



# SECTION 75, NORTHERN IRELAND ACT 1998

Equality Impact Assessment (EQIA) on Ofcom's  
procurement policies for consultation in Northern Ireland

This report can be made available on request in accessible formats such as Braille, disc, and audio cassette and in alternative languages for those not fluent in English. This report is also available on Ofcom's website [www.ofcom.org.uk](http://www.ofcom.org.uk)

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Consultation

Publication date:

1 June 2009

Closing Date for Responses:

21 August 2009

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# Summary

Ofcom is conducting an equality impact assessment on its procurement policies as part of its commitments in its Equality Scheme and under s75 of the Northern Ireland Act 1998. The procurement policies which apply to the organisation in Great Britain also apply to its operations in Northern Ireland.

The report identifies as far as possible the impact of the policies on the nine different equality groups in Northern Ireland.

Ofcom conforms to the normal public sector standards of procurement with established procedures and procurement control limits in compliance with the relevant legislation to ensure transparency and fairness of treatment. The results of the initial equality impact review of the policy in Northern Ireland as analysed by location of suppliers, suggests strongly that the current policy does not operate in such a way as to have a detrimental impact on groups of different religious belief or political opinion.

There was also no evidence from this initial review to suggest that the policy had a negative impact on any other equality category covered by s75: sex, marital status, race, disability, age, sexual orientation or dependency status. There was also no evidence from this initial review of a negative impact on good relations between people of different religious belief, political opinion or racial background in relation to the procurement policy.

In Section 5 suggestions for further enhancing the promotion of equality through Ofcom's procurement policies have been made.

Those with an interest in these policies are invited to comment on how they believe the procurement policies may be further enhanced to promote equality. Ofcom will consider all responses as part of the equality impact assessment process.

## Section 1

# Introduction

- 1.1 Ofcom is a designated public body under Section 75 of the Northern Ireland Act 1998 and as such is required in carrying out its functions relating to Northern Ireland to have due regard to the need to promote equality of opportunity:
- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
  - between men and women generally;
  - between persons with a disability and persons without; and
  - between persons with dependants and persons without.
- 1.2 Without prejudice to the obligations set out above, Ofcom is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.
- 1.3 Ofcom's Equality Scheme, approved by the Equality Commission for Northern Ireland in 2005, sets out how it intends to fulfil its statutory obligations under Section 75. Ofcom has also undertaken a screening process to determine which policies would be subject to a full equality impact assessment (EQIA). One of these policies screened in for formal assessment is its procurement policy.
- 1.4 Ofcom has conducted this EQIA in line with the Practical Guidance issued by the Equality Commission. The EQIA will follow the recommended 7 Step Process of:-
- Defining the Aims of the Policy;
  - Consideration of available data and research;
  - Assessment of impacts;
  - Consideration of measures which might mitigate any adverse impact or alternative policies which might better achieve the promotion of equality of opportunity;
  - Formal consultation;
  - Decision by public authority & publication of results of the EQIA;
  - Monitoring for adverse impact in the future and publication of the results of such monitoring.
- 1.5 This report incorporates the first four steps of this process, and is presented for formal consultation in accordance with Step 5. Ofcom is committed to ensuring that consultation is an established part of its EQIA process. It seeks feedback on the EQIA of this policy – its procurement policy – as outlined in this report. Feedback received will provide input to Ofcom's ongoing commitment to ensuring best practice methods in how Ofcom accesses its goods and services.

## Section 2

# Background to Ofcom

- 2.1 Ofcom is the regulator for the UK communications industries, with responsibilities across television, radio, telecommunications and wireless communications services. It is independent of Government but accountable to Parliament at Westminster.
- 2.2 Ofcom's sponsoring Departments of State are the Department for Business, Enterprise and Regulatory Reform and the Department for Culture, Media and Sport at Westminster. Ofcom in Northern Ireland maintains an appropriate relationship, as a matter of courtesy, with the Department of Enterprise, Trade and Investment and the Department of Culture, Arts and Leisure in the Northern Ireland Executive.
- 2.3 Ofcom was set up, and its powers and duties are provided for, under the Communications Act 2003. Its principal statutory duty in carrying out its function is to:
- a) further the interests of citizens in relation to communication matters, and
  - b) further the interests of consumers in relevant markets, where appropriate by promoting competition.

