The one stop shop for local government procurement

Effective Procurement in Cumbria

How to do Business with the Local Authorities of Cumbria - a Guide for Suppliers, Contractors & Service Providers

Supported by Cumbria Improvement and Efficiency Partnership
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About Us

EPiC (Effective Procurement in Cumbria) is an established collaborative procurement arrangement across the Cumbrian authorities, including Allerdale District Council, Barrow Borough Council, Carlisle City Council, Copeland Borough Council, Cumbria County Council, Eden District Council, Lake District National Park Authority and South Lakeland District Council. In October 2010 Cumbria ConstabularyPo and NHS Cumbria will be joining EPiC for the first time in an attempt to make procurement more joined up across the county.

Through EPiC more and more Cumbrian local authority contracts are being procured collaboratively. With continuing pressure to improve efficiency and promote value for money as well as delivering improvements in our services in the public sector, the long-term goal is the establishment of a shared procurement service which provides an efficient, effective and sustainable service which meets the needs of our communities.

Collectively the Cumbrian authorities have an annual procurement spend in excess of £300million, over half of which is spent locally. A significant proportion of procurement activity is through joint tenders across the county, smaller contracts let by individual authorities, or channelled through national frameworks.

Obtaining value for money is an essential requirement for all local authorities and one that cannot be achieved without the support of suppliers, placing supplier engagement high on the agenda. EPiC is committed to supporting local businesses and organisations so is eager to encourage participation by Small & Medium Enterprises (SMEs), and the voluntary and community sectors. The aim is to work with suppliers to deliver community benefits in a way that is consistent with value for money and in compliance with procurement law.

Public authorities are also committed to delivering sustainable outcomes and factoring sustainability considerations into each procurement exercise demanding a constant requirement to evaluate the impact upon community objectives including: environmental, economic, social and ethical factors.

The purpose of this guide is to provide an update for both existing and potential suppliers, subcontractors and consultants on how procurement processes are evolving across the County. It will hopefully prove a useful induction to bidding for Council contracts by providing support and guidance on how to find opportunities, tender for contracts and work with the eight Cumbrian Authorities.

Success of course cannot be guaranteed; that depends on the quality, cost and availability of the products and services, as well as the standard of the appropriate policies and procedures held by the tendering organisation. However, the opportunity is there for suppliers to increase their business profile and to be part of a vibrant, sustainable local economy, which will be beneficial not just to the organisation, but to Cumbria as a whole.
Our Purpose

Our purpose is to provide excellent procurement which secures value for money, facilitates sustainable outcomes and which reflects and meets the needs of our stakeholders, including those who live and work in the county.

As understanding of health and police related procurement activity grows, more information will also form part of this suppliers guide.

As EPiC develops suppliers will benefit from consistency in payments, documents, process and consistent support and guidance across the county. Meanwhile, working collaboratively will lead to higher savings amongst the Cumbrian authorities whilst utilising a forum to share best practice and procurement based expertise; making it a win-win for all.

Procurement – How it works in the public sector

Public sector procurement must comply with regulations at a local, national and European level, with the value threshold of each advertised contract dictating the procedure and timeframe used to guide the tender exercise. If the total value of procurement is over a certain limit then the business must be tendered for in compliance with the EU Procurement Directives and be advertised throughout Europe in the Official Journal of the European Union (OJEU).

http://www.ojeu.eu

The current OJEU thresholds (revised bi-annually) as of January 2010 are:

- Goods and Services £156,442
- Works £3,927,260

The EU laws are in place to ensure fair, non-discriminatory, professional procurement in the public sector, and that all arrangements are open and transparent to inspection.

If procurement is below the EU limits then it is subject to the leading authority’s Contract Procedure Rules, which again, as with the EU directives, are there to ensure an even playing field for all. As a public body it must be shown that the successful bidders tender was chosen in an objective manner, in accordance with the published criteria and evidence to support this must be available.

Competition cannot be limited to Cumbrian or British organisations. In practice, local companies have won over half of contracts advertised by local authorities in Cumbria though, generally the larger the contract the greater the competition from further a field. However, the local authorities in Cumbria recognise the impact our procurement has on the local economy and will work within the procurement rules to encourage investment in the county.

