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ES Global Document

# Procurement Policy

Version: 1.1, Last Revised: 12/09/2024

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## PROCUREMENT POLICY

Document control

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Department	Commercial
Reviewed by	John Gaffney
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R01				

#### INTRODUCTION

ES GLOBAL is a lead contractor for major events and projects around the world, designing and delivering relocatable architecture and structures.

The projects we deliver tend to be extraordinary: milestone moments that live long in the memory. The structures behind the scenes are just as enduring, morphing from project to project and site to site to fit the exacting, often time-critical needs of our clients. Employing infinitely adaptable, reusable components, world-leading technical expertise and a show-must-go-on mindset, we find ways to hit our mark, on time, whatever the obstacles.

We bring the same approach to every project, from one-night-onlys to record-breaking residencies. Our experience in the sustainable staging of music, sports, cultural and corporate events means we're sought out at the earliest stages of projects by clients and creative partners. Not just to design and fabricate the best possible solution, but to see the project through from concept to opening, so that what is delivered is exactly what was hoped for.

We set the scene for the extraordinary, as promised, and deliver the impossible, as planned.



ES GLOBAL is a lead contractor for major events and projects around the world, designing and delivering relocatable architecture and structures. Starting over 50 years ago, and with regional offices across four continents, the business provides touring stages for concerts and cultural events, sporting spectaculars and critical infrastructure.

#### **Purpose**

ES Global Holdings Limited and its subsidiaries (ES Global) is committed to ensuring that our projects will be delivered in accordance with this Procurement Policy. This policy has been developed from existing and new company procedures, which have evolved during the production of major events over the past 30 years and in alignment with ES Global Principles and responsibilities to its Clients and Shareholders.

ES Global aims to implement decisions and activities which adhere to universal principles of good governance with a strong commitment to a policy that sources and manages the procurement of goods and services in a manner that allows it to deliver on its commitment to the Clients and shareholders in accordance with the guiding principles below.

#### Policy Statement

ES Global commits to the procurement processes being consistent, comprehensive, transparent, defensible, and commensurate with the levels of risk each procurement raises. Such activities will be undertaken ethically, honestly and with fairness to all parties.

# **Guiding Principles**

To achieve this objective ES Global will apply the following principles:

- 1. Drive Value for Money by ensuring that non-cost related factors including technical requirements, programme, quality, ability of company/supplier to deliver, health and safety, sustainability, legacy, inclusion and diversity are all considered.
- 2. Establish risk management and probity plans where appropriate to the scale, scope, and relative risk of each proposed procurement.
- 3. · Compliance with agreed guidelines and procedures for sourcing, evaluation and contracting.
- 4. Incorporate the principles of sustainability into the procurement process.
- 5.  $\cdot$  Use its best endeavours to deal only with ethical and socially responsible suppliers.
- 6. Undertake a planned approach to all procurement through effective planning, market research, clarity of scope, sustainability, legacy opportunities, and negotiation.
- 7. Ensure financial viability of all suppliers, prior to engagement with them on procurement.
- 8.  $\cdot$  Manage and protect commercially sensitive and confidential information.
- 9. Ensure that procurement activities are conducted in accordance with relevant legislation.
- 10. Ensure that any Value in Kind opportunities are evaluated to determine if they can benefit the procurement process.
- 11. · Engage with the Clients, where applicable, to ensure procurement is aligned with any existing contracts and or frameworks.
- 12.  $\cdot$  Endeavour to use local suppliers, in the region the project is based for suppliers and products.

#### SCOPE

This policy applies to all workforce involved in procurement processes. Only persons with delegated authority can commit ES Global to expenditure in accordance with their appropriate level of authority and in accordance with the delegated levels of authority and procurement procedure.

#### DEVIATION

It must be recognised that the unique nature of some projects may mean that it is not always possible to have strict adherence to all elements of the procurement policy and or procedure. If this situation arises the reasons for the deviation must be fully explained along with the decisions made as a result of any deviation and agreed at the appropriate approval level as a recorded derogation from this policy. Refer to Appendix C – Derogations Form, which must be used for all derogations from the policy, for orders in excess of £10,000.

#### **DEFINITIONS**

For the purposes of this policy, the following definitions will apply:

Term Meaning

Client Any company or individual who signs an agreement with ES Globalor its subsidiaries to deliver goods and or service for an agreed sum.