Broadcasting and telecommunications are reserved matters, the responsibility of UK central government and not of the devolved assembly in Northern Ireland.

- 2.4 Ofcom's specific duties fall into six areas:
- i) Ensuring the optimal use of the electro-magnetic spectrum
  - ii) Ensuring that a wide range of electronic communications services - including high speed data services - is available throughout the UK
  - iii) Ensuring a wide range of TV and radio services of high quality and wide appeal
  - iv) Maintaining plurality in the provision of broadcasting
  - v) Applying adequate protection for audiences against offensive or harmful material
  - vi) Applying adequate protection for audiences against unfairness or the infringement of privacy
- 2.5 Ofcom's Regulatory Principles are:
- Ofcom will regulate with a clearly articulated and publicly reviewed annual plan, with stated policy objectives.
  - Ofcom will intervene where there is a specific statutory duty to work towards a public policy goal which markets alone cannot achieve.
  - Ofcom will operate with a bias against intervention, but with a willingness to intervene firmly, promptly and effectively where required.

- Ofcom will strive to ensure its interventions will be evidence-based, proportionate, consistent, accountable and transparent in both deliberation and outcome.
- Ofcom will always seek the least intrusive regulatory mechanisms to achieve its policy objectives.
- Ofcom will research markets constantly and will aim to remain at the forefront of technological understanding.
- Ofcom will consult widely with all relevant stakeholders and assess the impact of regulatory action before imposing regulation upon a market.

2.6 Ofcom's main office is located in London; it has, in addition, offices in Wales and Scotland and, specifically, an office in Northern Ireland to represent Ofcom to people and organisations in Northern Ireland and to enable them to more easily make contact with Ofcom and articulate their views and concerns.

## Section 3

# Ofcom's procurement policies as they apply in Northern Ireland

## Aims and Values

3.1 Ofcom's Annual Plan 2009 highlights the aim of its procurement policies:

"Our aim remains to deliver the maximum value for money to our stakeholders, including a further real terms reduction in our like-for-like costs this year."

As part of Ofcom's initiatives in 2009, it is committed to conducting ..  
"a full review of all Ofcom procurement processes and requirements to promote diversity and the inclusion of Small Business into the Ofcom supplier base."

3.2 The Procurement function within Ofcom has the twin requirement to:

- i) Procure in accordance with all applicable EU law
- ii) Ensure value for money is achieved

3.3 The Central Procurement Directorate defines value for money as: "**the optimum combination of whole life cost and quality (or fitness for purpose) to meet the customer's requirements**". This definition enables a public body to compile a procurement specification which includes social, economic and environmental policy objectives within the procurement process. "**Whole life cost**" includes both quantifiable and non-quantifiable or intangible costs and benefits.

3.4 Ofcom recognises the value to be gained from a diverse supplier base and has taken steps to encourage SMEs to compete for contracts. These include

- i) An additional procurement threshold of £25-50,000 contract value has been established with simpler tendering requirements to make tender submissions quicker to complete.
- ii) Ofcom standard Terms & Conditions have been rewritten in simpler English, shortened, and some of the more onerous clauses removed. This has substantially reduced the length of the documents, without diminishing the necessary protection to Ofcom.

## Procurement policies

3.5 Ofcom uses a broad range of suppliers, appointed following suitable competitive tendering processes. Table 1 summarises the threshold approach taken to manage the procurement process, ensuring fairness, transparency, value for money and adherence to Ofcom and EU procurement rules. Ofcom is committed to ensuring potential suppliers are given equality of opportunity to compete for Ofcom's business.

