

## Contract Procedure Rules

March 2025

<b>1.</b>	<b>Scope of Contract Procedure Rules</b>
<b>1.1</b>	<b>Overview</b>
	<p>These Contract Procedure Rules (CPR's) set out the rules by which we spend money on the supplies (goods), services and works we need to deliver services to the residents of Oadby &amp; Wigston. They are an integral part of the Council's Constitution and must be used for any purchase or procurement exercise by ALL employees of the Council or any authorised person buying on behalf of the Council.</p> <p><b>The following sections provide a high-level snapshot of the requirements set out within these CPR's:</b></p> <p><b>Section 4 – para 4.3 – page 14 – Summary Table of Applicable Thresholds</b></p> <p><b>Section 16 – page 59 – 60 – Procurement Flowcharts</b></p> <p>As a public authority the Council has a duty to allow the market the freedom of opportunity to trade with it. If the Council fails in this duty, a potential supplier or contractor may have a legitimate cause for complaint.</p> <p>The CPRs have seven main purposes:</p> <ul style="list-style-type: none"> <li>• To support the delivery of the Council's Corporate Objectives</li> <li>• To provide a legal framework for the Council's procurement activities</li> <li>• To provide an auditable framework for the Council's procurement activities</li> <li>• To help the Council obtain value for money so that in turn it may provide value for money services to the public</li> <li>• To comply with the UK law governing spending of public money</li> <li>• To comply with UK law as required through the Public Contract Regulations (2015) and Procurement Act 2023</li> <li>• To protect staff and members of the Council from undue criticism or allegation of wrongdoing</li> </ul> <p>Some of the rules set out in the document are required by law, others have to be put in place to provide a complete, clear and coherent framework in which people can work.</p> <p>These CPRs recognise that the Council has certain responsibilities as a public authority for which it needs to act collectively:</p> <ul style="list-style-type: none"> <li>• to make the best use of shared buying power</li> <li>• to produce information to comply with the law</li> <li>• to understand the big picture of spending activity to allow the Council to plan, to measure and improve performance and to train and develop its officers.</li> </ul> <p>These Rules <b>DO</b> apply to:</p>

	<ul style="list-style-type: none"> <li>• all contracts for the supply of works, goods or services (including consultancy and agency staff) to the Council, regardless of value □ partnership and collaborative arrangements with other public bodies □ concession contracts.</li> <li>• contracts for the purchase or sale of any interest in land, (including leasehold interests), where the Council imposes design requirements, and/or specifications and certain outputs (land development transactions)</li> </ul> <p>They <b>DO NOT</b> apply to:</p> <ul style="list-style-type: none"> <li>• contracts for the purchase or sale of any interest in land, (including leasehold interests) which do not impose the above *</li> <li>• contracts of employment for the appointment of individual members of staff, including members of staff sourced through recruitment agencies</li> <li>• sponsorship agreements</li> <li>• supply of works, goods and services by the council or one of its public sector partners. However, the Head of Law and Democracy and the Chief Finance Officer must be consulted where the Council is contemplating this route.</li> </ul> <p>These CPRs promote good commercial practice, public accountability and deter corruption. Following these procedures is the best defence against allegations that a procurement activity has been undertaken incorrectly, fraudulently or unlawfully. These procedures cover contract and procurement activity undertaken on behalf of the Council and within a partnership arrangement, regardless of the source of funding.</p> <p>Officers responsible for procurement and contracting, <b>MUST</b> ensure compliance with these CPRs, the Public Contract Regulations 2015, Procurement Act 2023, Financial Procedure Rules, applicable Grant Fund spending regulations and conditions, and with all UK legal requirements.</p> <p>In addition to the above, due regard to statutory guidance issued by the Crown Commercial Service must be paid, as required by the Public Contract Regulations 2015 and the Procurement Act 2023 (PPN's).</p> <p>These CPR's do not contain procedures relating to making payments and undertaking purchasing activity, i.e. raising purchase orders or using a purchasing card. These procedures are found within Financial Procedures Rules.</p> <p>It should also be noted that these CPR's lay down minimum requirements. More stringent requirements may be appropriate for particular contracts and procurements, dependent on a number of factors.</p> <p>In accordance with the Constitution, the Head of Law and Democracy has the authority to make minor amendments to these CPR's, more comprehensive amendments must be approved by Full Council.</p>
<b>1.2</b>	<b>Basic Principles/Compliance</b>
	All procurement activity, including the entering into contracts, on behalf of the Council, must:

	<ul style="list-style-type: none"> <li>• comply with these Contract Procedure Rules</li> <li>• comply with the Council's Financial Procedure Rules</li> <li>• comply with all relevant UK legislation</li> <li>• adhere to procurement principles by being undertaken in a transparent, non-discriminatory and proportionate manner</li> <li>• achieve best value in respect of the use of public money</li> <li>• demonstrate high regard to integrity</li> </ul> <p>The Strategic Director, Section 151 Offer and Heads of Service are responsible for ensuring that his/her department/section complies with these Contract Procedure Rules, Financial Procedure Rules and ALL applicable legislation. They MUST ensure that procurement requirements are appropriately planned, resourced, reported, monitored and awarded. They may delegate the practical elements of the processes to competent officers within their departments, who are then equally responsible for ensuring these CPRs are adhered to.</p> <p>All members of staff and consultants engaged in any capacity to manage or supervise the procurement of any works, goods or services for the Council and/or the subsequent contract MUST comply with these CPR's.</p> <p>In addition to the above, all those involved in any form of procurement/entering into a contract/contract management, must ensure:</p> <ul style="list-style-type: none"> <li>• relevant professional advice is sought, in a timely manner, from Procurement, Legal and Finance.</li> <li>• any external grant funding is used in line with these rules and the conditions to which it was assigned. Where there is conflict Procurement, Legal and Finance advice should be sought</li> <li>• any conflict of interest is declared</li> <li>• payment is only made for goods, services and works delivered at the contract price, the quantity and quality standards quoted for</li> <li>• the budget holder monitors all expenditure through their budget</li> <li>• a fully signed/sealed contract (dependent on value) is entered into prior to the commencement of the provision</li> <li>• an appropriate contract manager is identified, who is accountable for ensuring the contract delivers the goods, services and/or works as set out within the contract</li> <li>• the contract manager follows the required contract management monitoring, and this is fully documented to provide a clear audit trail</li> <li>• the Council's retention policy is adhered too</li> </ul> <p>It is also proposed that these CPRs are reviewed on a regular basis to ensure that they are still fit for purpose and that a full review will be undertaken every three years.</p>
<p><b>1.3</b></p>	<p><b>Contracts</b></p>
	<p>A contract is an arrangement made by, or on behalf of the Council, with a third party, instructing them to undertake works or for the supply of goods or services.</p> <p>This includes:</p> <ul style="list-style-type: none"> <li>• the supply of goods</li> <li>• the delivery of services</li> <li>• the execution of works</li> </ul>

	<ul style="list-style-type: none"> <li>• the hire, rental, repair, maintenance or lease of goods/equipment</li> <li>• the appointment of agency staff or consultants</li> </ul> <p>It does not include:</p> <ul style="list-style-type: none"> <li>• Partnering arrangements (albeit there may be a requirement for a legal arrangement to be entered into)</li> <li>• Membership of and/or subscriptions to a recognised bodies (and associated work that they undertake on our behalf)</li> <li>• Contracts of employment which make an individual an employee of the council</li> <li>• Agreements regarding acquisition, disposal or transfer of land</li> <li>• Awarding of grant monies</li> </ul>
<b>1.4</b>	<b>Joint Commissions</b>
	<p>Where the council jointly procures/commissions services with other public sector bodies i.e. local authorities, health authorities etc. the following shall apply:</p> <ul style="list-style-type: none"> <li>• A lead authority will need to be determined for the purposes of the provision to be procured and their processes will be adhered too, and any subsequent contract entered into, will be deemed compliant with these CPR's thus meaning no exception to normal routes is required</li> <li>• If the procurement/commission is with a NHS body, then adherence to specific regulations will apply i.e. the NHS bodies &amp; LA Partnership Arrangement Regulations 2000 as amended by the NHS Bodies &amp; LA Arrangements (Amendment) Regulations 2015</li> </ul> <p>Where the Council works jointly to procure/commission any goods, services and/or works with other organisations such as those from the private sector, where there are no legislative requirements, the following shall apply:</p> <ul style="list-style-type: none"> <li>• Regardless of who the identified lead is, these CPR's will apply as the Council has a legal duty to ensure adherence to various legislation etc</li> <li>• Where the contract is procured on behalf of the Council but not in joint names, then there may be a requirement for the third party to indemnify the Council and vice versa.</li> </ul>

2.	<b>Roles &amp; Responsibilities</b>
2.1	<b>Overview - Tree of Responsibility</b>
	<p>This section sets out the Tree of Responsibility in terms of ensuring that the Council has a robust governance process in place to ensure adherence to the requirements of these CPR's.</p> <p>There is a “golden thread” that runs through from Senior Leadership Team (SLT) to Contract Managers and in order for these CPR's to be effective, it is essential that all involved understand and comply with them.</p> <p>Whilst inevitably there may be some elements of overlap within the responsibilities of different areas, it should be clear what is required from individual roles when overseeing or undertaking a procurement exercise.</p>
2.2	<b>Section 151 Officer</b>
	<p>The Section 151 Officer is responsible for:</p> <ul style="list-style-type: none"> <li>ensuring that all procurement undertaken is done so in strict accordance with these CPR's, Public Contract Regulations 2015, The Procurement Act 2023 (depending on when the procurement was commenced/contract entered into).</li> <li>for ensuring that the CPR's are kept up to date on a regular basis and that a full review is undertaken at least every three years.</li> <li>Where appropriate or requested by an Officer within the authority, ensure that any framework arrangement/agreement (ESPO, Scape, CCS etc.) is fully compliant prior to any discussions being entered into or procurement exercise undertaken.</li> <li>ensuring that where a procurement activity is undertaken electronically via the Councils recognised portal (currently Pro Contract), that all requirement stages are completed. This will include the initial entry being made on the Corporate Contracts Register. <b>However, it should be noted that it is then ultimately the responsibility of the relevant Contract Manager to ensure that all details held on the Contracts Register are correct and up to date.</b></li> <li>ensuring that all staff and elected members are aware of their responsibilities under these CPR's and receive adequate training and guidance.</li> </ul> <p>In addition to the above, the Section 151 Officer is ultimately responsible for ensuring that where a procurement activity is required, that it hasn't been split into smaller requirements in order to avoid undertaking the necessary procurement process.</p> <p>In conjunction with the Head of Law and Democracy, they have responsibility for ensuring that any exception to the normal procurement route is captured and recorded so as to provide a full audit trail of decisions being made. <b>It should be noted though that exceptions to the normal route can only be granted where the contract value is below the relevant threshold.</b></p>
2.3	<b>Monitoring Officer</b>

	<p>The Monitoring Officer has delegated responsibility for ensuring that these CPRs are properly administered, adhered too and reflect the most up to date legislation and statutory guidance.</p> <p>As stated above (para 2.2), the Head of Law and Democracy will in conjunction with the Section 151 Officer, ensure that any exception to the normal route is captured and recorded so as to provide a full audit trail of decisions being made.</p>
<b>2.4</b>	<p><b>Senor Leadership Team (SLT)</b></p>
	<p>Senior Leadership Team (CX, Strategic Director, Chief Finance Officer/S151 and Heads of Service) are collectively responsible for ensuring that all staff fully understand their responsibilities with under the CPR's and comply with them, and that resources are in place via the Section 151 Officer/Monitoring Officer to provide adequate training and guidance.</p> <p>Strategic Director/Head of Service duties are as follows:</p> <ul style="list-style-type: none"> <li>• To ensure that their officers seek and obtain value for money and secure continuous improvement in all procurements.</li> <li>• To ensure no contract is entered into without there being adequate and agreed budget provision, in accordance with FPR's, and by adhering to these CPR's</li> <li>• To ensure compliance with all applicable legislation and seeking advice from the Section 151 Officer, where appropriate, prior to the commencement of any procurement related activity</li> <li>• To ensure that Non-Commercial Considerations (i.e. personal conflicts, peer pressure) do not influence any decision to seek quotations or tenders or to enter into any contract.</li> <li>• To ensure <b>all</b> staff (including any agents or consultants acting on their behalf) dealing with procurement, are fully aware of and comply with these CPRs and to arrange adequate training on their operation. Ideally training on these should form part of their induction process to the post they hold.</li> <li>• To ensure every contract has a named officer with responsibility for it.</li> <li>• To ensure that their officers keep records of all signed contracts and copies of all relevant documentation to provide a full audit trail of actions taken.</li> <li>• To ensure that the Council's Contracts Register for all contracts greater than £5000 in value is kept up to date</li> <li>• Sign off all tender documents prior to the tender going live, where the tender is over the threshold for goods and services (this also applies to works contracts even though the threshold for this is significantly more)</li> </ul>

	<ul style="list-style-type: none"> <li>• Appear on the Council's contracts register as soon as they are signed and in advance of any goods/services being received and/or works being undertaken</li> <li>• All contracts are managed in accordance with the requirements of the Council's contract management guidance (see section 12)</li> <li>• Appointed/designated contract managers within their area have undertaken the relevant training and fully understand the requirements</li> <li>• Risk Registers are in place and reviewed in accordance with the risk register requirements.</li> </ul>
<b>2.5</b>	<b>Legal Services</b>
	<p>Legal Services are responsible for ensuring that all contracts entered into are lawful and provide adequate protection to the council, and that they are properly signed/sealed.</p> <p>It is their responsibility to ensure that the form of contract is relevant, appropriate and proportionate to the provision, and/or to raise any shortcomings in relation to proposed forms, especially where appointments are being made via the use of frameworks/agencies and changes cannot be made. In addition to this they are also responsible for ensuring that any external grant funding requirements are reflected appropriately.</p> <p>They are also responsible for providing advice/guidance in relation to all legal matters, that may form part of, or be associated with, the required provision. This will may include the following, but it should be noted that this list is not exhaustive:</p> <ul style="list-style-type: none"> <li>• Subsidy Control</li> <li>• Collateral Warranties</li> <li>• Deeds of Warranties</li> <li>• Framework provisions</li> <li>• Use of providers own form of contract i.e. agency staff, recruitment agencies etc</li> </ul>
<b>2.6</b>	<b>Chief Finance Officer (S151) &amp; Financial Services</b>
	<p>The Chief Finance Officer (S151) is the officer responsible for the proper administration of the financial affairs of the Council and as such have a duty to provide financial advice and support in relation to all procurement activities and ensure compliance with Financial Procedure Rules.</p> <p>In addition to the above, they are also responsible for:</p> <ul style="list-style-type: none"> <li>• ensuring that processes detailed within these CPR's are reflected where necessary and compliment the requirements of Financial Procedure Rules. Any conflicts identified, should be discussed with the Monitoring Officer in order for a resolution to be found and be reflected within both CPR's and FPR's.</li> <li>• ensuring that where appropriate, contracts entered into provide adequate financial protection to the council. Whilst suppliers are able to self-certify</li> </ul>