Employees	Includes all ES Global staff (full time, part time, casual, temporary, short term), excluding interns and secondees.
Evaluators	Those evaluating the suitability of all tenders/quotes received to provide goods and/or services for a particular procurement process with the
	purpose of providing a recommendation of a particular supplier or creating a short-list of potential suppliers.
Expenditure	This is the anticipated aggregated total value of the required goods or services, where known, in British Pounds or the applicable currency for the
	contract (converted to GBP at rate published on (http://www.xe.com)http://www.xe.com (http://www.xe.com)on agreed date excluding taxes – for
	the purpose of Procurement, Contract and PO thresholds).
Freelancers All	individuals contracted by ES Global under an agreement to work on the Projects as part of the Workforce who are not ES Globalcontracted
	staff members, including self-employed/members of limited companies, carrying out the role of Consultants, Contractors, Crew, etc.
Head of	Includes the HODs for: Finance Project Development Business Development Operations Commercial Project Delivery CEO's Or Project
Department	Lead
(HOD)	
Procurement	The purchase or entering a contract for supply of goods and or services via any method (e.g. contracts, purchase orders (PO's), credit cards or cash)
Procurement	The Workforce member leading each particular procurement process for the supply of certain goods and/or services for the Project.
Lead	
Project Lead	The designated Project Manager Workforce member responsible for delivering the Project. (Director / Lead Project Manager)
Purchase	Issued to supplier terms and conditions for goods, services and hire at any value and approved at the appropriate level of authority.
Order (PO)	
Risk	An uncertain event or set of events which, should it occur, will have an effect on the achievement of objectives (the effect of uncertainty on
	objectives). A risk may have one or more causes and, if it occurs, one or more impacts. In procurement, this could relate to the degree of
	specialisation, urgency of supply, failure to deliver or limited sources of supply.
Request for	Issued to supplier with Scope of Works that sets out the information required from the selected suppliers as part of their Proposal. It is the
Proposal respo	nsibility of the PM to work with the Commercial Department to ensure the efficacy of the contents of the documentation issued to (RFP) potential
suppliers.	
Request for	Issued to supplier for request price specifically to exact requirements that ES Global have identified.
Quotation	
(RFQ)	
Supplier An en	terprise known to be capable of supplying required goods or services and includes manufacturers, stockists, resellers, merchants, distributors, and
	contractors.
Sustainable	
	1. Procurement that aims to reduce the adverse environmental, social and economic impacts of purchased products and services
Procurement	throughout their life. For example.2. Environmental: inputs of natural resources, energy and water in the manufacture, use and disposal of
	goods.3. Social: labour conditions in the manufacture, use and disposal of goods or delivery of services; and4. Economic: costs of operations
	and maintenance over the life of the goods.
Terms and	These are the standard terms and conditions each supplier will need to agree to in order to supply goods and/or services to ES Global. Ar
Conditions	request to modify the terms and conditions should be discussed with and only accepted if approved by the relevant Department's HOD and
(T&Cs)	the Finance HOD or Commercial HOD. If the particular procurement process is under £100,000 but particularly complex or high-risk then the
	Formal Subcontract may be more appropriate. If unsure, the Procurement Lead should discuss with their relevant HOD and the Finance HOD.
Value for	The optimal relationship between the cost of a procurement and the quality or fitness for purpose that procurement achieves.
Money	
Workforce	Includes all Employees, Freelancers, Secondees from other Companies, Interns and Volunteers working on the Projects.
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# RESPONSIBILITIES

# Chief Executive Officers (CEO)

The CEOs take overall responsibility for procurement governance. The CFO and Commercial Director will review any changes to this policy and procedure and make recommendations to the CEOs. Any changes to the policy and procedures requires approval from the CEOs.



# Commercial Director (CD)

The CD is responsible for ensuring compliance with the policy and procedure for all procurement. This includes the reviewing of all procurement and providing agreement via signing the approval form for the relevant level of delegation. The responsibilities also include financial due diligence, finance tracking, financial risks, contracts agreement and agreeing payment terms and conditions.

# Chief Finance Officer (CFO)

The CFO is responsible for ensuring compliance with the policy and procedure for all procurement. This includes the reviewing of all procurement and providing agreement via signing the approval form for the relevant level of delegation. The responsibilities also include financial due diligence, finance tracking, financial risks, contracts agreement and agreeing payment terms and conditions.