**Table 1 – Procurement Thresholds**

Value	Threshold
£0 - £5,000	3 written quotes (where appropriate) – no specific format. Quotes received by e-mail are acceptable.
£5,000 - £25,000	3 written quotes using Ofcom standard ITQ – Invitation to Quote - (for goods or services).
£25,000 - £50,000	3 – 5 written quotations using Ofcom standard ITQ (for goods or services).
£50,000 – £140,000	<p>Invitation to Tender (ITT) using Ofcom standard ITT pack including Ofcom Standard Conditions of Contract. A minimum of 5 tenders must be invited.</p> <p>All procurements at £50k and above need the involvement of the Procurement Team.</p>
£140,000 or above	<p>EU public procurement thresholds are likely to be applicable (and the Procurement Team must be involved in all stages of the procurement).</p> <p>Invitation to Tender (ITT) using Ofcom standard ITT pack including Ofcom Standard Conditions of Contract. All procurements over £50k (excluding VAT) must have the involvement of the Central Procurement Unit.</p>

- 3.6 Following a review of Ofcom procurement, it was decided in 2008 to reorganise the entire procurement operation. This reorganisation resulted in recruitment of a new team, a full review of procedures and repositioning of the Procurement Team within the organisation. Table 1 has been developed to maximise the impact of the Procurement Team within the organisation and reflects the business needs of Ofcom as an organisation to deliver against Ofcom values and EU law. Annex 5 summarises the procurement procedures for each threshold.
- 3.7 An external benchmark against other Public and Private sector organisations was carried out by an external legal firm to identify best practice and ensure Ofcom had addressed all legislative requirements within the new structure.
- 3.8 To satisfy the legal requirements of Government Procurement and ensure the commercial competitiveness of Ofcom, procurement activity is managed centrally from the London office. The extent of the Procurement Team involvement in individual pieces of procurement activity is dependent on the value of the spend and the impact of the requirement. Ofcom operates a decentralised approach to procurement that dictates the Procurement Team lead all procurement activity over £50k annual contract value. Under this value, procurement activity is normally led by the stakeholder departments e.g. the Northern Ireland office, following the required process and utilising the formal documentation provided.
- 3.9 To maximise value for money, Ofcom contract on a UK wide basis, with all sites included in central contract arrangements where possible. Such arrangements include fleet, telecoms, IT etc.

## Selection Process

- 3.10 Ofcom is committed to procuring goods and services from a diverse supplier base. To ensure a fair and transparent selection process, Ofcom evaluate all supplier tender submissions against common predetermined criteria. Selection criteria are tailored for each procurement activity, but commonly cover commercial competitiveness, quality standard measurements and supplier suitability – size, financial stability etc.
- 3.11 Ofcom secures independence in the process by evaluating suppliers via an evaluation panel, with a minimum of two personnel for any evaluation, against clearly identified and communicated weighted criteria. Proportionally more control is applied to higher value procurement activity, with clear weighted criteria and larger evaluation panels. Figure 1 is an example of the evaluation template used.

Figure 1 - Ofcom Evaluation template

Tender Evaluation Team Members (names)		Ofcom OFFICE OF COMMUNICATIONS Procurement Form FP 507											
<b>INSTRUCTIONS TO USE SPREADSHEET</b> 1. Replace all blue text with the eval criteria and weighting for your tender taken from the ITT document, then fill in final group consensus scores each tender. 2. The Qualitative Evaluation Criteria weightings <b>MUST</b> be the same as the weightings stated in the ITT or specification document issued to Tenderers. 3. <b>ONLY</b> type in the boxes without colour - all other parts of the spreadsheet contain complex formulas to automate the calculation process. 4. If you require more columns there are a number which are hidden. To access hidden columns highlight cols S & AT, then right click/unhide 5. Red text will calculate automatically and provide the ranking for each Tenderer.													
Highest Tended Price:		£150,000.00											
Lowest Tended Price:		£89,000.00 <small>Replace these values with the highest and lowest prices received for your Tender (this will allow formulas to work correctly in the spreadsheet)</small>											
Qualitative Evaluation Criteria	Weighting %	Tenderer A		Tenderer B		Tenderer C		Tenderer D		Tenderer E		Raw /10	V e i
		Raw /10	Weighted %	Raw /10	Weighted %	Raw /10	Weighted %	Raw /10	Weighted %	Raw /10	Weighted %		
1	Understanding of the required tasks	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	#
2	Organisational capacity	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	#
3	Experience	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	#
4	Quality	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	#
5	X	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	#
6	X	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	#
Total Qualitative Score %		0%		0%		0%		0%		0%		0%	
<b>Qualitative Ranking</b>		1		1		1		1		1		1	
Price (Minus VAT)		£0		£0		£0		£0		£0		£0	
7	Weighted Price %	0.00%		0.00%		0.00%		0.00%		0.00%		0.00%	
<b>Price Ranking</b>		1		1		1		1		1		1	
Total Weightings (must equal 100%)		0%		0.00%		0.00%		0.00%		0.00%		0.00%	
<b>FINAL RANKING</b> <small>Calculated automatically</small>		1		1		1		1		1		1	