	<p>in respect of their financial standing as part of the procurement activity, a review of this will be undertaken by Financial Services. In addition to this, Financial Services will also undertake financial checks at agreed points during the contract period, as notified by contract managers, as well as in response to a contract manager raising warnings/concerns over a contractors financial standing.</p> <ul style="list-style-type: none"> <li>ensuring that the form of contract, and the proposed terms/provisions within it, are relevant, appropriate and proportionate from a financial perspective i.e. inflationary clauses, capped liabilities etc. Where it is not, then any shortcomings should be addressed, so that any amendments can be enacted or where it is an appointment being made via the use of frameworks/agencies and changes cannot be made the contract manager is aware of the risks and procedures are put in place to help mitigate these.</li> <li>reviewing the provision being procured and provide the requirements in relation to the insurance cover required.</li> <li>ensuring that any financial related external grant funding requirements are reflected appropriately</li> <li>In conjunction with the Monitoring Officer providing advice/guidance in relation to all finance related matters, that may form part of, or be associated with, the required provision. This will may include the following, but it should be noted that this list is not exhaustive: <ul style="list-style-type: none"> <li>Performance Bonds</li> <li>Parent Company Guarantees</li> <li>Framework provisions</li> <li>Use of providers own form of contract i.e. agency staff</li> <li>Embedded Leases</li> </ul> </li> </ul>
<b>2.7</b>	<b>Corporate Managers</b>
	Corporate managers are responsible for ensuring that all procurement related activity undertaken by them and their staff within their service area follow the requirements of these CPR's.
<b>2.8</b>	<b>Contract Managers</b>
	<p>Contract Managers are responsible for ensuring that they manage the contract effectively, efficiently and in accordance with these CPR's (primarily section 12). In summary this will include:</p> <ul style="list-style-type: none"> <li>Monitoring performance of the supplier/contractor against the agreed programme or service level, as appropriate.</li> <li>Monitoring the continuing level of operational and financial risk (including the risk of fraud) to which the Council may be exposed.</li> <li>Facilitating the resolution of issues between the supplier/contractor and the key user(s)</li> <li>Ensuring the prompt settlement of invoices / payments correctly and properly submitted by the supplier/contractor in accordance with the contract.</li> </ul>



	<ul style="list-style-type: none"> <li>Ensuring that key certifications are in place i.e. insurance levels, performance bonds</li> </ul>
<b>2.9</b>	<b>Elected Members</b>
	<p>Whilst there is no direct responsibility arising from CPRs in relation to the role of elected members, as members are precluded from entering into contracts on behalf of the authority, they should have an awareness of the requirements of these, and the requirements placed on officers with regard to procurement and contract management, in order to ensure effective scrutiny.</p>

<b>3.0</b>	<b>Exceptions to the Normal Route</b>
<b>3.1</b>	<b>Overview</b>
	<p>Whilst the expectation is that any tendering of contracts will be compliant with these CPR's, it is acknowledged that there that may be exceptional situations where it is not possible to follow the normal route.</p> <p>This section sets out those limited occasions where an exception to the normal route may apply:</p>
<b>3.2</b>	<b>Exceptions</b>
	<p>Any exception to the normal route is provided for in exceptional circumstances, as identified below, and only with the agreement of both the Monitoring Officer and Section 151 Officer as well as the Strategic Director/ relevant Head of Service.</p> <p>It should be noted that an exception can only be granted where the total value of the provision being procured DOESN'T exceed the relevant threshold. Where the value of the provision exceeds this, this action will require the publication of a Transparency notice and will need to satisfy the mandatory requirements of the relevant procurement legislation.</p> <p><b>Exceptions are as follows:</b></p> <ol style="list-style-type: none"> <li>i. Where urgent/emergency repairs are necessitated by breakdown or other failure of buildings, plant, machinery or ICT software/equipment, necessary to maintain and ensure efficient and continuous service delivery. <i>The relevant definition of "emergency" or "urgent" describes it as "brought about by events unforeseeable by and not attributable to the contracting authority"</i></li> <li>ii. Where renewals, repairs and upgrades to buildings, plant, appliances, machinery, vehicles or ICT equipment/software can only be efficiently carried out and most economically supplied with regard to time, cost and speed of delivery, by the original contractor/supplier or their successors or other sole specialists, subject to it not exceeding the relevant thresholds when aggregated.</li> <li>iii. Where urgent alternative arrangements are required to maintain the delivery of critical services due to the failure of an existing service provider or supplier.</li> </ol>

	<p>iv. Where an emergency situation exists as defined in the Council's Emergency Plan and/or the Corporate Business Continuity Plan</p> <p>v. Works orders placed with utility companies i.e. for re-routing cables or pipework</p> <p>vi. Where the Monitoring officer and the Chief Finance Officer are satisfied that there is only one potential supplier of the required goods, supplies or services</p> <p>The use of the Exceptions to Normal Route template is a requirement for all exceptions covered within this section and a copy of this can be found within paragraph 17. Sign off from the Strategic Director is required prior to the completed form being sent to the Chief Finance Officer and/or Monitoring Officer for final approval <b>PRIOR</b> to any procurement activity taking place.</p>
<b>3.3</b>	<b>Specific Processes for Selected Areas (specific category types)</b>
	<p>In addition to the above exceptions, there is also the exception process in respect of specific category types (below relevant threshold) and this allows for a direct approach to be made to a single supplier up to the relevant threshold, as follows:</p> <ul style="list-style-type: none"> <li>• Where the appointment is in respect of specialist legal advice or for a barrister for defence or prosecution of a specific case. Appointment can only be made by the Monitoring Officer or an authorised representative.</li> <li>• Where the appointment is in respect of specialist services in respect of The Representation of the Peoples Act then each election i.e. Borough, County, PCC, BID etc. can be procured on an individual basis with the agreement of the Legal and Democratic Services Manager in conjunction with the Monitoring Officer.</li> <li>• Where the appointment is in respect of specialist services in respect of a General Election and/or a government authorised election such as a Referendum, then this can be procured on an individual basis with the agreement of the Legal and Democratic Services Manager in conjunction with the Monitoring Officer.</li> <li>• Where the appointment is in respect of specialist financial advice or specialist internal &amp; external audit support. Appointment can only be made by the Chief Finance Officer or an authorised representative</li> <li>• Where the appointment is in respect of specialist property advice in respect of a one-off bespoke project. Appointment can only be made by the Corporate Assets Manager or an authorised representative</li> <li>• Where the appointment is in respect of specialist planning advice in respect of a one-off bespoke project. Appointment can only be made by the Head of Built Environment.</li> </ul> <p>Whilst the above provides an exception to the normal procurement process it is still a requirement of the appointment that all the relevant governance and contractual arrangements are put in place. This may include the drawing together of a contract; issuing a brief and receiving the contractor's response; ensuring insurances are in place etc. Advice should always be sought from the Chief Finance Officer and/or Monitoring Officer prior to the commencement of this.</p>

<b>4.</b>	<b>Thresholds</b>
<b>4.1</b>	<b>Council Set (below mandatory legal threshold)</b>
	<p>The following values have been set by the authority and should be followed when undertaking a procurement exercise. All thresholds set by the Council are exclusive of VAT, whereas those set under the relevant procurement legislation are inclusive. There is summary table at the end of this section which provides an at a glance guide.</p> <p>The Threshold levels are set out in paragraph 4.2.</p> <p><b>In respect of Goods, Services &amp; Light Touch Regime (LTR) the following applies:</b></p> <p><b>Less than £5,000</b> – there is no requirement for any formal procurement process to be followed but a <b>purchase order</b> is still required to be raised. There is also no legal requirement for the contract to be recorded within the Councils contracts register, however this would be seen as good practice.</p> <p><b>£5,001 to £15,000</b> – there is no requirement for any formal procurement process to be followed. However, it is the responsibility of contract managers and their Heads of Service to ensure that they have undertaken a due diligence review prior to entering into any arrangement and that they are satisfied that it doesn't expose the Council to any unnecessary risk i.e. required insurance levels in place, H&amp;S assessment undertaken etc. The councils contract register needs to be updated on award and the raising of a purchase order is required</p> <p><b>£15,001 to £30,000</b> – a direct approach can be made to <b>one single supplier</b>. <b>You cannot make an approach to multiple suppliers separately.</b> The councils contract register needs to be updated on award and the raising of a purchase order is required</p> <p><b>£30,001 to Relevant Threshold for Goods &amp; Services</b> – a quotation exercise to be undertaken using the Council's Request for Quotation (RFQ) template. Three quotes should be obtained. This process is to be undertaken electronically utilising the Council's procurement portal. The councils contract register needs to be updated on award and the raising of a purchase order is required</p> <p><b>APPOINTMENT OF CONSULTANTS OR AGENCY STAFF:</b></p> <p>All of the following thresholds allow for a direct approach to be made to one consultant or agency. However, it is the responsibility of the appointing officer to ensure that the appointment delivers best value for money, and it is advisable for a file note to be made detailing this. If this cannot be demonstrated, then a quotation exercise as detailed within the Goods &amp; Services section above should be followed (over £30,001)</p> <p><b>Less than £5,000</b> – Discussion with HR is required to ensure compliance with IR35. Officers will be expected to undertake a review of any terms and conditions (T&amp;C's) being imposed by the supplier in order to ensure that the Council isn't exposed to unnecessary risk etc. There is no need for the contract managers checklist to be completed or an entry made on the contracts register. However, there is the need for a Purchase Order to be raised.</p> <p><b>£5,001 to £15,000</b> – As per the requirement above for up to £5,000 however the appointment needs to be entered onto the Council's contracts register. Authorisation of the appointment should be made by the Senior Leadership Team.</p>

**£15,001 to £75,000** –The relevant T&Cs should be circulated with this for review by Legal and Financial Services. The appointment needs to be entered on the Council's contracts register and a purchase order raised. Authorisation of appointment needs to be made by the Strategic Director/Head of Service.

**£75,001 to Relevant Threshold for Goods & Services** – Completion of the contract managers checklist is required and where possible the relevant T&Cs should be circulated with this for review by Legal and Financial Services. The appointment needs to be entered on the Council's contracts register and a purchase order raised. Authorisation of appointment needs to be made by SLT.

#### **APPOINTMENT OF RECRUITMENT AGENCY:**

**Less than £5,000** – Officers will be expected to undertake a review of any T&C's being imposed by the supplier in order to ensure that the Council isn't exposed to unnecessary risk etc. A Purchase Order is to be raised.

**£5,001 to £50,000** – a direct approach can be made to **one single supplier**. **You cannot make an approach to multiple suppliers separately.** Use of the Council's Request for Quotation template is required as well as completion of the contract managers checklist. The councils contract register needs to be updated on award and the raising of a purchase order is required

**£50,001 to Relevant Threshold for Goods, Services and Light Touch** - a quotation exercise to be undertaken using the Council's Request for Quotation (RFQ) template. This process is to be undertaken electronically utilising the Council's procurement portal.

#### **IT LICENCES AND MODULES UPGRADES:**

**Up to the threshold for Goods, Services and Light Touch** – a direct approach can be made to a single supplier. Completion of the contract managers checklist is required and where possible, the relevant T&Cs should be circulated with this for review by Legal and Financial Services. The appointment needs to be entered on the Council's contracts register and a purchase order raised. Where the total value of the contract is below £5,000, there is no requirement for any formal procurement process to be followed, however, a purchase order is still required to be raised.

#### **WORKS AND CONCESSION CONTRACTS:**

**Less than £5,000** – there is no requirement for any formal procurement process to be followed but a purchase order is still required to be raised.

**£5,001 to £30,000** – there is no requirement for any formal procurement process to be followed. However, it is the responsibility of contract managers and their Head of Service, to ensure that they have undertaken a due diligence review prior to entering into any arrangement and that they are satisfied that to do so doesn't expose the Council to any unnecessary risk i.e. required insurance levels in place, H&S assessment undertaken etc. Where the review flags up any concerns the use of the contract managers checklist should be undertaken. The councils contract register needs to be updated on award and the raising of a purchase order is required

**£30,001 to £1,000,000** – a direct approach can be made to **one single supplier**. The use of the RFQ direct approach template is mandated. **You cannot make an approach to multiple suppliers separately.**

	<p><b>£1,000,001 to £2,500,000</b> - a quotation exercise to be undertaken using the Council’s RFQ template. This process is to be undertaken electronically utilising the Council’s procurement portal.</p> <p><b>£2,500,001 to Threshold</b> - a quotation exercise to be undertaken using the Council’s RFQ template. This process is to be undertaken electronically utilising the Council’s procurement portal.</p> <p><b>Exceptions to the Above</b></p> <p>Whilst all of the above thresholds are in place, Officers can, where they feel it would provide better value for money, advertise the opportunity to the marketplace and/or follow the quotation route rather than make a direct approach. In these circumstances full engagement with the relevant processes is required as detailed within this document. However, prior to this process being undertaken, a file note should be made as to why this was the chosen route which should be signed off by SLT.</p> <p>Where a framework is being utilised, the above thresholds do not apply, and the framework providers requirements will need to be followed. However, the contract managers checklist will still be required to be completed and circulated along with the framework providers form of contract and any specific framework information relating to terms i.e. insurance levels etc.</p>																								
4.2	<b>Statutory Set (Goods &amp; Services, Light Touch and Works)</b>																								
	<p>The relevant thresholds as revised under Public Contract Regulations 2015 on 1<sup>st</sup> January 2024 are as follows:</p> <table><tr><th>Type</th><th>Threshold (inc. of VAT)</th></tr><tr><td>Goods &amp; Services</td><td>£214,904</td></tr><tr><td>Works</td><td>£5,372,609</td></tr><tr><td>Light Touch</td><td>£663,540</td></tr><tr><td>Concessions Contract</td><td>£5,372,609</td></tr></table>	Type	Threshold (inc. of VAT)	Goods & Services	£214,904	Works	£5,372,609	Light Touch	£663,540	Concessions Contract	£5,372,609														
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4.3	<p><b>Summary Table of Proposed Levels</b></p> <p>The following table provides an at a glance summary of the procurement requirements based on the various contract value thresholds.</p> <table><tr><th>Value</th><th>Goods Services &amp; Light Touch</th><th>Consultancy &amp; Agency Staff</th><th>Recruitment</th><th>IT Licenses &amp; Module Upgrades</th><th>Works</th></tr><tr><td>Up to £5,000</td><td colspan="5">No Formal Requirement</td></tr><tr><td>£5,001 to £15,000</td><td colspan="5">No Formal Requirement</td></tr><tr><td>£15,001 to £30,000</td><td>n/a</td><td>Direct Approach</td><td>Direct Approach</td><td>n/a</td><td>No Formal Requirement</td></tr></table>	Value	Goods Services & Light Touch	Consultancy & Agency Staff	Recruitment	IT Licenses & Module Upgrades	Works	Up to £5,000	No Formal Requirement					£5,001 to £15,000	No Formal Requirement					£15,001 to £30,000	n/a	Direct Approach	Direct Approach	n/a	No Formal Requirement
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	£30,001 to relevant threshold	RFQ process	Direct Approach	Direct Approach	Direct Approach	n/a
	£15,001 to £75,000	n/a	Direct Approach	Direct Approach	Direct Approach	n/a
	£75,001 to relevant threshold	n/a	Direct Approach	Direct Approach	Direct Approach	n/a
	£30,001 to £1,000,000	n/a	n/a	n/a	n/a	Direct Approach
	£1,000,001 to £2,500,000	n/a	n/a	n/a	n/a	RFQ process
	£2,500,001 to relevant threshold	n/a	n/a	n/a	n/a	RFQ process

