

# CONTRACT PROCEDURE RULES

## Summary of Changes from November 2012

### INTRODUCTION:

The Financial Procedure Rules and Contract Procedure Rules have been updated to reflect changes to procedures and legislative requirements.

Other changes have been made across the whole document for example changes to post titles such as Head of Paid Service instead of Chief Executive and consistent use of the term Section 151 Officer.

### Specific Changes to Contract Procedure Rules:

Relevant paragraph

#### 1. BASIC PRINCIPLES:

- The Property & Procurement Manager must be consulted prior to commencing any procurement process. 1.1.2

#### 2. OFFICER RESPONSIBILITIES:

- Where agents and consultants are used they must also comply with the Council's FPR, CPR, the Code of Conduct and all UK and European Union binding legal requirements. This must now be confirmed by the agent or consultant by written agreement. 2.1.1
- Previously officers were required to 'have regard to' the Council's purchasing and contract guidance. Now Officers must comply with this. 2.1.2
- The Council's solicitor must arrange for the safekeeping on Council premises of all contracts completed. 2.2.3

#### 3. WAIVERS:

- Clarifying that :
  - “the Officer must obtain the approval of the Section 151 Officer, Internal Audit Manager and the Head of Paid Service. The Head of Paid Service may then approve the waiver”, and 3.2
  - “Where a contract will exceed £75,000 the Leader or Deputy Leader of the Council must additionally be consulted.” 3.2
  - “All waivers, and the reasons for them, must be recorded. Waivers shall be completed by the Officer and signed by the Section 151 Officer, Internal Audit Manager, Head of Paid Service and where relevant the Leader/Deputy Leader of the Council” 3.4
- Adding a new rule for consortia: 3.6
  - “For any consortia contracts e.g. Government Procurement Service (GPS), Eastern Shires Purchasing Organisation (ESPO) or North East Purchasing Organisation (NEPO), the terms and conditions of contract, including the requirement to undertake competition between providers, must be fully complied with.”



## 6. RECORDS:

- The officer must also record the Outcome of all consultations with the Property & Procurement Manager 6.1

## 7. ADVERTISING, AND FRAMEWORK AGREEMENTS:

A minimum of three tenders must be obtained. This brings the CPR into alignment with the FPR. 7.1.5

## 8. COMPETITION REQUIREMENTS FOR PURCHASE, DISPOSAL AND PARTNERSHIP ARRANGEMENTS:

The table has been updated to: 8.1

- Show that for procurement estimated to be between £30,000 and the EU threshold then at least three tenders must be received (ie this is in addition to inviting at least four suppliers).
- Note that at present the EU threshold is £113k for services and supplies and £4.3m for public works.
- Show that the Property & Procurement Manager must also be consulted on the short listing procedure for ICT purchases.
- There is no longer discretion for officers in regard to collaborative and partnership arrangements: the officers **must** seek the advice of the Council's solicitor and Property & Procurement Manager. 8.4.1

## 11. INVITATIONS TO TENDER / QUOTATIONS:

- Rule 11.2 (c ) has been amended to clarify that tenderers shall *submit* tender documents including *declarations* relating to canvassing and *collusion*. 11.2

Previously this referred to 'signing tender documents' which is no longer relevant for electronic tendering. Similarly they now make declarations about canvassing and collusion rather than signing certificates about canvassing and non collusion.

## 13. SUBMISSION, RECEIPT AND OPENING OF TENDERS/ QUOTATIONS:

- References to the Property & Procurement team have now been amended to the more explicit Property & Procurement Manager. 13.2 & 13.6
- The Property & Procurement Manager has been named as the officer who must enter the tender details in the Tender Register 13.7

## 15. EVALUATION, AWARD OF CONTRACT, AND DEBRIEFING CANDIDATES:

- The Property & Procurement Manager has been included in the process. 15.2

## 22. CONTRACT MONITORING, EVALUATION AND REVIEW:

- An extra sentence has been added to confirm that formal reviews would normally be undertaken on a monthly basis, but that with the permission of the Section 151 Officer may be undertaken quarterly. 22.1
- Only those contracts where the total value exceeds £200,000 now require a Post Project Review to be completed at the end of the contract. This must be submitted to the Officer Asset Management Group. 22.5

