

Contract Procedure Rules

Following approval to implement a new updated Contract Procedure Rules

This document seeks to map out how areas of the original Contract Procedure Rules have transitioned with new information and changes in regulation, together with those areas that are recommended for deletion. It should be read in conjunction with the new proposed Contract Procedures Rules, together with the working copy of the original CPR which is colour coded as follows

The below table sets out recommended additions not included and deletions in the current Contract Procedure Rules, or recommended amendments to sections set out in the current Contract Procedure Rules for inclusion in the new document. These are highlighted in;

Yellow - Recommended Additions:

Blue - Recommended Amendments:

Red – Recommended deletion

Page	Reference	Information	Explanation
3	1.4.	<p>These Rules are supported by detailed, practical guidance available in the Procurement Toolkit, which can be accessed via the procurement portal. The Procurement Toolkit covers:</p> <ul style="list-style-type: none">• The Procurement Cycle• Assessing Needs• When does TUPE apply?• Assessing Risks• Valuing Your Requirement• Understanding Social Value• Sustainable Procurement• Procurement timetable• Specification• Evaluation Methodology and Criteria• Terms and Conditions	<p>Provides valuable Procurement support and guidance to the Council Officers at SK and can be used as a signpost on a specific area.</p>

		<ul style="list-style-type: none"> • Due Diligence • The Procurement Process • Procuring via a Framework Agreement • Contract Management and Review • Variation • Extensions 	
3	1.6.	Any values stated within these Rules are exclusive of VAT.	Clear and transparent with regards to the value being 'EX VAT'.
4	1.8.5.	Contracts between Local Authorities as defined by Clause 12 of the Public Contracts Regulations 2015.	These were missing from the original Contract Procedure Rules and are part of the Public Contracting Regulation (PCR) 2015.
4	1.8.6.	Contracts between Local Authorities as defined by Clause 17 of the Concession Contracts Regulations 2015.	These were missing from the original Contract Procedure Rules and are part of the Public Contracting Regulation (PCR) 2015.
4	1.8.7.	Section 75 NHS Act 2006 arrangements (although details must be recorded on the Council's Contract Register).	These were missing from the original Contract Procedure Rules and are part of the Public Contracting Regulation (PCR) 2015.
4	1.9.1	Contract values should be calculated by working out the annual price and then multiplying it by the contract length (including any possible contract extensions). The Public Contract Regulations' rules on aggregation must be considered	Provides a full definition of what 'Total Value' means. This definition strengthens the meaning compared to the definition in the original document.
4	1.9.2.	Total Value is the maximum potential contract value. This is an estimation of the annual value, multiplied by the maximum contract length (including any extensions). This calculation is to be used for contracts that fall under the Public Procurement Regulations 2015. All references to "value" within these Rules refer to Total Value.	Provides a full definition of what 'Total Value' means. This definition strengthens the meaning compared to the definition in the original document.
3-4	1.9.4.	<p>For Concessions contracts (where the supplier makes money from the right given by the Council to provide), contract values are based on what it is worth to the supplier or the cost the Council would incur to provide the contract. The Total Value for these contracts shall be the total turnover of the concessionaire generated over the duration of the contract, as estimated by the Council, taking into account:</p> <p>(a) the value of any form of option and any extension of the duration of the concession contract;</p>	'Concession Contracts' were missing from the original CPR's and is part of the Public Contracts Regulations 2015 (PCR).

		<ul style="list-style-type: none"> (b) revenue from the payment of fees and fines by the users of the works or services other than those collected on behalf of the Council; (c) payments or any other financial advantages, in any form, from the Council to the concessionaire, including compensation for compliance with a public service obligation and public investment subsidies; (d) the value of grants or any other financial advantages, in any form, from third parties for the performance of the concession contract; (e) revenue from sales of any assets which are part of the concession contract; (f) the value of all the supplies and services that are made available to the concessionaire by the Council, provided that they are necessary for executing the works or providing the services; (g) any prizes or payment. 	
4	1.9.5.	<p>Re-occurring Contracts shall not be put in place with the effect of preventing it from falling within the scope of these Rules, thresholds or any relevant Public Procurement Regulations. Spend must be aggregated where it is appropriate to do so, whether that is within Council departments, or across multiple departments for the same scope of work; to ensure value for money is achieved and reduce the duplication of work. Examples of where aggregate spend would be appropriate includes (but is not be limited to):</p> <ul style="list-style-type: none"> (a) One department spot purchasing similar pieces of work on a regular basis throughout the financial year; (b) Multiple Council departments purchasing the same services under different contracts; and (c) Individual contracts being kept under a certain threshold to avoid procurement obligations within these Rules. 	<p>Provides full clarity to Council Officers on re-occurring Contracts and on spend aggregation within the Council.</p> <p>Was not included in the original CPR.</p>
4	1.9.6.	<p>Framework agreements must not exceed four years. Call-off contracts based on framework agreements may be longer than four years and may extend beyond the expiry date of the framework.</p>	<p>Absent from the original CPR's.</p> <p>Important information on 'length of contracts' in relation to a framework agreement.</p>
6	2.11.	<p>As part of the service planning process Officers are expected to highlight all required procurement support through the annual Procurement Service Plan in advance of the next financial year.</p>	<p>This statement has been strengthened.</p> <p>It is best practice to plan your procurement activity in advance and proactively will lead to</p>

			better planning and likelihood of achieving procurement outcome.
6	2.12.	Officers are responsible for the contracting activity, and must ensure: <ul style="list-style-type: none"> a) Continued compliance with the Council's requirements; b) Value for money; c) Compliance with these Rules as well as any legal and statutory requirements; and d) Compliance with any relevant Council policy and Key Decision Threshold. 	Not included the current CPR's. Reinforces the responsibilities of the Officers
6	2.13.	The Officer is responsible for ensuring the Procurement Lead is aware of the timescales for upcoming procurement work, especially for contracts in excess of £50,000, in sufficient time.	Absent from present CPR's High value/risk projects need to be identified in advance and will require support of the Procurement Lead to ensure the optimum outcome is achieved for the Council.
7	2.14.	The Officer must have regard to the guidance contained in the Procurement Toolkit which can be accessed via the procurement portal.	This point has been included to signposting the Council Officers to the Procurement toolkit
7	2.15.	Before beginning a purchase the Officer responsible for it must appraise the purchase and consider: <ul style="list-style-type: none"> (a) Taking into account the requirements from any relevant Best Value or other review; (b) Appraising the need for the expenditure and its priority e.g. has a business case been developed which sets out the service objectives, the criteria for evaluation and the options for delivery; (c) Defining the objectives of the purchase; (d) Consider the risks associated with the purchase over its life and how to manage them; (e) Considering what procurement method is most likely to achieve the purchasing objectives, including internal or external sourcing, and collaboration with other purchasers; (f) Establish if corporate contracts and/or suitable frameworks exist and assess their suitability; 	It is imperative the Council Officers consider these points when beginning their procurement journey. All these highlighted points are for the Council Officers to consider.

		<p>(g) Consulting users as appropriate about the proposed procurement method, contract standards, and also performance and user satisfaction monitoring; and</p> <p>(h) Selecting the most appropriate procurement method.</p>	
7	2.16.	The Officer must keep the records detailed in these Rules.	It's important that Council Officers keep a record of points contained in 2.15.
7	2.17.	The requirements for the various procurement categories (based on total value) are detailed below. Where a procedure is required that would be above the Public Procurement threshold (in terms of total value), the Officer must contact Procurement Lead Procurement before embarking on the procurement.	It signposts the Council Officers to consider the total value and who to contact.
7	2.18.	Officers should take all necessary legal, financial and other professional advice (e.g. HR, Comms etc.) and ensure the necessary decisions are in place before embarking upon any procurement process. If in doubt, please speak to Democratic Services.	Reinforces the message to the Council Officers that they need to take all professional advice across the Council before proceeding with a procurement.
7	2.18.1.	Officers will need to ensure they have the relevant budget approved and available prior to embarking upon a procurement process. Budget approval ensures you have provision to fund any commitment within your own budget, and where sufficient budget isn't available the additional required funding has been sought and approved in accordance with the Council's Constitution.	It's imperative that Council Officers have seek budget approval, before proceeding with a procurement.
7	2.18.2.	Officers will need approval to award, in line with the Constitution. This approval needs to be sought regardless of the procurement route i.e. Tender, Quotation, Framework Award or Exemption.	Reviewed and checked by Graham to align with the Councils Constitution.
7	2.18.2.1.	For contracts with a total value under £50,000, this must be done in writing (email is sufficient).	Reviewed and checked by Graham to align with the Councils Constitution.
8	2.18.3.	A Key Decision must be on the forward plan. Democratic Services must be engaged prior to any procurement process with a total value of £50,000 or more commencing. Note that any applicable "call in" period must be observed before the Decision is implemented.	Reviewed and checked by Graham to align with the Councils Constitution.