# Heads of Departments/Project Leads (HODS)

# **Project Leads**

Project Leads are responsible for reviewing and approving their department / project procurement. This includes reviewing RFPs or RFQ, Technical evaluations (including Risks) and recommendations and identifying regional suppliers where possible.

#### Commercial Leads

Project Commercial Leads are responsible for working with the Project Lead on the Project Procurement Plan and project cost-tracking. Also ensuring scrutiny of procurement proposals, and approving procurement at the relevant level of delegation.

**Employees and Freelancers** 

All Employees and Freelancers initiating procurement activities are responsible for complying with this policy and procedure.

Local and Regional Suppliers

ES Global is committed to providing opportunities for Local and Regional suppliers where projects are delivered whenever possible. ES Global will use reasonable endeavours to ensure all business opportunities are advertised to local and regional businesses.

#### Inclusion and Diversity

Across every part of ES Global's business, ES Global strives to create an inclusive culture in which difference is recognised and valued. By bringing together people from diverse backgrounds and giving each person the opportunity to contribute their skills, experience and perspectives, ES Global will deliver the best solutions to challenges and deliver sustainable value for our stakeholders.

All Workforce members have personal responsibility for the practical application of ES Global's Inclusion and Diversity policy (included as part of the Recruitment Policy). HODs (and other relevant delegated department members) involved in supplier recruitment have special responsibility for the practical application of this policy.

Pacruiting local and ragional cumpliars neurumy rocal and regional suppliers

ES Global will review the best methods for advertising and promoting business opportunities locally and regionally which may include (but is not limited to) the following:

#### Procurement

Briefing sessions will be held for potential suppliers to hear about the opportunities that will be made available for the Projects.

The procedure of how to procure goods and services please refer to Procurement Procedures document.

Communication

ES Global will endeavour to utilise the services of suppliers and contractors in the locations of where the Projects are being carried out.

This might include utilising the connections gathered from the Client, and or any agencies, to assist ES Global in securing local and regional suppliers.

#### Development



ES Global will provide feedback to all local and regional suppliers that are unsuccessful in winning contracts for the supply of goods and/or services for the Projects.

ES Global will consider and, where reasonably possible, provide opportunities for unsuccessful suppliers to work with chosen suppliers to gain experience.

# Value for money

One of the key guiding principles for this policy is to obtain Value for Money. By following this policy and using the process and documentation outlined in the Procurement Procedures document, ES Global will be able to obtain Value for Money in relation to each procured goods and or service.

Supplier Assessment

ES Global will ensure its suppliers can demonstrate their commitment to Quality Management, Health and Safety, Environmental Management, employee training and competency, and their commitment to carbon reduction through its supplier assessment procedure

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. Appendix A - Delegated Levels of Authority

# 2. Appendix B - Procurement Procedure

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APPENDIX B



# PROCUREMENT PROCEDURE

#### Document control

Prepared by	Peter Heslington
Department	Commercial
Reviewed by	John Gaffney
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#### **Revision History**

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R00	27/03/2024	Issued	Update of existing document for new branding	PeterH
R01				

#### Scheduled Reviews

This Procurement Procedure which is an Appendix to the ESG Procurement Policy document will be reviewed by the Operational Board of Directors periodically and or may be amended as an exception in line with major projects requiring significant procurement.

The Procedure will also undergo continual assessment and review by HODs to ensure that it remains current and reflects the deliverables of the team across all departments.

Any elements deemed to have significantly altered, or where key changes to the Procedure have been identified, will be incorporated into the Procurement Policy main document.

#### PROCUREMENT PROCEDURE

The following procedure should be followed in the procurement of all goods and/or services to be supplied for the Projects.

