

**NORTHERN IRELAND LOCAL GOVERNMENT OFFICERS'  
SUPERANNUATION COMMITTEE**

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**Purchasing Policy**  
**April 2010**

# **NORTHERN IRELAND LOCAL GOVERNMENT OFFICERS' SUPERANNUATION COMMITTEE**

## **Purchasing Policy April 2010**

### **1. Introduction**

- 1.1 NILGOSC's purchasing policy is designed to demonstrate openness, transparency and equality, with due consideration given to quality and value for money.
- 1.2 As NILGOSC is a Non Departmental Public Body, it is required to follow the government's directive to use the Central Procurement Directorate or a Centre of Purchasing Expertise for its purchasing activities in accordance with the Public Procurement Policy issued by the Department of Finance and Personnel.
- 1.3 In order to comply with this requirement, NILGOSC has signed a Service Level Agreement with the South Eastern Education and Library Board to enable it to carry out the majority of its purchasing activities by using the Board's purchasing contracts. Details of this arrangement are outlined in Appendix 1.
- 1.4 This document sets out the methods to be used for purchasing of goods and services of varying values and types. It also details the responsibilities of the Committee, senior management and those involved in purchasing as regards the maintaining of ethical standards.

### **2. Ethical Standards for Purchasing**

#### **2.1 General**

- 2.1.1 Misuse or misappropriation of the assets and funds of NILGOSC is a serious matter, which could ultimately lead to criminal proceedings. Committee members and staff who influence or undertake purchasing of goods and services must uphold the highest ethical standards. In particular they :-

- must, in all their actions, comply with the letter and spirit of legal requirements to NILGOSC.
- must not use his/her position to obtain personal gain from those doing business or seeking to do business with NILGOSC.

#### **2.2 Acceptance of Gifts and Hospitality**

- 2.2.1 The Acceptance of Gifts, Services and Hospitality Policy sets out for Members and staff the principles governing the acceptance of gifts and hospitality and provides some specific advice on how these principles should be interpreted.
- 2.2.2 The aim of the policy is to ensure that NILGOSC can demonstrate that no undue influence has been applied (or could be inferred) by anyone dealing with NILGOSC and that decisions reached regarding public expenditure and hospitality expenditure are based on value for money and incurred in accordance with the principles of regularity and propriety.

# NORTHERN IRELAND LOCAL GOVERNMENT OFFICERS' SUPERANNUATION COMMITTEE

## Purchasing Policy April 2010

2.2.3 To comply with the policy, Members and staff:

- must not accept gifts or other personal rewards, of other than token or nominal value, from persons doing or seeking to do business with NILGOSC. Any gift extended to influence business transactions with NILGOSC should be refused.
- must record all gifts and hospitality received in the Gifts and Hospitality Register. The Finance Manager will review the Gifts and Hospitality Register annually to ensure that the guidelines set out in the Acceptance of Gifts, Services and Hospitality policy have not been breached.

### 2.3 Hospitality

2.3.1 Members or staff may only accept hospitality provided it is modest and reasonably related to the proper conduct of business, places no obligation or perceived obligation on the recipient, is not frequent, lavish or prolonged, is unconnected with any decision affecting NILGOSC, can be justified and provides benefits to NILGOSC which outweigh the risk of possible misrepresentation of the hospitality. Hospitality of a kind calculated to subject the recipient to illicit obligations must always be refused.

2.3.2 Invitations to frequent or more expensive social functions where there is no direct link to official business like sporting events, the theatre, opera or ballet etc. and those which involve travel, hotel or other subsistence expenses must also be refused.

2.3.3 All hospitality accepted by any Committee Member or any member of staff must be recorded in the Hospitality Register that will be kept in Finance. Details of the hospitality received should be sent by email to: [finance@nilgosc.org.uk](mailto:finance@nilgosc.org.uk) and should include the following information:-

- name of recipient
- date of offer
- who made the offer
- description of offer
- why the offer was made
- estimated / actual value of the offer
- details of any current or potential contract with the donor

### 2.4 Conflicts of Interest

2.4.1 Members and staff

- must not undertake commitments or involvements that give rise to a conflict of interest between fulfilling responsibilities to NILGOSC and fulfilling responsibilities arising from such other commitment or involvement.