Cumbrian Authorities in no way bind themselves to accepting the lowest quotation as tender submissions will be evaluated on both cost and quality. The evaluation and award criteria will be specified in the tender documentation.
What is the first step to offering my services?

The EPiC authorities encourage competition and welcome bids from new and established suppliers. If an organisation is interested in pursuing business with any of the Cumbrian Authorities they should:

Register on the Chest and Bluelight

By working together the authorities across Cumbria have effectively developed a ‘one-stop shop’ to bid for work and are moving towards advertising all contract opportunities on the North West e-tendering portal – The Chest (www.thechest.nwce.gov.uk). The Chest is used by most of the 41 local authorities in the region.

At present six authorities in Cumbria (Allerdale, Barrow, Copeland, Cumbria County Council, Lake District National Park and South Lakeland District Council) are advertising through the portal regularly, with the other authorities committed to following suit.

Cumbria Constabulary currently uses the Bluelight Emergency services E tendering service www.bluelight.gov.uk. This is similar software system to The Chest, provided and supported by the same organisation which operates nationally serving 34 Police Forces and 19 Fire & Rescue Services.

Additionally in the North West the Police Forces have collaborated to provide even better access to their opportunities through the North West Police Procurement Portal which provides contact details, their supplier guide, standard documentation, commitments to corporate social responsibility and diversity as well as also listing current and future opportunities in the North West. North West Police Procurement Portal

Ideally in the future all contracts would be advertised in one place meaning suppliers no longer need to hunt for tendering opportunities equating to a fairer and more transparent process from the start. The result will be continued improved efficiency and cost reduction associated with the procurement process, for both the Council and the suppliers.

For suppliers to open up their supplies and services to a wider market, and also to make sure they are alerted to all relevant opportunities, it is vital they register on The Chest:

www.thechest.nwce.gov.uk and Bluelight www.bluelight.gov.uk

Suppliers will need to register separately on each site but registration is a simple five stage process which should take no longer than 10-15 minutes and is completely free.

Before registration it is possible to search for opportunities but suppliers must register in order to take part in the tendering process. Once registered suppliers will automatically know when new relevant tender opportunities are posted. Email alerts notify suppliers of opportunities that match their categories of interest and geographical/local authority areas of choice. These can be as many or as few as required but the broader the choice, the more potential opportunities will arise and those not of interest can simply be deleted.

Please note: contracts advertised on either The Chest or Bluelight can only accept bids submitted the same method i.e. The Chest or Bluelight.

If in doubt when using the system support is provided via the help guides and manuals on the sites and/or by the service provider, Due North (0845 2930459).
Access the Official Journal of the European Union

As mentioned above for contracts over the EU threshold, a contract notice must also be placed in the Official Journal of the European Union (OJEU). Certain social care and specialist contracts are excluded from being advertised in OJEU but will still appear on The Chest.

OJEU contracts and information can be viewed at http://www.ojeu.eu/

Search for Opportunities

Councils not yet using the Chest will continue advertising on their individual websites (details at end of document), local and national press, trade journals, OGC Buying Solutions, Supply2Gov and Contracts Finder

- www.buyingsolutions.gov.uk/aboutus/
- www.contractsfinder.businesslink.gov.uk/

The Vault

This is the North West Contracts Register which similarly to the Chest is hosted by NWIEP. All current Cumbrian authority contracts are visible on this site meaning suppliers can check when contracts are due for renewal by consulting the Vault. It can be accessed through the NWIEP website – www.thechest.nwce.gov.uk

It is also worth checking individual councils websites as they can often be more detailed plus they will have information on lower value contracts following the introduction of the requirement on all local authorities to publish spend transactions over £500 in January 2011.

Apply to Join Select Lists (where applicable)

Select lists are also used by some of the Cumbrian authorities for certain contracts. Contractors requesting to be included on a select list will only be considered when the lists are advertised for renewal – this must be done every four years.

Those wishing to apply to be placed on a particular list should respond to the advertisement which will state the requirements and request expressions of interest.