# **OVERVIEW OF PROCESS**

The documentation and process required for each spend level is detailed in the table below:

Approval Level Value	Document	Documents for	Process	
	(Internal)	issue		

Α	£0 - £9,999[1]	n/a	PO T&Cs for Goods/Services and/or Rental as appropriate.	Purchase Order via NetSuite approved at Level A
В	£10,000- £99,999	n/a	As above	Purchase Order via NetSuite with three quotes and approval at Level B
С	£100,000 - £499,999	Project Procurement Plan	RFPFormal contractKey Milestones	Approved to Level C.2 x Options RFP or Sole Supplier.
				RFP OptionRFP and released to market via RFP process:-1. Scope of Works and RFP drafted 2. RFP issued to 3-5 contractors by Commercial Project Lead 3. Clarifications 4. Evaluation (Technical- Project Lead, Commercial- Commercial Project Lead) 5. BAFO (2 best proposals) 6. Award
				Sole Supplier Option ESG using validated existing supplier. (Only can be used if agreed by Commercial Director or Board Member). Must be included in the Project Procurement Plan including justification why using as Sole Supplier procurement route. Once supplier is approved, Purchase Order issued in NetSuite at Level C approval
				Contract approved and issued at Level C
D	>£500,000	Project Procurement Plan	RFPFormal contractKey Milestones	As above. Once supplier is approved, Purchase Order issued in NetSuite at Level D approval Contract approved and issued at Level D

[1] The ESG Company Credit Card may also be used for procurement with an estimated value of less than £1,000 approved by Department Head/Project Lead.

# Planning

The initial step in the procurement process will be the identification of goods and/or services that ESG require to produce the Projects. This process will be managed by Project Lead and/or their delegated workforce members and includes both the estimated amount of expenditure required and the budget line.

Once the goods and/or services to be supplied have been identified, a 'Project Procurement Plan' will be completed by the appropriate staff member—usually the designated Commercial Procurement Lead on the Project. The document includes identifying:

- 1.  $\cdot$  Information on Project and Suppliers
- 2. · Type of Procurement
- 3. · Procurement Lead & Evaluators
- 4. · RFP Instructions
- 5.  $\cdot$  Information Issue
- 6. Terms
- 7. · Contract Particulars
- 8. · Assumptions and Exclusions
- 9. · Clarifications
- 10.  $\cdot$  Pricing Information Document including Schedule of Rates

The Project Procurement Plan should be used to plan the procurement depending on the estimated value of the goods and/or services being procured.

Higher value contract packages or lower value contract packages with greater complexity or higher risks associated with them will require a more rigorous procurement process than those with lower values, complexity, and risks.

#### Documentation



A critical element of the procurement procedure is the documentation, not only for ESG records, but also to give the potential suppliers a clear scope of the relevant requirements they need to meet.

Clearly defined criteria outlined in the documentation allows for straightforward transparent evaluation of competing RFP or RFQ's in order to show which supplier has provided the best response to each area. The process and documentation is designed to provide an acceptable level of probity while also being practical in its administration.

Required documentation for RFP

The below require documentation is required to be included in RFP:

- 1. · RFP Requirements
- 2. · Procurement Timelines
- 3. · Scope Of Works
- 4. · Key Milestone Programme
- 5. · RFP Pricing Submission Document
- 6. · Procurement Evaluation Criteria
- 7. · Form of Contract/ Draft Contract

Once the above documents are completed, and approved by the Procurement Lead, the procurement can go to market.

# Procurement (Value > £999)

Receipts are required to be kept and submitted with expenses form for spend up to £999. The Project Lead is to approve this project spend. Procurement (Value £1,000-£9,999)

All Employees, Freelancers and/ or Project teams must use the Purchase Order system when engaging suppliers where the estimated value of the goods and/or services to be provided is £1,000 to £9,999.

The Project Lead will be able to approve this PO spend.

In certain circumstances, the Purchase Order may not be sufficient (for example, if the goods and/or services being procured are complex or high risk). In such circumstances, the Project Lead should discuss this with the Procurement Lead as 3 quotes or an RFP/ RFQ might be required in addition to the PO.

# Procurement (Value £10,000-£99,999)

All Employees and Freelancers must use the Purchase Order system when engaging suppliers where the estimated value of the goods and/or services to be provided are £10,000-£99,999.

The Project team must go to market and request 3 quotes for the goods and services where possible.

The Project Lead and the Project Commercial Lead need to approve this PO spend before goods and services are procured.

In certain circumstances, the Purchase Order and 3 quotes may not be sufficient (for example, if the goods and/or services being procured are complex or high risk). In such circumstances, the Project Lead should discuss this with the Procurement Lead as an RFP/ RFQ might be required in addition to the PO and quotes.

Procurement (Value £100,000-£499,999)

All Employees and Freelancers must use the Purchase Order system when engaging suppliers where the estimated value of the goods and/or services to be provided are £100,000- £499,999.