8	2.18.4.	<p>A Key Decision is an Executive decision (Officer Portfolio Holder or Cabinet) which is likely to result in the Council:</p> <ul style="list-style-type: none"> (a) Incurring expenditure of £200,000 or more, or; (b) Making savings or generate income of £200,000 or more, and/or (c) Has a significant impact on two or more wards in the Borough and on communities living or working in those areas. 	Reviewed and checked by Graham to align with the Councils Constitution.
8	2.19.	<p>The provisions of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) apply to a relevant business transfer where the transferor (incumbent supplier) has a dedicated team of employee(s) that carry out the service activity that is to be transferred. In practice this will often apply where a Council service is:</p> <ul style="list-style-type: none"> • 'out-sourced' • brought back 'in-house' / in-sourced • where a contract that former Council employees are undertaking comes up for renewal and is awarded again to the same supplier or to a new supplier • transferred from one external organisation to another • TUPE is also likely to apply where a supplier who has been awarded a contract subsequently awards or sub-contracts all or part of it to another supplier, whilst retaining the contract with the main client 	<p>The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) were missing from the present CPR's.</p> <p>The Council must follow the TUPE regulations, as it may be included as part of a procurement exercise.</p>
8	2.20.	<p>TUPE can apply irrespective of whether there has been a formal procurement exercise or not. Officers must ask the current Supplier whether or not any employee of the Council or of the Supplier may be affected by any transfer arrangement (TUPE). Where this is relevant, the Officer must ensure that the Transfer of Undertaking (Protection of Employment) issues are considered and obtain relevant advice before undertaking the procurement process. This will include liaising with Leicestershire County Council where any employee of the Council or of the Supplier is a member of the Local Government Pension Scheme (LGPS). Guidance on whether TUPE applies must be referred to Human Resources or Legal services in the first instance, before proceeding, so that the scope of any legal obligations may be</p>	Another point where the Officers needs to follow the TUPE regulations set out and follow the processes.

		identified. If TUPE does apply this must be factored into the procurement strategy / plan and timescales.	
8	2.21.	Suppliers must seek their own legal guidance on the application of TUPE; the Council must not offer any such advice. The Council's only involvement with TUPE is to facilitate through the provision of TUPE information; it must not get involved in other TUPE related matters.	Another important message providing guidance for dealing with suppliers in relation to TUPE.
8-9	2.22.	'TUPE Information' templates are available on the Welland procurement portal. This information will need to be completed by the current supplier which Officers will issue to the market as part of the procurement documentation on which potential suppliers are invited to bid. This information must be gathered prior to going out to market, and Officers would need to review the information to ensure it has been anonymised (TUPE information is confidential – please discuss with Procurement Lead whether TUPE information should published with the tender pack, or to individual bidders, subject to the return of TUPE Confidentiality Agreement), and whether or not there are any LGPS (Local Government Pension Scheme) members. Officers can refer to the Procurement Toolkit available on the Procurement Lead portal for guidance on considerations for LGPS members.	Signposting the Council Officers to the TUPE information templates
9	2.23.	Officers must ensure that the contracts for which they are responsible are effectively managed and monitored to ensure they deliver the requirement as intended.	Council Officers are responsible for ensuring contracts are managed and monitored
9	2.24.	It is the Officer's responsibility to carry out due diligence on successful suppliers, both at Contract Award, and for the duration of the Contract.	Council Officers are responsible for managing and monitoring Contracts throughout the duration of the Contract
9	2.25.	Where an Officer has a potential conflict of interest within a procurement process, the Officer must declare this immediately to the relevant Chief Officer and Monitoring Officer. The Officer may be required to withdraw from the procurement process. Any Officer who fails to declare such as conflict of interest may be subject to disciplinary proceedings and sanctions.	Council Officers must highlight any conflict of interest that they may have immediate with regards to the procurement process and potential opportunity.
9	2.26.	A 'Conflict of Interest Declaration – Confidentiality Agreement' form can be obtained from the procurement portal.	This signposts the Council Officers to the relevant form.
10	3.	Non-Compliance with these Rules	New Heading included

10	3.1.	Where an Officer becomes aware of any non-compliance with these Rules (which cannot be remedied), they must declare this to the relevant Director and Monitoring Officer.	Rules Council Officers must follow and who they must provide the declarations to.
10	4.1.	The exceptions listed in this Section do not apply to procurements with a total value above the relevant Public Procurement Threshold. The Officer must obtain a fully approved exception in advance of awarding a contract, and must ensure that the actual spend does not exceed the total value stated in the approved exception.	Advice for the Council Officers to follow in relation to the approval of exceptions
10	4.2.	Officers will need to ensure they have the relevant budget approved and available prior to embarking upon a procurement process. This approval will be from the Budget Holder, in accordance with budget authorisation limits (as outlined in the Financial Procedure Rules).	Advice for the Council Officers to follow in relation to the approval of the budget
10	4.4.	Signed contracts that have a total value of £10,000 or more must be scanned in and saved to central procurement area. Officers must then provide Legal Services with any paper copies of the Contract for the subsequent storage and safe keeping.	This is good practice and part of the audit requirements to have Contract's storage in one area
11	4.4.6.1.	Where the total value of the contract is £10,000 or more, the resultant contract must be added to the Contract Register (on ProContract) to ensure compliance with Transparency Regulations.	The Council needs to comply with the Transparency Regulations.
11	4.4.6.2.	An award notice is required on Contracts Finder for all Contracts with a total value of £20,000 or above. The Procurement Lead is responsible for such award notices. Officers must formally advise the Procurement Lead of the award details, so that they can publish the award notice.	The same rules apply for exceptions that Contracts awarded over £20k must be published on Contracts Finder.
11	5.1.	Officers will need to ensure they have the relevant budget approved and available prior to embarking upon a procurement process. This approval will be from the Budget Holder, in accordance with budget authorisation limits (as outlined in the Financial Regulations). Officers also need to speak to their Manager about any further approvals required outside of these Rules, as well as whether or not approval to procure is required.	At the beginning of this specific procedure, Council Officers must seek relevant budget approval.
11	5.2.	Council Officers may decide it is appropriate to reserve contracts for services at this value to the local area or SME's/voluntary sector. Please refer to the appropriate guidance in this document (and consult the Procurement Lead) before any reservations are made.	Council Officers may consider using 'Reserve Contracts', however they were not included in the current CPR's and needs to be included as

			part of the Public Contracting Regulation (PRC) 2015
12	5.6.	In some instances Officers may need to consider TUPE implications.	This point is more of a reminder to Council Officers that they may need to consider TUPE implication when using this procedure
12	5.10.	It is the Officer's responsibility to carry out due diligence on successful suppliers, both at Contract Award, and for the duration of the Contract.	Ongoing Contract monitoring is essential, and it is the Council Officers responsibility to ensure this is happening.
12	6.1.	Officers will need to ensure they have the relevant budget approved and available prior to embarking upon a procurement process. This approval will be from the Budget Holder, in accordance with budget authorisation limits (as outlined in the Financial Regulations). Officers also need to speak to their Manager about any further approvals required outside of these Rules, as well as whether or not approval to procure is required.	At the beginning of this specific procurement procedure, the Council Officer must seek relevant budget approval.
12	6.2.	Council Officers may decide it is appropriate to reserve contracts for services at this value to the local area or SME's/voluntary sector. Please refer to the appropriate guidance in this document (and consult the Procurement Lead) before any reservations are made.	Reserve Contracts were not included in the current CPR's and needs to be included as part of the Public Contracting Regulation (PRC) 2015
12	6.4.	For contracts with a total value of £25,000 or more, if the Council chooses to advertise a quotation, for example because:	Advise for Council Officers if they choose to advertise a quote over £25k
12	6.4.1.	The Officer cannot immediately identify three potential suppliers to invite to quote; and/or The procurement opportunity is either politically sensitive or high profile then it must be simultaneously advertised via the Procurement Lead on Contracts Finder.	This is new information that has been included in the CPR's. If the Council officers are in a position where they can't identify three supplier's or the requirement is of a sensitive or high profile nature
12	6.4.2.	Where the Procurement Lead is instructed to support the procurement, the Officer must complete a Procurement Initiation Document (PID), available on the procurement portal, prior to the	It's important that the PID is completed, as it provides the Procurement Lead with key information to be able to review the procurement options available

		commencement of the procurement process (at pre-procurement stage).	
13	6.6.	2.1. The quotations must contain (as a minimum): a) The goods, services or works to be supplied; b) The “where” and “when” they are to be supplied; c) Instructions to bidders: d) Evaluation criteria e) How to respond f) How clarification messages are to be asked (who sent to, any deadlines for messages) g) Information bidders need to include within response h) Deadline for responses (day and time); and i) The short form terms and conditions to be applied (available in Q:\21 Procurement\Standard T's & C's, unless using another appropriate set of terms and conditions, as agreed by Legal Services).	Good practice to highlight to the Council Officers the information required to be included in the RFQ.
13	6.6.1.	In some instances Officers may need to consider TUPE implications	More of a reminder to the Council Officers that they may need to consider TUPE implication when using this procedure
13		At least one of the suppliers invited to submit a quotation should be local, where local means in the sub-region or region.	This has been removed from the CPR, as it has been replaced by another point
13	6.7.	At least one of the suppliers invited to submit a quotation should be local, where local means operating from a business address within the boundary of South Kesteven. Where a local supplier cannot be identified, the Officer must keep a written record of the reason.	This statement has been strengthened from the current CPRs to define what a ‘Local Supplier’ means.
13	6.12	As part of the procurement process (quotation), potential bidders can seek clarification on either the information published or the process itself.	This provides Council Officers with information of how to deal with clarifications
14	6.13.	The nature of any clarification or response from the Council must not materially change the scope/substance of the requirement. If it does, Officers may need to abandon the process and restart, using revised documentation. Please discuss this with the Procurement Lead	This provides Council Officers with information of how to deal with clarifications