<b>5.</b>	<b>Calculating the Contract Value</b>
<b>5.1</b>	<b>Overview</b>
	<p>Prior to the commencement of any procurement activity, it is essential that the procurement lead (this can be the contract manager or the operational lead) calculates the total contract value. In order to do they will need to determine the estimated annual spend and the preferred length of contract, including all extension provisions, so that when multiplied together, it provides an estimated annual cost</p>
<b>5.2</b>	<b>Determining the contract length</b>
	<p>It is important when determining the length of time, the contract will be in place for, that the following is considered:</p> <ul style="list-style-type: none"> <li>• How long will the council utilise the provision being procured</li> <li>• Does the marketplace have an optimum length that it will quote for</li> <li>• Is there a high churn of suppliers in the marketplace</li> <li>• Is the marketplace volatile</li> <li>• How does the proposed length reflect internal trends in spend</li> <li>• Impact of inflationary factors</li> <li>• Length of time spent procuring v initial period of contract</li> </ul>
<b>5.3</b>	<b>Determining the total value</b>
	Where a contract/provision has been in place historically, the use of annual spend data held by the Council will help to determine estimated spend. The usual

	<p>process is to look at the spend over a three-year period to provide an average and then review this to ensure that it is realistic given known parameters/volume of the requirement moving forward along with any inflationary factors that need to be considered. Financial Services will be able to help with the element.</p> <p>Where it is a new contract/provision then officers will need to utilise any market intelligence available and/or their own professional intelligence in this area.</p> <p>It is also important to remember that when calculating the contract value in respect of those which exceed the relevant threshold that VAT is included within the calculation as the thresholds stated are shown in this way. The contract value to be procured will then be:</p> <p><b><i>Annual spend x total years provision to be in place for</i></b></p>
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<b>6.</b>	<b>Procurement Routes for above threshold contracts</b>
<b>6.1</b>	<b>Overview</b>
	<p>Where the contract value exceeds the relevant procurement threshold, then the legal requirements and processes must be complied with. Where the procurement is commenced prior to the 24<sup>th</sup> February 2025, adherence should be made to the requirements of Public Contract Regulations 2015. After this date adherence to the Procurement Act 2023 should be followed.</p> <p>Section 9 of these Contract Procedure Rules contains more detailed guidance as the processes to be followed.</p> <p>Specific guidance should always be sought from the Section 151 Officer prior to the commencement of any procurement activity that exceeds the procurement threshold.</p>
<b>6.2</b>	<b>Public Contract Regulations 2015 (PCR2015)</b>
	<p>Where the procurement activity was commenced prior to 24<sup>th</sup> February 2025, then PCR 2015 will apply. This will also apply in respect of any management, variations, modifications in relation to the provision in place. There are five types of contract award procedure under the 2015 Regulations.</p> <p>These are:</p> <ul style="list-style-type: none"> <li>• Open</li> <li>• Restricted</li> <li>• Competitive Dialogue</li> <li>• Competitive with negotiation</li> <li>• Innovation Partnership</li> </ul> <p>There are no restrictions in the legislation on the use of the open and restricted procedures. The competitive dialogue, competitive with negotiation and innovation partnership procedures can only be used in certain specified circumstances. Predominantly, the council uses the open and restricted route, and these are covered in more detail in section 9.</p>

<b>6.3</b>	<b>Procurement Act 2023 (PA23)</b>
	<p>Where the procurement activity was commenced on or after the 24<sup>th</sup> February 2025, then PA23 will apply. This will also apply in respect of any management, variations, modifications in relation to the provision in place as well as the requirement to publish any notices for the duration of the contract as stipulated within the Act.</p> <p>The new Act uses only three procedures, not including frameworks and dynamic markets (the new name for dynamic purchasing systems).</p> <p>The new procurement procedures are:</p> <ul style="list-style-type: none"> <li>□ Open Procedure</li> <li>□ Competitive Flexible procedure □</li> <li>Direct award.</li> </ul>
<b>6.4</b>	<b>Frameworks, Dynamic Purchasing System &amp; Dynamic Markets</b>
	<p>The Council allows for the use of frameworks, dynamic purchasing system (DPS) and dynamic markets (DM) where appropriate. They can help to balance the need to achieve/demonstrate value for money with the resource impact of undertaking a quotation/full tender process.</p> <p>A procurement framework, also known as a framework agreement, is an umbrella agreement put in place between a provider or range of providers that enables buyers to place orders for goods, services and works, without facing the lengthy tendering process for each individual task. Suppliers can only be included at the start of the framework and not at any other time. They can only be in place for a maximum of four years.</p> <p>A Dynamic Purchasing System (DPS) is similar to a framework agreement, but new suppliers can join at any time. It is to be run as a completely electronic process and should be set up using the restricted procedure. They have no restriction in length of contract period.</p> <p>A dynamic market under the Procurement Act 2023 is a list of qualified suppliers who are eligible to participate in future procurements. A dynamic market may be split into categories/parts, with suppliers only eligible to participate in the parts for which they have qualified. DM's must remain open to new suppliers to join at any time. Dynamic markets are available for all types of purchases of goods, services or works, other than those purchased under concession contracts unless the concession contract is also utilities contracts.</p> <p>Where a framework has been identified it is paramount that prior to the commencement of any activity in relation to the appointment of a supplier by this means, both value for money and compliance checks are undertaken. The Section 151 Officer will be responsible for ensuring that the Council has been named within the original contract notice (this may be via the framework stating that it can be used by all UK LA's). Contract Managers/Operational Leads will be responsible for ensuring that rates quoted for on the framework reflect those available in the marketplace.</p> <p>In addition, it is also a key requirement that the framework agreements are reviewed by the relevant sections to ensure that they are fit for purpose.</p>



	<p>Framework agreements in general cannot be amended and must always be awarded in accordance with their documentation. This may leave the Council exposed to more risk and so an assessment of this will need to be undertaken prior to a final decision being made to continue via this procurement route.</p> <p>Frameworks can be used, where the agreement allows for an award via a direct approach or further competition/mini competition. Where its being utilised by way of further competition, then it is essential that the agreement is reviewed to ensure all evaluation of submissions is compliant. For example, in some cases the framework will stipulate the award criteria to be used.</p>
<b>6.5</b>	<b>Concession Contract</b>
	<p>A concession contract is an arrangement between the Council and a supplier, where the supplier is given the right to exploit works and/or services provided for their own gain. Suppliers under this regime are often referred to as the “Economic Operator”.</p> <p>Economic Operators can either receive consideration for their services solely through third party sources, or partly through consideration from the Council, along with income received via third parties.</p> <p>There are two types of concession contracts: works and service concessions.</p> <p>A works concession is where the economic operator undertakes the development of, operates and maintains infrastructure.</p> <p>A service concession is where the economic operator provides services of general economic interest. This could be where the Council allow the operator to operate a café in a council site, utilising council owned assets BUT they carry all the commercial risk in terms of profit &amp; loss, and no payment is made by the Council to the operator in return for running the service.</p>
<b>6.6</b>	<b>Light Touch Regime (LTR)</b>
	<p>The LTR is a specific set of rules in relation to certain service contracts that tend to be of lower interest to the marketplace. They were prior to the implementation of PCR2015, known as Part B services and were predominantly social, health and education services. Not all Part B services are now covered under the LTR.</p> <p>Section 10 of these CPR’s provides more detail as to how to undertake this type of procurement exercise</p>
<b>6.7</b>	<b>Contracting Authority to Contracting Authority</b>
	<p>The Council may enter into arrangements with other contracting authorities. This can be in respect of two or more public authorities coming together to deliver public functions in circumstances where a separate legal organisation such as a Teckal company is not formed. Legal advice should always be sought in respect of setting up these arrangements, but it should be noted that there is no requirement to undertake a procurement in accordance with these rules.</p> <p>If the setting up of such an arrangement is considered to meet the requirement of a Teckal company, then Legal and/or procurement advice should be sought prior</p>

	to the arrangement being formalised into a contract. Where an entity meets the needs of a Teckal company there is no requirement to undertake a procurement in accordance with these rules.
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7.	Steps to be taken Prior to Commencing a Procurement Activity																													
7.1	Contract Managers Checklist																													
	<p>The Council has in place an agreed and formal Contract Managers Checklist. There is one in respect of a new procurement exercise and one for a variation to or extension of a current provision. These must be completed prior to the commencement of any dialogue with any suppliers, whether they are the incumbent or potential suppliers</p> <p>The latest versions of the forms can be found on the intranet along with various appendices which will help provide you with guidance as to how they need to be completed. Advice is available from the various section leads as identified in the checklist and this checklist will form the master source document as the procurement process progresses.</p>																													
7.2	Approvals in Place																													
	<p>Authority to commence with any procurement should always be in place prior to the commencement of any procurement activity. The following table details the requirements where the budget is in place. Where it's not, then authority for funding will need to be authorised in accordance with the FPR's prior to the award of the procurement exercise:</p> <table><tr><td>Type</td><td>Value (£)</td><td>Authority Required</td></tr><tr><td>Goods &amp; Services</td><td>Up to £25,000</td><td>Corporate Manager</td></tr><tr><td>Goods &amp; Services</td><td>£25,001 to £75,000</td><td>Head of Service</td></tr><tr><td>Goods &amp; Services (except consultancy &amp; agency appointments)</td><td>Over £75,001</td><td>Strategic Director/Section 151 Officer</td></tr><tr><td>Goods &amp; Services (consultancy &amp; agency appointments)</td><td>Over £75,001</td><td>SLT</td></tr><tr><td>Works</td><td>Up to £25,000</td><td>Service Manager</td></tr><tr><td>Works</td><td>£25,001 to £500,000</td><td>Head of Service/ Section 151 Officer</td></tr><tr><td>Works</td><td>£500,001 to £2,500,000</td><td>Strategic Director/Section 151 Officer</td></tr><tr><td>Works</td><td>£2,500,001 to threshold</td><td>SLT</td></tr></table>			Type	Value (£)	Authority Required	Goods & Services	Up to £25,000	Corporate Manager	Goods & Services	£25,001 to £75,000	Head of Service	Goods & Services (except consultancy & agency appointments)	Over £75,001	Strategic Director/Section 151 Officer	Goods & Services (consultancy & agency appointments)	Over £75,001	SLT	Works	Up to £25,000	Service Manager	Works	£25,001 to £500,000	Head of Service/ Section 151 Officer	Works	£500,001 to £2,500,000	Strategic Director/Section 151 Officer	Works	£2,500,001 to threshold	SLT
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	Works	Over Threshold	SLT
<b>7.3</b>	<b>Business Case for using Frameworks</b>		
	<p>Business cases/file notes will be required as follows:</p> <ul style="list-style-type: none"> <li>• Where a direct approach for goods, services and light touch, via a framework is being undertaken and the value of the appointment exceeds that set by the council by way of a direct approach but is less than £75,000 a short file note/business case (see section 18) should detail the rationale as to why this process has been taken and should be signed off by the relevant Corporate Manager and Head of Service</li> <li>• Where a direct approach for goods, services and light touch, via a framework is being undertaken and the value of the appointment exceeds £75,001 but is less than threshold (and there is no allowance for a direct approach within the council's set levels), a short file note/business case should detail the rationale as to why this process has been taken and should be signed off by the Strategic Director/Head of Service.</li> <li>• Where a direct approach for goods, services and light touch, via a framework is being undertaken and the value of the appointment exceeds threshold a short file note/business case should detail the rationale as to why this process has been taken and should be signed off by the relevant Strategic Director.</li> <li>• Where a direct approach for works, via a framework is being undertaken and the value of the appointment exceeds £25,000 but is less than £75,000 a short file note/business case should detail the rationale as to why this process has been taken and should be signed off by the relevant Corporate Manager and Head of Service.</li> <li>• Where a direct approach for works, via a framework is being undertaken and the value of the appointment exceeds £1,000,001 but is less than £2,500,000 a short file note/business case should detail the rationale as to why this process has been taken and should be signed off by SLT.</li> <li>• Where a direct approach for works, via a framework is being undertaken and the value of the appointment exceeds £2,500,000,001 but is less than threshold a short file note/business case should detail the rationale as to why this process has been taken and should be signed off SLT.</li> <li>• Where a direct approach for works, via a framework is being undertaken and the value of the appointment exceeds threshold a short file note/business case should detail the rationale as to why this process has been taken and should be signed off by SLT</li> <li>• Where the provision is currently outsourced and there is an option for it to be delivered in house then a detailed business case should be signed off by SLT, with the agreement of any relevant committees. (initial discussions should be held informally to determine whether there is the capability or appetite for it to be brought in house)</li> </ul>		
<b>7.4</b>	<b>Social Value</b>		
	<p>The Public Services (Social Value) Act 2012, which came into force on 31<sup>st</sup> January 2013, requires all public bodies in England and Wales, for the first time to legally consider how the services they commission and procure might improve the economic, social and environmental well-being of their area.</p>		