The Project team must use either of the following procurement methods:

- 1. · RFP
- 2. · Sole Supplier

The Project Lead, the Project Commercial Lead and a Director of Projects/ Commercial Director needs to approve this PO spend before goods and services are procured.

RFP (Request for proposal)

Pre-qualification documents - Non Disclosure Agreement (NDA)

An NDA must be signed by each potential supplier before any information is provided to them. The issuance of Template NDAs will be managed by the Commercial Department. The Employees, Project Leads or Project Coordinators should request the Commercial Department issue an NDA to a potential provider, with the requester providing the suppliers contact details to the Commercial Department to facilitate this.

The RFP or RFQ may not be issued to a potential supplier until a signed NDA has been returned unless otherwise agreed by Procurement Lead.

RFP templates

An RFP will be issued where in addition to a Price being sought for carrying out the works, further proposals in terms of Design, Technical, Programme, etc may be required as part of the Tender Return/Quote from the potential supplier (Noting RFQs are also used with existing project suppliers to request prices for varied works on the project).

The ESG RFP Requirements Template which can be accessed on the 'ESG Home' Teams channel should be utilised for procuring bids. The RFP requirements document has six Appendices, which are available for usage in template form:-

- 1. · Appendix 1 Pricing Submission Document
- 2. · Appendix 2 Form of Tender
- 3. · Appendix 3 Scope of Works
- 4. · Appendix 4 Schedule of Drawings
- 5. · Appendix 5 Key Milestones
- 6. · Appendix 6 Procurement Evaluation Form

The Commercial Lead shall fill in the RFP Requirements main document, and Form of Tender.

The Commercial Lead and Project Lead should complete the Pricing Submission Document and Procurement Evaluation Form.

The Project Lead is responsible for completing the Scope of Works (SOW), Schedule of Drawings and Key Milestones.

Note: Not all of the above Appendices will need to be sent with each RFP. The Project Lead and Commercial Lead shall decide which need/are appropriate to be sent out, but as a minimum Appendices 1 and 2 should be sent out.

RFP requirements document

This document includes:

- 1. · Title of RFP
- 2.  $\cdot$  When RFP is required to be submitted by and where
- 3.  $\cdot$  Contains RFP Client contact details where any clarification is required to be sent.
- 4. The criteria by which the potential supplier will be evaluated.
- 5.  $\cdot$  The Supplier Questionnaire form that includes:
- 6.  $\cdot$  Company Commercial details
- 7. · Third Party Sub Sub Contractors
- 8. · Compliance Assessment
- 9. Declaration of Conflict of Interest
- 10. · H&S Information
- 11. · Certificates and Licences
- 12. · Environmental and Sustainability
- 13. · Equality, Inclusion and Diversity

Independent of the provision by the potential supplier of evidence of their own financial strengths ESG may carry out their own financial checks utilising industry standard financial checking tools, such as the Dun and Bradstreet checking facility, review of publicly available company accounts and record information, and informal market testing via industry contacts. Financial checking shall be carried out by the Finance Department under the direction of the CFO, with results fed back to the Procurement Lead, Project Lead and Commercial Department.

# Scope of Work (SOW) document

This document includes:

- 1. · Details of the Project and Works
- 2. · Standards
- 3. · Requirements for Plant and Crew
- 4. · Logistics

### **Key Milestones**

This document includes:

- 1. · Key Project Milestones including
- 2. · Overall Project Dates
- 3. · Supplier Delivery Dates
- 4. · Project Handover Dates
- 5. · Project Completion Dates
- 6. · Other critical dates to ensure the potential supplier is aware of these Milestones

# Pricing Submission Document

This document includes:

- 1. · Subcontract Particulars
- 2. · Pricing Matrix
- 3. · Schedule of Rates

#### Clarifications

The potential suppliers are required to issue any clarification requests to the email address supplied in the RFP information. They are not allowed to ask directly to any member of the Project or other ESG personnel.

The Commercial Lead shall write the responses to any commercial clarification, the Project Lead to write responses to any technical comment.

The assembled technical and commercial clarifications along with original question will then be issued by the Commercial Lead to all potential suppliers that have been issued the RFP.

Any clarification question that identifies who requested the clarification will be altered to remove this reference.