14	6.13.1.	All requests for clarification and questions relating to the quote (and its associated documents) must be submitted as per the instruction document (via email or ProContract)	This provides Council Officers with information of how to deal with clarifications
14	6.13.2.	The Council must respond to all clarifications as soon as possible (via email or ProContract)	This provides Council Officers with information of how to deal with clarifications
14	6.13.3.	A copy of all requests for clarifications and the responses must be anonymised and published to all potential bidders (who have either been invited to quote, or have expressed an interest in the quote) where the clarification and response are not considered confidential	This provides Council Officers with information of how to deal with clarifications
14	6.13.4.	If a potential bidder wishes the Council to treat a clarification as confidential and therefore not publish the response to all, it must state this when submitting the clarification. If in the opinion of the Council, the clarification is not confidential, the Council will publish it in an anonymised format	This provides Council Officers with information of how to deal with clarifications
14	6.13.5.	Officers must state a deadline for receipt of clarifications	This provides Council Officers with information of how to deal with clarifications
14	6.13.6.	Officers must keep a record of communications between potential bidders and the Council	This provides Council Officers with information of how to deal with clarifications
14	6.13.7.	Unless it is part of a clarification and the above is observed, Officers must not:	This provides Council Officers with information of how to deal with clarifications
14	6.13.8.	Make contact with suppliers/potential bidders	This provides Council Officers with information of how to deal with clarifications
14	6.13.9.	Send information to suppliers/potential bidders	This provides Council Officers with information of how to deal with clarifications
14	6.14.	If a supplier/potential bidder makes contact with an Officer, they should advise them that messages must be submitted as per the instruction document; via email or ProContract.	This provides Council Officers with information of how to deal with clarifications
14	6.15.	Any subjective evaluation (such as quality) must be carried out independently by a minimum of two evaluators (preferably three), and then moderated by an independent moderator to reach a final agreed score. The evaluators should be fully briefed on the evaluation process.	Provides advice to Council Officers regarding the minimum number of evaluators and the process for moderation

14	6.16.	The 'Conflict of Interest Declaration – Confidentiality Agreement' on the procurement portal gives further guidance on evaluation principles and best practice; it is advisable to ask all evaluators to complete, sign and return this document to the Council lead. The procurement Lead can act as the independent moderator but cannot undertake any scoring. Clarification questions may be asked where responses would not result in a material change of the bid received.	Conflict of Interest Declaration – Confidentiality Agreement' must be completed by Council Officers to ensure guidance on evaluations
14	6.18.	Contract award must be approved as per 2.18 of this document	Within this procedure the Council Officer must complete the relevant contract award documentation, then refer to the relevant point in the document
14	6.19.	or a person authorised by them in accordance with the delegation scheme.	Must refer to delegation scheme.
15	6.22.	All signed contracts must be scanned in and saved to the relevant Directorate and the Contracts Register. Officers must then provide Legal Services with any paper copies of the Contract for the subsequent storage and safe keeping.	Council Officers must ensure Contracts are saved and stored in the correct place.
15	6.24.	If an Officer has managed the procurement process without assistance from the Procurement Lead, they must formally advise them of the award details, so that they can publish the award notice	If a Council Officers has used this procedure and manage the process on their own that they must inform the Procurement Lead of award.
15	6.25.	It is the Officer's responsibility to carry out due diligence on successful suppliers, both at Contract Award, and for the duration of the Contract.	Council Officers must ensure contracts are managed and monitored through the duration of the Contract
15	7.1.	Officers will need to ensure they have the relevant budget approved and available prior to embarking upon a procurement process. This approval will be from the Budget Holder, in accordance with budget authorisation limits (as outlined in the Financial Regulations). Officers also need to speak to their Manager about any further approvals required outside of these Rules, as well as whether or not approval to procure is required.	At the beginning of this specific procurement procedure, Council Officers must seek relevant budget approval.
14	7.2.	Council Officers may decide it is appropriate to reserve contracts for services at this value to the local area or SME's/voluntary sector. Please refer to the appropriate guidance in this document (and consult the Procurement Lead) before any reservations are made.	Reserve Contracts were not included in the previous CPR's and needs to be included as part of the Public Contracting Regulation (PRC) 2015

14	7.4	The Procurement Lead should be notified in respect of all contracts with a total value between £50,000 and the current goods and services Public Procurement Threshold because a single stage/open tender process must be completed. This means that all interested suppliers are eligible to submit a Tender.	Due to the value of spend for this procurement procedure, the Procurement Lead needs to be involved in supporting the project.
15	7.5	Where the Procurement Lead are instructed to support the procurement, the Officer must complete a Procurement Initiation Document (PID), available on the procurement portal, prior to the commencement of the procurement process (at pre-procurement stage).	It's important that the PID is completed as it provides the Procurement Lead with key information to be able to review the procurement options available.
16	7.10.	Council Officers must conduct the Tender process using the Procurement Lead Procurement's tender portal (unless agreed otherwise by the Head of Welland Procurement). Open Tender Document One must be used to ensure that the required Standard Suitability Questions are used. The Officer must ensure that all relevant procurement documents are finalised before the procurement is advertised, these will include at least the Specification, Long Form Terms and Conditions of Contract (available in T's & C's, unless using another appropriate set of terms and conditions, as agreed by Legal Services), TUPE information (where applicable) and evaluation criteria.	Confirmation to the Council Officers that the Procurement Lead must manage the process and use the appropriate tender documents through the tendering portal
16	7.12.	As part of the procurement process (tender), potential bidders can seek clarification on either the information published or the process itself	Councils Officers to be aware that bidders can seek clarification on the tender or tender process
16	7.13.	The nature of any clarification or response from the Council must not materially change the scope/substance of the requirement. If it does, Officers may need to abandon the process and restart, using revised documentation. Please discuss this with the Procurement Lead.	Provides details on how Council Officers should deal with and manage clarifications
16	7.13.1.	All requests for clarification and questions relating to the tender (and its associated documents) must be submitted as per the instruction document (via ProContract)	Provides details on how Council Officers should deal with and manage clarifications
16	7.13.2.	The Council must respond to all clarifications as soon as possible (via ProContract)	Provides details on how Council Officers should deal with and manage clarifications

16	7.13.3.	A copy of all requests for clarifications and the responses must be anonymised and published to all potential bidders (who have expressed an interest in the tender) where the clarification and response are not considered confidential	Provides details on how Council Officers should deal with and manage clarifications
17	7.13.4.	If a potential bidder wishes the Council to treat a clarification as confidential and therefore not publish the response to all, it must state this when submitting the clarification. If in the opinion of the Council, the clarification is not confidential, the Council will publish it in an anonymised format	Provides details on how Council Officers should deal with and manage clarifications
17	7.13.5.	Officers must state a deadline for receipt of clarifications	Provides details on how Council Officers should deal with and manage clarifications
17	7.13.6.	Officers must keep a record of communications between potential bidders and the Council. Unless it is part of a clarification and the above is observed, Officers must not:	Provides details on how Council Officers should deal with and manage clarifications
17	7.13.6.1.	Make contact with suppliers/potential bidders	Provides details on how Council Officers should deal with and manage clarifications
17	7.13.6.2.	Send information to suppliers/potential bidders	Provides details on how Council Officers should deal with and manage clarifications
17	7.14.	If a supplier/potential bidder makes contact with an Officer, they should advise them that messages must be submitted as per the instruction document; via ProContract.	Provides details on how Council Officers should deal with and manage clarifications
18	7.23.	All signed contracts must be scanned in and saved to the relevant Directorate and the Contracts Register. Officers must then provide Legal Services with any paper copies of the Contract for the subsequent storage and safe keeping.	Council Officers will ensure Contracts are saved and stored in the correct place.
18	7.24.	These documents should be stored in the Council's central Procurement filing system.	Council Officers must store documents in the central procurement filing system
18	7.25.	Where an Agent has managed the procurement on behalf of the Council, the Officer must ensure that the above documents are returned to the Council upon completion of the process and stored as detailed in clause 7.27 and 7.28 below.	Council Officers must ensure all documentation is returned from the agent managing the procurement process.