Framework Agreements

All public authorities are actively encouraged to use Framework Agreements or Contracts where they exist. This is when an organisation has carried out a tender process doing the financial and technical appraisals on suppliers and agreeing the terms, conditions and pricing structure of delivering specific goods, services or outcomes. At the outset the bidding suppliers will have an indication of the potential value of the agreement/contract and the organisations who may choose to use it. They can be national, regional or sub regional and organisations will check these first before carrying out an individual procurement process. They can also act as a benchmark to test whether an authority has achieved best value in its individual procurement process and as authorities do not have to accept any of the bids it receives, they can be still used as a fall back position.

These frameworks are sometimes described or known as approved or accredited suppliers’ lists.
The Tender Process

All EPiC authorities strive to ensure that procurement activities are characterised by equality, integrity and transparency with the prime objective of delivering value for money.

Expressing An Interest

Advertisements and contract notices will invite suppliers to submit an expression of interest for a contract. Once expressions of interest have been received suppliers may be required to provide supporting information, either via a Pre-Qualification Questionnaire or within the Tender pack.

The amount of documentation to be completed will depend on the process used by the authority, the value and complexity of the tender/service being procured and the potential size of the market. There are a number of different methods as shown below, the first two being the ones that are most commonly used:

• **Open Procedure** – This allows suppliers to tender without prior selection. Open Procedures can result in a high volume of responses meaning it usually used when the size of the market is known.is not as commonly used as the Restricted Procedure

• **Restricted Procedure** – This procedure is a two stage process, where the first stage is usually in the form of a Pre-Qualification Questionnaire (PQQ). Suppliers will be shortlisted to receive tenders once they have passed the pre-selection criteria. Suppliers are selected against the scoring of questions asked within the PQQ.

• **Negotiated** – This procedure is used when the terms of the contract can be negotiated with one or more providers but it will still be subjected to competition

• **Negotiated Accelerated** - This procedure is like the one above but is used when there is an urgent requirement as the timescales are shorter.

• **Competitive Dialogue** – Is used to negotiate the terms of a contract with one or more suppliers selected by it. It is used for complex contracts where the authority is not objectively able to define the technical means capable of satisfying its needs or objectives, or specify either the legal or financial make up of a project. As a general rule there must be a call for competition.

• **E-auctions** - Also referred to as reverse auctions in which suppliers offer progressively lower bids in order to win a contract. They are conducted online and allow bidders to see the most competitive bid, and to re-bid in response. Bidders are all pre-qualified and quality scores are typically built into the auction process as bid weightings. Bidding may last a few minutes, or many hours

Timescales vary for each process and are dependant on whether the EU threshold is achieved. The dates are clearly published when the contract is advertised and must be adhered to by both the contracting authority and bidders.

It is important to note that each individual EPiC member has its own contract procedure rules which set out the choices they must make when carrying out a procurement activity. At the time of this guide there is a variation in practice so for a potential supplier it is worth familiarising oneself with these. They can be found on individual members’ websites.

Pre-Qualification Questionnaires (PPQ)

During a two stage process the responses from the completed questionnaire will be used to assess whether the supplier can meet the requirements for that particular contract. The tender documentation is then sent to the shortlisted suppliers.

In a single stage process the PQQ is sent with the tender documents and is used as part of the technical and financial appraisal.
**Invitation to Tender**

If you receive an invitation to tender, you are being invited to make an offer. Within the tender pack there will be as a minimum:

- a Letter of Invitation outlining details of all the documents in the pack and the closing date for return of tenders
- Terms of Contract
- Specification
- Pricing Schedule
- Evaluation Criteria used to judge the responses

Specific requirements will apply to individual procurements as will the level of detail and information to be supplied.

The authorities involved in EPiC are keen to keep the information requested to the minimum required to formally evaluate suppliers equitably and fairly. The type of information requested may include the following:

- Company details
- Financial information
- Management and business structure
- Resources and staff training
- Quality assurance
- Environmental matters
- Insurance cover
- Equality & Diversity policies
- Health & Safety practices
- Experience and References

Supporting evidence may be requested where applicable. For certain requirements suppliers could be asked to undertake a presentation/interview with members of the evaluation panel.

Should there ever be any doubts or queries during the tendering process, suppliers should contact the relevant officer and ask the question. A written copy of the responses will also be sent to any potential suppliers participating in the tender process. This allows complete transparency in two way communications for clarification while protecting parties involved from accusations of collusion.