## Approval Process

- 3.12 Central control is maintained to ensure consistency in the application of the procurement process and procedures. The approval process in Ofcom ensures that the Head of Procurement approves all tendered expenditure, new vendor approvals and variations to Ofcom Terms and Conditions. It is the responsibility of the Head of Procurement to ensure the correct procurement process has been followed. Without this approval, no supplier can be contracted with or paid.

## **Audit Control**

### **External Audit**

3.13 Ofcom is required to submit their annual accounts to external auditors. For Ofcom, this function is performed by the National Audit Office. They review all financial activity in order to opine that the accounts fairly present the activities of Ofcom. In order to support this opinion, they review, among other functions, the procurement activity. The NAO ensure that process is followed so that controls are in place to ensure compliance with statutory requirements and internal processes.

### **Internal Audit**

3.14 Ofcom has elected to outsource its internal audit function to KPMG, one of the 4 leading international audit firms. Their focus is to ensure that Ofcom has a strong internal control environment to ensure good financial governance. In addition to ensuring that Ofcom follows their internal processes, they also provide recommendations to assist Ofcom to follow best practice. Their primary responsibility is to ensure that there is a robust control environment to provide assurance that the organisation operates effectively. From a procurement perspective, they ensure that all Ofcom policies are followed and also make recommendations if there are areas where controls can be improved.

## Section 4

# The equality impact of the procurement policies

- 4.1 The impact of an organisation's procurement policies on different equality groups can be assessed in part by looking at the composition of its supplier base.

### Spend Profile

- 4.2 Ofcom's main office is located in London; it has, in addition, offices in Wales and Scotland and, specifically, an office in Northern Ireland to represent Ofcom to people and organisations in Northern Ireland and to enable them to more easily make contact with Ofcom and articulate their views and concerns.
- 4.3 In 2008/9, Ofcom had an annual Budget of £133.7m. Excluding salaries and non negotiable costs (annual subscriptions, VAT etc.), Ofcom's supplier spend profile is similar to most organisations – the majority of spend is concentrated with a minority of suppliers and there is a large tail of suppliers with relatively low levels of spend. Ofcom has approximately 1000 suppliers, with £75m of annual spend. Table 2 highlights the spend profile by procurement threshold.

**Table 2 – Ofcom Supplier Spend Profile**

<b>Procurement Threshold (Annual Spend)</b>	<b>Number Suppliers</b>	<b>% Annual Spend</b>
+£140k	100	80
£50-140k	170	11
£25-50k	150	4
£5-25k	250	4
£0-5k	330	1

- 4.4 Due to the procurement strategy of centralised UK wide procurement and the relatively small presence in Northern Ireland, there is little local procurement activity undertaken. What activity is undertaken is of a low value, as by definition any large spend area is procured as part of a wider national contract in line with organisation-wide procedures.
- 4.5 Table 3 summarises the larger Ofcom NI procurement activity, which is not part of a national contract, and is procured locally. Amongst the largest spend areas are rent, rates and utility costs, over which the organisation has limited scope to promote diversity, given the fixed nature of the supplier base.

**Table 3 Ofcom NI Annual Spend**

<b>Category</b>	<b>Description</b>	<b>Annual Spend</b>
<b>Building</b>	Rates	20,000
	Rent	55,000
	Cleaning	5,000
	Refuse	1,000
	Security	1,300
	Service Charge	5,000
	Maintenance	7,000
		<b>94,300</b>
<b>Utility</b>	Electricity/Gas	4,000
		4,000
<b>Equipment</b>	Copiers	4,000
		<b>4,000</b>
<b>Office variables</b>	Stationery	1,000
	Vending	2,000
		<b>3,000</b>