18	7.28.	An award notice is required on Contracts Finder; the Procurement Lead is responsible for such award notices. If an Officer has managed the procurement process without assistance from the Procurement Lead, they must formally advise them of the award details, so that they can publish the award notice.	In following this procurement procedure contract awards notices must be published by the Procurement Lead.
17	7.29.	It is the Officer's responsibility to carry out due diligence on successful suppliers, both at Contract Award, and for the duration of the Contract.	Council Officers must ensure contracts are managed and monitored throughout the duration of the Contract
18	8.1.	Officers will need to ensure they have the relevant budget approved and available prior to embarking upon a procurement process. This approval will be from the Budget Holder, in accordance with budget authorisation limits (as outlined in the Financial Regulations). Officers also need to speak to their Manager about any further approvals required outside of these Rules, as well as whether or not approval to procure is required.	At the beginning of this specific procurement procedure, Officer must seek relevant budget approval.
19	8.3.	The Procurement Lead should be instructed for all Works contracts with a total value between the Goods and Services Public Procurement Threshold and the Works Public Procurement Threshold. The authorised Officer can choose either a single stage/open tender or two stage/restricted process.	Due to the value of the spend for this procurement procedure, the Procurement Lead needs to be involved in supporting the project.
19	8.7.	Council Officers must conduct the Tender process using Procurement Lead Procurement tender portal (unless agreed otherwise by the Head of Welland Procurement). Open Tender Document One must be used to ensure that the required Standard Suitability Questions are used. The Officer must ensure that all relevant procurement documents are finalised before the procurement is advertised, these will include at least the Specification, Long Form Terms and Conditions of Contract (available in Q:\21 Procurement\Standard T's & C's, unless using another appropriate set of terms and conditions, as agreed by Legal Services), TUPE information (where applicable) and evaluation criteria.	Confirmation to the Council Officers that the Procurement Lead must manage the process and use the appropriate tender documents through the tender portal
19	8.8.	Where conducting a two stage/restricted process, Officers should use the PAS91 PQQ for works contracts (including the procurement of goods and services needed in relation to the works).	Important information for Council Officers to follow regarding conducting a restricted process

19	8.10.	As part of the procurement process (tender), potential bidders can seek clarification on either the information published or the process itself. This must be conducted as per 7.12 and 7.13 of this document.	Details included refer to managing the clarification process.
20	8.13.	Any subjective evaluation (such as quality) must be carried out independently by a minimum of two evaluators (preferably three), and then moderated by an independent moderator to reach a final agreed score. The evaluators should be fully briefed on the evaluation process.	Provides advice to the Council Officers regarding the minimum number of evaluators and the process for moderation
20	8.14.	The 'Conflict of Interest Declaration – Confidentiality Agreement' on the procurement portal gives further guidance on evaluation principles and best practice; this form must be completed, signed and returned to the Procurement Lead. The Procurement lead can act as the independent moderator but cannot undertake any scoring.	Conflict of Interest Declaration – Confidentiality Agreement' must be completed by Council Officers
20	8.16.	Contract award must be approved as per 2.18 of this document.	Within this procedure the Officer must complete the relevant contract award documentation. Refers back to the relevant point in the document
20	8.22.	These documents should be stored in the Council's Central Procurement Filing System.	Council Officers must store documents in the central procurement filing system
21	8.23.	Where an Agent has managed the procurement on behalf of the Council, the Officer must ensure that the above documents are returned to the Council upon completion of the process and stored as detailed in clause 8.21 and 8.22 above.	Council Officers must ensure all documentations is returned from the Agent managing the procurement process.
21	8.25.	It is the Officer's responsibility to carry out due diligence on successful suppliers, both at Contract Award, and for the duration of the Contract.	Council Officers must ensure contracts are managed and monitored throughout the duration of the Contract
21	9.1.	Officers will need to ensure they have the relevant budget approved and available prior to embarking upon a procurement process. This approval will be from the Budget Holder, in accordance with budget authorisation limits (as outlined in the Financial Regulations). Officers also need to speak to their Manager about any further approvals required outside of these Rules, as well as whether or not approval to procure is required.	At the beginning of this specific procurement procedure, the Council Officer must seek relevant budget approval.

21	9.3.	<p>All goods, services and works with a procurement total value in excess of the relevant Public Procurement threshold are enforced by the Public Contracts Regulations 2015, and over threshold public works concessions and public services concessions are enforced by the Concessions Contracts Regulations 2016. These Regulations set out strict processes that have to be followed, as well as remedies available to suppliers. The principles that Officers need to comply with are:</p> <ul style="list-style-type: none"> a) equal treatment; b) non-discrimination; c) mutual recognition; d) proportionality; and e) transparency. 	As part of the Public Contracts Regulations 2015 it is imperative in all procurement procedures that the principles are comply with
21	9.4.	Officers must comply with these Regulations and principles at all times.	Council Officers must comply with regulations and the principles
21-22	9.5.	<p>Where the Officer is following one of the below procurement processes, the number of bidders invited to tender or to conduct a dialogue can be limited (out of those meeting the selection criteria). This must be indicated in the contract notice and the tender documentation (shortlisting criteria, the minimum number of candidates the Officer intends to invite and, where applicable the maximum number).</p> <ul style="list-style-type: none"> a) In the restricted procedure, the minimum number of candidates shall be 5. b) In the competitive procedure with negotiation, the competitive dialogue procedure and the innovation partnership procedure, the minimum number of candidates shall be 3. 	Important message for Council Officers to understand and follow regarding restricted and competitive procedure with negotiation, the competitive dialogue procedure and the innovation partnership procedure
22	9.6.	Where the number of candidates meeting the selection criteria and the minimum levels of ability is below this minimum number, the Officer may continue the procedure by inviting the candidates with the required capabilities but must record the reason for doing so.	Important Information included regarding the candidates/suppliers meeting the selection criteria when following a procedure
22	9.7.	<p>2.2. The Officer must:</p> <ul style="list-style-type: none"> a) adhere to the minimum timescales stipulated in the Regulations; 	Council Officers must follow the regulations when undertaking the procurement exercise

		<ul style="list-style-type: none"> b) ensure the specification clearly describes the intended outcomes or outputs, and that it is complete and fair; c) assess the quality of tenders as per the Regulations; d) ensure the evaluation criteria (and any sub criteria) is disclosed in the Tender documentation and advertisements; e) ensure the Contract terms and conditions allow for modification, should the total value increase or decrease due to amended volumes/values; f) treat selection and award criteria separately. 	
22	9.8.	The Officer must complete a Procurement Initiation Document (PID), provided by the Procurement Lead prior to the commencement of the procurement process (at pre-procurement stage).	It's important that the PID is completed as it provides the Procurement Lead with key information to be able to review the procurement options available.
22	9.9.	The procurement must be advertised on Contracts Finder and on Find a Tender, the Procurement Lead is responsible for managing this advertising.	The responsibility of the Procurement Lead is to take this action.
22	9.10.	The procurement will be managed using an electronic tendering system; the Officer must therefore contact the Procurement Lead to access that system.	Details for Council Officers where the procure is managed through the e-tendering system
22	9.11.	As part of the procurement process (tender), potential bidders can seek clarification on either the information published or the process itself. This must be conducted as per 7.12 and 7.13 of this document.	Details included refer to managing the clarification process and the relevant points that you must follow
22	9.12.	Council Officers must conduct the Tender process using Procurement Lead Procurement's tender portal (unless agreed otherwise by the Head of Welland Procurement). Open tender Document One must be used to ensure that the required Standard Suitability Questions are used. The Officer must ensure that all relevant procurement documents are finalised before the procurement is advertised, these will include at least the Specification, Long Form Terms and Conditions of Contract (available in Q:\21 Procurement\Standard T's & C's, unless using another appropriate set of terms and conditions, as agreed by Legal Services), TUPE information (where applicable) and evaluation criteria.	Confirmation to the Council Officers that the Procurement Lead must manage the process and use the appropriate tender documents through the tender portal