**NORTHERN IRELAND LOCAL GOVERNMENT OFFICERS' SUPERANNUATION  
COMMITTEE**

**Purchasing Policy April 2010**

- should seek advice from the Deputy Secretary/Secretary if they consider that there is an actual or potential conflict of interest arising from existing or prospective commitments or involvement. He/she should formally declare any source of potentially conflicting interest in a register kept for that purpose by the Deputy Secretary/Secretary.
- must register their or their immediate relative involvement as follows:
- acting as director or employee of any organisation providing goods or services for reward to the NILGOSC,
- investing substantially in, or receiving benefits directly or indirectly from any organisation actually or potentially engaged in the supply of goods or services to NILGOSC.

**Purchasing Policy April 2010**

# **Standard Purchasing Procedures**

**NORTHERN IRELAND LOCAL GOVERNMENT OFFICERS' SUPERANNUATION  
COMMITTEE**

**Purchasing Policy April 2010**

**3. Standard Purchasing Procedures**

**3.1 Purchasing Thresholds**

3.1.1 The following thresholds apply:

<b>Monetary Value</b>	<b>Method of Selection</b>
Up to £500	The issue of Purchase Orders are signed by the Deputy Secretary / Secretary
£500 - £1,500	All purchases of goods and services require two/three competitive prices unless the purchase is to be made from the contracted suppliers of the South Eastern Education and Library Board's Purchasing Contracts.
£1,501 - £10,000	All purchases of goods and services require four written quotations unless the purchase is to be made from the contracted suppliers of the South Eastern Education and Library Board's Purchasing Contracts.
£10,001 - £30,000	All purchases of goods and services require five written competitive quotations unless the purchase is to be made from the contracted suppliers of the South Eastern Education and Library Board's Purchasing Contracts.
£30,001 +	Publicly advertised open or restricted tender competition, unless the purchase is to be made from the contracted suppliers of the South Eastern Education and Library Board's Purchasing Contracts.
£100,000+	Tender must be approved by Committee
European Purchasing Limits £ 139,893	Invitations to tender for goods and services will be advertised in the Official Journal of the European Union and appropriate local/national press.

# NORTHERN IRELAND LOCAL GOVERNMENT OFFICERS' SUPERANNUATION COMMITTEE

## Purchasing Policy April 2010

### 3.2 Contracts Reserved for Committee Approval

- 3.2.1 Irrespective of the above thresholds, the following contracts are reserved for Committee approval:

Management Committee	Audit Committee
Fund Managers	Internal Audit
Banking	
Custodian	
Property Advisor	
Investment Advisor	
Actuary	

- 3.2.2 When a contract having a value of over £ 30,000 is approved by the Secretariat which is not the cheapest tender, a report would be made to the Management Committee.
- 3.2.3 Notwithstanding the above, the Secretary and Deputy Secretary are empowered to sign contracts on behalf of NILGOSC once the contracts have been approved by the Committee.
- 3.2.4 The Secretary and Deputy Secretary are also empowered to sign purchase orders and all other tenders not requiring Committee approval.

### 3.3 Purchasing Officer

- 3.3.1 NILGOSC has a Purchasing Officer within the organization, who is a member of staff nominated by the Finance Manager. With the exception of Property, the Purchasing Officer will be solely responsible for the placing of orders and completion of purchase orders and from time to time may authorize members of staff to deal with the tendering of orders and gathering of quotations.
- 3.3.2 The Purchasing Officer will follow professional guidance produced by DFP's Central Procurement Directorate (CPD) and ensure that NILGOSC follows best practice.