	<p>The Council has developed a set of outcomes/principles that will enable it to consider the economic, social and environmental well-being of the Borough and its residents when commissioning/procuring its contracts. These outcomes/principles are based on the vision, values and priorities set by the Council.</p> <p>It should be noted that the only legal requirement for SV to be considered for inclusion within a procurement activity is when the value exceeds the relevant threshold. However, it is the Council's aim that consideration will be given in respect of all procurement exercises, where appropriate and relevant to do so.</p>
<b>7.5</b>	<b>Subsidy Control</b>
	<p>Following the UK leaving the European Union, State Aid rules have been replaced by Subsidy Control.</p> <p>A subsidy is where a public authority such as central or local government provides support to an enterprise that gives them an economic advantage, this could be a grant, cash payment, a loan on favourable terms, or free use of office space or equipment.</p> <p>The Council has in place guidance on this and as part of the completion of the contract managers checklist, the implications of Subsidy Control should be considered.</p> <p>Advice specifically in relation to this, should be sought from the Head of Law and Democracy, and any decision as to whether something is a subsidy is decided by a panel comprising the Head of Law and Democracy, Chief Finance Officer and Strategic Director</p>
<b>7.6</b>	<b>Key Performance Indicators (KPI's)</b>
	<p>A Key Performance Indicator (KPI) is a measurable target that indicates how a supplier is performing in terms of meeting the goals set within the parameters of the contract.</p> <p>It is essential that KPI's are fit for purpose and enable both the Council and the supplier to determine whether performance is at the required standard, as well as providing evidence to understand where there maybe issues and how these can be addressed.</p> <p>KPI's should be reviewed as part of the ongoing contract management meetings and where necessary amended to reflect the current requirement.</p> <p>There is no minimum requirement as to the number of KPI's a provision should have in place. It is more essential to ensure that they provide meaningful information as well as being relevant and proportionate.</p> <p>Guidance in relation to KPI's shows that the best plans use between five and seven KPIs to track and manage progress. It also references that the best structured KPI plans include each element of what is called "SMART" criteria:</p> <ul style="list-style-type: none"> <li>□ <b>Specific:</b> define what each KPI is intended to measure, and why it is important</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Measurable:</b> KPIs should include standards for measurement</li> <li>• <b>Achievable:</b> the KPI should be a realistic, achievable goal</li> <li>• <b>Relevant:</b> KPIs are intended to move a business forward, so they need to be relevant to improving outcomes</li> <li>• <b>Time-bound:</b> it's important to set a realistic time frame based on past performance, and make sure that the team sticks to the agreed-upon deadlines</li> </ul> <p>The Procurement Act 2023 (see section 9) requires at least three KPI's in contracts with a value in excess of £5m must be set. It is also a requirement that all these KPI's are published on the relevant platform by way of a notice annually, and that the top three are identified and highlighted. KPI's will also need to be included within the original call for competition notice at the start of the procurement exercise as well as on termination too. Advice on this should be sought from the Section 151 Officer in respect of this.</p>
<b>7.7</b>	<b>External Grants/Funding</b>
	<p>Some procurement exercises are wholly, or part funded through the use of external grants. Whilst this is a most welcome source of funding it can bring about additional risks and requirements that the Council would not usually encounter. Some funding bodies will as part of the grant conditions, insist that a procurement is undertaken in a certain way or that an award cannot be made until they have received a detailed procurement report, and this has been signed off by them. It is therefore crucial to understand what, if any, requirements are attached to the accepting of the external funding and how these impact on the Council's usual route.</p> <p>The contract managers checklist has a section for this and as such, should capture all the relevant information, in order for an informed decision to be made.</p> <p>In addition, the Council has in place a Grants Register and this is held by Financial Services. Guidance should be sought prior to the application for any external funding from Chief Finance Officer/Financial Services as detailed within FPR's.</p>
<b>7.8</b>	<b>Pre-Market Engagement</b>
	<p>Prior to the commencement of any procurement activity, it can be advantageous to consult with suppliers in order to:</p> <ul style="list-style-type: none"> <li>□ Gain an insight into what/where the market is currently and how that can be used to help shape the requirement being tendered</li> <li>□ Help to shape, prepare and plan the procurement</li> </ul> <p>Section 9 of these CPR's looks in more detail as to how legislation governs this process when above threshold. However regardless of the value of the contract, the principle of being Open, Fair and Transparent should be applied regardless.</p> <p>Guidance should be sought from the Section 151 Officer <b>prior to any</b> discussions being held with any supplier, <b>the incumbent included</b>.</p>
<b>7.9</b>	<b>Appointment of Consultants/Agency Staff</b>

	<p>Officers should consult with the Chief Finance Officer and/or Legal Services prior to the commencement of any engagement with a third party (Agency or a Consultant directly).</p> <p>The contract managers checklist should be completed and circulated along with any specific terms and conditions to which the third parties are insisting the Council are signed up too. These can then be reviewed, and any risks highlighted to the contracting officer.</p> <p>Where risks are identified, these should be reviewed by the Strategic Director, and it is their decision as to whether the appointment is to be made. This decision should be captured on the contract managers checklist.</p> <p>An assessment will also need to be undertaken in respect of IR35 and Human Resources will be able to support this process – again this is captured on the checklist.</p> <p>Each appointment of an individual consultant will be viewed as a separate contract and as such the thresholds as detailed within paragraph 4.1 will apply.</p>
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<b>8.</b>	<b>Below Threshold Processes</b>
<b>8.1</b>	<b>Overview</b>
	<p>Where the value of the provision being procured is below the relevant threshold then the Council set thresholds will apply as shown in Section 4. Officers must not sub-divide requirements in order to circumvent the relevant regulations. The principles of above threshold procurement apply and should be adhered to – Open, Fair and Transparent.</p> <p>In general, the use of a Standard Questionnaire (SQ) or any assessment of bidders in order to reduce the numbers of those bidders being invited to the tender stage is not allowed for, albeit there are certain exceptions to this. It is however acceptable for bidders to be asked “suitability” questions, but these need to be relevant to the provision being procured and also proportionate. Advice can be sought from the Chief Finance Officer/Monitoring Officer as to the suitability of the questions being proposed and the use of an SQ.</p>
<b>8.2</b>	<b>Goods, Services &amp; Light Touch Regime</b>
	<p>The following all relates to the procuring of goods, services and light touch regime.</p> <p>Goods are items that are usually (but not always) tangible, such as office equipment, fleet, or IT Hardware.</p> <p>Services are activities provided by other people, such as surveys, project management, training.</p> <p>Light Touch Regime primarily covers off Social Care elements</p> <p>Taken together, it is the production, distribution, and consumption of goods and services which underpins all economic activity and trade.</p>

<b>8.3</b>	<b>Direct Approach under £5k</b>
	<p>A direct approach can be made to <b>one single supplier. You cannot make an approach to multiple suppliers separately.</b></p> <p>Officers will be expected to undertake a review of any T&amp;C's being imposed by the supplier in order to ensure that the Council isn't exposed to unnecessary risk etc. There <b>is no need</b> for the contract managers checklist to be completed, an award notice to be published or an entry made on the contracts register. However, there is the need for a Purchase Order to be raised.</p>
<b>8.4</b>	<b>Direct Approach over £5k but below Relevant Council Set Threshold</b>
	<p>A direct approach can be made to <b>one single supplier. You cannot make an approach to multiple suppliers separately.</b> Please see section 4.1 for the relevant contract value levels.</p> <p>The contract managers checklist needs to be completed prior to contact being made with the supplier so as to ensure that all the relevant sections are covered. Ideally, the direct approach RFQ template should be issued to the supplier along with the form of contract (T&amp;C's) and other relevant appendices where necessary.</p> <p>The template should include suitable assessment questions to which the supplier is expected to respond. This will then form part of the contract and will enable all parties to see what the requirement of the Council was and how the supplier has stated they will ensure this is delivered.</p> <p>This can then be emailed to the supplier for completion with a required return date. A review of the response should be undertaken by the contract manager to ensure that it demonstrates compliance with the requirement and that it is detailed enough to ensure that the contract can be managed effectively. Clarifications can be sought where needed from the supplier. Once it is deemed compliant then the Contract Manager should contact the Section 151 Officer to ask for a formal award letter to be issued to the supplier and Legal Services should be supplied with all the relevant information in order for the contract to be populated. This will include all the documents issued to the supplier along with their responses</p> <p>Once the contract has been signed, the contracts register needs to be updated and this is the responsibility of the contract manager. A copy of the contract should be kept by the contracts manager as well as one also being lodged with Legal Services and the final copy being issued to the supplier.</p> <p>A purchase order should also be raised in respect of the contract being let and advice on this can be sought from Financial Services.</p>
<b>8.5</b>	<b>Request for Quotation over £5k but below Relevant Council Set Threshold</b>
	<p>Where the market is not known or there is a concern in relation to Best Value being achieved etc., Officers are required to follow the process set out within 8.6 below rather than that detailed in 8.3/8.4 above.</p>
<b>8.6</b>	<b>Request for Quotation over Relevant Council Set Threshold but below Threshold</b>

	<p>A quotation exercise is to be undertaken using the Council's RFQ template. This process is to be undertaken electronically utilising the Council's procurement portal. Guidance on this should be obtained from the Section 151 Officer as it is their responsibility to create the specific tender portal</p> <p>The contract managers checklist should be completed and circulated to the relevant officers and all responses incorporated within the RFQ template where applicable.</p> <p>A minimum of 4 suppliers should be selected to provide quotations. Where less than the four submit a quotation, the process can still continue but it should be noted that an award does not have to be made if quotations received are not deemed suitable.</p> <p>A formal assessment criterion needs to be determined and this should be split between price and quality. There is no corporate approach to this, it is based on a bespoke case by case basis and should always be relevant and proportionate to the contract being let.</p> <p>Once all the documentation has been finalised and signed off as required, then the Section 151 Officer will upload it to the electronic procurement portal. The selected suppliers will then be found on the system and will be formally invited to partake in the procurement activity.</p> <p>The portal will be "live" for a minimum of 4 weeks but again this will depend on the complexity of what is being tendered. The Section 151 Officer will be responsible for the monitoring of the portal and will download all clarifications received from bidders. The Section 151 Officer will then utilise a Q&amp;A log which will capture all clarifications and ensure that all bidders see all correspondence. Only commercially sensitive clarifications/questions will be answered directly to the supplier and a determination on this status will be undertaken by the Section 151 Officer in conjunction with the Monitoring Officer.</p> <p>A deadline for clarifications from bidders will be set (usually a week before the bid deadline) as well as a deadline for bids being submitted.</p> <p>No late submissions will be accepted.</p> <p>The evaluation of submissions will be undertaken as set out in these CPR's.</p> <p>Once the contract has been signed, the contracts register needs to be updated and this is the responsibility of the contract manager. A copy of the contract should be kept by the contracts manager as well as one also being lodged with Legal Services and the final copy being issued to the supplier.</p> <p>A purchase order should also be raised in respect of the contract being let and advice on this can be sought from Financial Services.</p> <p>There is also the option, as there is with all procurement, where the marketplace is unknown, or Officers feel that it would be advantageous for an "open" process to be followed. This will still be undertaken in the same way as detailed above but rather than invite a selected number of suppliers to bid for the provision, a contract notice is issued for below threshold value and the opportunity is opened up to any supplier within the marketplace. Advice will need to be sought from the Section 151 Officer prior to the commencement of any activity.</p>
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	<b>Agency Staff &amp; Consultants</b>
<b>8.7</b>	<b>Less than £5,000</b>
	A direct approach can be made to one agency or consultant, but the appointing officer must be able to demonstrate value for money (the criteria for this should be based on the appointing officer's knowledge of the marketplace etc). Discussion with HR is required to ensure compliance with IR35. Officers will be expected to undertake a review of any T&C's being imposed by the supplier in order to ensure that the Council isn't exposed to unnecessary risk etc. There is no need for the contract managers checklist to be completed or an entry made on the contracts register. However, there is the need for a Purchase Order to be raised.
<b>8.8</b>	<b>£5,001 to Threshold for Goods &amp; Services</b>
	<p>A direct approach can be made to one agency or consultant, but the appointing officer must be able to demonstrate value for money (as per above). Completion of the contract managers checklist is required and where possible the relevant T&amp;Cs should be circulated with this for review by Legal and Financial Services. Discussion with HR is required to ensure compliance with IR35, where applicable. The appointment needs to be entered on the Council's contracts register and a purchase order raised.</p> <p>Where a direct approach is not being followed then the process as detailed within paragraph 8.6 above should be adhered too.</p>
	<b>Recruitment Agencies</b>
<b>8.7</b>	<b>Less than £5,000</b>
	A direct approach can be made to one agency or consultant, but the appointing officer must be able to demonstrate value for money. Officers will be expected to undertake a review of any T&C's being imposed by the supplier in order to ensure that the Council isn't exposed to unnecessary risk etc. There is no need for the contract managers checklist to be completed or an entry made on the contracts register. However, there is the need for a Purchase Order to be raised.
<b>8.8</b>	<b>£25,001 to £50,000</b>
	<p>A direct approach can be made to one agency or consultant, but the appointing officer must be able to demonstrate value for money. Completion of the contract managers checklist is required and where possible the relevant T&amp;Cs should be circulated with this for review by Legal and Financial Services. The appointment needs to be entered on the Council's contracts register and a purchase order raised.</p> <p>Where a direct approach is not being followed then the process as detailed within paragraph 8.6 above should be adhered too.</p>
<b>8.8</b>	<b>£50,001 to Threshold for Goods &amp; Services</b>
	The process as detailed within paragraph 8.6 above will need to be adhered too.