22	9.13.	Tenders will be received via the electronic tendering system. The Procurement Lead will be responsible for opening tenders.	Responsibility for running this procurement procedure lies with the Procurement Lead.
23	9.14.	Tenders must be evaluated in accordance with the advertised evaluation criteria, clarification questions may be asked as long as the response would not have the effect of materially changing the tender received. Any subjective evaluation (such as quality) must be carried out independently by a minimum of two evaluators (preferably three), and then moderated by an independent moderator to reach a final agreed score. The evaluators should be fully briefed on the evaluation process. The 'Conflict of Interest Declaration – Confidentiality Agreement' on the procurement portal gives further guidance on evaluation principles and best practice; this form must be completed, signed and returned to the Procurement Lead. The Procurement Lead can act as the independent moderator but cannot undertake any scoring.	Information for Council Officers to consider when tendering
23	9.15.	The bidder with the highest evaluation score will be awarded the contract, as per the award criteria detailed.	Part of the regulations stipulate the process for awarding to the highest score
23	9.16.	Contract award must be approved as per 2.9 of this document.	Within this procedure the council Officer must complete the relevant contract award documentation and refers back to the relevant points in the document
23	9.17.	All bidders must be notified of the Award decision simultaneously in writing (via the Council's electronic tendering system) by the Officer (or the Procurement Lead), whether or not their bid was successful. The letters must include: a) the award criteria; b) the name of the successful bidder(s); c) the score of the recipient; d) the score of the successful bidder(s); e) details of the reason for the decision, including the characteristics and relative advantages of the successful tender; and f) confirmation of the date before which the contracting authority will not enter into the contract or framework agreement (i.e., the date after the end of the standstill period).	This point defines what should be included in the award decision for Council Officers information and part of the Public Contracts Regulations (2015)

23	9.18.	The contract will require sealing, please see Section 15.11 below.	Council Officers must follow the seal process for signing a contract
23	9.19.	The details of the resultant contract must be added to the Council's Contract Register (on ProContract) to ensure compliance with Transparency Regulations. The Officer is responsible for ensuring the original signed contract is given to Legal Services for safekeeping.	Council officers must comply with added the Contract to the Contracts Register
23-24	9.20.	The Officer must keep the following records: a) A record of all decisions from pre to post procurement; b) The method of obtaining tenders; c) Tender documents produced by the Council; d) Tenders received from bidders. The successful tender should be retained for at least the life of the contract. Unsuccessful tenders should be retained for the first 12 months of the contract; e) A written record of the evaluation; f) A record of the Award approval; g) A signed copy of the Contract which should retained for the life of the contract and in normal circumstances for 6 years thereafter; and h) Communications to and from bidders during the procurement process.	As part of regulation 84 of the Public Contracts Regulations (2015) the Council must record this information
24	9.21.	These documents should be stored in the Council's central Procurement filing system.	Council Officers must store documents in the central procurement filing system
24	9.22.	Where an Agent has managed the procurement on behalf of the Council, the Officer must ensure that the above documents are returned to the Council upon completion of the process and stored as detailed in clause 9.20 and 9.21 above.	Council Officers need to ensure that when Agents manages the procurement process that this is follow
24	9.24	An award notice is required on Contracts Finder and Find a Tender; the Procurement Lead is responsible for such award notices. If an Officer has managed the procurement process without assistance from the Procurement Lead, they must formally advise them of the award details, so that they can publish the award notices.	In following the Public Contracts Regulations and this procurement procedure contract awards notices must be published.
24	10.1	Officers will need to ensure they have the relevant budget approved and available prior to embarking upon a procurement process. This approval will be from the Budget Holder, in accordance with budget authorisation limits (as outlined in the Financial Regulations). Officers	At the beginning of this specific procurement procedure, Council Officers must seek relevant budget approval.

		also need to speak to their Manager about any further approvals required outside of these Rules, as well as whether or not approval to procure is required.	
24	10.4.	<p>A contract of any value can be procured via a framework agreement or DPS. Compliance with these Rules and relevant national law is achieved through compliance with the framework agreement/DPS terms and conditions. This will involve:</p> <ul style="list-style-type: none"> • reviewing relevant Framework/DPS guidance document(s) • reviewing the correct process for call off (which may be through further competition or direct award) • following the stated call off process, as laid out in the Framework/DPS documentation 	This point refers to Council Officers complying with the framework agreements or DPS processes and documentation
24	10.5.	As part of the procurement process (call off), potential bidders can seek clarification on either the information published or the process itself. This must be conducted as per 7.13 and 4.14 of this document.	Details included refer to managing the clarification process using this procedure and rules that you must follow
25	10.6.	Please speak to the Procurement Lead for further advice regarding Framework and call off compliance.	Council Officer are required to seek advice from the Procurement Lead regarding the chosen procurement route
25	10.8.	<p>All goods, services and works with a procurement total value in excess of the relevant Public Procurement threshold are enforced by the Public Contracts Regulations 2015, and over threshold public works concessions and public services concessions are enforced by the Concessions Contracts Regulations 2016. These Regulations set out strict processes that have to be followed, as well as remedies available to suppliers. The principles that Officers need to comply with are:</p> <ul style="list-style-type: none"> a) equal treatment; b) non-discrimination; c) mutual recognition; d) proportionality; and e) transparency. 	As part of the Public Contracts Regulations 2015 and Concessions Contracts Regulations 2016. The message is imperative in all procurement procedures that the principles are complied with.
25	10.9.	Officers must comply with these Regulations and principles at all times.	Council Officers must comply with the regulations and principles

25	10.9.1.	The procurement will be managed in line with the appropriate Rule, dependent on the total value of the contract (unless otherwise detailed by the Framework/DPS Owner).	Council Officers must comply with the rules regard total value of the contract within the framework or DPs.
25	10.9.2.	Procurements valued under £10,000 see Rule 5.4	Council Officer must refer to this point in the CPR's regarding submitting quotes by email
25	10.9.3.	Procurements valued between £10,000 and £49,999 see Rule 6.3 and 6.4	Council Officer must refer to this point in the CPR's regarding the number of quotes and advertising the opportunity
25	10.9.4.	Procurements valued between £50,000 and Current Goods and Services Public Procurement Threshold see Rule 8.6 to 8.9	Council Officer must refer to this point in the CPR's regarding using the procurement document templates and opening the tenders via the e-tendering system.
25	10.9.5.	Procurements for Works Contracts Valued between the Goods and Services Public Procurement Threshold and the Works Public Procurement Threshold see Rule 9.4 and 9.7	Council Officer must refer to this point in the CPR's regarding following the Public Contracting Regulations 2015.
25	10.9.6.	Procurements valued over the Relevant Public Procurement Threshold see Rule 10.8 and 10.11	Council Officer must refer to this point in the CPR's regarding following the Public Contracting Regulations 2015 and Concessions Contracts Regulations 2016
25	10.9.7.	It is recommended that the Further Competition Template document is used which can be obtained from the procurement portal or the Procurement Lead; if template documentation is provided by the Framework/DPS Owner, Officers can make use of this.	Refers to Council Officers using the appropriate further competition template documentation
25-26	10.9.8.	In any case the criteria for selecting the most advantageous submission must be established before call offs submissions are invited and be made clear in the procurement documentation. The call offs must contain (as a minimum): a) The goods, services or works to be supplied; b) The "where" and "when" they are to be supplied; c) Instructions to bidders: a. Evaluation criteria b. How to respond c. How clarification messages are to be asked (who sent to, any deadlines for messages) d. Information bidders need to include within response e. Deadline for responses (day and time); and	Council Officer should ensure that the appropriate information is included in the documentation

		f. The terms and conditions to be applied to the call off (as per Framework/DPS guidance document, please use the terms stated; these must be agreed by Legal Services).	
26	10.10.	In some instances Officers may need to consider TUPE implications.	More of a reminder that Council Officers may need to consider TUPE implication when using this procedure
26	10.11.	Submissions must be evaluated in line with the Framework/DPS guidance document and the appropriate Rule, dependent on the total value of the contract.	Council Officers must refer to rules set up in the CPR'S
26	10.11.1.	Procurements valued between £10,000 and £49,999 see Rule 6.15 and 6.16	Council Officers must adhere to evaluations processes detailed in the following points
26	10.11.2.	Procurements valued between £50,000 and Current Goods and Services Public Procurement Threshold see Rule 7.16, 7.17 and 7.20	Council Officers must adhere to evaluations processes detailed in the following points
26	10.11.3.	Procurements for Works Contracts Valued between the Goods and Services Public Procurement Threshold and the Works Public Procurement Threshold see Rule 8.11, 8.12 and 8.15	Council Officers must adhere to evaluations processes detailed in the following points
26	10.11.4.	Procurements for Works Contracts Valued between the Goods and Services Public Procurement Threshold and the Works Public Procurement Threshold see Rule 8.11, 8.12 and 8.15	Council Officers must adhere to evaluations processes detailed in the following points
26	10.11.5.	Contract award must be approved as per 2.9 of this document.	Within this procedure the council Officer must complete the relevant contract award documentation and refers back to the relevant points in the document
26	10.11.6.	All bidders must be notified of the Award decision simultaneously in writing (via the method used to run the procurement process i.e. email, ProContract or other system used by the Framework/DPS owner) by the Officer (or the Procurement Lead Unit or the Framework/DPS owner), whether or not their bid was successful.	Council Officers must ensure they follow the rules regarding award decisions.
26	10.11.7.	The contract must be signed/sealed in line with the appropriate Rule, dependent on the total value of the contract. <ul style="list-style-type: none"> • Procurements valued under £10,000 see Rule 5.1 • Procurements valued between £10,000 and £49,999 see Rule 6.19 and 6.20 	It's imperative that rules are followed regarding the contract being signed / sealed depending on the total value of spend.

