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**S4C Procurement Policy Statement**

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## **1. Introduction**

- 1.1 The S4C Authority has adopted a Fair Trading Policy to ensure that S4C's dealings with its suppliers and stakeholders are at all times conducted in accordance with relevant legislative and regulatory requirements, and the fair trading principles outlined in that policy.
- 1.2 S4C has a Procurement Strategy which outlines the principles associated with the procurement of goods and services at S4C. The Strategy sets out the role of procurement in supporting the overall corporate aims and objectives and S4C's desire for maintaining and developing effective, co-ordinated and robust procurement procedures,
- 1.3 As a public body the S4C Authority is subject to the provisions of the European Union Public Procurement Regulations which was been implemented in the UK by the Public Contracts Regulations 2006 (the 'Regulations'). These Regulations require contracting bodies to comply with regulations relating to the means by which various works, goods and services are procured.
- 1.4 Some exclusions apply to the Regulations, including contracts for the acquisition, development, production or coproduction of programme material by broadcasters or contracts for broadcasting time. The S4C Authority Fair Trading Policy states, however, that the S4C commissioning activities will comply with the values and general principles of the Treaty on European Union including equality, non-discrimination and proportionality.
- 1.5 The S4C Procurement Policy Statement outlines the procurement methods adopted by S4C in delivering its Strategy.

## **2. Key Aims**

- 2.1 The core elements of the S4C Procurement Policy Statement are designed to ensure that:
  - 2.1.1 S4C maintains its key aim of promoting excellence;
  - 2.1.2 S4C obtains services and supplies that represent best value thereby ensuring the most efficient use of public money;
  - 2.1.3 S4C operates best practice, minimising administrative burden;
  - 2.1.4 S4C promotes diversity and avoids waste; and
  - 2.1.5 S4C promotes contestability, where appropriate, in order to continuously assess the market place.
- 2.2 Procurement methods have been devised and developed in order to ensure best value is delivered by the most appropriate and cost efficient procurement process. The methods available to S4C include electronic procurement arrangements, credit cards and framework agreements.
- 2.3 The procurement methods used by S4C will depend upon the overall value of the contract. However in all instances, S4C's key principles of transparency, accountability, equality, efficiency, effectiveness and professionalism will be applied.

### 3. Procurement Methods Adopted by S4C

3.1 The following guidelines are used for procurement:

Threshold *	Procurement Method
Up to £1,000 (excluding programme material and broadcasting time)	Best value must be obtained by gaining knowledge of the market for the product being procured. This must be documented.

Threshold *	Procurement Method
Between £1,000 and £50,000 (excluding programme material and broadcasting time)	<p>Best value to be obtained through market testing, and obtaining a minimum of three quotes from different suppliers.</p> <p>A record of all quotes must be kept including the amount quoted, the goods or services for which the quotes are received, the length of time for which the quoted price remains in force, any special terms or conditions, any other issues relevant to the purchase such as quality, format, output or deadlines and the reasons why one supplier has been chosen over another.</p>

Threshold *	Procurement Method
Above £50,000 (excluding programme material and broadcasting time)	<p>To be tendered competitively at least every 3 years. This term may be extended with prior approval. Tenders may be open (advertised) or invited.</p> <p>Advertised tenders will be posted on the S4C Tender website – <a href="http://www.s4c.cymru">www.s4c.cymru</a></p> <p>When a tender is invited a minimum of 2 suppliers must be invited to tender, although budget holders should seek to identify at least 4 suppliers. A record must be maintained of the invitations to tender sent to suppliers. Where suppliers choose not to respond, the reason for the lack of response should be sought and documented.</p> <p>A specification should be drawn up for the service or goods to be contracted, and relevant information provided. Staff should aim to standardise the invitations to tender. Evaluation criteria should be defined prior to the issue of the invitations to tender, and the weighting relating to each criteria published. A deadline should be set for the closing dates and for receipt of tenders.</p> <p>Tenders are usually returned to S4C in electronic format to an attributed e-mail inbox clearly indicating the contract to which the tender relates. Returned tenders must be recorded on receipt and managed by at least two people, one of which is independent of the tendering process.</p> <p>Tenders are to be assessed using the pre-determined evaluation criteria and the process documented.</p>

\* The threshold figure is the total value over the period of contract.

- 3.2 S4C will operate in accordance with the rules set out in the Regulations in respect of that expenditure and contracts to which the Regulations apply and which have a value above the relevant £173,934<sup>1</sup>. For a list of recent contracts above the relevant EU Thresholds please refer to the Archive area on the S4C Tenders website. S4C will usually use the "Open" or "Restricted" Procedures when procuring under these regulations.
- 3.3 Exceptionally there will be instances where the goods or services can only be provided by a sole supplier. In such cases the market should be tested and reviewed on a regular basis, so as to ensure that no alternative supplier exists or that other suppliers cannot meet the specific or technical requirements of the contract. The conclusions of this research should be documented and any decision not to tender should be approved. In some high value single source situations it may be advisable to tender.
- 3.4 In the commissioning or licensing of programme material, rights ownership of creative content is a key consideration. Whilst keeping this in mind, the S4C Authority Fair Trading Policy states that the S4C commissioning activities support the general principles of fair trading and comply with the values and general principles of the Treaty on European Union and S4C's core principles.
- 3.5 The principles defining S4C's relationship with the independent production sector are outlined within the context of the Code of Practice, the Terms of Trade, the Corporate Plan and the aims of the Content Strategy.
- 3.6 For a list and details of commissioning content tenders please refer to the S4C Production website (<http://www.s4c.cymru/en/production/>).

#### **4. Monitoring and Review**

- 4.1 The S4C Board of Directors is responsible for the implementation of this Policy.
- 4.2 The Policy is approved by the S4C Authority. The S4C Authority will monitor the operation of this Policy.
- 4.3 The operation of this Policy will be overseen by the Board of Directors. The Board will conduct an annual review of procurement activity
- 4.4 S4C will review this Policy periodically, and at least every three years.

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<sup>1</sup> The EU Thresholds are varied regularly, and this figure is effective from 1 January 2010 by Council Regulation 1177/2009