**Tendering Tips:**

- Read the tender specification and any background contract information carefully and ensure requirements are fully understood before completing the documents
- Confirm deadlines and map out a timetable for yourself taking account of potential impact on your business.
- Ensure your tender is submitted on time as late ones are usually disqualified
- Provide all the information requested and enclose copies of any Policies/Accreditation applicable
- Tailor your reply to the specification
- Emphasise the most relevant experience
- Respond in the required format and follow the layout requested
- Stick to word limits
- Answer all the questions in full, be concise but remember that your answers need to stand out from the rest
- Think “added value” – what can your company offer in environmental, social or community benefits
- Take the evaluation criteria into account
- Should there be any queries contact the relevant officer and request clarification where appropriate
- Where a contract is procured via the Chest a simple question and answer function allows you to raise questions, with the answer then being copied to all interested parties
Policies & Procedures

As part of the public sector the EPiC authorities have to comply with a number of their own policies and expect their suppliers to set similar standards. There are several elements likely to be taken into account during evaluation that suppliers ought to consider:

Health & Safety

The Cumbrian Authorities are committed to ensuring the health, safety and welfare of its employees and that of all others affected by its undertakings. Contracts to supply goods or services will only be awarded to contractors who can satisfy the Council requirements in terms of resources required and their health and safety competence. Depending upon the nature of the goods or services, organisations may be required to submit a Health & Safety Policy which refers to current Health & Safety legislation.

Equality and Diversity

EPiC is committed to working positively to promote the values of equality and diversity and reduce inequality for all customers and employees, eliminating all forms of discrimination; promoting equality of opportunity, good community relations and community cohesion. All forms of discrimination, on the grounds of disability, gender, age, ethnic origin, religion, belief, culture, nationality or sexual orientation are unacceptable within existing legislation.

EPiC supports the principles of Equal Opportunities Employment and will ensure that no employee or job applicant receives less favourable treatment on grounds which are unlawful or which are not relevant to the requirements of the particular job. EPiC will support the creation, maintenance and promotion of a working environment and community where every opportunity to receive quality services which meet the needs of all including disability, gender, race, colour, ethnic origin, religion, belief, culture, nationality, national origin age and sexual orientation or any other area identified by the European Convention of Human Rights, is taken.

We expect our employees, visitors, contractors and suppliers to respect and comply with government legislation and policies, and all organisations or individuals working on our behalf, or any other organisation or authority in Cumbria, to demonstrate that all reasonable practicable steps have been taken to promote and allow equal access and treatment in employment and services for all.

Environmental Responsibility

EPiC is committed to principles of sustainability and protection of the environment. So far as reasonably practicable this will be achieved by including environmental considerations in all procurement processes and contracts. Environmental selection criteria appropriate to the nature of the contract will be used to further our environmental objectives. The Cumbrian Authorities expect their contractors and suppliers to meet a similar level of commitment to looking after the environment. As the Government creates new sustainability targets for Local Authorities to reach, this is becoming increasingly important.

Quality

It is very important that suppliers can demonstrate recognised quality procedures to be able to ensure that high quality goods and services will be delivered and maintained. This does not mean that you must hold the quality management system ISO 9001 but we do need to know how quality is embedded across your organisation and how you expect to maintain or improve against such pre-determined standards.

Freedom of Information Act 2000

If a supplier or contractor considers that any information supplied to any public body is either commercially sensitive or confidential in nature, this must be highlighted in their tender submission and the reasons for its sensitivity given.
Code of Conduct

Each local authority has expected codes of conduct for both elected members and employees. In relation to procurement this is designed to maintain a fair and transparent process resulting in unbiased decisions:

- Councillors and employees must declare any relationships with potential or existing suppliers as soon as they are aware of them. Suppliers must similarly declare any such relationships.

- Any financial or non-financial interests that could bring about a potential conflict with the Council must be declared.

- The offering or receipt of gifts and hospitality during any tender/procurement process is prohibited and will automatically disqualify you from the individual exercise and future exercises.

Tender Evaluation

Returned tenders will be opened at the same time and evaluated against pre-determined criteria.

In an occurrence where suppliers don’t provide all the information requested, or fail to submit the documentation with plenty of room to meet the date and time specified, they will be excluded from the process at the lead authority’s discretion. Only where there is sufficient evidence of the tender has been dispatched in time to have arrived before the deadline or where exceptional circumstances apply, and subject to other tenders not being opened, will a late tender be accepted.

