorities buy; it does not govern what to buy provided what is being specified does not preclude certain suppliers from bidding.

For example, you could specify food that can also be grown in the UK and think about whether you need to buy exotic fruit and vegetables that local growers are unable to produce. Bear in mind that specifications to varieties of fruit and vegetables that are grown within the UK must also allow for acceptable equivalents. That way you are allowing UK agriculture and horticulture to compete for most contracts, without discriminating against suppliers from other EU member states.

This requires public bodies to set more seasonal menus and give training to cooks to enable them to know what produce is in season and to integrate this produce into regular dishes. This makes it possible to remove contract requirements based on non-seasonal rotating menus and which specify the produce needed for every day of the school year, e.g. sweet corn on Thursdays. This is an approach that is being trialled by Suffolk and Devon county councils among others.

Recognise that global warming is causing warmer winters and hotter and drier summers that are resulting in earlier harvests and the introduction of crops previously not suited to the UK’s climate, e.g. apricots are now grown in Kent.

The “tools” page of the PSFPI web site contains links to sites providing information on what produce is in seasonal at particularly times of the year. There are also seasonal charts at Appendix G and H of this guidance.

“If you buy when something is plentiful because it is in season, then the price comes down. And when an ingredient is at its peak, it is easier to cook. With great produce, simplicity is best – you just want those flavours to speak for themselves”.

Rick Stein - celebrity chef:

Functional specifications

Three types of specifications are generally used:

- (1) **Functional** – those which define the function or duty to be performed by the product and service

⁴ The OGC best practice guide, Supplier Financial Appraisal Guidance, provides advice on how to conduct the financial appraisal of suppliers bidding for significant public sector contracts. URL: http://www.ogc.gov.uk/procurement_supplier_relations.asp.

- (2) **Performance** – those which define the performance required of an item (i.e. the output specifications)
- (3) **Technical** – those that define the technical and physical characteristics of an item.

It is the functional section that provides the most scope for opening up contracts to provide tendering opportunities for small and local producers. Shropshire county Council, for example, include in their food contracts the following functional specifications⁵:

- Freshness standards
- Seasonal food
- Higher quality ingredients
- Minimum packaging
- Reduced chemical content/application
- Quick delivery response times and adhoc deliveries

PDO (Protected Designation of Origin) and PGI (Protected Geographical Indication) certified products

Specify PDO and PGI products registered under EU approved schemes where the subject of the contract justifies this. For example, you could specify Stilton in order to make a Stilton and broccoli soup. A list of PDO and PGI products is available at <http://www.defra.gov.uk/foodrin/foodname/uk.htm> .

The Public Procurement Directives permit references to products that have been registered under a EU scheme that grants protection to regional and traditional foods whose authenticity and origin can be guaranteed.⁶ PDOs and PGIs are similar to the familiar ‘*appellation contrôlée*’ system used for wine.

When specifying such products, the words “or equivalent” must be included although the contracting authority would have the right to reject any product that did not meet the underlying need. Contracting authorities must not design specifications to deliberately discriminate against products and producers from other areas or EU member states.

Longer term contracts

Consider introducing longer-term contracts. These can help to attract new, smaller suppliers who need a degree of certainty to be able to invest in meeting public sectors requirements, including PSFPI objectives, e.g. more sustainable methods of production or processing.

However, if the supply base is not sufficiently developed to provide real competition or the requirement is likely to change over time it may be better to delay the movement to

⁵ “Increasing efficiency from grower to eater – report of an efficiency review of Shropshire County Council’s current methods of food procurement.

⁶ The Countryside Agency (now renamed Natural England) undertook a study into the relationship between locality foods and landscape character. The annexe describes the characteristics and qualities of locality foods, methods of production, geographical area, and their contribution to conserving and enhancing the landscape and wider environment – see <http://www.countryside.gov.uk/LAR/Landscape/ETV/research/agri.asp>.

longer-term contracts or split the requirement into lots. Equally some food commodities experience considerable fluctuations in pricing, and in some cases spot rate purchasing or short-term contracts are more suitable.

