

**THE PUBLIC CONTRACTS REGULATIONS 2006
DOCUMENTATION AND TENDER EVALUATION PROCESSES
QUICK REFERENCE GUIDES**

In common with the majority of public funded organizations, the University of Birmingham has to comply with the Public Contracts Regulations 2006 (often referred to as the EU Directives or EU Public Procurement Directives).

These Regulations require that, where the University reasonably foresees that it will spend more than a certain amount of money (often referred to as spend above the threshold) on an individual purchase or a number of purchases aggregated over a period of four years for regular demand products or services then that purchase or requirement has to be undertaken in an open transparent way and in accordance with specific procedures set out in the Regulations.

The basics of the requirements of the Regulations in terms of process are that:

- the requirement must be subject to a Call for Competition Notice published in the Official Journal of the European Union (OJEU);
- the Award Criteria that will be applied to the Contract Award decision making process must be communicated to Suppliers
- the Specification must not exclude, discriminate against or favour specific suppliers
- the Contracting Authority must not discriminate on the grounds of nationality (or locality)

These are only the basic requirements of the Regulations – the full text can be seen at: <http://www.opsi.gov.uk/si/si2006/20060005.htm> with guidance from the Office of Government Commerce available at <http://www.ogc.gov.uk> (but this will be mainly targeted at purchasers).

In addition to complying with the Regulations where purchases individually or in aggregate exceed the “EU Thresholds” the University seeks to apply the same principles of open and transparent, non-discriminatory, fair and open competition in all of its procurement activities.

The EU thresholds at April 2009 are as follows:

- Supplies and Services £139,893
- Works (which means essentially construction projects) £3.497m

In both cases VAT exclusive.

These are the thresholds that the University has to apply - the thresholds are different for different areas of the Public Sector and for Government funded organisations they are lower.

Information on the procedures available to the Public Sector and the University in order to administer a compliant Tender is set out in the “Documentation and Procedures” section of this information sheet.