- 4.6 Ofcom has not historically requested s75 information from suppliers in Northern Ireland. Without data categorised by s75 equality type, it is difficult to reach absolute conclusions about the impact of the procurement policy on the different groups covered by the Northern Ireland Act 1998. The only readily available information related to the location of the supplier.
- 4.7 Excluding rent and rates, in 2008-9 Ofcom Northern Ireland contracted with 12 local companies. None of these companies had expenditure over £7,000 in the financial year.
- 4.8 This data, from which it is difficult to establish strong meaningful conclusions from an equality perspective, nonetheless presents a picture which suggests that some of the suppliers – perhaps requiring a critical size and reflecting the location of the Northern Ireland office – are Belfast-based. This is not surprising. It is encouraging to note that services have also been awarded to companies based in locations outside Belfast. These include Antrim, North Down, Lisburn, Warrenpoint and Newry. It is further noted that Ofcom’s Advisory committee meets outside Belfast once a year. The venues they have used have been in Londonderry/Derry, Enniskillen and Ballymena. This is part of Ofcom’s wider commitment to ensure that as a regulator it is accessible to stakeholders throughout Northern Ireland. It seems reasonable to conclude therefore that the current policy on procurement, although having relatively small impact in Northern Ireland, does not operate in such a way as to have a detrimental impact on groups of different religious belief or political opinion.
- 4.9 There is no evidence to suggest that the policy has a negative impact on any other equality category covered by s75 i.e. on the grounds of sex, marital status, disability, race, age, sexual orientation, or dependency status. There is equally no evidence to suggest that the policy is harmful to good relations. Indeed the evidence of a broadly based source of suppliers in terms of location may suggest that diversity is occurring in practice through the delivery of Ofcom’s work.

## Section 5

# Consideration of ways to better promote equality

- 5.1 Ofcom is required to consider as part of the Equality Impact Assessment process how it can take measures to mitigate any adverse impact on any equality category as a result of its procurement policies. In addition consideration is also being given to ways in which equality of opportunity can be better promoted by changes to the policies. Ofcom invites comments from those it is consulting on any changes to its policies which might improve the impact for different equality groups.
- 5.2 The data analysed as part of this impact assessment suggests strongly that it is unlikely that different equality groups are experiencing adverse impact as a result of the operation of Ofcom's procurement policies in Northern Ireland. Furthermore it considers that it has given regard to promoting good relations through this policy by working with suppliers from a range of different backgrounds. The location of suppliers suggests that diversity is represented within those providing goods and services to the organisation in Northern Ireland.
- 5.3 Ofcom recognises, however, the potential to better promote equality for groups and welcomes the comments of representatives from those groups and individuals in making suggestions for continuous improvement.
- 5.4 Ofcom will require all those seeking to tender for the execution of works or supply of goods or services in Northern Ireland to sign an undertaking indicating that they are not disqualified under the Fair Employment and Treatment (Northern Ireland) Order 1998, before they can be considered for appointment.
- 5.5 Ofcom will monitor any equality of opportunity complaints resulting from the implementation of its procurement policy.

## Section 6

# Consultation Strategy

### Timetable for Consultation

- 6.1 This report is offered to public consultation for a **twelve week period** until **Friday 21 August 2009**. Ofcom would welcome any comments and enquiries, as well as requests for meetings to discuss its procurement policies.

### Format

- 6.2 This report can be made available on request in accessible formats such as Braille, disc, and audiocassette and in alternative languages for those not fluent in English. This report and Ofcom's Equality Scheme are available on Ofcom's Website: [www.ofcom.org.uk](http://www.ofcom.org.uk).

### Consultation Aims

- 6.3 Ofcom would like to engage with interested groups and parties in order that it may share an understanding of its work and learn from groups of their particular experiences in relation to equality of opportunity.

Specifically Ofcom seeks the views of consultees in relation to:-

- The findings that it has presented in this report and the conclusions it has drawn;
- How Ofcom's procurement policies affect groups, individuals and organisations in Northern Ireland terms of equality of opportunity;
- What other data, both qualitative and quantitative, may be available to inform the Impact Assessment findings; and
- What measures Ofcom might take to alter or amend its procurement policy in order to mitigate adverse impact or better promote equality of opportunity to under-represented groups.