Simplify contracts

Research shows that the amount of information requested by the public sector in pre-qualification and tendering far exceeds that of the private sector, and is often disproportionate to the tender value or business risk. Simplify the contract documents:

- Add a degree of standardisation.

Example

The Meat and Livestock Commission have produced pictorial meat specifications that buyers can refer to in their contracts to provide a degree of standardisation for their suppliers. They are available as PDF downloads from MLC's web sites at <http://www.mlcfoodservice.com> and <http://www.mlc.org.uk>.

See also Annex 1 to Appendix 2 to the "Catering Services and Food Procurement Toolkit". <http://www.defra.gov.uk/farm/policy/sustain/procurement/tools.htm>. Use the OGC's standard pre-qualification questionnaire for lower value procurements⁷.

- Tailor the information requested for different goods or services, depending on contract value and assessment of risk.
- Ensure the information necessary for them to understand the requirements of the contract are placed up front and not buried in the tender documents.
- Remove unnecessary restrictions that prevent small and local producers from competing to supply food (e.g. specifying carton sizes not used locally), while avoiding giving them preferential treatment that would contravene the procurement rules.
- Open up contracts to small and local producers by specifying more fresh and seasonal produce that can be grown in the UK.

A case study showing the benefits of aggregation and standardisation is given at Appendix C.

Advertising contracts

Widely advertise the contracts. The procurement of food supplies, where the value exceeds the EC threshold - about £90,000 for central government and £144,500 for other public bodies⁸ - is subject to the full requirements of the Public Contracts Regulations 2006 (Statutory Instrument 2006 No. 5) and so must be advertised in the Official Journal of the European Union (OJEU).

⁷ The Pre-Qualification Questionnaire and accompanying guidance on the evaluation of submitted PQQs (for purchasers) is available from the OGC website http://www.ogc.gov.uk/tools_services_pgg_4728.asp

⁸ For current thresholds please visit the OGC website http://www.ogc.gov.uk/procurement_policy_and_application_of_eu_rules_eu_procurement_thresholds_.asp

Applying Community law to low value contracts

Advertise contracts that are below this threshold in accordance with the EC interpretative communication on applying Community law to low value contracts published on 24 July 2006 – more information at appendix F.

Don't wait for suppliers to come to you – actively go out and seek them giving plenty of advanced notice.

Potential small suppliers will normally require early warning many months in advance of the tender process to research and plan to meet specifications that may be new for them, e.g. delivery, grading and pack sizes. They also require clear information of the volumes of produce to be delivered and where, to assess whether they have the capacity to meet demand. Too often this information is not made available to them.

The evidence suggests that suppliers want to do business with the public sector but complain that they are not informed of opportunities or how to pursue them and are not given sufficient information.

Support services

Make sure that potential suppliers know how to identify and compete for public sector contracts by:

- Issuing to producers a copy of the leaflet “*Selling to the public sector – a guide to the public sector procurement initiative for farmers and growers*”, which is designed to help producers decide if the public sector is the right market for them and, if so, to help them do business. Available from the PSFPI web site at <http://www.defra.gov.uk/farm/policy/sustain/procurement/sellingpublic.htm> and Defra's distribution centre (email: defra@cambertown.com).
- Widely publicising low value contracts on Small Business Service “Supply2.gov.uk” web site and advice on the “Selling to the public sector” page of the PSFPI web site (<http://www.defra.gov.uk/farm/policy/sustain/procurement/sellingpublic.htm>);
- Timing the tenders so that they do not coincide with harvest time or other periods of intense farm activity.
- Liaising with the Small Business Services Unit (SBS) who may be able to offer training. Approaches to the SBS should be made through the local Business Link Operator via <http://www.businesslink.gov.uk/bdotg/action/directory?r.s=e>.
- Contacting the Government Offices for the Regions, which periodically arrange workshops for potential suppliers of food to the public sector. A list of contacts is given on the “Regions” page of PSFPI web site. URL: <http://www.defra.gov.uk/farm/policy/sustain/procurement/regions.htm>.
- Contacting Non Government Organisations (NGOs) that are doing work in this area such as the Soil Association, Local Food Links and Sustain.