		<ul style="list-style-type: none"> • Procurements valued between £50,000 and Current Goods and Services Public Procurement Threshold see Rule 7.21 • Procurements for Works Contracts Valued between the Goods and Services Public Procurement Threshold and the Works Public Procurement Threshold see Rule 8.16 • Procurements valued over the Relevant Public Procurement Threshold see Rule 9.18 	
26	10.12.	If a Council Officer or Supplier needs to sign contract documentation electronically, please speak to Legal Services for advice and guidance on the use of electronic signatures.	Council Officers must speak to Legal Services regarding advice and guidance on electronic signatures.
26	10.13.	Where the Council is using an external framework, and the total value of the contract is £5,000 or above, the resultant contract must be added to the Contract Register to ensure compliance with Transparency Regulations.	Reinforce message to ensure Contracts are added to the Contracts Register and compliance with Transparency Regulations.
27	10.14.	Where the Council has set up a framework, only the framework is necessary to be recorded on the register. It is not necessary to record the individual call-offs from the framework.	Message to the Council Officers is to understand what should be recorded on the Contracts register
27	10.15.	Signed contracts that have a total value of £10,000 or more be added to the Council's Contract Register (on ProContract) to ensure compliance with Transparency Regulations. The Officer is responsible for ensuring the original signed contract is given to Legal Services for safekeeping.	In following the Transparency Regulations, contracts must be stored on the Contracts Register
27	10.16.	Where the contract has a total value of £20,000 or above an award notice is required on Contracts Finder. The Officer must formally advise the Procurement Lead of the award details, so that they can publish the award notice.	In following the Public Contracts Regulations 2015 and this procurement procedure, contract awards notices must be published.
27	10.17.	<p>2.3. The Officer must keep the following records:</p> <ul style="list-style-type: none"> a) A record of all decisions from pre to post procurement; b) The method of obtaining tenders; c) Tender documents produced by the Council; d) Tenders received from bidders. The successful tender should be retained for at least the life of the contract. 	As part of regulation 84 of the Public Contracts Regulations (2015), the Council must record this information

		<p>Unsuccessful tenders should be retained for the first 12 months of the contract;</p> <p>e) A written record of the evaluation;</p> <p>f) A record of the Award approval;</p> <p>g) A signed copy of the Contract which should be retained for the life of the contract and in normal circumstances for 6 years thereafter; and</p> <p>h) Communications to and from bidders during the procurement process. These documents should be stored in the Council's Central Procurement Filing System: Q:\21 Procurement.</p>	
27	10.18.	Where an Agent has managed the procurement on behalf of the Council, the Officer must ensure that the above documents are returned to the Council upon completion of the process and stored as detailed in clause 10.17 above.	Council Officers need to ensure that when Agents manage the procurement process that this is followed
27	10.19.	It is the Officer's responsibility to carry out due diligence on successful suppliers, both at Contract Award, and for the duration of the Contract.	Council Officers must ensure contracts are managed and monitored through the duration of the Contract
27	10.20.	Officers will need to ensure they have the relevant budget approved and available prior to embarking upon a procurement process. This approval will be from the Budget Holder, in accordance with budget authorisation limits (as outlined in the Financial Regulations). Officers also need to speak to their Manager about any further approvals required outside of these Rules, as well as whether or not approval to procure is required.	At the beginning of this specific procurement procedure, Council Officers must seek relevant budget approval.
27-28	10.21.	Framework agreements set out the general terms under which specific purchases ("call offs") can be made under the agreement. The purpose of using a framework is to enable contracting authorities to award individual contracts without going through a full procurement process each time. A framework agreement may be established with one supplier ("single supplier frameworks") or with more than one ("multiple supplier frameworks").	Important information regarding the set up of framework agreements
28	10.22.	The minimum number of suppliers for a multiple supplier framework is two.	Key information in regards the minimum number of suppliers for a multiple framework.

28	10.23.	Framework agreements must not exceed four years. Call-off contracts based on framework agreements may be longer than four years and may extend beyond the expiry date of the framework.	Key message to Council Officers regarding the duration of s framework.
28	10.24.	Framework agreements should be set up to allow for mini-competitions to run as the first option for selecting a supplier. Where this is not the case, Procurement Lead should be consulted.	Important information for Council Officers to consider in relation to setting up the framework
28	10.25.	As part of the procurement process (either the creation of the Framework or any subsequent call off), potential bidders can seek clarification on either the information published or the process itself. This must be conducted as per 7.12, 7.13 and 7.14 of this document.	This details how you deal with potential clarifications
28	10.26.	As Framework agreements are "closed" for the term, consideration should be given to the impact of this, and ensure that the benefits and length of the Framework are justified.	Information contained about frameworks being closed to any new suppliers
28	10.27.	Formal advice from the Procurement Lead must be sought as early as possible and in any case before any procurement activity takes place. The relevant Rules and Regulations should be followed according to the total potential value of the Framework (the value to be taken into consideration shall be the maximum estimated value net of VAT of all the contracts envisaged for the total term of the framework agreement). It is the Officer's responsibility to monitor and track spend against the framework.	Council Officers must ensure formal advice is sought from the Procurement Lead regarding activity and spend through the framework
28	10.28.	Signed Framework Agreements that have a total value of £10,000 or more be added to the Council's Contract Register (on ProContract) to ensure compliance with Transparency Regulations. The Officer is responsible for ensuring the original signed contract is given to Legal Services for safekeeping.	In following the Transparency Regulations contracts must be stored on the Contracts Register
28	10.29.	If a Council Officer or Supplier needs to sign contract documentation electronically, please speak to Legal Services for advice and guidance on the use of electronic signatures.	In case Council Officers must seek support and guidance from Legal Services for electronic signatures
28.	10.30	Where the Council has set up a framework, details of the framework itself must be recorded on the Council's Contract Register (on ProContract). The estimated value of the framework must be recorded	Clear directions for the Councils Officers to follow for capturing the required information on the Contracts Register.

		and all of the suppliers associated with the framework must be listed. Any other relevant detail to the mechanics of the framework must also be recorded so the suppliers can be searched and found in the Register and cross referenced with Council spend.	
28	10.31	Where the Council has set up a framework, only the framework is necessary to be recorded on the register. It is not necessary to record the individual call-offs from the framework.	Again, important information for the Council Officers to follow.
29	10.32	It is the Officer's responsibility to carry out due diligence on successful suppliers, both at Contract Award, and for the duration of the Contract.	Council Officers must ensure contracts are managed and monitored through the duration of the Contract
29	10.33	A contract of any value can be procured via a framework agreement or DPS, compliance with these Rules and relevant national and EU law is achieved through compliance with the framework agreement/DPS terms and conditions.	Important information regarding frameworks and DPS's for Council Officers to follow
29	10.34	For the avoidance of doubt, a framework agreement or DPS is considered a compliant procurement route where: <ul style="list-style-type: none"> a) It has been entered into by the Council in compliance with these Rules; or b) Another contracting authority, purchasing consortium or Central Government has tendered the framework agreement or DPS in compliance with national and EU procurement law and the Council is named as a potential user of the arrangement. 	Important information regarding frameworks and DPS's for Council Officers to follow
29	10.35	Officers will need to ensure they have the relevant budget approved and available prior to embarking upon a procurement process. This approval will be from the Budget Holder, in accordance with budget authorisation limits (as outlined in the Financial Regulations). Officers also need to speak to their Manager about any further approvals required outside of these Rules, as well as whether or not approval to procure is required.	At the beginning of this specific procurement procedure, Council Officers must seek relevant budget approval.
29	10.36	A Dynamic Purchasing System (DPS) is similar to an electronic framework agreement, with two exceptions, new suppliers can join at any time and it is to be run as a completely electronic process.	New information provided regarding the use of a Dynamic Purchasing System (DPS)