### 3.4 Contract with Suppliers

- 3.4.1 NILGOSC will accept suppliers' contracts based on their Standard Terms and Conditions. As NILGOSC is a public authority, it will not accept an offer to execute any work or supply any goods or services where the offer is made by an unqualified person under the Fair Employment Act is deemed to be an unqualified supplier. To comply with this requirement, all suppliers must complete and sign a Fair Employment Declaration shown in Appendix 2.

# NORTHERN IRELAND LOCAL GOVERNMENT OFFICERS' SUPERANNUATION COMMITTEE

## Purchasing Policy April 2010

- 3.4.2 Suppliers are also advised that NILGOSC, being a public body, is subject to the terms of the Freedom of Information Act 2000. Hence information provided by suppliers will be subject to disclosure under the provisions of the Act, unless an exemption applies. Suppliers are asked to refer to Appendix 3 for more information.
- 3.4.3 Section 75 of the Northern Ireland Act 1998 (the Act) requires public authorities in carrying out their 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; men and women generally and persons with and persons without a disability. To enable NILGOSC to comply with its obligations under the Act, contractors will be required to complete the declaration shown in Appendix 4, with their tender to confirm their commitment to comply with Section 75 of the Northern Act.
- 3.4.4 Information supplied by suppliers may also be used by the Local Government Auditor to ensure compliance with tendering procedures and the attainment of best value. This information could be disclosed to interested parties.

### 3.5 Purchase Orders

- 3.5.1 Goods and services must be purchased using only the approved, serially numbered purchase order forms, which are controlled by the Finance Section and authorised by the Deputy Secretary / Secretary.
- 3.5.2 In instances where a supplier will provide goods without receipt of a purchase order, for example goods ordered by telephone, a purchase order should be completed, nevertheless, as a record of the indebtedness of NILGOSC to that supplier. If payment is made in advance no purchase order is required.
- 3.5.3 The purchase order consists of three copies. The purpose and distribution of these copies is indicated in Table 1 below.

Table 1

<b>Copy</b>	<b>Purpose/Distribution</b>
White	The white copy is the actual purchase order and when completed by the Purchasing Officer and approved by the Secretary / Deputy Secretary, is then forwarded onto the supplier.
Pink	When the goods detailed on the purchase order have been received the goods received note should be checked with the pink copy of the purchase order to ensure correct goods and quantities have been received.  Once the delivery has been ascertained as being correct or any problem associated with it has been resolved, the pink copy of the purchase order should be placed with the delivery documentation until the invoice is received.

**NORTHERN IRELAND LOCAL GOVERNMENT OFFICERS' SUPERANNUATION  
COMMITTEE**

**Purchasing Policy April 2010**

Yellow	This copy is used to keep a record of the transaction in the purchase order book.
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**3.6 Receipt of Invoice**

- 3.6.1 Upon receipt of the invoice, it is matched with the delivery document (if received) and pink copy of the purchase order. Details must be checked to ensure that quantities received and prices charged are as stated on the purchase order and on delivery documentation. Any discrepancies should be investigated and, where necessary, credit notes obtained.
- 3.6.2 Only when satisfied that the details are correct should the invoice be approved for payment by the finance section. If no goods received note was dispatched with the goods this should be noted on the pink copy of the purchase order with a view as to whether this reasonable. The Deputy Secretary / Secretary must authorize the invoice (accompanied with delivery documentation and pink copy of the purchase order), before payment can be made.

**3.7 Quotations**

- 3.7.1 If a supplier is required to give a quotation, it must be in writing and be valid for at least 30 days.
- 3.7.2 All the quotes received must be filed and kept for future reference.
- 3.7.3 In instances where a number of competitive prices or quotations were requested, but only a limited number were received, an explanation should be recorded if it is not possible to obtain the required number.

**3.8 Invitation to Tender**

- 3.8.1 From time to time it may be necessary for NILGOSC to invite tenders for the provision of some goods and services costing £30,001 or more. An invitation of Expression of Interest will be made by way of public notice. A Panel would be appointed and the selection criteria agreed in writing before the advertisement of the tender is placed, using the South Eastern Education and Library Board Procurement Services (COPE), when this is more viable than using internal resources.
- 3.8.2 A short list of the submissions received from the Expression of Interest will be made by the Panel using the pre-determined criteria. Only those submissions that meet the criteria will appear on the short list.
- 3.8.3 A letter will be sent out to those on the short list, with details of the goods/services that are required. The letter also details the requirements of those providing the service and the closing date at which the tender should be sent to NILGOSC.