Small Business Concordat

This is a voluntary, non-statutory code of practice that sets out the actions that local authorities should take to make their contracts more accessible to small businesses. Local authorities agree to:

- Publish a corporate procurement strategy
- Publish guidance for suppliers on how to do business with the authority
- Advertise contracts using a range of publications to encourage diversity and competition
- Apply their tendering processes fairly
- Offer meaningful feedback to suppliers following the procurement process.

The Concordat, good practice guide is available on the web sites of the Small Business Service (<http://www.sbs.gov.uk/sbsgov/action/layer?topicId=7000022345>) and the Department for Communities and Local Government (<http://www.communities.gov.uk/index.asp?id=1136698>).

E-Business tools

Ensure that tenders conducted through E-Business tools only require simple Internet capability on the part of suppliers. Help in getting suppliers Internet-ready is available via the “UK Business Link, which is primarily funded by the Department of Trade and Industry and supported by a number of other government departments, agencies and local authorities. Web site:

<http://www.businesslink.gov.uk/bdotg/action/layer?r.s=tl&topicId=1073861197>.

Framework agreements

Framework agreements set out the terms and conditions under which specific purchases (call-offs) can be made throughout the term of the agreement. They offer convenience to buyers and deliver benefits including simplified ordering procedures, reduced procurement and contract management costs and lower pricing achieved through aggregation of demand.

Framework agreements

Help small businesses when running procurements for framework agreements by:

- Advertising widely
- Providing a clear specification of your requirement
- Using a Pre-Qualification Questionnaire (PQQ) to minimise the initial work load on suppliers whilst clearly identifying future document requirements
- Appointing the optimum number of suppliers necessary to deliver the benefits of aggregation without eliminating choice and competition
- Gearing the length of the contract to achieve the best combination of price and product to meet requirements.

Small businesses that have been awarded a framework agreement benefit from reduced bid costs, process efficiencies and ease of access to public sector business.

The NHS Purchasing and Supply Agency’s sandwich framework agreement illustrates the potential benefits of combining the purchasing power of public bodies. It allows organisations from the wider public sector, not simply NHS bodies, to buy sandwiches

from it. By taking advantage of the deal struck by the NHS other public bodies such as schools and local authorities can increase the volume of sales under the agreement and, therefore, its value - enabling NHS PASA to negotiate further savings for the public sector as a whole.

Small businesses are not excluded from the public sector marketplace as a result of these frameworks, e.g. NHS PASA include a number of regionally based suppliers in almost all its direct-delivery food supply frameworks. This approach combines the benefits of increased aggregation of purchasing with some of the objectives of the Public Sector Food Procurement Initiative.

Example of collaborative venture

HM Prison Service is supplied potatoes under a national framework agreement by a business that essentially acts as a hub buying from 30 to 40 producers over the year. The producers are based in all the regions of England and Scotland. The reasons for the geographical spread are seasonality (so taking advantage of local variations in the growing season) and price competitiveness, with price and farm assurance being an essential component. The advantages to the buyer are low administrative costs and good value for money whilst a large number of producers benefit from the arrangement.

Consider improving the performance of framework agreements by looking at ways to help users to identify more easily the products that meet their requirements on say nutrition and sustainability, as this can help to drive up standards and increase the opportunities and rewards for more proactive and innovative suppliers.

The NHS Purchasing and Supply Agency, for example, has developed an on-line database to help hospitals source more nutritious products from its suppliers. It covers over seven thousand product lines, including generic products such as meat where the information is provided by trade bodies. The Agency hope to extend it to other public sector bodies by the end of 2006 – see Appendix D for more information.

OGC's Framework Contracts database

The Office of Government Commerce's contracts database enables public sector purchasers to search for current and future OJEU compliant frameworks and contracts. This should help improve collaboration among public sector organisations by allowing them to share examples of existing and future contracts and pricing information. URL <http://www.ogc.gov.uk/procurementcontracts/>.

Users can:

- Search by category and commodity area
- List all contracts applicable to their region or government department
- Search for suppliers or view an A-Z of all government contracts.

