

# Procurement Policy Note – New framework for products and services from supported factories and businesses.



## Information Note 01/10 15 January 2010

### Issue

1. A new Pan Government Collaborative framework agreement has been put in place by Buying Solutions, the national procurement partner for UK public services, using the provision within Regulation 7 of the Public Contracts Regulation 2006 and Article 19 of the Public Sector Procurement Directive 2004/18/EC.
2. The framework is ready for use and can be used by UK public bodies, including (but not limited to) central Government departments and their agencies, non-departmental public bodies, NHS bodies and local authorities.
3. The framework agreement covers products and services in the following lots:
  - ICT Disposal – Secure Disposal
  - ICT Disposal – Non-Secure Disposal
  - Furniture & Associated Products
  - Document Management
4. Procuring bodies are encouraged to use this framework agreement when procuring these goods and services. Using framework agreements can save procuring bodies' time and money in their procurements and help to deliver improved value for money and efficiency.

### Dissemination

5. Please circulate this Procurement Policy Note (PPN) within your organisation, agencies, non-departmental public bodies (NDPBs), and any other bodies for which you are responsible for, drawing particular attention to those with a purchasing role.

### Contact

6. Enquiries about this paper should be addressed to the OGC Service Desk on 0845 000 4999, or at [servicedesk@ogc.gsi.gov.uk](mailto:servicedesk@ogc.gsi.gov.uk).
7. Further details on this framework agreement can be found at: <http://www.buyingsolutions.gov.uk/categories/Property/supportedbusinesses> and

enquiries about the framework should be addressed to the Buying Solutions Customer Service Desk on 0345 410 2222 (or email: [info@buyingsolutions.gsi.gov.uk](mailto:info@buyingsolutions.gsi.gov.uk)).

## Background

8. Article 19 of the Public Sector Procurement Directive allows for contracting authorities to 'reserve' the right to participate in public contract award procedures to supported factories and businesses (known as 'sheltered workshops' in the Directive) where most of the employees (more than 50%) concerned are disabled persons who, by reason of the nature or seriousness of their disabilities, cannot carry on occupations under normal circumstances. These provisions have been implemented into UK law by regulation 7 of the Public Contracts Regulations (and regulation 10 of the Utilities Contracts Regulations).
9. Reserving a contract means that only supported factories and businesses or economic operators operating a supported employment programme can bid for that particular contract. These organisations can be from anywhere in the EU, but where a contract has been reserved under this provision, the process must allow for fair and open competition amongst the suppliers that bid for the contract. Contracts cannot therefore be reserved for a specific organisation and all bids from supported factories and businesses submitted under the reserved contracts provision are assessed; with award to the bid offering the best value for money.
10. Contracts valued both above and below EU threshold contracts can be reserved. The ability to reserve the right of participation to supported factories and businesses also applies to public contract procedures and framework agreements concluded by central purchasing bodies.
11. OGC guidance on framework agreements can be found on the OGC website: [http://www.ogc.gov.uk/documents/guide\\_framework\\_agreements.pdf](http://www.ogc.gov.uk/documents/guide_framework_agreements.pdf).
12. OGC guidance on reserving a contract using this Article 19 provision can also be found on the OGC website: [http://www.ogc.gov.uk/policy\\_and\\_standards/framework\\_supported\\_factories\\_and\\_businesses.asp](http://www.ogc.gov.uk/policy_and_standards/framework_supported_factories_and_businesses.asp).

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