**NORTHERN IRELAND LOCAL GOVERNMENT OFFICERS' SUPERANNUATION  
COMMITTEE**

**Purchasing Policy April 2010**

- 3.8.4 The name of the consultant or advisor, if appropriate, who has carried out the valuation of the tender will be held on file.
- 3.8.5 All tenders, whether received by hand or by post, would be stamped on receipt to record the date and time the tenders arrived.
- 3.8.6 The Tenders received will be kept sealed and kept in the fireproof safe in the Finance Department by the Purchasing Officer until such time that the Purchasing Officer can open them in the presence of the Secretary and/or Deputy Secretary. On opening a summary will be made of the supplier, the date of receipt, price of goods/services offers and the main elements of the goods/services offered.
- 3.8.7 The Panel will recommend to the Secretary/Deputy Secretary the tender which best meets the agreed pre-determined criteria.
- 3.8.8 Any tender in excess of £100,000 will be referred by the Secretary to the Committee for approval.
- 3.8.9 The successful and unsuccessful tenderers will be notified in writing.
- 3.8.10 If the contracted is awarded under European Union procurement procedures, a Standstill Agreement of 10 days will be observed to enable applications to be made to the Court by aggrieved providers.

**3.9 Retention of Tender Documents**

- 3.9.1 Tender documents relating to a tender that has expired are to be retained until such time as the new tender is in place.

# **Property Purchasing Procedures**

**NORTHERN IRELAND LOCAL GOVERNMENT OFFICERS' SUPERANNUATION  
COMMITTEE**

**Purchasing Policy April 2010**

**4. Property Purchasing Matters**

**4.1 Building Maintenance and Repair Work**

4.1.1 The relevant Property Agents/Managers in conjunction with the NILGOSC Property Advisor will handle general building maintenance and repairs. Normal processes of requesting quotations and tenders from the requisite number of companies are followed and the supporting documentation can be requested by NILGOSC if required.

4.1.2 Minor Repair Work within NILGOSC offices is carried out with the advice of the Property Managing Agent (Lisney). Suppliers of minor repair work are sought in-line with the standard purchasing regulations as and when required.

**4.2 Legal and other Professional Services**

4.2.1 In the case of legal services, Wragge & Co have been appointed to run the legal process of each acquisition of property investment. They are also retained for ongoing legal matters in connection with the properties.

4.2.2 Wragge & Co were selected following a competitive tender and were chosen as a result of their experience, reputation and price.

4.2.3 For other professional services, in connection with the initial acquisition of property investment, quotations are obtained from three competent firms in the disciplines required.

4.2.4 The firms invited to quote for professional services would be selected by the Property Adviser and in the case of development projects, in conjunction with the Development Management Team.

4.2.5 The select list will take account of: -

The staff resources of the firm being asked to quote

Experience of the firm in similar projects

Adequate Professional Indemnity Cover

Quoted price for services.

**NORTHERN IRELAND LOCAL GOVERNMENT OFFICERS' SUPERANNUATION  
COMMITTEE**

**Purchasing Policy April 2010**

**4.3 Major Works for Investment Purposes**

4.3.1 The following table sets out how Architects, Managing Agents and Contractors are selected. The appointment of Mechanical and Electrical Services, Engineers, Quantity Surveyors, Planning Supervisors and other services follow the same procedure as for contractors