To this end the Consultation Stage of this EQIA will consist of:-

- Written requests for responses from stakeholders and target groups;
- Public press advertisements;
- One to one consultation meetings, if requested

## Further Information

6.4 Enquiries with regard to this EQIA should be made to:

Lila Truesdale  
Ofcom Northern Ireland  
Landmark House,  
5 Cromac Quay,  
The Gasworks,  
Belfast.  
BT7 2JD

Telephone: 028 90 417500  
email: [lila.truesdale@ofcom.org.uk](mailto:lila.truesdale@ofcom.org.uk)

## Annex 1

# Responding to this consultation

### How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on Friday 21 August 2009**
- A1.2 Ofcom strongly prefers to receive responses using the online web form at <http://www.ofcom.org.uk/consult/condocs/eqia/howtorespond/form>, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.
- A1.3 For larger consultation responses - particularly those with supporting charts, tables or other data - please email [lila.truesdale@ofcom.org.uk](mailto:lila.truesdale@ofcom.org.uk) attaching your response in Microsoft Word format, together with a consultation response coversheet.
- A1.4 Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation.
- Lila Truesdale  
Ofcom NI  
Landmark House  
5 Cromac Quay  
The Gasworks  
Belfast BT7 2JD
- Fax: 02890 417533
- A1.5 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- A1.6 It would be helpful if your response could include direct answers to the questions asked in this document, which are listed together at Annex 4. It would also help if you can explain why you hold your views and how Ofcom's proposals would impact on you.

### Further information

- A1.7 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Lila Truesdale on 02890 417500.

### Confidentiality

- A1.8 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, [www.ofcom.org.uk](http://www.ofcom.org.uk), ideally on receipt. If you think your response should be kept confidential, can you please specify what part or whether

all of your response should be kept confidential, and specify why. Please also place such parts in a separate annex.

- A1.9 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.10 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's approach on intellectual property rights is explained further on its website at <http://www.ofcom.org.uk/about/accoun/disclaimer/>

### Next steps

- A1.11 Following consideration of responses Ofcom will issue a final EQIA Report to those who responded to the consultation and post a copy on its website
- A1.12 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: [http://www.ofcom.org.uk/static/subscribe/select\\_list.htm](http://www.ofcom.org.uk/static/subscribe/select_list.htm)

### Ofcom's consultation processes

- A1.13 Ofcom seeks to ensure that responding to a consultation is as easy as possible. For more information please see our consultation principles in Annex 2.
- A1.14 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at [consult@ofcom.org.uk](mailto:consult@ofcom.org.uk) . We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.15 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Vicki Nash, Director Scotland, who is Ofcom's consultation champion:

Vicki Nash  
Ofcom  
Sutherland House  
149 St. Vincent Street  
Glasgow G2 5NW

Tel: 0141 229 7401  
Fax: 0141 229 7433

Email [vicki.nash@ofcom.org.uk](mailto:vicki.nash@ofcom.org.uk)

## Annex 2

# Ofcom's consultation principles

A2.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

### Before the consultation

A2.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

### During the consultation

A2.3 We will be clear about who we are consulting, why, on what questions and for how long.

A2.4 We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened Plain English Guide for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.5 We will consult for up to 10 weeks depending on the potential impact of our proposals.

A2.6 A person within Ofcom will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. Ofcom's 'Consultation Champion' will also be the main person to contact with views on the way we run our consultations.

A2.7 If we are not able to follow one of these principles, we will explain why.

### After the consultation

A2.8 We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website. In our statement, we will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

## Annex 3

# Consultation response cover sheet

- A3.1 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website, [www.ofcom.org.uk](http://www.ofcom.org.uk).
- A3.2 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality where appropriate.
- A3.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at [www.ofcom.org.uk/consult/](http://www.ofcom.org.uk/consult/).
- A3.5 Please put any parts of your response you consider should be kept confidential in a separate annex to your response and include your reasons why this part of your response should not be published. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only, so that we don't have to edit your response.