PSFPI model specification clauses

Remember to specify PSFPI requirements in contracts for food and catering services using the model specification clauses in the '*Catering Services and Food Procurement Toolkit*', which also provides specimen contract documents. URL: <http://www.defra.gov.uk/farm/policy/sustain/procurement/toolkit.htm>.

Regional activity

Consider engaging in a project to increase the opportunities for small and local producers to supply your organisation with, preferably, a cluster of public bodies in your locality.

The Government Office for the Region are running projects to facilitate greater cooperation among producers in supplying public sector bodies and one may be planned for your area involving farmers, growers, wholesalers, butchers, meat processor or other primary suppliers. If so, consider joining in - a list of regional contacts is at <http://www.defra.gov.uk/farm/policy/sustain/procurement/regions.htm>.

The regional projects require public bodies to begin engaging producers before tendering gets underway. The first step will be to complete a local supplier audit and then to facilitate “meet the buyer” meetings between interested suppliers and the current caterers and wholesalers to discuss supply needs and possible barriers.

Shropshire County Council is helping small businesses to compete for contracts by:

- Developing two way communications with small and local firms
- Helping small businesses make contact with larger suppliers to become second or third tier suppliers
- Providing free advice and assistance on compliance with statutory requirements e.g. on trading laws and advertising
- Running regular open days for suppliers to meet the Council’s buyers and hear their views
- Adopting the Small Business Concordat

Defra is also planning to publish a DIY Practitioners Guide in early 2007 that will contain instruction modules for helping those interested in establishing local supply networks, distribution hubs, farmer clusters and producer consortia. It will appear on the Tools page of the PSFPI web site.

Sub contracting

Alert small producers and suppliers to your organisation’s main contractors so that they know who to do business with. Some public bodies already publish this information on their web site and local authorities are encouraged to make this information available as part of their “selling to the council” guide. For example, Portsmouth City Council launched an *e-business builder* web site in January 2006 to help local SMEs, including Social Enterprises, to gain access to contract opportunities. URL: <http://www.ebusinessbuilder.org.uk/>.

The *e-business builder* contains up to date information on current sub-contract opportunities as well as providing a sub-contract and supplier database and will assist contractors in sourcing quality resources to fulfil their contractual commitments.

Use DTI’s new Opportunities Portal – www.supply2.gov.uk - to post details of lower value contracts, i.e. below the EU threshold of about £100K for central government and £144.5K for other public bodies – see Appendix E for more information. Also, consider using newsletters to farmers to publicise contracts. Some Government Offices in the Region provide this service in conjunction with the NFU’s communications network.

Partnerships

Work in partnership with contracted primary suppliers to open up opportunities for small producers to join their supply chains. This can help to improve the supplier's commercial viability and, if the savings are shared, achieve value for money for both parties.

For many small producers this is the preferred option as they lack the necessary capacity to meet the volumes required and by joining the supply chain of a wholesaler or other primary supplier can avoid the hassle of the procurement process and the day-to-day involvement with procurers.

Aramark, one of the UK's largest food service companies, for example, have a strategy in place to remove barriers that restrict small and local suppliers from trading with them. One way they are doing this is to assist small suppliers to obtain Food safety accreditation through specific programmes run in conjunction with CMI plc.

In the longer term they plan to facilitate a local 'hub' network nationally, enabling suppliers to have easier access to market. This way, suppliers will drop off to a set depot or location – which should reduce fuel costs.

Advice for improving the way in which the supply chain is managed, both within a procurement exercise and when a contract has been awarded is given in an OGC guidance document, "Supply Chain Management in Public Sector Procurement: A Guide". It is available from the OGC website <http://www.ogc.gov.uk/procurement.asp>, or from the OGC Servicedesk.

Conclusion

Aggregating demand, if done wisely, can open up more opportunities for small and local producers and businesses (e.g. county-level greengrocery wholesalers or catering butchers) and, in turn, encourage suppliers within the locality to collaborate to improve their efficiency, marketing and sustainability.