<u>Type of Property Investment</u>	<u>Selection of Architect</u>	<u>Selection of Contractor/Other Services</u>
Purchase of a property being built by a developer.	LaSalle will make a recommendation for NILGOSC to contract directly with developer. NILGOSC has no responsibility for selection of the Architect.	LaSalle will make a recommendation for NILGOSC to contract directly with developer. NILGOSC has no responsibility for selection of the Contractor.
Purchase of existing building with tenants.	N / A	N / A
Pre-Let Development.	Minimum of three architects targeted and asked to draft a scheme. Architect selected on basis of design, cost of building and fee by the Property Advisor.	Minimum of three contractors and suppliers chosen on the basis of experience and asked to submit tenders. Lowest tender selected. Recommendation to Fund Manager by Property Advisor.
Alteration to existing property	Original architect used if known, otherwise property advisor will appoint an architect based on experience and reliability.	Architect will prepare short list of contractors. Property advisor will approve list. A minimum of three firms will be invited to tender. Lowest tender, usually selected by Property Advisor.

# **Fund Managers Appointment**

**NORTHERN IRELAND LOCAL GOVERNMENT OFFICERS' SUPERANNUATION  
COMMITTEE**

**Purchasing Policy April 2010**

**6. Fund Managers Appointment**

- 6.1 The appointment of Fund Managers may be carried out by means of a tender exercise from a Select List compiled by the Investment Adviser or by an open tender exercise.
- 6.2 Where the amount of the tender exceeds the European Union threshold, there is no requirement to put a notice in the Official Journal of the European Union as this is covered by a specific exception in relation to public service contracts for financial services by Section 6 of the Public Contract Regulations 2006.
- 6.3 The Department of Finance & Personnel and the Department of the Environment are both content that the appointment of Fund Managers is carried out by means of a tender exercise from a Select List compiled by the Investment Adviser.

# **Travel and Subsistence Costs**

# NORTHERN IRELAND LOCAL GOVERNMENT OFFICERS' SUPERANNUATION COMMITTEE

## Purchasing Policy April 2010

### 5. Travel and Subsistence Costs

- 5.1 The use of a private car on Committee business is reimbursed in accordance with the mileage rates agreed annually by the NJC. Committee staff or members reclaiming such costs must complete an Account of Travelling and Subsistence expense form. This is authorised by the Secretary or Deputy Secretary and is checked to ensure the mileage and rate claimed is reasonable and that the journey took place.
- 5.2 Committee staff using their own car for Committee business must ensure that the vehicle is insured for business use.
- 5.3 An authorised signatory cannot sign his/her own expense form.
- 5.4 The Account of Travelling and Subsistence expense form can be used to reimburse expenditure outlaid by an individual from their own pocket on behalf of the Committee. Authorisation by the signatory confirms that the expenditure was required wholly for NILGOSC business and that the amount of expenditure was valid. Receipts should be provided for all such expenditure. If a receipt is unavailable a note must be made as to the reason why it could not be attached, and the expenditure must only be reimbursed if the cause for non-receipt is reasonable bearing in the mind the materiality of the amount.
- 5.5 The Committee will pay subsistence allowances for meals when away from the office on business at rates as advised by the Department of the Environment on presentation of a receipt.

### 5.6 Purchase of Travel and Accommodation

- 5.6.1 Travel arrangements can either be made through a travel agent, and invoiced to NILGOSC or by the individual and reclaimed on presentation of the necessary receipts.
- 5.6.2 It is the responsibility of the authorised signatories (Secretary/Deputy Secretary) to ensure that value for money is obtained. Therefore any person organising travel must seek approval of the signatory **before** making the purchase.
- 5.6.3 Flights should be arranged that suit the needs of the purpose of travel, i.e. arrive at an airport reasonably close to the destination and at times that facilitate attendance at the meeting. Economy class should normally be booked unless the features provided by a business class ticket are required (for example business is to be conducted during travel or a flexible ticket is required). After these considerations are made the cheapest ticket should be purchased.
- 5.6.4 Accommodation should be booked at a rate as close as possible to the subsistence rate but if this is not possible common sense prevails and a reasonable graded hotel in close proximity to the location of the meeting offering appropriate facilities is booked.