29	10.37	Dynamic Purchasing Systems are used exclusively by public sector organisations. They save time and money by being a quick and easy way to access goods, services and works through a compliant route.	New information provided regarding the use of a Dynamic Purchasing System (DPS)
29	10.38	There is no maximum term for a DPS; the period of validity of the DPS should be indicated in the call for competition. As per Rule 5, written approval for a DPS longer than five years must be sought from the relevant service Director. This must be gained prior to the procurement process commencing.	New information provided regarding potential duration of a contract for the use of Dynamic Purchasing System (DPS)
29	10.39	All bidders that meet the selection criteria shall be admitted to the DPS, and the number of bidders accepted on to the DPS shall not be limited.	New information provided regarding the use of a Dynamic Purchasing System (DPS)
29	10.40	Formal advice from the Procurement Lead must be sought as early as possible and in any case before any procurement activity takes place. The relevant Rules and Regulations should be followed according to the total potential value of the DPS (the value to be taken into consideration shall be the maximum estimated value net of VAT of all the contracts envisaged for the total term of the DPS). It is the Officer's responsibility to monitor and track spend against the DPS.	It's imperative that that the Officer seeks support from the Procurement Lead.
30	10.41	As part of the procurement process (either the creation of the DPS or any subsequent call off), potential bidders can seek clarification on either the information published or the process itself. This must be conducted as per 7.12 and 7.13 of this document.	This details how you deal with potential clarifications
30	10.42	There is no obligation to notify DPS suppliers of a decision to award a contract under a DPS, to provide a de-brief or to run a standstill period.	New information provided regarding the award of a Dynamic Purchasing System (DPS)
30	10.43	There is a requirement to publish a contract award notice on Find a Tender Service for contracts awarded using a DPS. The contract award notice must be dispatched within 30 days of the contract award. Contract award notices can be grouped together and published on a quarterly basis within 30 days of the end of each quarter. The Officer must formally advise the Procurement Lead of the award details, so that they can publish the award notice.	New information provided regarding contract award notices through 'Find a Tender' for the use of Dynamic Purchasing Systems (DPS)

29	10.44	Contracting authorities are also required to publish information on Contracts Finder in respect of contracts awarded under a DPS for contracts with a total value of £20,000 or above. Publication on Contracts Finder is required within a "reasonable time" (no longer than 90 days following contract award).	New information provided regarding contract award notices through 'Contracts Finder' for the use of Dynamic Purchasing Systems (DPS)
30	10.45	Signed DPS Agreements that have a total value of £10,000 or more be added to the Council's Contract Register (on ProContract) to ensure compliance with Transparency Regulations. The Officer is responsible for ensuring the original signed contract is given to Legal Services for safekeeping.	New information provided regarding complying with the Transparency Regulation within using the Dynamic Purchasing System (DPS)
30	10.46	If a Council Officer or Supplier needs to sign contract documentation electronically, please speak to Legal Services for advice and guidance on the use of electronic signatures.	In case Council Officers are put in this situation they will require support and guidance from Legal Services.
30	10.47	The contract must be signed by a member of the Senior Team except where a contract requires Sealing as set out at 11.12.	Council Officer must follow the rules where a Contract requires a sealing
30	10.48	Where the Council has set up a DPS, details of the DPS itself must be recorded on the Council's Contract Register (on ProContract). The estimated value of the DPS must be recorded and all of the suppliers associated with the DPS. Any other relevant detail to the mechanics of the DPS must also be recorded so the suppliers can be searched and found in the register and cross referenced with council spend.	Important message regarding recording DPS's set up by the Council on the Contracts Register
30	10.49	Where the Council has set up a DPS, only the DPS is necessary to be recorded on the register. It is not necessary to record the individual call-offs from the DPS.	Information for Council Officers to take on board
30	10.50	It is the Officer's responsibility to carry out due diligence on successful suppliers, both at Contract Award, and for the duration of the Contract	Council Officers must ensure due diligence is followed with the Contract Award
31	10.51	Where the contract is valued over £20,000 an award notice is required to be published on Contracts Finder, the Procurement Lead is responsible for such award notices.	The Procurement Lead must award notices on Contracts Finder
31	10.52	Public Services (Social Value) Act 2012	This was missing from the original CPR

31	10.53	The Public Services (Social Value) Act requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits.	New information regarding the Public Services (Social Value) Act 2012
31	10.54	Before starting a procurement process, the Officer should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders.	New information regarding the Public Services (Social Value) Act 2012
31	10.55	When considering this potential improvement, only what is relevant to the particular procurement should be taken into account, as well as whether or not it is proportionate.	New information regarding the Public Services (Social Value) Act 2012
31	10.56	The Officer must consult the Procurement Lead for advice on specifying requirements under Social Value, and how to evaluate tenders against these requirements.	New information regarding the Public Services (Social Value) Act 2012
31	11.1.1.	These Rules are relevant to all Contracts with a total value above £10,000	The Conflict of Interest with regards to the rules apply to total value over £10k this was missing from the CPR's
31	11.1.4.	For contracts with a total value of £50,000 or more, all Officers, Members and other stakeholders involved in procuring for the Council must sign a Declaration of Interest form at the start of the procurement process. This form is available on the procurement portal.	Important message about completing conflict of interest forms in relation to contracts with a total value of 50k
31	11.1.5.	For contract with a total value of between £10,000 and £50,000, it is advisable that all Officers, Members and other stakeholders involved in procuring for the Council sign a Declaration of Interest form at the start of the procurement process. This form is available on the procurement portal.	Important message about completing a conflict-of-interest form in relation to contracts with a total value of between £10,000 and £50,000
32	11.3.1.	If it is identified that a bidder has made an error or omission that is "obvious", the Officer can request the bidder to correct this, as long as: a) the Chief Officer has given written approval, and is in agreement that the error or omission was "obvious"; b) it has been determined that the bidder has gained no unfair advantage from correcting the error or omission; and	Important information regarding the Council Officers managing Errors in Tenders and the process you have to follow

		c) any such corrections are recorded, along with the approval decision.	
32	11.4.1.	Where a Tender/Quote has been received late (beyond the stated response deadline), the Officer must get written approval to either accept or reject the submission from the relevant Chief Officer before opening any of the responses. Late submissions must only be accepted in exceptional circumstances.	This includes the process for Council Officers receiving late submissions and how they're managed.
32	11.4.2.	2.3.1. The Officer must record: a) the circumstances behind the late response; b) how late the response was received; c) if any advantage could have been gained by the bidder in submitting the late response (i.e. having longer to respond to the opportunity compared with other bidders); and d) the Chief Officer's decision to accept or reject the late response (based on the above points).	This was not included in the previous CPR's, and it includes details of what the Council Officer must record.
32	11.5.1.	Irregular tenders are those that: a) do not comply with the terms of the tender documents (i.e. fail to supply key information); or b) make reservations (i.e. if the pricing submitted contains conditions, when these are explicitly prohibited within the tender documentation).	This was not included in the previous CPR's, and it is the process for Council Officers to follow when receiving irregular tenders.
32	11.5.2.	Irregular tenders are those that:	Details of an irregular tenders isn't included for Council Officers
32	11.5.2.1	If the Officer receives an irregular Tender, they shall immediately report this to the relevant Chief Officer.	Details of an irregular tenders is included for Council Officers
32	11.5.2.2.	The Chief Officer may accept the irregular tender if it has been determined that the bidder has gained no unfair advantage from the irregularity.	Details of an irregular tender is included for Officers
32	11.5.2.3.	Any acceptance or rejection of irregular tenders shall be recorded in writing.	Details of an irregular tender is included for Council Officers
33	11.7.1.	The Council has specific obligations under the FOI Act 2000, regarding disclosure of information. Officers have an obligation to	Freedom of Information was missing from original CPR's

		record and maintain accurate records relating to Contracts, as well as complying with FOI requests.	
33	11.7.2.	Bidders should be asked to identify any information they supply that is confidential or commercially sensitive, and detail why they consider this the case. This justification should be considering when responding to FOI requests.	Freedom of Information was missing from original CPR's
33	11.7.3.	Any queries relating to this should be directed to the Council's Data Protection Officer.	Freedom of Information was missing from original CPR's. Any queries should be directed to the Council's Data Protection Officer
33	11.8.1.	The Council is committed to ensuring that modern slavery does not exist within its supply chains.	Modern Slavery was missing from the current CPR
33	11.8.2.	All procurements with a total value of £50,000 or more are required to include the Standard Selection Question regarding Modern Slavery Act compliance.	Officers must ensure they comply with the Modern Slavery Act
34	11.8.3.	Where procurement is considered high risk in terms of modern slavery, for example transport and waste related procurements, additional award questions should be considered with advice from the Procurement Lead.	Officer must speak to their Procurement Lead regarding any high-risk procurement that may
34	11.8.4.	Where a supplier is required to comply with the Modern Slavery Act, i.e. their turnover is above £36 million, that compliance should form part of the contract management (as per 11.9).	New information provided Officer must ensure Due diligence is undertaken
34	11.8.5.	A Modern Slavery Helpline is available on Tel: 08000 121 700 or online. The Helpline provides information and advice about modern slavery, a 24 hour telephone reporting line and an online reporting function through the website.	Provides detail of the Modern Slavery helpline
34	11.8.6.	Safeguarding Provisions in Contracts and Grant Arrangements	New information for Councils Officers to refer to
34	11.8.7.	Any service engaged by the Council should be provided on the basis of agreed terms or a contract. Safeguarding compliance should be included in all arrangements. All services commissioned by the Council must operate within the requirements of the Council's Safeguarding Policy and meet the relevant legislative standards.	New information provided for Council Officers that is clear and concise