The key to success is to develop good relations with your suppliers. There are many examples of smaller producers being incorporated into public sector supply chains through the active engagement of buyers and a willingness of both parties to be flexible and creative in finding ways of meeting one another's needs.

Further information

For more information – go to the PSFPUI web site at <http://www.defra.gov.uk/farm/policy/sustain/procurement/index.htm>.

Sourcing Red Meat for Local Education Authorities in the East of England⁹

Seven local education authorities in East Anglia have increased the amount of regionally sourced food used in school meals by working with a voluntary organisation, East Anglia Food Link (EAFL), to bring more regional producers into the supply chains of their primary suppliers.

Most of the participating local education authorities require frozen meat that is delivered to the schools by frozen food suppliers. Many of these suppliers already made extensive use of “nominated supplier” arrangements to buy from specified producers who, before EAFL became involved, were mostly national producers.

The nominated supplier arrangement provides a good opportunity for local producers and processors to get their product to market without having to carry the costs of running their own distribution network.¹⁰ Where the requirement is over the relevant EC price threshold the public body must apply the full requirements of the Public Contracts Regulations 2006 (Statutory Instrument 2006 No.5) when nominating a supplier, such as advertising in OJEU and adhering to competition procedures, timescales etc.

Using their local knowledge EAFL were able to identify two large regional butchers with a good and verifiable record of buying meat from regional farms. They agreed to freeze the meat and deliver it to the frozen meat distributors supplying the LEAs.

The local education authorities improved the specification for some meat products and undertook tender processes and price negotiations for particular meat products with the result that many more meat products are now sourced from the region. These include: sausages, gammon and pork to Suffolk County Council; sausages, pork and poultry to Cambridgeshire County Council. Hertfordshire County Council is currently tendering for is currently tendering for all pork products to include sausages, minced and diced pork, and will subsequently be tendering for diced and minced beef.

The total value of these new regional supplies is approximately £300,000 per annum.

This figure is expected to rise over time as the local education authorities continue to seek opportunities for regional producers to do business. The authorities are satisfied that they are achieving best value in accordance with UK procurement policy and that the approach is fair, transparent and non discriminatory, as required by the legal framework governing public procurement.

Regional producers are benefiting from the extra business and, in turn, this is helping to safeguard jobs, reduce transport costs and environmental impacts and promote more prosperity in the region.

More best practice case studies appear on the PSFPI web site at <http://www.defra.gov.uk/farm/policy/sustain/procurement/casestudies/index.htm>; plus reports of pilots undertaken by Government Offices for the Regions on the “regional projects” page at <http://www.defra.gov.uk/farm/policy/sustain/procurement/projects.htm>.

⁹ Compiled by Tully Wakeman of East Anglia Food Link

¹⁰ Most meat is delivered frozen to schools by large foodservice distributors like Brakes or 3663 with many LEAs having negotiated with them the right to “nominate” suppliers. This means that the LEA agrees a price with the supplier (i.e. the processor/manufacture); the supplier delivers agreed quantities to the distributor's depot (usually 1 or more pallets of product at a time), and the distributor charges an agreed (and relatively modest) percentage for handling the product. The distributor pays the supplier and invoices the customer in the normal way.

Helping smaller suppliers

“Much can be gained by enabling more small and medium sized enterprises to compete. The benefits to the public sector can include better levels of service, innovative business solutions and increased competitiveness in the longer term”.

From: OGC publication ‘Smaller supplier – better value’

Some general tips for helping small suppliers:

Dealing direct

- Be open to bids from clusters of farmers, producer consortia, farmer controlled businesses and other cooperative ventures, as this is one way in which small businesses can tackle large procurements
- Explain the process to suppliers at the outset and what is required
- Ensure the process is appropriate to the size and complexity of the requirement
- Give suppliers plenty of notice of forthcoming contracts and keep them informed of developments. This allows them to start planning to supply the market.
- Provide sufficient time for suppliers to respond to tenders and requests for further information, especially those new to the public sector, and be prepared for more requests for clarification
- Widely publicise opportunities - using the trade press and organisations such as the Government Offices for the Regions and Regional Development Agencies¹¹, NFU, Local Food Links¹², Business Links and Euro Info Centres (EICs) and Internet-based system such as Supply2.gov.uk¹³ for posting details of lower value contracts. These are useful means of publicising requirements and identifying local suppliers
- Make OJEU advertisements clear and concise and refer to the Public Sector Food Procurement Initiative and related Government programmes (e.g. for improving school food) so that suppliers are aware of the Government’s objectives for improving nutrition and sustainability.
- Publish contact details both for general procurement questions and specific opportunities
- Use your web site to make information available at low cost and include a ‘Selling to...’ guide giving potential suppliers the information they need to bid effectively.
- Hold ‘Meet the Buyer’ events
- Know your target market. Understand who is capable of bidding for your contract and whether there are small and local producers in that market capable of meeting your requirements.

¹¹ The “Regions” page of the PSFPI web site contains a list of contacts of contacts in the Government Offices for the Regions and Regional Development Agencies – see <http://www.defra.gov.uk/farm/policy/sustain/procurement/index.htm>

¹² Food Links UK web site at <http://www.foodlinks-uk.org/>

¹³ Supply2gov.uk’s web site is at <http://www.supply2.gov.uk>

Dealing indirectly through primary suppliers

- Open supplier meetings to provide a forum for potential primary contractors and sub-contractors to get together, as well as to find out more about the project
- Publish the names of companies acting as primary contractors and details of awarded and upcoming contracts. This can help potential small and local producers to join their supply chains by improving the visibility of subcontracting opportunities
- Where appropriate ask your main suppliers to show their track record in achieving value for money through the effective use of their supply chain, including how small and local producers can gain access to their subcontracting opportunities. Advice on this can be achieved can be obtained from the OGC. URL: http://www.ogc.gov.uk/Resource_Toolkit_procurement_resources.asp.
- Ensure that your main suppliers pay their own suppliers on time and that payments flow down the supply chain. Advice on how this can be achieved can be obtained from the OGC.
- Encourage main suppliers to adopt supply chain management practices that integrate, incentivise and reward good performance throughout the supply chain

More advice on helping small suppliers is given in the Office of Government Commerce's guide: [Smaller supplier... better value?](#)

Essex School Meals Supply Project

An example of public bodies coming together to aggregate demand is given in the final report of the Essex School Meals Supply Project.

Four primary schools in Braintree (under the leadership of the chair of governors of one of the schools) started to work together to pool skills and knowledge of food safety, menu design and local sourcing. This followed Essex County Council's decision to cease arranging catering provision for their schools in April 2004, delegating the responsibility for making these arrangements to the schools themselves.

The schools recognised that meat purchases represented a significant proportion of the budget and so worked together to identify and benchmark certain producers. A couple of these were contracted to supply two products (pork sausages and beef burgers) to all four schools.

The producers agreed to tailor their products for the school meals market. The sausages were made longer to fit the baguettes used by the schools and smaller burgers were produced which were more suited to children's appetites. The aggregation and standardisation of their requirements by the schools made the opportunity more viable for smaller producers.

The schools have benefited from streamlined procurement processes and reduced unit costs when compared to what they would have achieved had they procured separately. They have also seen an improvement in nutritional quality (for example, the use of fresh sausages and burgers with 100 per cent beef content).

More examples of best practice are included on the PSFPI web site at <http://www.defra.gov.uk/farm/policy/sustain/procurement/casestudies/index.htm>; plus reports of pilots undertaken by Government Offices for the Regions on the "regional projects" page at <http://www.defra.gov.uk/farm/policy/sustain/procurement/projects.htm>.