*Policy due for review in 2012*

**NORTHERN IRELAND LOCAL GOVERNMENT OFFICERS' SUPERANNUATION  
COMMITTEE**

**Purchasing Policy April 2010**

# **Appendices**

# **NORTHERN IRELAND LOCAL GOVERNMENT OFFICERS' SUPERANNUATION COMMITTEE**

## **Purchasing Policy April 2010**

### **Appendix 1**

#### **Central Procurement Directorate**

As an Executive Agency within the Department of Finance and Personnel (Northern Ireland), the Central Procurement Directorate provides a professional, fully inclusive procurement service to an increasing number of public sector organisations.

The core business of the Central Procurement Directorate is to establish on behalf of customers effective contracts for the procurement of goods and services and provide advice and support to enable them to achieve value for money improvements in procurement.

The Central Procurement Directorate is a commercially orientated professional purchasing executive agency, created to maximise value for money and ensure fair and open competition for government business.

NILGOSC can ask the Central Procurement Directorate to act on their behalf if and when the Committee feels that it would be necessary.

The Department of Finance and Personnel has decided that Departments, their Agencies, NDPBs and public corporations should carry out their procurement activities by means of Service Level Agreements with the Central Procurement Directorate or a relevant Centre of Expertise (C.O.P.E.).

There are a number of centres with specialist procurement expertise across the public sector, among which are the Education and Library Boards. NILGOSC carries out its procurement activities by means of a documented Service Level Agreement with the South Eastern Education and Library Board. This enables NILGOSC to comply with the government's directive and allow NILGOSC to carry out the majority of its procurement by using the purchasing contracts of the South Eastern Education and Library Board.

**NORTHERN IRELAND LOCAL GOVERNMENT OFFICERS' SUPERANNUATION  
COMMITTEE**

**Purchasing Policy April 2010**

**Appendix 2**

**Fair Employment Declaration**

**Northern Ireland Local Government Officers Superannuation Committee**

**Fair Employment and Treatment (Northern Ireland) Order 1988**

1. Section 64 of the Fair Employment and Treatment (NI) Order 1988 ("the order") provided inter alia that a public authority shall not accept an offer to execute any work or supply any goods or services where the offer is made by an unqualified person in response to an invitation by the public authority to submit offers. Section 64 also provides that the public authority shall take such steps as are reasonable to secure that no work is executed or goods or services supplied for the purposes of such contracts as are mentioned above by an unqualified person.
2. For the purposes of Articles of the Order, an unqualified person is a person on whom a notice has been served under Article 62(2) or Article 63(1) of the Order and which has not been cancelled.
3. Mindful of its obligation under the Order, the Northern Ireland Local Government Officers Superannuation Committee has decided that it shall be a condition of purchasing and tendering that a supplier or contractor shall not be an unqualified person for the purposes of Sections 64-66 of the Order.
4. Suppliers and contractors are therefore asked to complete and return the Declaration/Undertaking, with their quotation/tender, to confirm that they are not unqualified persons and to undertake that no work shall be executed or goods or services supplied by an unqualified person for the purposes of any contract with the Committee to which Section 64 of the Order applies.

Declaration/Undertaking

I/We \_\_\_\_\_ hereby declare that I am/we are not an unqualified person of the purposes of the Fair Employment and Treatment (Northern Ireland) Order 1988. I/We undertake that no work shall be executed or goods or services supplied by any unqualified person for the purposes of any contract with the Northern Ireland Local Government Officers Superannuation Committee to which Section 64 of the Order applies.

Signed: \_\_\_\_\_

Duly authorised to sign  
For and Behalf of: \_\_\_\_\_

Dated: \_\_\_\_\_

**Note:**

- If you are a supplier from Northern Ireland, you must sign the Declaration. Failure to sign the declaration may be taken to mean that the supplier has been found guilty under the Fair Employment Act and subsequently no contract can be awarded to that supplier.
- If you are not a Northern Ireland supplier, but you intend to employ people in Northern Ireland, then you must sign the Declaration attesting to Fair Employment.
- If you are not a Northern Ireland supplier and have no requirements to employ people in Northern Ireland, then the Declaration should still be signed. However, failure to sign the declaration will not result in loss of a contract.