<b>8.9</b>	<b>Frameworks, Dynamic Purchasing Systems &amp; Dynamic Markets</b>
	<p>As detailed in paragraph 6.4 within these CPR's, the use of the above is permitted.</p> <p>There are no statutory thresholds in place in respect of the processes to be followed whilst using frameworks. So, whilst in essence, you can award a contract via a framework for any value, each framework provider will set their own rules as to how the provision must be used. This may mean that some of the following apply, however, please note that this list is not exhaustive, and guidance should always be sought from the Section 151 Officer <b>prior to</b> the commencement of any engagement with either a framework provider or individual supplier.</p> <ul style="list-style-type: none"> <li>• Some will have specific value bands especially with regard to works contracts</li> <li>• Some will allow for a direct call-off/approach from the framework</li> <li>• Some will allow for only further competition to be undertaken</li> <li>• Some will allow for the formation of your own form of contract i.e. specific clauses as allowed for within a NEC4/JCT</li> </ul> <p>Legislation in respect of Dynamic Purchasing Systems and Dynamic Markets is slightly different to that of frameworks as detailed above under the new PA23 and prior to the use of either of these routes, advice should be sought from the Section 151 Officer.</p>
	<b>Works</b>
	<p>The following paragraphs relate to the procuring of works.</p> <p>Works is defined as a contract issued to carry out construction, installation, erection, repair, renovation, maintenance, alteration of any movable or immovable property.</p>
<b>8.10</b>	<b>Direct Approach under £5k</b>
	Officers will be expected to undertake a review of any T&C's being imposed by the supplier in order to ensure that the Council isn't exposed to unnecessary risk etc. There is no need for the contract managers checklist to be completed or an entry made on the contracts register. However, there is the need for a Purchase Order to be raised.
<b>8.11</b>	<b>Direct Approach over £5k but below £1,000,000</b>
	A direct approach can be made to <b>one single supplier. You cannot make an approach to multiple suppliers separately.</b> The contract managers checklist needs to be completed prior to contact being made with the supplier so as to ensure that all the relevant sections are covered. The direct approach RFQ template should be issued to the supplier along with the form of contract (T&C's). Once the contract has been signed, then the contracts register needs to be updated and a purchase order raised.
<b>8.12</b>	<b>Request for Quotation over £1,000,001 but below £2,500,000</b>

	<p>A quotation exercise to be undertaken using the Council's RFQ template. This process is to be undertaken electronically utilising the Council's procurement portal. A minimum of 3 suppliers should be selected to provide quotations, all of which should be "local", as defined within the Local Policy (see section 14). It should be noted that the process can still continue should less than the 3 suppliers submit a quotation. Once the contract has been signed, then the contracts register needs to be updated.</p>
<b>8.13</b>	<b>Request for Quotation over £2,500,001 but Threshold</b>
	<p>A quotation exercise to be undertaken using the Council's RFQ template. This process is to be undertaken electronically utilising the Council's procurement portal. A minimum of 4 suppliers should be selected to provide quotations. It should be noted that the process can still continue should less than the 4 suppliers submit a quotation. Once the contract has been signed, then the contracts register needs to be updated.</p> <p>There is also the option as there is with all procurement where the marketplace is unknown, or Officers feel that it would be advantageous for an "open" process to be followed. This will still be undertaken in the same way as detailed above but rather than invite a selected number of suppliers to bid for the provision, a contract notice is issued for below threshold value and the opportunity is opened up to any supplier within the marketplace. Advice will need to be sought from the Section 151 Officer prior to the commencement of any activity.</p>
<b>8.14</b>	<b>Request for Quotation over £5k but below Threshold</b>
	<p>There is the option that where there is a concern in relation to undertaking a Direct Approach, Officers can follow an "open" process. This will still be undertaken in the same way as detailed above (para 8.11 to 8.13) but rather than invite a selected number of suppliers to bid for the provision, a contract notice is issued for below threshold value, and the opportunity is opened up to any supplier within the marketplace. Advice will need to be sought from the Section 151 Officer prior to the commencement of any activity.</p>
<b>8.15</b>	<b>Communication With and Clarification of Tender Documents by Bidders</b>
	<p>No form of communication is allowed for with bidders other than via the electronic procurement portal. If site visits are contemplated for within the tender process, lead officers should ensure that minimal communication is undertaken and that where clarifications are sought from the bidder these are requested to be submitted through the electronic procurement portal. These will then be responded to by following the protocol as outlined below.</p> <p>Bidders are allowed to seek clarity on the information included within the tender documentation. Clarifications can only be made electronically through the procurement portal. If Bidders seek clarification via any other method, then no response will be given, and they will be asked to submit via the portal.</p> <p>Where clarifications are received the use of Q&amp;A log will be required and this will detail the clarification sought and the Council's response. It will not detail who raised the clarification, but the Q&amp;A log must be shared with all bidders.</p>

	Clarifications will have to be submitted within the permitted timeframe detailed within the tender documents.
<b>8.16</b>	<b>Evaluation Process and Role of Evaluation Team Members</b>
	<p>Where tender submissions are received, they will need to be formally reviewed and assessed in accordance with the selection and/or award criteria laid out within the tender documents. These Officers will need to ensure that they have read and fully understand the tender documents issued and will be required to have a training/refresher session with the Section 151 Officer to ensure that they are aware of the requirements of evaluating tender submissions.</p> <p>Evaluations will be based on the requirements as detailed within the relevant tender documents but in general will be based on the following:</p> <ul style="list-style-type: none"> <li>• A price/quality split which has been set in order to provide the most economical tender being awarded</li> <li>• A set of assessment questions in relation to the quality submission, each of which will have weighting/score attached to it</li> <li>• An overall scoring matrix which will determine whether the submission is non-complaint to excellent. This will be applied to the question weighting to determine its score per question then added together to provide an overall score</li> </ul> <p>It is the role of the Evaluation Team Members to undertake the initial review and ghost marking on an individual basis prior to a moderation/scoring meeting being held.</p> <p>They will also be expected to complete an evaluators scoresheet which will provide comprehensive reasoning and justification as to why the score attributed to each supplier's assessment question was as such.</p>
<b>8.17</b>	<b>Clarification of Submissions by Evaluators</b>
	<p>Where submissions are reviewed, and the evaluators need to clarify any elements of the submission with Bidders this will be undertaken via the electronic procurement portal. A Q&amp;A log will be produced for each individual bidder, and they will be asked to respond to this within a detailed timeline. This will usually be no longer than one working day, given that clarifications will be based on information they should have to hand. They are not being asked to redraft their submissions.</p> <p>All Q&amp;A logs will be shared with all evaluation team members regardless of who has raised the clarification.</p> <p>Advice on responses given may be required from other services not formally part of the evaluation team i.e. Finance and Legal and this will be permitted.</p>
<b>8.18</b>	<b>Presentations</b>
	<p>The use of presentations is permitted where it is deemed proportionate and relevant to the procurement activity being undertaken. It will be a requirement of the tender documentation to include full details of the process. This will include but not be limited to the following:</p>

	<ul style="list-style-type: none"> <li>• Setting the presentation question</li> <li>• scoring attributable to the presentation question set □ mechanism for how the presentation will work</li> </ul>
<b>8.19</b>	<b>Moderation/Scoring Meeting</b>
	<p>Once all submissions have been evaluated/reviewed individually by the team then a moderation meeting will be held whereby the scores will be discussed to ensure that there are no major discrepancies. Depending on the detail held within the tender documentation this meeting will either be to moderate the scores so that they are within one mark of each in order to ensure consistency or be to discuss each question and agree to an agreed score. Details of this process will be detailed within the relevant tender documentation issued as part of the procurement process.</p> <p>The meeting will require all evaluators to attend and will be chaired by the Section 151 Officer</p>
<b>8.20</b>	<b>Award</b>
	<p>Once the submissions have been fully appraised/reviewed and the contract manager/lead officer satisfied with the outcome then the formal award can be made. The Section 151 Officer will issue a letter to all suppliers who have bid informing them of the outcome.</p> <p>Direct Approach – letter issued to the successful supplier notifying them of our intention to enter into contract with them based on their submission</p> <p>Quotation exercise (under threshold) – letter issued to the successful supplier notifying them of our intention to enter into contract with them based on their submission. Letters also issued to the unsuccessful suppliers detailing their scoring for each question along with those of the successful supplier. In addition, feedback will be given as to why it was deemed that their submission could only score as it did.</p>

<b>9.</b>	<b>Above Threshold Processes</b>
<b>9.1</b>	<b>Overview</b>
	<p>Above threshold procurement is determined by following the requirements set out within the relevant legislation.</p> <p>Where the procurement activity has commenced prior to the 24<sup>th</sup> February 2025, then it will be subject to the requirements laid out within Public Contract Regulations (2015).</p> <p>All procurement activity commenced after this date will be subject to the Procurement Act 2023.</p> <p>There are some significant differences between the two and the following paragraphs detail the high-level processes which need to be adhered in respect of both. Further advice should be sought from the Section 151 Officer prior to the commencement of any procurement activity.</p>
	<b><i>Public Contract Regulations (2015)</i></b>
<b>9.2</b>	<b>Pre-Market Engagement</b>
	<p>Premarket engagement is allowed for within the regulations and allows for the consultation of suppliers (both incumbent and prospective) in order for officers to:</p> <ul style="list-style-type: none"> <li>• understand fully what the market can deliver in general terms in relation to the provision being procured</li> <li>• prepare and plan the procurement activity</li> <li>• use experts to help inform and refine the provision being procured</li> </ul> <p>It is essential that all steps possible are taken to ensure that the procurement legal requirements of being Transparent, Proportionate and Non-Discriminatory are adhered to at all times. Officers also need to ensure that any engagement doesn't lead to distortion of competition by being shaped by one supplier more than another. The provision/requirement whilst taking into account feedback from the marketplace needs to primarily still be based on and meet the full needs of the Council.</p> <p>Full minutes/comprehensive notes must be kept of the meetings held and ideally where possible all suppliers should be asked the same initial questions. It is essential that this is undertaken as these can be disclosable and may be appended to the tender documentation issued to be fully transparent.</p> <p>Ideally a Prior Information Notice (PIN) should be published by the Section 151 Officer notifying the market that this process is being undertaken and asking those that interested in taking part register their interest.</p> <p>The Section 151 Officer should always be consulted prior to any engagement with the market in relation to a forthcoming tender.</p>
<b>9.3</b>	<b>Open Process</b>

	<p>The “open” procedure is where there is a limited marketplace, and it is not anticipated that there will be a high volume of interest. It is a one stage process which assesses both the history/standing of the contractor alongside its ability to deliver the specification. Submissions are undertaken by way of Invitation to Tender. The documentation is a combination of the Selection Questionnaire (SQ) and Invitation to Tender (ITT) used within the restricted process.</p>
<b>9.4</b>	<b>Restricted Process</b>
	<p>The “restricted” procedure is where it is anticipated that the marketplace is large, and interest will be high. This route allows for the shortlisting of suppliers by way of an assessment using a standard selection questionnaire followed by the completion of an ITT by those that have been selected for the second stage. The Standard Selection Questionnaire (SQ) is a standard document which assesses various general aspects of the contractor such as:</p> <ul style="list-style-type: none"> <li>• Financial standing</li> <li>• Company policies i.e. Equality &amp; Diversity, Health &amp; Safety</li> <li>• Previous relevant experience</li> </ul> <p>It should be noted that any criteria assessed at this stage cannot be used again at ITT (Award stage).</p>
<b>9.5</b>	<b>Procurement Notices (PIN, VEAT, Contract Notice, Award Notice)</b>
	<p>PCR’s 2015 mandate the use of various procurement notices at various stages of the procurement. The publication of these is the responsibility of the Section 151 Officer.</p> <p>The main notices used are:</p> <ul style="list-style-type: none"> <li>• PIN – prior information notice – this can be used as a notice to alert the marketplace that the Council is potentially looking to procure the provision within the next 12 months. It can also be used as a call for expressions of interest in relation to pre-market engagement</li> <li>• Contract Notice – this notice is the formal notification to the marketplace that the proposed procurement activity is to commence</li> <li>• Award Notice – this is the notice that informs the marketplace that the procurement activity has concluded and that an award has been made</li> <li>• VEAT – voluntary ex anti notice - this notice is to inform the marketplace of the intention to enter into a contract where no formal procurement activity has been followed.</li> </ul>
<b>9.6</b>	<b>Standard Selection Questionnaire (SQ)</b>
	<p>Following the PCR 2015 coming into force there is a fundamental change in the use of standard selection questionnaire. Historically, Councils’ have used these documents as a way of shortlisting for procurement exercises under thresholds. The legislation now clearly states that this is no longer possible for under threshold exercises.</p> <p>Where the tender process is over the relevant threshold and a restricted process is being followed, a SQ can be used. This is a standard document which takes a historic look at the operation of the supplier, from both a financial and experience</p>

	<p>perspective. Information assessed at this stage cannot then be assessed at the ITT stage</p> <p>The use of the SQ enables a reduction in the number of bidders to be undertaken. It is essential though that any shortlisting be identified within the contract notice and in the SQ itself. This can either be a range or an exact number.</p>
<b>9.7</b>	<b>Invitation to Tender (ITT)</b>
	<p>All exercises must be conducted by way of using the electronic portal. No other method is permitted. Submissions received after the deadline will not be considered under any circumstances.</p> <p>The standard template must be used, and this has to be finalised prior to the publication of the contract notice</p> <p>The ITT must:</p> <ul style="list-style-type: none"> <li>• Include a full specification which must describe clearly the Council's requirements in sufficient detail to enable the submission of competitive offers. In preparing the specification, the Lead Officer must have regard to any guidance given from a procurement perspective.</li> <li>• It should also clearly state that the Council is not bound to accept any tender submission.</li> <li>• Detail the award criteria to be applied when evaluating the submission</li> <li>• Clearly state that submissions will only be accepted electronically</li> </ul>
<b>9.8</b>	<b>Evaluation Process and Role of Evaluation Team Members</b>
	<p>Where tender submissions are received (SQ and/or ITT), they will need to be formally reviewed and assessed in accordance with the selection and/or award criteria laid out within the tender documents. These Officers will need to ensure that they have read and fully understand the tender documents issued and will be required to have a training/refresher session with the Section 151 Officer to ensure that they are aware of the requirements of evaluating tender submissions.</p> <p>Evaluations will be based on the requirements as detailed within the relevant tender documents but in general will be based on the following:</p> <ul style="list-style-type: none"> <li>• A price/quality split which has been set in order to provide the most economical tender being awarded</li> <li>• A set of assessment questions in relation to the quality submission, each of which will have weighting/score attached to it</li> <li>• An overall scoring matrix which will determine whether the submission is non-complaint to excellent. This will be applied to the question weighting to determine its score per question then added together to provide an overall score</li> </ul> <p>It is the role of the Evaluation Team Members to undertake the initial review and ghost mark on an individual basis prior to a moderation/scoring meeting being held.</p> <p>They will also be expected to complete an evaluators scoresheet which will provide comprehensive reasoning and justification as to why the score attributed to each supplier's assessment question was as such.</p>