Make sure your tender is submitted before the deadline!

The contract award decision is based on criteria laid down prior to the tender process. All procurement by Local Authorities must be based on Value for Money meaning that during the evaluation focus will be on how the tendering organisation proposes to deliver goods and services (quality) and the whole-life cost (price).

Please note: contracts are not awarded on price alone but will reflect a range of factors including deliverability, sustainability and whole life costing. The MEAT acronym is often used - Most Economically Advantageous Tender.

The need to assess whole-life cost enables the Council to look beyond the contract price, and to consider longer term costs and benefits; including the quality of service provided, ongoing costs, the extent to which services deliver the outcomes required and sustainability impacts. The weighting between quality and price will depend on the service requirement.

Both successful and unsuccessful suppliers will be notified in writing via official electronic communication. When a contract award decision has been made for contracts over the OJEU threshold, the EU regulations require a 10 day standstill period (known as the ‘Alcatel’ period) during which time feedback can be requested and potential awards challenged.

Whatever the outcome of the individual exercise, suppliers are recommended to seek feedback on the strengths and/or weaknesses of their submission. This enables them to consider improvements and strengthen their responses in the future. Being unsuccessful in one contract bid does not mean being unsuccessful in the future.

Please note: each contract is dealt with on an individual basis. Both successful and unsuccessful suppliers are not automatically considered for any other contract.
Why Suppliers Fail to Win Local Authority Contracts

- Tender is received after the closing date and time for submission
- Submission doesn’t comply with the instructions to tender
- Incomplete documentation
- Submission has little relevance to the specification
- History of poor quality performance
- Failing to provide samples when requested
- Failing to submit the solution which provides the best value for money against the evaluation criteria
- Insufficient experience in relation to the goods or services required
- Submission does not demonstrate the necessary financial stability, technical capability, quality in performance etc
- Suppliers do not accept the attached Terms & Conditions

Small and Medium Enterprises and the Third Sector

For Small and Medium Enterprises (SME’s) and Third Sector organisations to compete in the market place they must prepare themselves like any other organisation wishing to compete for business. This will require having clear business plans, sound finances, good controls over their activities (such as Health & Safety and other legal compliance) as well as the capacity to deliver services for which they wish to tender.

It is important that an organisation is realistic about the size of contract they are capable of taking on. The Council will not award individual contracts exceeding a percentage of the organisation’s annual turnover as this can cause cash flow difficulties where the business has insufficient working capital to finance the project. However, there are still plenty of opportunities and with more joint contracts arising; collaboration between suppliers to access such contracts is welcomed and encouraged.

Local organisations often have a vested interest in the success of Council contracts since they themselves are rate-payers, council tax payers and are likely to be residents in the district. As they will therefore seek to be innovative in trying to deliver the services the Council requires for its residents, contracts with these organisations tend to be valued highly by local authorities.

Cumbria County Council, the Health Authorities and other local authorities in Cumbria have had a local Third Sector Compact for four years. This is a relationship framework which sets out expectations, understanding and commitments between the council and the third sector. There are a number of detailed codes of practice – funding & procurement, planning & consultation, equality & diversity, volunteering and dispute resolution. They can be viewed at via the following link Cumbria Compact - 2006 : Cumbria County Council

During 2010 a countywide stakeholder group has been working on a Compact refresh following in line with major revisions that have emerged nationally following new policy implementation. This is currently out to consultation with the updated Compact expected to relaunch in April 2011.
Sustainable Procurement

Sustainability is now a major driver for the public sector and the enormity of the part procurement plays in this cannot be underestimated.

The Cumbrian authorities are working together to incorporate sustainability considerations into their current procurement practices. Amongst other criteria tenders will now be evaluated on sustainability impacts which include environmental, social and economic factors.

EPIC is committed to protection of the environment and strengthening the local community, socially and economically. We encourage the same commitment from all organisations and individuals who work on behalf of the Council.