## Cover sheet for response to an Ofcom consultation

### BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

### CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts?

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

### DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

## Annex 4

# Consultation questions

*Question 1: Have you any comment to make on the findings that have been presented in this report and the conclusions that have been drawn?*

*Question 2: Have you any comment to make on how Ofcom's procurement policies affect groups, individuals and organisations in Northern Ireland in terms of equality of opportunity?*

*Question 3: Are you aware of any other data, both qualitative and quantitative, which may be available to inform the Impact Assessment findings?*

*Question 4: What measures might Ofcom take to alter or amend its procurement policy in order to mitigate adverse impact or better promote equality of opportunity to under-represented groups?*

## Annex 5

# Procurement Procedures

### Introduction

1. This User Guide explains how to procure goods and services valued up to £5,000.

### Further Information

1. For further information or enquiries, please contact the Procurement Team in Finance.

### Summary of steps in using Invitation to Quote (ITQ) documentation for requirements valued up to £5,000

- **Step 1 Prepare a brief specification of requirements** (setting out content, deliverables and, deadlines, etc.)
- **Step 2 Select a list of three Suppliers** in order to issue the ITQ documentation. Contact the Procurement Team to obtain an ITQ number.
- Note: Please complete the sections highlighted in yellow to customise the ITQ document. If you can only identify one Supplier, it may be permissible to select it without any competition (for further details on this matter, please contact the Procurement Team).

**Step 3 Issue the ITQ (including the specification of requirements) to the three Suppliers** identified in step 2 and await receipt of ITQ responses.

Note: It is acceptable to receive ITQ responses in e-mail format.

- **Step 4 Evaluate ITQ submission(s) received, and select the one** that provides overall value of money (a panel of at least two Ofcom colleagues should normally be involved).
- **Step 5 Notify your choice to Cost Centre Buyer** who will then issue a Purchase Order to the successful Supplier, and copy it to you.
- **Step 6 Contact the unsuccessful Supplier(s)** to advise them that they have been unsuccessful on this occasion.
- Note: It is acceptable to contact the Supplier(s) by telephone or to send a short e-mail advising the Supplier(s) that they have been unsuccessful.
- **Step 7 Keep a written record of all stages of process**, to ensure an Audit Trail is established, for scrutiny by Ofcom auditors or NAO.

### Prices and Contract Terms

The Supplier is expected to agree to Ofcom standard terms and conditions of contract. If the supplier proposes any amendments to Ofcom standard terms and conditions, please notify the Procurement Team promptly and they will be able to advise on particular contractual issues.

### Purchase Order

The contract will take the form of a Purchase Order and, it will be subject to Ofcom's standard terms and conditions of contract. The Purchase Order(s) will normally be raised by the Cost Centre Buyer.

## Introduction

1. **This User Guide explains how to procure goods and services between £5,000 - £25,000.**

## Further Information

1. For further information or enquiries, please contact the Procurement Team in Finance.

## Summary of steps in using Invitation to Quote (ITQ) documentation for requirements between £5,000 - £25,000.

- **Step 1 Prepare a brief specification of requirements** (setting out content, deliverables and, deadlines, etc.)
- **Step 2 Select a list of three Suppliers** in order to issue the ITQ documentation. Contact the Procurement Team to obtain an ITQ number.
- Note: Please complete the sections highlighted in yellow to customise the ITQ document. If you can only identify one Supplier, it may be permissible to select it without any competition (for further details on this matter, please contact the Procurement Team).

**Step 3 Issue the ITQ (including the specification of requirements) to the three Suppliers** identified in step 2 and await receipt of ITQ responses.

Note: It is acceptable to receive ITQ responses in e-mail format.

- **Step 4 Evaluate ITQ submission(s) received, and select the one** that provides overall value of money (a panel of at least two Ofcom colleagues should normally be involved).
- **Step 5 Notify your choice to Cost Centre Buyer** who will then issue a Purchase Order to the successful Supplier, and copy it to you.
- **Step 6 Contact the unsuccessful Supplier(s)** to advise them that they have been unsuccessful on this occasion.
- Note: It is acceptable to contact the Supplier(s) by telephone or to send a short e-mail advising the Supplier(s) that they have been unsuccessful.
- **Step 7 Keep a written record of all stages of process**, to ensure an Audit Trail is established, for scrutiny by Ofcom auditors or NAO.

## Prices and Contract Terms

The Supplier is expected to agree to Ofcom standard terms and conditions of contract. If the supplier proposes any amendments to Ofcom standard terms and conditions, please notify the Procurement Team promptly and they will be able to advise on particular contractual issues.

## Purchase Order

The contract will take the form of a Purchase Order and, it will be subject to Ofcom's standard terms and conditions of contract. The Purchase Order(s) will normally be raised by the Cost Centre Buyer.