	<p>Evaluating Officers must justify all comments on an objective basis. The more contentious the comments the fuller the justification needs to be. Evaluating Officers must take great care to ensure that the scores match the written record for each evaluation and that there is consistency across all Bidders. It is essential that the written record demonstrates why the highest scoring Bidder provided the best submission.</p> <p>Evaluating Officers must ensure that all scoring commentary is in a professional, business-like language which helps to justify the score that has been awarded. Evaluating Officers should be aware that their commentary may be disclosed to Bidders if there is a legal challenge or a Freedom of Information request. Evaluating Officers should be aware that the evaluation process is an activity where the risk of legal challenge is high.</p>
<b>9.9</b>	<b>Communication With and Clarification of Tender Documents by Bidders</b>
	<p>No form of communication is allowed for with bidders other than via the electronic procurement portal. If site visits are allowed for within the tender process that lead officers should ensure that minimal communication is undertaken and that where clarifications are sought from the bidder these are requested to be submitted through the electronic procurement portal. These will then be responded too by following the protocol as outlined below.</p> <p>Bidders are allowed to seek clarity on the information included within the tender documentation. Clarifications can only be made electronically through the procurement portal. If Bidders seek clarification via any other method, then no response will be given, and they will be asked to submit via the portal.</p> <p>Where clarifications are received the use of Q&amp;A log will be required and this will detail the clarification sought and the Council's response. It will not detail who raised the clarification, but the Q&amp;A log must be shared with all bidders.</p> <p>Clarifications will have to be submitted within the permitted timeframe detailed within the tender documents.</p>
<b>9.10</b>	<b>Presentations</b>
	<p>The use of presentations is permitted where it is deemed proportionate and relevant to the procurement activity being undertaken. It will be a requirement of the tender documentation to include full details of the process. This will include but not be limited to the following:</p> <ul style="list-style-type: none"> <li>• Setting the presentation question</li> <li>• scoring attributable to the presentation question set □ mechanism for how the presentation will work</li> </ul>
<b>9.11</b>	<b>Moderation/Scoring Meeting</b>
	<p>Once all submissions have been evaluated/reviewed individually by the team then a moderation meeting will be held whereby the scores will be discussed to ensure that there are no major discrepancies. Depending on the detail held within the tender documentation this meeting will either be to moderate the scores so that they are within one mark of each in order to ensure consistency or be to discuss</p>

	<p>each question and agree to an agreed score. Details of this process will be detailed within the relevant tender documentation issued as part of the procurement process.</p> <p>The meeting will require all evaluators to attend and will be chaired by the Section 151 Officer</p>
<b>9.12</b>	<b>Alcatel (Standstill Period)</b>
	<p>Where the contract value is over the relevant threshold then the Alcatel period (which is a mandatory standstill period) will need to be followed. This is a 10-day period (calendar not working days) between the issuing of a successful/unsuccessful letter and the formal award letter. Allowance needs to be made for any bank holidays.</p> <p>During this period, no contact can be made with the successful tenderer. The purpose of the standstill period is to give unsuccessful bidders some time to consider the feedback and seek further information, this is also the time when an unsuccessful tenderer can legally challenge the proposed award. They have to do so in writing formally within the 10-day period. If a “challenge” is made, then the Authority has to respond as soon as is possible (preferably within 24 hours of receipt of the letter) in order to not delay the pending award of contract</p> <p>The Monitoring Officer and the Section 151 Officer are responsible for responding to any challenges received. It is their decision in conjunction with the Strategic Director as to whether the challenge is to be defended. Their combined decision is final and will be communicated to all suppliers/contractors involved where appropriate</p>
<b>9.13</b>	<b>Award</b>
	<p>Once the Alcatel period has passed without an upheld challenge being made, then the award letter can be issued. This will be undertaken by the Section 151 Officer</p> <p>Once the award letter has been issued and formal confirmation of acceptance of the appointment has been received from the successful bidder then a formal contract award notice will be issued. This will be undertaken by the Section 151 Officer</p>
<b>9.14</b>	<b>Regulation 84 Report</b>
	<p>This report is a requirement of the regulations and captures a full audit trail of the process followed throughout the procurement exercise. It doesn't have to be published but has to be available if requested to be disclosed. The Section 151 Officer will complete this report and hold on file.</p>
	<b><i>Procurement Act 2023</i></b>
<b>9.15</b>	<b>Procurement Notices (Pre-Commencement; Award; During Contract)</b>
	<p>One of the most significant changes within the new Procurement Act is the number of new notices that contracting authorities legally have to produce when undertaking a procurement activity.</p>

There are a significant number of Notices that could be required to be published in respect of each procurement activity (contract value dependant) and one of these is a requirement to detail significant advance planning (a minimum of 18 months) of procurement activity. Failure to comply with these requirements will result in a high risk of legal challenge

The following tables shows all the notices that could be required to be published in respect of both the procurement process and also following award, as part of the contract management of the provision.

The Section 151 Officer will publish these notices as required. However, it is the responsibility of the Contract Manager and the Strategic Director/Head of Service to ensure that all information required to complete this function is provided in a timely manner to the Section 151 Officer. It is not the responsibility of the Section 151 Officer to populate or chase for this information.

Notices numbered 1 to 5 are all published prior to the “go live” date of the tender process

Notices numbered 6 to 8 are all part of the “live” tender process

Notices numbered 9 to 11 are all part of the award of contract stage

Notices numbered 12 to 16 are all part of the contract delivery stage

Notices numbered 17 to 18 are all part of the termination process

	Notice	£25k to Threshold (Goods & Services)	Threshold (Goods & Services) to £1m	Above £1m
1	Pipeline Notice (Corporate Procurement Service – annually)		Advisable	Yes (£2m)
2	Pre-Market engagement activity		Yes	Yes
3	Lot Division		Yes	Yes
4	SME barrier removal		Yes	Yes
5	Preliminary Market Engagement Notice		Yes	Yes
6	Tender Notice		Yes	Yes
7	Dynamic Market Notice		Yes	Yes
8	Transparency Notice		Yes	Yes
9	Assessment Summary		Yes	Yes

	10	Contract Award Notice		Yes	Yes
	11	Contract Notice Details	If below threshold notice used	Yes	Yes
	12	Contract Performance Monitoring		Yes	Yes
	13	KPI Publication (annually)			Yes
	14	Contract Performance Notice (annually)		If monitored	Yes
	15	Contract Change Notice		Yes	Yes
	16	Payment Compliance Notice (annually)	Yes	Yes	Yes
	17	Contract Termination Notice (for any reason, including natural end)	If below threshold notice used	Yes	Yes
	18	Procurement Termination Notice (for any reason other than award)	If below threshold notice used	Yes	Yes
	Further information in relation to the above is available from the Section 151 Officer.				
<b>9.16</b>	<b>Open Process</b>				
	<p>The Open Procedure has been carried over from the current regime. It is the only one that has a prescribed form in the Act — namely, a single stage tendering procedure without a restriction on who can submit tenders.</p> <p>The main difference between the current Open Procedure and the new one is that the minimum time limits set out between the publication of a contract notice and the deadline for the receipt of tenders is no longer procedure specific. Instead, time limits are generally dependent on other factors, as set out in s.54 of the Act. This means that the Open Procedure no longer has its own specific time limits.</p>				
<b>9.17</b>	<b>Competitive Flexible Process</b>				

	<p>This procedure is described in the Act as a competitive tendering procedure <i>“which is such procedure as the contracting authority considers appropriate for the purpose of awarding the public contract”</i>.</p> <p>In essence it could be used to construct a “restricted process” as previously allowed within PCR (2015).</p>
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	<p>S.20 of the Act clarifies that when using this procedure, contracting authorities may:</p> <ul style="list-style-type: none"> <li>• limit the number of participating suppliers — either generally or in respect of particular tendering rounds or selection processes</li> <li>• provide for the refinement of award criteria</li> <li>• prevent participation of suppliers that didn’t submit a tender in an earlier round of tendering or were excluded following an earlier round</li> <li>• let a contract by using lots (to which the number of lots a supplier is bidding for can be limited).</li> </ul> <p>This represents a significant shift away from the current regime. There is no mandatory process for the procedure provided that it’s “a proportionate means of awarding the public contract, having regard to the nature, complexity and cost of the contract” (as stated in the Act). Again, there are no procedure specific time limits beyond the general time limits in s.54.</p> <p>This move away from a regulated framework for undertaking a procurement procedure is designed to offer more flexibility to contracting authorities and allow them to design their own procurement procedures that best fit the opportunity for which they are advertising. This helps to meet their needs without the contract in question being straitjacketed into a specific procedure. Also, a more complex procurement can require a more complex procurement procedure without any need to justify whether any gateway for such procedure is met.</p> <p>It should be noted, however, that such flexibility also places a significant burden on contracting authorities. A contracting authority must ensure that whatever process they design for a specific procurement complies with the general procurement objectives and meets the proportionality requirement mentioned above. Given the increased transparency requirements woven throughout the Act, there will be greater scrutiny on the contracting authority’s approach.</p> <p>Regulation 19 of the Procurement Regulations 2024 (which expands on a number of points in the Act) sets out what would be required in a tender notice for a competitive flexible procurement.</p> <p>These requirements include:</p> <ul style="list-style-type: none"> <li>• a description of the process that the procedure will follow</li> <li>• clarity on the number of suppliers that will be invited at different stages <ul style="list-style-type: none"> <li>□ any limits on the number of tenderers □ how tenders can be submitted.</li> </ul> </li> </ul> <p>This demonstrates a need for a fully realised process to be established prior to going to market.</p> <p>Advice should be sought from the Section 151 Officer at the earliest opportunity to ensure compliance.</p>
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<b>9.18</b>	<b>Direct Award/Negotiated Procedure without Prior Publication</b>
	<p>Direct awards are available in limited circumstances under the current regime as part of the Negotiated Procedure without Prior Publication.</p> <p>Under s.41, the new Act allows for direct awards — provided that one of the limited grounds in Schedule 5 is present. While this is relatively similar to the</p>

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	<p>current regime, the direct award ability is widened out to additional abilities in s.42 and s.43.</p> <p>It should be noted that this is not direct awards as allowed for under threshold values (i.e. Council set levels) and also those which are allowed within any framework arrangements.</p>
<b>9.19</b>	<b>Evaluation Process and Role of Evaluation Team Members</b>

	<p>Where tender submissions are received, they will need to be formally reviewed and assessed in accordance with the selection and/or award criteria laid out within the tender documents. These Officers will need to ensure that they have read and fully understand the tender documents issued and will be required to have a training/refresher session with the Section 151 Officer to ensure that they are aware of the requirements of evaluating tender submissions.</p> <p>Evaluations will be based on the requirements as detailed within the relevant tender documents but in general will be based on the following:</p> <ul style="list-style-type: none"> <li>• A price/quality split which has been set in order to provide the most economical tender being awarded</li> <li>• A set of assessment questions in relation to the quality submission, each of which will have weighting/score attached to it</li> <li>• An overall scoring matrix which will determine whether the submission is non-complaint to excellent. This will be applied to the question weighting to determine its score per question then added together to provide an overall score</li> </ul> <p>It is the role of the Evaluation Team Members to undertake the initial review and ghost mark on an individual basis prior to a moderation/scoring meeting being held.</p> <p>They will also be expected to complete an evaluators scoresheet which will provide comprehensive reasoning and justification as to why the score attributed to each supplier's assessment question was as such.</p> <p>Evaluating Officers must justify all comments on an objective basis. The more contentious the comments the fuller the justification needs to be. Evaluating Officers must take great care to ensure that the scores match the written record for each evaluation and that there is consistency across all Bidders. It is essential that the written record demonstrates why the highest scoring Bidder provided the best submission.</p> <p>Evaluating Officers must ensure that all scoring commentary is in a professional, business-like language which helps to justify the score that has been awarded. Evaluating Officers should be aware that their commentary may be disclosed to Bidders if there is a legal challenge or a Freedom of Information request. Evaluating Officers should be aware that the evaluation process is an activity where the risk of legal challenge is high.</p>
<b>9.20</b>	<b>Presentations</b>
	See paragraph 9.10

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<b>9.21</b>	<b>Moderation/Scoring Meeting</b>
	See paragraph 9.11
<b>9.22</b>	<b>Clarification of Bids</b>
	See paragraph 9.12
<b>9.23</b>	<b>Award</b>

	<p>This is one of the most significant areas of change within the new Act.</p> <p>Where previously the suppliers were notified whether they had been successful or not by way of a letter which then enacted the standstill period this is now replaced by the publication of an Assessment Summary Notice on the required procurement platform. Once published this should be followed by letters being issued to each bidder as previously undertaken but only once the letters have been issued does the standstill period commence. The standstill period has also been changed and this is now 8 working days rather than 10 calendar days.</p> <p>Once this period has been successfully navigated, then the contract needs to be issued for signing by both parties and only on completion of this (and within 30 days of this being completed), is the Contract Award Notice published.</p>
<b>9.24</b>	<b>Regulation 84 Report</b>
	<p>This report is a requirement of the regulations and captures a full audit trail of the process followed throughout the procurement exercise. It doesn't have to be published but has to be available if requested to be disclosed. The Section 151 Officer will complete this report and hold on file.</p>

<b>10.</b>	<b>Light Touch Regime</b>
<b>10.1</b>	<b>Overview</b>
	<p>The light touch regime is a specific set of rules which covers certain service contracts that tend to be of low interest to competition. These services replace those that prior to the PCRs (2015) were known as Part B services and include areas such as social, health and educational services as defined by Common Procurement Vocabulary (CPV) codes.</p> <p>The threshold for LTR procurements is detailed within Section 4.</p> <p>There are a number of regulations within the PA23 which clearly define how a LTR procurement should be undertaken. Further guidance on this can be obtained from the Section 151 Officer prior to the commencement of any related procurement activity.</p>

<b>11.</b>	<b>Contract Formalities</b>
<b>11.1</b>	<b>Contract Register</b>



	<p>The Contract Manager is responsible for ensuring that the Council's contract register is kept up to date with all the relevant information pertaining to <b>all contracts with a total value over £5,000</b> which fall within their remit. This will be in relation to the initial entry following award (where the award has been made by way of a direct approach or via a framework provision) and also any subsequent modifications such as a variation and allowed for extensions. Please note that all contracts mean:</p> <ul style="list-style-type: none"> <li>• procured the "normal" way via RFQ/Full Tender</li> <li>• procured via a framework</li> <li>• procured via a direct approach</li> <li>• procured which relate to agency or consultancy appointments</li> <li>• procured via an exception to the normal route</li> </ul> <p>However, where the initial procurement exercise was undertaken electronically (by way of a RFQ or full tender process or mini competition via a framework) it will be the responsibility of the Section 151 Officer to populate the initial contract register entry and assign this to the named contract manager. It will then be the contract manager's responsibility to ensure that this is correct and assume responsibility for the entry moving forward.</p> <p>The Council's contract register can be viewed at:</p> <p><a href="http://www.eastmidstender.org">www.eastmidstender.org</a> click view contract register</p> <p>Entries/amendments/updates will be made through the Council's procurement portal, Pro Contract. <a href="http://Log In (due-north.com)">Log In (due-north.com)</a></p> <p>Guidance and training are available from the Section 151 Officer.</p>
<b>11.2</b>	<b>Contract Documentation</b>
	<p>Contract Managers should ensure that contracts are in place clearly set out requirements in respect of contract management and performance, in addition to requirements re specification, pricing, business continuity and exit plan, where relevant.</p> <p>The Contract Manager is responsible for ensuring that all tender documentation originally issued, and the supplier's submission is pulled together into the relevant contract template. This should be undertaken in conjunction with Legal Services and a thorough check made to ensure that no amendments have been made to the original form of contract etc that has not been officially agreed too.</p> <p>Contract Managers will need to issue the contract to the supplier for signing and then on return ensure that two copies of the contract are signed/sealed as per paragraph 11.4 below. Once fully signed by both parties, one copy should be issued to the supplier and the other lodged with Legal. They should also ensure that they retain a copy of all contracts for which they are responsible to enable contract management and monitoring to be undertaken effectively and efficiently.</p>