Organisations looking to improve their ‘green’ credentials should look to the Cumbrian Business Environment Network (CBEN) for a free environmental audit and the opportunity to work towards achieving bronze, silver and gold awards. By demonstrating a reduction in their impact on the local environment, suppliers would strengthen their bid against the sustainability criteria during evaluation. Involvement in programmes such as this are encouraged by the EPIC authorities.

www.cben.co.uk/

Frequently Asked Questions (FAQs)

What types of goods and services might Cumbrian Authorities procure?
To deliver an effective service to the people of Cumbria the needs vary widely among the authorities resulting in diverse opportunities; from office furniture to waste collection to gifts and books to landscaping works. With this in mind so do the value/type of contracts let, keeping opportunities open to suppliers of all shapes and sizes.

How do I know what opportunities might be coming up?
All members have a contract register which shows what contracts they have, with whom and when they expire. Most of them show the current value. These are available via The Vault or on the individual members’ websites. Occasionally they may not be comprehensive lists so please do not hesitate to contact the public sector bodies and ask questions.

Additionally publically funded and accountable organisations always have a strategic plan which is often then broken down into more specialists areas for example Cumbria County Council has a council plan, the Adult Social Care Service plan and under that the Learning Disability Partnership Commissioning Intentions Plan 2010 – 2013. Check websites and if in doubt ask.

Where can I obtain further information/advice outside the Council?
There are several business support agencies around Cumbria which will be able to provide impartial advice tailored to individual needs. Please see links to some useful sites on page 15.

Where can I find out about new opportunities?
The Cumbrian authorities are working towards advertising all contracts on the North West e-tendering portal – The Chest

Opportunities may also still be found in the Official Journal of the European Union, local and national press, specialist trade journals and others listed above.
Would I need any special licenses to provide works for the Council?
All procurement decisions must comply with the Council’s own policies and procedures (listed above). Health & Safety, Equal Opportunities and Sustainability are all particularly important factors to be considered. Depending on the contract, specific policies, licenses and qualifications may be required but this will be stated in the evaluation criteria.

Will my company’s tender submission be seen by/passed on to other suppliers?
Not during the procurement process as details of each submission are treated as confidential. Committee and other reports regarding an award recommendation normally keep the names of suppliers anonymous. However, the successful supplier will be identified and become known to others in the normal course of events.

If I seek clarification during the tender process what happens?
You will receive a written response of which copies will be sent to all other participating suppliers. This ensures a fair and transparent process so all suppliers can base their submission on the same level of information.

Why is there so much ‘red tape’ in tendering for public sector contracts?
Local authorities must comply with local, national and European regulations during procurement exercises. The public sector is there to serve the local community and strict procedures are in place to protect them and ensure tendering organisations are treated with fair conduct at all times.

Useful Links
A number of websites provide practical information on everything from EU procurement to public sector tendering information. The list below is by no means comprehensive or exhaustive but contains links you may find useful:

- **www.thechest.nwce.gov.uk**
  The Northwest e-tendering portal

- **http://thevault.nwce.gov.uk**
  The Northwest Contracts Register

- **www.ojeu.eu**
  The Official Journal of the European Union

- **www.ogc.gov.uk**
  The Government’s procurement website provided by the Office for Government Commerce

- **www.businesslink.org/northwest**
  Business Link provide independent and impartial advice and support for both new and existing businesses

- **www.socialenterpriseincumbria.org**
  Cumbria Social Enterprise brings Partnership provides free specialist business support and mentoring, training and networking events and advocates on behalf of the social enterprise and cooperative sector in Cumbria

- **www.thirdsectorcumbria.org.uk**
  Cumbria Third Sector Network brings together the Third Sector in Cumbria providing generic & specialist support, advice and networking and advocates on behalf of the sector

- **www.furnessenterprise.co.uk**
  Furness Enterprise provide a total business support service to new and existing businesses within the Barrow in Furness travel to work area

- **www.crea.co.uk**
  Cumbria Rural Enterprise Agency gives business and farm support services for start up and existing businesses and farms in Eden and South Lakeland.

- **www.wcda.co.uk**
  West Cumbria Development Agency’s role is to help create jobs in the West Cumbria by helping new businesses start and grow, by assisting local companies to expand and by facilitating inward investment into the area
**Contacts**

If you would like any further information then please contact either

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or write to

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*Health contacts for Cumbria will be included in a later refresh*