

# **Equality in Procurement**

Guidance for external providers of services to Nottinghamshire County Council





# Nottinghamshire County Council's Equality policy statement on procurement

Nottinghamshire County Council is committed to equality of opportunity in the provision of services. We strive to ensure services are equally accessible to everyone and appropriate to the differing needs of all sections of the community we serve.

Equality in service delivery makes sure the services we provide meet the diverse needs of different groups. We do this by: ensuring the service is accessible, adequate and appropriate to the needs of all users. We aim to achieve a consistent approach to equality in the delivery of all services. We also expect people working on our behalf to practice equal opportunities. They must be clear about the Council's position on equality and be aware of the requirements placed upon them to adhere to our policy.

We take a proactive approach to our obligations arising from Equal Opportunities legislation. All organisations wishing to provide services on our behalf must be able to demonstrate that all reasonably practicable





The following pages detail how this policy will be applied and what it means in practice for potential providers of services to the County Council.

### Why do I, or my company need to take equality into account?

Organisations providing services to, or on behalf of Nottinghamshire County Council must carry out their duties in accordance with UK legislation governing race, gender and disability. Failure to comply with this policy could make the Authority, and in some cases individuals, liable to legal action and prevent organisations from being allowed to tender for County Council services and works.

## What questions will I, or my company be asked?

The questions detailed in the **questions for contractors section** will be asked at the pre qualification stage, when external service providers are invited to submit relevant information which will be assessed before they can be included in the Council's select list. These questions will also be asked during adhoc tendering processes.

## Do I, or my company have to answer 'yes' to all the questions?

The County Council will take your answers to the questions detailed in the questions for contractors section into account in our selection process. It is not a legal requirement for a company to answer 'yes' to all of the questions before they will be considered for selection and greater importance will be given to the answers received for the 3 questions marked by +. These questions refer to an external provider's policy and practice not to discriminate, as well as ascertaining if they have had a case of unlawful discrimination brought against them and the steps they have taken to address any shortcomings.

# We do not have a written equal opportunities policy. Does this mean we will not be included in the County Council's select list?

The County Council's approach is to strongly encourage potential suppliers to demonstrate a commitment to equalities. We recognise that a small firm may not have a formal written equal opportunities policy, other companies who although may have a formal policy may not refer to it in recruitment advertisements, this will not automatically exclude them from selection.







# European Union Procurement Contracts for:

Services equal to, or above £154 777 (249 681 Euros) Works equal to, or above £3 861 932 (6 242 028 Euros)

Please note: The current thresholds are set until 31st December 2003.

How will this effect contracts whose value equals or exceeds these thresholds?

If the value of a contract exceeds EU thresholds, EU directives stipulate the questions that can be asked at prequalification stage. However the Authority will make explicit in OJEC (Official Journal of the European Communities) notices for a contract that the successful contractor will be required to comply with additional questions pertaining to equal opportunities in relation to race, gender and disability. The pre qualification questions as per the questions for contractors section will also be used as part of the selection process.

## **Contract Clauses**

How will this effect the clauses included in contracts?

The following standard clause covering equalities will be included in all contracts for services. The contract clause covers both contractors and sub contractors and their obligations under current UK legislation covering race, gender and disability.

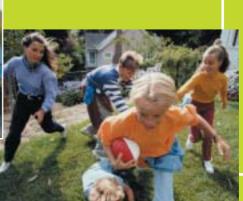
### Standard Contract Clause

"Throughout the duration of this Agreement the Contractor shall, and in addition shall ensure that its Sub Contractors shall:-discharge their obligations under this Agreement and [supply the Works and perform Services] in accordance with their responsibilities under the provisions of the Sex Discrimination Act 1975, Race Relations Act 1976 (Amended 2000) and the Disability Discrimination Act 1995 and Codes of Practice issued by the Equal Opportunities Commission [and the CRE] and shall in addition discharge it's obligations under this Agreement and provide the services in a manner consistent with County Council policies on Equal Opportunities"

# Will additional equality clauses also be included in the contract?

Additional clauses relating to equality of opportunity in relation to service delivery will also be included, where for example the service is being provided to certain target groups.





SAMPLE

## **Questions for Contractors**

The following questions will be asked during adhoc tendering processes and at the pre qualification stage, when contractors are invited to submit relevant information which will be assessed before a contractor is included in the Council's select list.

As an employer and service provider Nottinghamshire County Council takes a proactive approach to its obligations arising from Equal Opportunities legislation. Among them are:
Race Relations Act 1976 (amended 2000) Sex Discrimination Act 1975 Disability Discrimination Act 1995
Nottinghamshire County Council therefore considers it essential that all organisations wishing to provide services on behalf of the Council are able to demonstrate that all reasonably practicable steps are taken to allow equal access and equal treatment in employment and service delivery for all.
1 Do you have an Equal Opportunities Policy?
Yes   No   No   No   No   No   No   No
2 Is it your policy as an employer to comply with your statutory obligations under the current legislation relating to Equal Opportunities and accordingly, your practice not to treat one group less favourably than others because of their colour, race, nationality, ethnic origin, gender or disability in relation to decisions to recruit, train or promote employees? +
Yes  No
3 In the last 3 years has any court or tribunal found a case of unlawful discrimination against your Company? +
Enforcement action will not disbar your Company from inclusion, but failure to disclose it will.  Yes  No  If yes please provide details and the action taken to prevent a re-occurrence on a separate sheet.
4 In the last 3 years has your Company been the subject of a formal investigation by the Commission for Racial Equality, the Disability Rights Commission or the Equal Opportunities Commission on grounds of alleged unlawful discrimination? +
Investigation will not disbar your Company from inclusion, but failure to disclose it will.  Yes  No  If yes please provide details and the action taken to prevent a re-occurrence on a separate sheet.



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