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<b>11.3</b>	<b>Supplier/Sub-contractor/Supply Chain</b>
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	<p>In accordance with relevant legislation every contract must state that the council will pay the supplier's undisputed invoices within 30 days from receipt of a valid invoice.</p> <p>In addition, the contract should also require that the supplier has a responsibility to pay their sub-contracted suppliers within 30 days of them submitting an undisputed, valid invoice. Please note that this is not 30 days from when the Council has paid the main supplier. It should also be noted that this process should pass down through the supply chain.</p>														
11.4	<b>Contract Signing and Sealing Requirements</b>														
	<table><tr><th>Total Contract Value</th><th>Method of Completion</th><th>By Whom</th></tr><tr><td>Up to £25,000</td><td>Signature</td><td>Corporate Manager with responsibility for the area</td></tr><tr><td>£25,001 to £75,000</td><td>Signature</td><td>Head of Service with responsibility for the area</td></tr><tr><td>Above £75,000</td><td>Signature/ Sealing</td><td>Legal &amp; Democratic Service Manager/Borough Head of Law and Democracy</td></tr></table>			Total Contract Value	Method of Completion	By Whom	Up to £25,000	Signature	Corporate Manager with responsibility for the area	£25,001 to £75,000	Signature	Head of Service with responsibility for the area	Above £75,000	Signature/ Sealing	Legal & Democratic Service Manager/Borough Head of Law and Democracy
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Above £75,000	Signature/ Sealing	Legal & Democratic Service Manager/Borough Head of Law and Democracy													
11.5	<b>Lodging of Contracts</b>														
	<p>Where possible all contracts should be lodged with Legal Services and a copy kept by the contract manager. However, the minimum requirement in respect of the lodging of contracts is as follows:</p> <p><u>Total contract value over £75,000</u></p> <p>Once a contract or an agreement has been sealed, then legal services will retain one electronically. The Contract Manager must keep a copy of any contract or agreement entered into, with a note confirming that the file path of the electronic copy.</p> <p><u>Total contract value under £75,000</u></p> <p>Whilst it is not a requirement, it is good practice for any signed contract or agreements to store the original documents with Legal Services electronically. It is advisable that the Contract Manager retains a copy of any contract or agreement entered into, with a note confirming that the original is saved electronically with legal services.</p>														

12.	Contract Management								
	<p>Contract management must be an integral part of the consideration when seeking to award a new Contract. All contracts should have in place a named Contract Manager. It is there responsibility to ensure that:</p> <ul style="list-style-type: none"><li>• the contract delivers all the elements that have been tendered for</li><li>• that suppliers are paid in a timely manner but only for services/works that have been delivered</li><li>• that all contract related report information is provided in a timely manner</li><li>• that the supplier has in place a dedicated contract manager</li><li>• that contract management meetings are held, and the details recorded in accordance with the risk assessment of the contract</li><li>• they know and understand their contract fully</li><li>• they obtain all relevant certificates i.e. insurance on an annual basis</li><li>• all associated costs, KPI's, deliverables, requirement etc is reviewed on a regular basis and formally updated to reflect current position as and when required</li></ul> <p>It should be noted that, whilst all of the above are elements that should be included within contract management, it should be set at a level that is proportionate and relevant to the provision being managed.</p> <p>All Contracts should contain a dispute resolution procedure. If a contractor raises a dispute, which is not clearly within the terms of a contract, the contract manager must not enter into any form of negotiation regarding a settlement until discussions have been held with the relevant Strategic Director/Heads of Services, The Monitoring Officer and the Chief Finance Officer.</p>								
12.1	Contract Management Risk Assessment								
	<p>The following table, based on the Council's Contract Tiering Tool, sets out the frequency of which contract management meetings should be undertaken. The requirement for contract management meetings should be clearly set out in the contract documentation.</p> <table><tr><td>Total Value of Contract (£)</td><td>Process to Be Followed</td></tr><tr><td>Value is Under Current Threshold for Goods &amp; Services but includes for Works, LTR, Concessions etc.</td><td>Six monthly contract meetings initially but can be flexed to annual if no issues or concerns with contract deliver.  Where contract includes for delivery of specific events a formal post event debrief meeting should take place.</td></tr><tr><td>Over threshold for goods &amp; services but below £2.5m - Works Contract only</td><td>Goods &amp; Services should have in place quarterly contract management meetings initially but can be flexed to half yearly if no issues or concerns with contract delivery.  Works will be monthly project meetings.</td></tr></table>			Total Value of Contract (£)	Process to Be Followed	Value is Under Current Threshold for Goods & Services but includes for Works, LTR, Concessions etc.	Six monthly contract meetings initially but can be flexed to annual if no issues or concerns with contract deliver.  Where contract includes for delivery of specific events a formal post event debrief meeting should take place.	Over threshold for goods & services but below £2.5m - Works Contract only	Goods & Services should have in place quarterly contract management meetings initially but can be flexed to half yearly if no issues or concerns with contract delivery.  Works will be monthly project meetings.
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<b>12.2</b>	<b>Contract Management Meetings</b>		
	<p>Contract Management Meetings should be subject to a formal agenda. All relevant reports/information to be discussed should also be issued with the agenda so as to allow Officers to digest the information and proper scrutiny be undertaken during the meeting. Agendas should contain standing items such as the following, however it should be accepted that not all will need to be discussed at all meetings.</p> <ul style="list-style-type: none"> <li>Previous Action Points Update</li> <li>Invoicing/costs</li> <li>Delivering the requirement/compliance with specification</li> <li>Performance</li> <li>Risk Management</li> <li>Issues</li> </ul> <p>Minutes and action points from the meetings should be issued within promptly (ideally within 2-3 working days) following the meeting taking place so as to enable them to be formally agreed by all parties and also to ensure that action points are reviewed and completed by the assigned person(s) where possible, prior to the next meeting.</p> <p>Performance management should also be discussed in detail at these meetings and where necessary any issues with performance addressed.</p>		

	An escalation procedure should also be in place for any disputes arising from the contract and where it is not possible for this to be resolved by the two contract managers.
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<b>13.</b>	<b>Contract Modifications</b>
	<p>Modifications to contracts can be undertaken where the contract allows for this to happen and/or where it meets the strict requirements of the relevant procurement legislation under which the contract was procured – Public Contract Regulations 2015 and Procurement Act 2023</p> <p>Any modifications to contract need to be formally captured within the contract documentation and as such, no agreement should be entered into without first consulting with the Section 151 Officer and/or the Borough Head of Law and Democracy</p>
<b>13.1</b>	<b>Contract Extensions – included for within existing provision</b>
	<p>Contract Extensions can only be entered into where the original contract has provision to do so. It is the contract managers responsibility to ensure that they are aware of these provisions as well as the relevant clauses which pertain to the relevant notification periods that must be observed where an extension is to be granted. It is also their responsibility to ensure that they have also discussed any related increases to cost/pricing schedules for the extension period and also any updates to the original contract i.e. specification requirement, KPI's etc.</p> <p>Legal Services will draft the letter based on the information provided and pass this to the Contract Manager to issue.</p>
<b>13.2</b>	<b>Contract Extensions – not included for within existing provision</b>
	<p>Where there is no provision for an extension within the original contract then an extension <b>cannot</b> be entered into. However, there are limited exceptions to this, and advice should be sought from the Monitoring Officer/Chief Finance officer prior to extending the current term i.e. where regulations are not breached in relation to modifications to contracts</p> <p>All contract extensions must be updated in the council's contract register and a copy of the extension letter must be lodged with the original contract.</p>
<b>13.3</b>	<b>Contract Variations</b>
	<p>As with contract extensions, variations can only be made where there is provision within the original contract for them to be made. Where provision has not been made, then prior to any being granted, compliance with the relevant legislation which was in place when the procurement was undertaken originally will need to be followed.</p> <p>Any variations that are undertaken should be done so via the contract managers checklist prior to any agreement being entered into with the supplier.</p>

	<p>Legal Services will provide the formal contract variation documentation once it has been determined that there are grounds within which the variation can be enacted.</p> <p>It is the responsibility of the contract manager to provide all the relevant information in order for this instruction to be undertaken and also for ensuring that the variation is formally signed/sealed by both parties involved.</p> <p>The contracts register should also where relevant be updated with any variations granted and the formal variation lodged with the original contract in Legal Services.</p>
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<b>14.</b>	<b>Other Formalities</b>
<b>14.1</b>	<b>Performance Bonds</b>
	<p>A Performance Bond is an insurance policy under which the Council can make a claim if the supplier does not deliver the requirements as detailed within the contract. It is there to provide protection against a level of costs arising from the Supplier's failure.</p> <p>Factors to be considered as to whether a Performance Bond is required will include:</p> <ul style="list-style-type: none"> <li>• If the contract is of a high value</li> <li>• Where it's a construction contract</li> <li>• Where it's a high profile/high risk contract</li> <li>• If there is no retention on a contract</li> <li>• Any other factor considered to be relevant</li> </ul> <p>If a Performance Bond is required, then 10% is a reasonable standard percent to use in most circumstances, however, if there were significant contracts with a higher risk, it may mean that consideration is given to increasing this based on the circumstances.</p> <p>This will be included for within the tender documents issued and each bidder will have to agree to put this place prior to the commencement of any contract. The form of contract/terms and conditions may also need to be amended to reflect the use of a performance bond.</p> <p>Advice should always be sought from Financial Services prior to the commencement of any procurement activity, by way of the contract managers checklist.</p>
<b>14.2</b>	<b>Parent Company Guarantees</b>
	<p>A Parent Company Guarantee is a legally binding contract between the council and the parent of a subsidiary company which is entering into the contract (the supplier). If the supplier fails to do what it is supposed to do under the contract, then the Council can require the parent company to step in and ensure the provision is delivered. This will be included for within the tender documents issued</p>

	<p>and each bidder will have to agree to put this place prior to the commencement of any contract. The form of contract/terms and conditions may also need to be amended to reflect the use of a performance bond.</p> <p>Advice should always be sought from Financial Services prior to the commencement of any procurement activity, by way of the contract managers checklist.</p>																	
14.3	<b>Financial Reviews/Assessments - During Initial Contract Term &amp; Prior to Extensions</b>																	
	<p>During the lifetime of a contract regular reviews should be undertaken as to the financial standing of the supplier. Whilst the following is proposed as a minimum process to follow, where appropriate and proportionate to the contract being delivered the frequency of reviews maybe regular.</p> <p>Instances when this may arise could be market intelligence showing a significant change in circumstances for the supplier; information received by way of contract monitoring meetings; whistle blowing by supplier employees; supply chain issues etc. All financial reviews will be undertaken by Financial Services.</p> <p>Financial Reviews as a minimum should be undertaken as follows:</p> <table><tr><td>Total Value of Contract (£)</td><td>Process to Be Followed</td><td></td></tr><tr><td>Value is Under Current Threshold for Goods &amp; Services but includes for Works, LTR, Concessions etc.</td><td>Prior to the end of the initial period of the contract ending and an extension being granted but only where the contract manager has concerns.</td><td></td></tr><tr><td>Over threshold for goods &amp; services but below £1.5m - Works Contract only</td><td>Prior to the end of the initial period of the contract ending and an extension being granted.</td><td></td></tr><tr><td>Goods &amp; Services over threshold plus works over £1.5m</td><td>Based on the tiering tool and ranked:<ul style="list-style-type: none"><li>Gold – financial review should be undertaken on an annual basis</li><li>Silver – financial review should be undertaken on a minimum 2-year period</li><li>Bronze – financial review should be undertaken on a minimum 3-year period</li></ul></td><td></td></tr><tr><td></td><td></td><td></td></tr></table>			Total Value of Contract (£)	Process to Be Followed		Value is Under Current Threshold for Goods & Services but includes for Works, LTR, Concessions etc.	Prior to the end of the initial period of the contract ending and an extension being granted but only where the contract manager has concerns.		Over threshold for goods & services but below £1.5m - Works Contract only	Prior to the end of the initial period of the contract ending and an extension being granted.		Goods & Services over threshold plus works over £1.5m	Based on the tiering tool and ranked: <ul style="list-style-type: none"><li>Gold – financial review should be undertaken on an annual basis</li><li>Silver – financial review should be undertaken on a minimum 2-year period</li><li>Bronze – financial review should be undertaken on a minimum 3-year period</li></ul>				
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14.4	<b>Fraud &amp; Corruption</b>																	
	<p>All Officers involved with the procurement exercise must comply with the Council's Code of Conduct and must not accept any gift, hospitality or reward from a supplier (or a related subsidiary of the company) whilst the procurement activity is in progress. Where Officers believe that there could be a conflict, they should notify the Section 151 Officer and/or Borough Head of Law and</p>																	

	<p>Democracy immediately for them to make a decision as to whether it is appropriate that they are involved within the process further.</p> <p>Any gifts, hospitality and/or rewards should be recorded on the Council's gifts and hospitality Register. It should also be noted that this should be undertaken at any time, not just during a procurement process.</p>
<b>14.5</b>	<b>Conflict of Interests</b>
	<p>From time to time there will be conflicts of interests that occur during a procurement activity. This can be where a close relative works for the supplier bidding for work etc. Where an Officer feels there is a conflict, it is their responsibility to notify immediately their Line Manager and also the Section 151 Officer. A decision can then be made as to whether there is a conflict of interest. In the event that it is deemed there is a conflict, then the officer will be removed completely from the process in order to remove any risk of challenge to the Council. Any advice on this should be given by the Monitoring Officer.</p>
<b>14.6</b>	<b>Purchase Orders</b>
	<p>A Purchase Order should be raised and issued to the supplier, for each contract that is entered into. Financial Services will provide advice as to how this is to be done and for what amount etc.</p>
<b>14.7</b>	<b>Form of Contract/Terms &amp; Conditions</b>
	<p>Procurement activity can include various forms of contract/terms &amp; conditions. It is a legal requirement that the ones being used are published along with the initial contract notice. It is therefore essential that discussions are held with both Legal and Finance as to the suitability of proposed forms/clauses so as to mitigate risk exposure to the Council. The contract managers checklist should be completed, and this should detail the process followed in developing the form of contract. This form will then be used to help respond to any queries raised during the tender process.</p>
<b>14.8</b>	<b>Risk Register</b>
	<p>The contract manager must identify, minimise, and manage risk within the contract being procured. This includes supply risk, demand risks, process risks, control risks, environmental and social risks. If a risk is identified, it should be reported to the relevant Strategic Director or Head of Service and then formally monitored as part of the contract management meetings (where there is no formal risk register in place).</p> <p>Where a formal risk register is required, these should be put in place at the start of the procurement activity. During the procurement activity they should be a standing item on the relevant operation team meeting/board meeting and any amendments captured as the procurement progresses.</p> <p>Following award, they should be a standing item on the contract management meeting and reviewed/updated as part of this process. Where appropriate risks may need to be highlighted to Senior Leadership Team meetings as part of the project management updates and appropriate action taken/recorded.</p>



<b>14.9</b>	<b>Collateral Warranties</b>
	<p>Collateral warranties are used as a supporting document to a primary contract where an agreement needs to be put in place with a third party outside of the primary contract. It can also provide the third-party contractual rights enabling it to claim for losses which would not otherwise be recoverable.</p> <p>The Council has standard Collateral Warranties.</p> <p>This will be included in the tender documents and terms and conditions, as required. Advice can be sought from Legal Services in respect of this.</p>

<b>15.</b>	<b>Definitions</b>
	The following table provides definitions of the key terms that have been referred to within this document.