		Where appropriate, procuring officers will need to ensure that contractors demonstrate that they meet these requirements.	
34	11.8.8.	It is expected that the lead officer on any commissioning project be responsible for ensuring that any contract includes proper provision for the safeguarding of children, young people, and adults with care and support needs; this also includes making reasonable requests for evidence from suppliers that the requirements stated in the Safeguarding Policy (where applicable) are in place or ready to be implemented. Where there is any confusion about the need for the inclusion of safeguarding in a contract arrangement clarification and/or advice should be sought from the Safeguarding Lead.	New information provided for Council Officers that is clear and concise
34-35	11.9.1	<p>It is the Officer's responsibility to carry out due diligence on successful suppliers, both at Contract Award, and for the duration of the Contract. This will involve requesting, obtaining and maintaining records (and asking for appropriate evidence) of relevant due diligence, annual inspections and any future expiration/renewals. This may include (but not be limited to):</p> <ul style="list-style-type: none"> a) Insurance certificates (new certificates to be requested upon expiry of the individual insurance policy); b) Details as required by the selection/suitability criteria asked as part of the procurement process (annually, upon anniversary of Contract start date): <ul style="list-style-type: none"> i. Supplier policies <ul style="list-style-type: none"> • Quality Management • Environmental • Equality • Health and Safety • Data protection/GDPR ii. Licences/certificates/registrations iii. Business continuity plans iv. Required training (and updates for staff (Council and supplier) v. Staff certifications/qualifications (Council and staff); and c) A financial appraisal, which may include a financial credit check and / or a review of submitted financial information (as per the standard selection questionnaire). Finance can provide reports from the Council's credit check facility, and where required Finance can undertake a financial ratio 	Council Officer must ensure due diligence is applied both during award and through the duration of the contract in relation to various documentation required to deliver the contract.

		<p>analysis. Further information is available within the Procurement Toolkit on the procurement portal.</p> <p>Before the contract commences (and regularly throughout the duration of a contract), contract managers should request and inspect key health and safety records to provide assurance that controls are operating effectively. The frequency of requests and types of records to be reviewed should be agreed and outlined as part of the procurement process. Records should include but not be limited to:</p> <ul style="list-style-type: none"> • Up to date Health and safety policies • Risk Assessments • COSHH assessment • Induction and training records • Fire safety logbooks (if applicable) • PAT certificates • Health and Safety inspections (as well as any actions arisen, and how they are being followed up on, reviewed and regularly monitored) and whether these are carried out by the Council or the supplier • Accident reporting 	
35	11.9.2.	Throughout the duration of the contract, Council Officer's must keep a record (and ask for appropriate evidence) of relevant due diligence as well as any future expiration/renewals.	Records must be kept up to date in relation to evidence demonstrating due diligence
35	11.12.1.1.	The total value is over £50,000;	Provides details of when a contract should be sealed
35	11.12.1.2.	The Council wishes to enforce the contract for up to twelve years following its expiry (e.g. for land or construction works); or	Provides details of when a contract should be sealed
35	11.12.1.3.	The price paid or received under the contract is a nominal price and does not reflect the value of the goods, services or works; or	Provides details of when a contract should be sealed
36	11.12.1.4.	There is any doubt about the authority of the person signing for the other contracting party; or	Provides details of when a contract should be sealed

36	11.12.1.5.	A Bond is established on behalf of the Supplier(s) or their guarantors; or	Provides details of when a contract should be sealed
36	11.12.1.6.	Required by the Parties to the agreement; or	Provides details of when a contract should be sealed
36	11.12.1.7.	Where the Monitoring Officer deems it appropriate.	Provides details of when a contract should be sealed
36	11.12.1.8.	Where contracts are completed by each side adding their common seal, the affixing must be attested by or on behalf of the Council in accordance with the Constitution. The Monitoring Officer is responsible for the process of sealing a contract.	Provides details of when a contract should be sealed
36	11.12.1.9.	If a Council Officer or Supplier needs to sign contract documentation electronically, please speak to Legal Services for advice and guidance on the use of electronic signatures.	Provides details of when a contract should be sealed
36	11.13.1.	If Council Officers wish to reserve below threshold Services procurements as per the guidance set out in this section, they must: a) Consult with Procurement Lead; b) Comply with all other Rules within this document; c) Provide rationale for reserving a contract; and d) Receive written approval from the relevant Director for this approach.	Important that Council Officerd follow this important guidance
36	11.13.2.	Council Officers may consider the following options for the procurement of below threshold Services contracts (applying either both or just one option): a) Reserve the procurement by supplier location - this means being able to run a competition and specify that only suppliers located in a geographical area can bid. This could be by county to tackle economic inequality and support local recruitment, training, skills and investment. Where a county reservation is to be applied, only a single county may be reserved. Supplier location should be described by reference to where the supplier is based or established and has substantive business operations and not by location of corporate ownership. b) Reserve the procurement for Small and Medium sized Enterprises (SMEs) and Voluntary, Community and Social Enterprises (VCSEs) -	Council Officers need to consider the rules they need to follow regarding any Reserve Contracts

		this means being able to run a competition and specify that only SMEs and VCSEs can bid.	
36-37	11.14.	<p>Definitions:</p> <p>a) Small and Medium sized Enterprise (SME): Any business with fewer than 250 employees and either an annual turnover below £45m or a total balance sheet less than £40m.</p> <p>b) Voluntary, Community and Social Enterprises (VCSEs): Any organisation (incorporated or not) working with a social purpose. This ranges from small community based groups / schemes, through to larger registered charities and social enterprises, public service mutuals and cooperatives that operate locally, regionally and nationally. This term is often interchangeable with the terms 'third sector' or 'civil society' organisations.</p> <p>c) Supplier Location: Where the supplier is based or established in a particular location and has substantive business operations in that location. In this context, this means having a registered office, factory or other permanent base in that location from which meaningful business operations have been conducted for at least 12 months. For example, if the reservation is for the UK or a county such as Dorset (non-metropolitan county), this should not preclude foreign suppliers from participating as long as they are based or established and have substantive business operations in the UK in the first example or in Dorset in the second example.</p> <p>When considering either of the above, Council Officers would need to:</p> <p>a) Make reservation decisions on a case by case basis, and record justifications for the decision to reserve a contract;</p> <p>b) Make the reservation clear in the procurement documentation in terms of any intention by including the Provides details of when a contract should be sealed standardised definitions of SME / VCSE and supplier location;</p> <p>c) Eliminate bidders that do not meet the stated criteria, following on from written approval being received from the relevant Director; and</p> <p>d) Ensure value for money can still be met, and an open competitive process is followed.</p>	Definition of the different types of organisations

37	12.2.2.	If any variation (independently or cumulative) means that the total value of a contract would exceed a threshold set out in these Rules, Officers must seek advice from Procurement Lead.	Council Officers must seek advice from the Procurement Lead if variation exceeds the threshold
39	12.3.4.	If any extension (independently or cumulative) means that the total value of a contract would exceed a threshold set out in these Rules, Officers must seek advice from the Procurement Lead.	Important message for Council Officer to follow if the total value of the contract exceed threshold
39	Candidate	An individual or organisation that has sought an invitation or has been invited to take part in a restricted procedure, a competitive procedure with negotiation, a negotiated procedure without prior publication, a competitive dialogue or an innovation partnership.	New definition included in the new CPR's
39	Conflict of interest	The concept of conflicts of interest shall at least cover any situation where relevant staff members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure.	New definition included in the new CPR's
39	Constitution	The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to make sure these are efficient, transparent and accountable to local people.	New definition included in the new CPR's
39	Contract	A legal document that states and explains a formal agreement between two different parties.	New definition included in the new CPR's
39	Contract Register	A register that stores details of the Council's Contracts, including duration and expiry dates. All Contracts with a total value of £5,000 and above must be entered onto the register.	New definition included in the new CPR's
39	Evaluation	Any subjective evaluation (such as quality) must be carried out independently by a minimum of two evaluators (preferably three), and then moderated by an independent moderator to reach a final agreed score. The evaluators should be fully briefed on the evaluation process. The 'Conflict of Interest Declaration – Confidentiality Agreement' on the procurement portal gives further guidance on evaluation principles and best practice. Procurement Lead can act as the independent moderator but cannot undertake any scoring.	New definition included in the new CPR's
40	Exception	An act or instance of waiving a right to obey these Rules.	Missing from the previous CPR definitions
40	Find a Tender	An e-notification service which has replaced OJEU, used to post and view public sector procurement notices.	New Termination regarding the Public Contracts Regulations
42	<u>EU Thresholds</u>	From 1 st January 2022 onwards, the EU Thresholds are:	The New threshold were introduced to be enforced by 1 st January 2022

		Goods and services: £177, 897 Works: £4,447,447 Concessions: £4,447,447 Light Touch Regime: £552,950	
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