## Introduction

1. **This User Guide explains how to procure goods and services between £25,000 - £50,000.**

## Further Information

1. For further information or enquiries, please contact the Procurement Team in Finance.

## Summary of steps in using Invitation to Quote (ITQ) documentation for requirements between £25,000 - £50,000.

- **Step 1 Prepare a brief specification of requirements** (setting out content, deliverables and, deadlines, etc.)
- **Step 2 Select a list of three Suppliers** in order to issue the ITQ documentation. Contact the Procurement Team to obtain an ITQ number.
- Note: Please complete the sections highlighted in yellow to customise the ITQ document. If you can only identify one Supplier, it may be permissible to select it without any competition (for further details on this matter, please contact the Procurement Team).

**Step 3 Issue the ITQ (including the specification of requirements) to the three Suppliers** identified in step 2 and await receipt of ITQ responses.

Note: It is acceptable to receive ITQ responses in e-mail format.

- **Step 4 Evaluate ITQ submission(s) received, and select the one** that provides overall value of money (a panel of at least two Ofcom colleagues should normally be involved).
- **Step 5 Notify your choice to Cost Centre Buyer** who will then issue a Purchase Order to the successful Supplier, and copy it to you.
- **Step 6 Contact the unsuccessful Supplier(s)** to advise them that they have been unsuccessful on this occasion.
- Note: It is acceptable to contact the Supplier(s) by telephone or to send a short e-mail advising the Supplier(s) that they have been unsuccessful.
- **Step 7 Keep a written record of all stages of process**, to ensure an Audit Trail is established, for scrutiny by Ofcom auditors or NAO.

## Prices and Contract Terms

The Supplier is expected to agree to Ofcom standard terms and conditions of contract. If the supplier proposes any amendments to Ofcom standard terms and conditions, please notify the Procurement Team promptly and they will be able to advise on particular contractual issues.

## Purchase Order

The contract will take the form of a Purchase Order and, it will be subject to Ofcom's standard terms and conditions of contract. The Purchase Order(s) will normally be raised by the Cost Centre Buyer.

## Introduction

1. **This User Guide explains how to procure goods and services valued at £50,000 and above.**

## Further Information

1. For further information or enquiries, please contact the Procurement Team in Finance.

## Summary of steps in using Invitation to Tender (ITT) documentation for requirements above £50,000

**Step 1 Agree the estimated contract value of the requirement and obtain budget authorisation for expenditure** this is to ensure that Ofcom has the necessary expenditure to commit to a contract following the conclusion of the procurement process.

**Step 2 Consider the procurement strategy** it may be possible to use an alternative procurement approach to fulfil the requirement e.g. using an existing framework agreement – please contact the Procurement Team to discuss this in more detail.

Where it is agreed that a framework agreement is not a suitable procurement strategy, for requirements valued between £50,000 to £140,000, you are required to issue ITT documentation to five suppliers.

Requirements valued over £140,000 are likely to be subject to an Official Journal of European Union (OJEU) procurement process – this will be managed by members of the Procurement Team.

**Step 3 Prepare a specification of requirements** (setting out content, deliverables and, deadlines, etc.)

**Step 4 For requirements valued between £50,000 and £140,000** select a list of five Suppliers in order to issue the ITT documentation.

**For requirements valued above £140,000**, the Procurement Team will place a Contract Notice in OJEU for suppliers to express an interest in fulfilling the requirement. A Pre-Qualification Questionnaire (PQQ) will be issued to those suppliers expressing an interest and this process will be managed by the Procurement Team.

Note: Please complete the sections highlighted in yellow to customise the ITT document / PQQ.

**Step 5 Issue the ITT (including the specification of requirements) to the five Suppliers** identified in step 4 and await receipt of ITT responses. It is advisable to consider given suppliers a minimum period of 2 weeks to construct and return their ITT responses.

For requirements valued above £140,000, the Procurement Team will issue the ITT documentation to those suppliers short listed as a result of the PQQ process. To comply with EU procurement directives, Ofcom is required to give Tenderers 40 days to construct and return their ITT responses.

- **Step 6 Evaluate ITT submission(s) received, and select the Tenderer** that provides overall value of money (a panel of at least two Ofcom colleagues should normally be involved).