**NORTHERN IRELAND LOCAL GOVERNMENT OFFICERS' SUPERANNUATION  
COMMITTEE**

**Purchasing Policy April 2010**

**Appendix 3**

**Freedom of Information – Tendering Procedures**

**Introduction**

NILGOSC is subject to the terms of the Freedom of Information Act 2000. Any information, which comes into the possession of NILGOSC, will be subject to disclosure under the provisions of that Act, unless an exemption applies. Only NILGOSC can make a decision regarding whether information is disclosable or not. In arriving at the decision, NILGOSC will take account of the nature of the information, exemptions provided for in the ACT, and the Public Interest. If the information is disclosable, NILGOSC has no discretion to prevent its disclosure.

**Tenders and Contractual Information**

Up to and including the evaluation process, all the information provided by the Tenderers to NILGOSC will be considered to be of a confidential nature. Beyond the evaluation process, the provisions of the Act will govern what NILGOSC is obliged to disclose. The evaluation process will be deemed to have been completed when NILGOSC has made its decision.

Tenderers should be aware that the information provided in the completed tender and contractual documents could be disclosed in response to a request under the Freedom of Information Act. NILGOSC will proceed on the basis of disclosure unless an appropriate exemption applies. No information provided by Tenderers will be accepted "in confidence" and NILGOSC accepts no liability for loss as a result of any information disclosed in response to a request under the Freedom of Information Act.

NILGOSC has no discretion whether or not to disclose information in response to a request under the Freedom of Information Act, unless an exemption applies. Disclosure decisions will be taken by appropriate individuals in NILGOSC having due regard to the exemptions available and the Public Interest. Tenderers should be aware that despite the availability of some exemptions, information may still be disclosed if the Public Interest in its disclosure outweighs the Public Interest in maintaining its exemption. Tenderers are required to highlight information that they include in the tender documents, which they consider to be commercially sensitive or confidential in nature, and should state the precise reasons, why that view is taken. In particular, issues concerning trade secrets and commercial sensitivity should be highlighted. Tenderers are advised against recording unnecessary information.

NILGOSC will not accept any contractual term that purports to restrict the disclosure of information held by NILGOSC in respect of the contract or tender exercise save as permitted by the Freedom of Information Act. The decision whether to disclose information rests solely with NILGOSC.

NILGOSC will consult with tenderers, where it is considered appropriate, in relation to the release of controversial information. Tenderers will be notified by NILGOSC of any disclosure of information relating to them.

**NORTHERN IRELAND LOCAL GOVERNMENT OFFICERS' SUPERANNUATION  
COMMITTEE**

**Purchasing Policy April 2010**

**Appendix 4**

**Equality Declaration**

**Northern Ireland Local Government Officers Superannuation Committee**

**Northern Ireland Act 1998, Equality Agenda Section 75**

**Undertaking to be signed by all contractors and any nominated sub  
contractors tendering for the execution of works or the supply of goods  
or services.**

1 Section 75 of the Northern Ireland Act 1998 (The Act) requires public authorities in carrying out their 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
- Men and women generally
- Persons with and persons without a disability

A public authority must also have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

2 Mindful of its obligations under the Act we must take all reasonable action to ensure that anyone contracted to carry out any function, policy or contract on behalf of NILGOSC shows a commitment to comply with Section 75 of the Act.

3 Contractors are therefore asked to complete the under noted declaration, with their tender to confirm their commitment to comply with Section 75 of the Northern Ireland Act.

**Declaration/Undertaking**

I/We \_\_\_\_\_ hereby declare that I am/we are committed to achieving the aims of Section 75 of the Northern Ireland Act.

Signed by: \_\_\_\_\_

Duly authorised to sign  
for and behalf of: \_\_\_\_\_

Dated: \_\_\_\_\_

**NORTHERN IRELAND LOCAL GOVERNMENT OFFICERS' SUPERANNUATION  
COMMITTEE**

**Purchasing Policy April 2010**