## PO Terms and Conditions

These are the standard terms and conditions each supplier will need to agree to in order to supply goods and/or services to ESG for the Projects. Any request to modify the terms and conditions should be discussed with and only accepted if approved by the Project Lead, Commercial Lead and Commercial Director.

Project specific form of sub-contract

A draft version of the relevant Project Specific Form of Sub-Contract should be provided to each supplier that receives the RFP. Any request to modify the Sub-Contract should be discussed with the Project Lead and Commercial Lead and Director of Contracts. In the event that there is no project specific subcontract available at the time of issue of the RFP, the RFP should include reference to, and a copy of the relevant ESG Standard Terms (i.e. of Hire From or Purchase From) on which the supplier should base their response



#### Procurement Evaluation Form

The Procurement Evaluation Form is to be used to evaluate each supplier's bid to provide goods and/or services and to compare them with each other. The form should set out the specific criteria that will be used both technically and commercially, with the Project Lead and Commercial Lead deciding on the levels of weighting for each section.

The Project Lead will evaluate the technical responses and the Commercial Lead will evaluate the commercial responses. The Commercial Lead is responsible to ensure the compliance and evaluation form is completed.

# Best and Final Offer (BAFO)

Where possible two potential suppliers should be invited to a Response Interview to discuss technical and commercial items. This meeting should be used to both clarify points on the tenders received and to discuss items within the response that the supplier may have priced in risk. Discussions over risk items, and removal of those risks, may present an opportunity for the supplier to reduce their price following the meeting. At the end of the meeting the potential supplier should be requested to provide a BAFO with a timescale to do this (usually 1 working week). The BAFO should be completed on an amended Pricing Information Schedule, highlighting amendments made.

#### **Award**

Once the BAFO have been evaluated the successful supplier is issued a notice of Award by Commercial Lead on the project.

This is required to include:

- 1. · Contract Name
- 2. · Name of Successful Supplier
- 3. · Contract Amount

### Sole Supplier

This procurement process can only be used if several criteria are met, and this procurement option has been agreed by Project Lead, Commercial Lead and Commercial Director.

At no point should the potential supplier be informed they are a sole supplier.

#### Criteria of Use (Sole Supplier)

This procurement process only can be used if all of the below conditions are met:

- 1.  $\cdot$  They are already an existing Supplier to ES Global Ltd
- 2. Due to potential delays to the project the supply can't be procured using an RFP or RFQ process.
- 3. · Single Source justification form is completed

Documents to be issued to sole supplier

Documents to be issued to Sole supplier include:

- 1. · A simple scope of works document
- 2.  $\cdot$  Key Milestones
- 3. · Pricing Information Document
- 4. · Draft Contract

Clarifications for sole supplier

Clarifications should be addressed to Procurement Lead on the project. Technical clarifications will be answered by Project Lead and commercial clarifications by Commercial Lead.

Commercial Lead will respond to sole supplier in same way as with any typical RFP.

BAFO Sole supplier



The Commercial Lead will request a BAFO from Sole Supplier.

#### **BAFO Award**

Once BAFO have been evaluated the successful supplier is issued a notice of Award by Commercial Lead on the project.

This is to include:

- 1. · Contract Name
- 2. · Name of Successful Supplier
- 3. · Contract Amount

Managing the procurement process

The Procurement email address Procurement@es.global has been set up to manage communication throughout the procurement process. All potential suppliers will be directed to contact this email address should they have any queries about any of the documentation or the procurement process. The procurement email along with the procurement phone number will be the only contact details provided to potential suppliers.

#### **Approvals**

There are required approvals and signoffs at all levels of expenditure in accordance with the Procurement Policy. (Refer to Appendix A - 'ESG Delegated Levels of Authority for Sign Off of Contracts and Purchase Orders'.)

### Derogations from procedures

All derogations from these Procedures, for orders in excess of £10,000, must be approved by the relevant Director of Projects, in order for a Purchase Order to be raised. (Refer to Appendix C - 'Derogations and Sole Supplier Form'.)

# 3. Appendix C - Derogation Form

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If printed, the information in this document is accurate as of the date of printing. However, all documents are updated regularly, and readers should refer to the latest online version published on Staff Wiki. All documents are subject to the laws of the jurisdiction where the ES Global entity resides. All parties shall agree to submit to the exclusive jurisdiction of the courts in that location.