NHS Purchasing and Supply Agency's Nutritional Database

This is an on-line database developed by PASA to help hospitals to source more nutritious products from their suppliers. Its key features are:

- Over seven thousand product lines populated by the suppliers to the agency; listed by category and containing information about their fat, sugar and salt content plus other nutritional information
- Generic products listed such as meat, with the information provided by trade bodies.
- Users can choose the products that best suit their purposes and make comparisons - simply by selecting the category of product, ticking the products of interest and activating the software to automatically do the necessary sorting.
- Besides giving nutritional information it also uses the FSA traffic light system to indicate high, medium and low levels of sugar, fat, saturated fat and salt. It also compares products with the FSA salt model.
- Very popular among the NHS Trusts (especially dieticians) and is stimulating suppliers to change the formulation of some of their products.
- Not foolproof as it relies on suppliers to be honest, but periodical checks carried out by PASA have revealed few problems
- Password protected and currently only available to NHS staff and suppliers but PASA propose to extend access to the whole of the public sector.
- The database could be extended to cover sustainability issues such as assurance standards and origin of ingredients – but PASA had not given yet this any consideration seeing its primary role as providing information on nutrition.

The database is on PASA's web site at <http://www.pasa.nhs.uk/food/nutrition/> and there is a link to it from the Tools page of the PSFPI web site.

DTI- Small Business Services' Opportunities Portal "Supply2.gov.uk"

The portal is the first UK government-backed online service for publicising lower-value public sector contracts, typically under £100,000, and is specifically aimed at enabling all businesses, but particularly small and medium sized enterprises (SMEs), to identify and compete for lower-value public sector contracts. URL: (<http://www.supply2.gov.uk>).

The core service provides:

- Contract notice creation, management and transmission service
- Supplier information database service
- Contract search service
- Email alert service

Supply2Gov intends to:

- Cover all sources of public sector procurement in England and desirably Scotland, Wales and Northern Ireland
- Provide suppliers with easy access to the opportunities that are relevant to them by product, service and location
- Become the chosen 'first portal of call' rather than users having to browse a plethora of sites and portals.
- Provide Suppliers with an alerts service that 'pushes' Opportunities to them, rather than being a service that solely acts as a catalogue that puts the onus on suppliers to find opportunities themselves.
- Enable buyers to reach a wider audience of potential suppliers and to deliver greater competition.

Supply2Gov facilities

The various facilities include:

- **E-notice Service.** This allows buyers to create, manage and transmit their tenders online to prospective suppliers in a secure, efficient and effective manner. Pro-formas are provided to help buyers create the contract notices. There is also the facility to enable them to search for and insert Nomenclature of Territorial Units for Statistics, codes and Common Procurement Vocabulary (CPV) codes. They can also use a search engine or browse a tree structure to identify the product, service and geographical location.
- **Supplier Information Database (SID) Service.** This provides buyers (and suppliers) with access to relevant and up-to-date information on potential food-related suppliers. Suppliers compile and manage their own expression of interest/pre-qualification information, as requested by public bodies, in the form of an online company profile. They can then make this information available to buyers. Via a unique PIN buyers can manage expressions of interest as part of a procurement exercise run under a restricted procedure, and to compile a list or lists of potential tenderers for assessment. The SID service also allows buyers to compile and manage lists of chosen/preferred suppliers on an on-going basis.

- **Contract Search Service.** This is available to both buyers and suppliers and will enable food suppliers wanting to do business with the public sector to quickly and effectively access contract notices and view them in a single place. Two types of search can be performed: simple and advanced.
- **Email Alert Service.** This enables suppliers to automatically receive details of contract opportunities of interest to them. An online alert profile allows suppliers to determine the criteria for the types of contracts that they would like to receive so keeping them up-to-date of potential business opportunities without having to actively seek them out.
- **Additional Services.** These offer buyers and suppliers with an easily accessible means of obtaining other relevant services that can help them within their respective areas.

Tiers of Inter-operability

Supply2Gov offers the following tiers:

1. A simple hyper-link - allows buyer to save a hyperlink to the Portal's home page.
2. Instructions for a Web Master to create a simple button onto their site - allows buyers to create a button with any logo for the Portal on their website.
3. Creation of a 'white site' - allows buyers to recreate, through caching within their own infrastructure, up to five pages featuring the Portal's content within their own site and with the option of representing that information in their own graphical style and format.
4. Point-to-Point Syndication - allows buyers to engage in an Interoperability Arrangement via a data feed, subject to agreement, for either single or two-way syndication of data.
5. Site hosted within a site – allows buyers to engage in an Interoperability Arrangement, subject to agreement, that provides a maximum of 30 pages of static content with appropriate drop-down menus and branded with their own graphical style and hosted within the Portal's infrastructure.