Key Term	Definition
Award Criteria	<p>The criteria used by the Council in order to assess/evaluate the suppliers bids against the requirement detailed within the specification. Criteria can be as follows but not limited to:</p> <ul style="list-style-type: none"> <li>• Price, total cost, schedule of rates</li> <li>• Quality such as resources, qualifications, H&amp;S, innovation, risk mitigation, compliance with the requirement, deliverability of scheme, social value, staff experience, company experience, financial standing</li> </ul>
Bidders/Tenderers/Suppliers	Those who will be engaged to deliver the provision being let
Chief Finance Officer	This is the Council's statutory lead financial officer and designated S151 officer
Monitoring Officer	This is the Council's statutory lead legal officer
SLT	Senior Leadership Team comprising: Chief Executive, Strategic Director, Chief Finance Officer/S151 and Heads of Service
Code of Conduct	Council's policy for regulating the conduct of Officers and Members
Collaborative Arrangements	Use of a framework which is managed by a third party such as Pagabo, Espo OR a joint procurement exercise which involves two or more parties

Constitution	This is a document approved by Full Council which allocates the powers and responsibilities within the Council. It delegates authority to act to the Executive, Committees, Executive Councillors and Officers as well as regulating behaviours of individuals and groups through rules of procedure, codes and protocols
Consultants	An individual contracted for a specific length of time to work on a defined project/provision with clear outcomes to be delivered. They are usually engaged to bring specialist skills or knowledge to the process and to bridge the gap within the Council where there is no ready access to employees with the relevant skillset, experience and/or capacity to undertake the requirements
Contract Register	An electronic register which is held by the Council and contains all contractual engagements entered into with a value of over £5,000. It is a legal requirement for this to be maintained
Corporate Contract	A contract used by more one than one department
Deed	A signed and sealed instrument containing a legal transfer, bargain or contract
Dynamic Purchasing System	A fully electronic compliant “Approved List” which operates on a similar basis to a framework other than suppliers can join at any point while the DPS is live, subject to them meeting the relevant criteria
Electronic Tendering	A secure online facility for undertaking a procurement process
Estimated Total Contract Value	This is estimated value based on the annual spend x number of years the provision is in place for
Evaluation Team	This is the officers chosen to review, assess and score the submissions received in respect of the provision being procured
Financial Procedure Rules	These are the rules which outline officer responsibilities for financial matters
Form of Contract	This is a type of term and condition and as such is the legal/financial model which determines how the contract will operate
Framework Agreements	A legislation compliant agreement between a third party and a supplier(s), the purpose of which is to establish the terms under which subsequent procurement related appointments/awards can be made by a contracting authority
Framework Supplier	A supplier who has been successful in attaining a place on a framework

Invitation to Tender	A key stage/document within the tender process. Used to assess the supplier's suitability to deliver the stated provision
Modification of a Contract	Any change to the original provision of the tender and/or contract
Parent Company Guarantee	A contract which binds the parent of a subsidiary to act if the subsidiary fails to do so.
PA23	Procurement Act 2023 is the legislation that sets out how procurement should be undertaken. It comes into force with effect from 24 <sup>th</sup> February 2025. Any procurement undertaken from this date will be governed by these requirements.
PCR 2015	Public Contract Regulations 2015 is the legislation that was embedded into UK law and set out how procurement should be undertaken. Any above threshold procurement from February 2015 to 24 <sup>th</sup> February 2025 is governed by the requirements of this.
Performance Bond	This is a form of insurance policy which provides protection to the contracting authority in the event that the supplier fails to deliver on the requirements of the contract
Request for Quotation	Procurement process for under threshold value exercises
Seal	Process by which a contract is "signed" when over a certain limit and when executing a deed
Selection/Standard Questionnaire	This is the government form which must be used for over threshold tenders to assess a suppliers suitability based on pre-determined selection criteria
Small and Medium Sized Enterprises (SME's)	Any business with fewer than 250 employees and either an annual turnover of less than £45m or a total balance sheet of less than £40m
Specification	This is the council's requirement in relation to the delivery of the provision being tendered for
Teckal company	This is a company set up by a contracting authority to deliver some of the Council's functions. It is as defined within PCR 2015 regulation 12
Terms and Conditions	These are the legal/financial related clauses which define and determine how the contract will be operated, and which govern all parties involved
Total Contract Value	This is the total value of the successful bidder's response to the requirement being tendered

TUPE	Transfer of Undertakings (Protection of Employment) – this is the legislation that governs the process to be followed where staff are to be transferred from one supplier to another. It is there to ensure that the rights of employees are transferred along with the business
Value for Money	This is where cost and quality combine to produce a service which meets the technical requirements of the provision as well as the cost at an acceptable level

<b>16.0</b>	<b>Procurement Flow Chart</b>
	<p>For ease of use the Procurement Flow Chart has been split in order to clearly capture the new processes for below threshold procurement in respect of Goods, Services &amp; Light Touch Regime and Works.</p> <p>There is no detailed flow chart for processes over threshold under the Procurement Act 2023 given the potential variations/complexities around mandatory timelines.</p>

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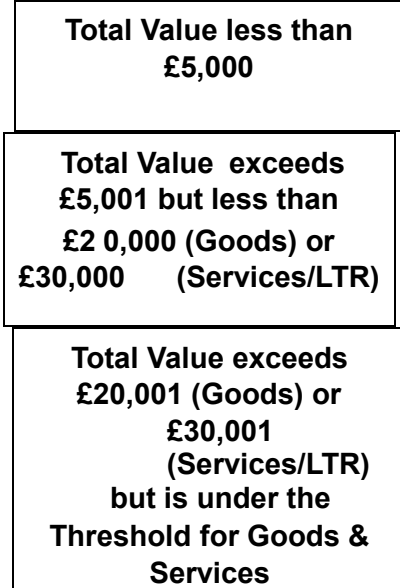
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## Procurement Flow Chart – Below Threshold for Goods, Services & Light Touch Regime

Identify the need to Procure & estimate the total value of the contract

**Contract Value: annual value x contract length**

e.g. £20 k spend per annum x 5-year contract = £100,000 total value of contract



### Procurement Flow Chart – Below Threshold for

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Competitive quotations are not required. A direct approach to a **single** supplier is acceptable. A local supplier should be engaged where possible. **No requirement** for a formal contract to be in place

Competitive quotations are not required. Review available frameworks (ESPO, OGC etc). A direct approach to a **single** supplier is acceptable. A local supplier should be engaged where possible. A formal contract **STILL** needs to be in place. Where the market is unknown then the process for above £20,001(Goods) or £30,001 (Services) should be followed.

Four quotations must be requested via the Request for Quotation documentation. The process should be conducted electronically utilising the electronic procurement portal (currently Pro Contract). Where possible at least two of the quotes should be obtained from a local supplier.

Where a compliant framework is being utilised then the above value bands do not apply and an appointment for any value allowed for within the framework agreement can be entered into. Frameworks can be accessed via use of further competition or via direct award

### Works

Identify the need to Procure & estimate the total value of the contract

**Contract Value: annual value x contract length**

e.g. £20 k spend per annum x 5-year contract = £100,000 total value of contract

Total Value less than  
**£1,000,000**

A direct approach to a **single** supplier is acceptable. A local supplier should be engaged where possible. A formal contract required to be in place.



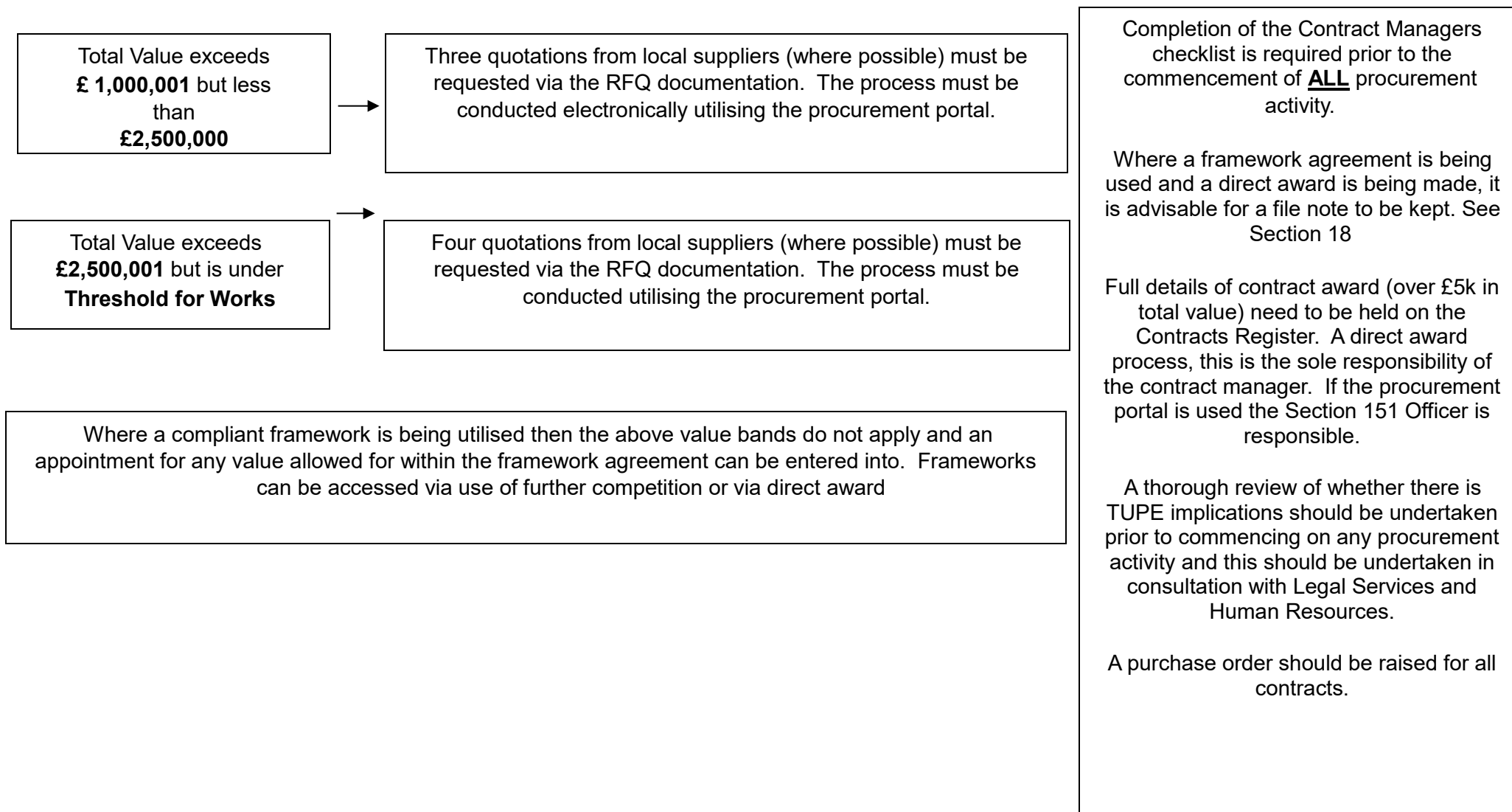
Completion of the Contract Managers checklist is required prior to the commencement of **ALL** procurement activity – this includes a direct award **UNLESS** under £5k total value.

Where a framework agreement is being used and a direct award is being made, it is advisable for a file note to be kept. See Section 18

Full details of contract award (over £5k in total value) need to be held on the Contracts Register. A direct award process, this is the sole responsibility of the contract manager. If the procurement portal is used the Section 151 Officer is responsible.

A thorough review of whether there is TUPE implications should be undertaken prior to commencing on any procurement activity and this should be undertaken in consultation with Legal Services and Human Resources.

A purchase order should be raised for all contracts.



<b>17.</b>	<b>Exception to the Normal Route Request Template</b>

APPROVAL EXCEPTION TO CONTRACT PROCEDURE RULES	
Contact Name:	
Job Title:	
Date:	
Description of Contract – this should include the estimated value; brief details of service; contract duration etc.	
Reason for Request – this should relate to the relevant CPR against which the exception is being sort, together with full supporting information.	
Strategic Director/Chief Finance Officer (Print & Sign Name) Date:	
Approved by Monitoring Officer:	
Date:	



18	<b>Business Case/File Note Template</b>
	Below is a template which can be utilised when detailing why a certain process has been followed rather than any other.

BUSINESS CASE TEMPLATE
Contract Manager:
Job Title:
Date:
Description of Process Followed:
Reason for Process Followed:
Strategic Director/Chief Finance Officer (Print & Sign Name) Date:

Approved by Monitoring Officer:

Date:

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<b>19.</b>	<b>Contract Managers Checklist</b>
	<p>The following references the two checklists that should be completed along with the relevant appendices which provide additional information to help contract managers understand what the various sections are for. All documentation is available to download within Net consent.</p> <p>Contract Managers Checklist – New Provision/Contract</p> <p>Contract Managers Checklist – Extension/Contract Variation</p> <p>Appendix One – Contract Manager Procedures V8.0 - 08.03.2024</p> <p>Appendix Two – Procedures for Financial Matters in Procurement Processes V3.0 031022</p> <p>Appendix Three – Contract Management Meeting Agenda V 5.0 - 26.02.2024</p> <p>Appendix Four – Addendum to Contract V 2.0 171122</p> <p>Appendix Five - Signing &amp; Sealing Guidelines V 2.0 171122</p> <p>Appendix Six - Sealing Authority V 0.3 171122</p>

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