Note: *Supply2.gov.uk is not a purchase-to-pay marketplace or an e-Procurement tool or designed to replace existing public sector procurement initiatives. However, it will complement and work with existing supplier-related portals such as Zanzibar and e-Sourcing, both managed by OGC Buying Solutions*

EC Interpretative communication on applying Community law to low value contracts

The European Commission issued an interpretative communication On 24 July 2006 advising public authorities how to award fairly contracts of low monetary value.

It explains how public authorities should comply with the internal market principles of transparency and non-discrimination, together with examples of innovative ways to award contracts in a modern, transparent and cost-efficient manner. URL: http://ec.europa.eu/internal_market/publicprocurement/key-docs_en.htm

The guidance also applies to certain services not fully covered by the EU Directives on public procurement such as catering services, which is classed as a Part B service and covered under the Hotel and Restaurant Services category of the Public Contracts Regulations 2006 (Statutory Instrument 2006 No.5).

Part B services are not subject to the full vigour of the EC procurement directives (which would mean the advertising route, competition procedures, timescales).

The procurement of food supplies, where the value exceeds the EC threshold – about £90,000 for central government and £144,500 for other public bodies - is subject to the full requirements of the Public Contracts Regulations 2006 (Statutory Instrument 2006 No. 5) and so must be advertised in the Official Journal of the European Union (OJEU).

However, ALL procurements are covered by EC Treaty principles and procurement should be carried out in a fair and transparent way to ensure free movement of goods and services and non-discrimination.

Seasonal Production of Vegetables in the UK¹⁴

Available from store
 Available and 'in season'
 Available

Vegetables		Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Beans	<i>Broad</i>												
	<i>French</i>												
	<i>Runner/flat</i>												
Beetroot													
Broccoli	<i>Purple spouting</i>												
	<i>Calabrese</i>												
Brussel Spouts													
Cabbage	<i>Autumn</i>												
	<i>Red</i>												
	<i>Savoy</i>												
	<i>Spring green</i>												
	<i>Summer</i>												
	<i>Winter white</i>												
Carrots													
Cauliflower													
Celeriac													
Chicory													
Courgette													
Endive													
Fennel													
Kale													
Kohlrabi													
Leeks													
Marrow													
Onion													
Parsnips													
Peas													
Potato	<i>maincrop</i>												
	<i>new</i>												
Pumpkin													
Spinach													
Squash													
Swede													
Sweetcorn													
Turnip													

¹⁴ Compiled by Bill Kirkup, of the North East Centre of Excellence with the assistance of Michael Holmes, Graham Ward National Farmers Union, Andrew Tinsley, Scott Raffle Horticultural Development Commission

Seasonal Production of salad and fruit crops in the UK¹⁵

Available and in season	Available
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Salad Crops		Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec
Celery													
Cucumber													
Lettuce	<i>Cos</i>												
	<i>Curly</i>												
	<i>Icebera</i>												
	<i>Little Gem</i>												
	<i>Round</i>												
Radish													
Rocket													
Spring onions													
Tomatoes													
Watercress													

Fruit		Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec
Apples													
	<i>Bramleys Seedling</i>												
	<i>Cox (various clones)</i>												
	<i>Discovery</i>												
	<i>Egremont Russet</i>												
	<i>Gala (various clones)</i>												
	<i>Spartan</i>												
	<i>Worcester Pearmain</i>												
Blackcurrants													
Cherries													
Gooseberries													
Loganberries													
Pears													
Plums													
Raspberries													
Redcurrants													
Rhubarb	<i>Forced</i>												
	<i>Outdoor</i>												
Strawberries													

¹⁵ Compiled by Bill Kirkup of the North East Centre of Excellence with the assistance of Michael Holmes, Graham Ward National Farmers Union, Andrew Tinsley, Scott Raffle Horticultural Development Commission