

**NORTH LINCOLNSHIRE COUNCIL
OFFICER DECISION NOTICE AND RECORD
(PUBLISHED)**

1. DECISION TAKEN			
To amend the EU thresholds for procurement set out in the Contract Procedure Rules, as contained in the Council's Constitution.			
EXECUTIVE		NON-EXECUTIVE	√
			(Please tick either)
IS THIS A 'KEY DECISION' ? (see definition overleaf)			Yes No ✓
DOES THIS DECISION RELATE TO EXEMPT INFORMATION?			Yes No ✓
EXEMPT PARAGRAPH REFERENCE (NOT TO BE PUBLISHED)			

2. OFFICER DECISION TAKER	NAME Will Bell
	POSITION/POST Head of Legal and Democracy
	SIGNATURE <i>Will Bell</i>
	DATE <i>22nd February 2018</i>

3. REASONS FOR THE DECISION (Please ref to any report/minute/background documents attached)	<p>To amend the Contract Procedure Rules, as contained in the Council's Constitution, to reflect the new threshold for EU procurements in accordance with the Crown Commercial Procurement Policy Note 4/17 amending the Public Procurement Regulations 2015 from the 1st January 2018 as follows:</p> <p>Supplies - £181,302 Services - £181,302 Light Touch Regime - £615,278 Concessions £4,551,413 Works £4,551,412</p> <p>This will ensure the Council's Contract Procedure Rules remain legislatively compliant.</p> <p>The amended Contract Procedure Rules are attached as Appendix 1.</p>
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4. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED (BY DECISION TAKER(S))	<p>Not to amend the Contract Procedure Rules in accordance with the Crown Commercial Procurement Policy Note 4/17 and the Public Procurement Regulations 2015. This option is rejected, as it would mean the Council would be applying outdated thresholds thereby placing it in breach of EU legislation.</p>
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TO BE COMPLETED BELOW - ONLY WHEN A DELEGATED OFFICER DECISION REQUIRES PRIOR CONSULTATION WITH A MEMBER (LEADER OF THE COUNCIL, CABINET MEMBER/CHAIRMAN OF A COMMITTEE) IN ACCORDANCE WITH THE 'SCHEME OF DELEGATIONS TO OFFICERS' OR DECISION/MINUTE OF COUNCIL/COMMITTEE OR DECISION/MINUTE OF CABINET/CABINET MEMBER.

5. DECISION REQUIRED TO BE TAKEN IN CONSULTATION WITH RELEVANT MEMBER	COUNCILLOR
	POSITION
	SIGNATURE
	DATE

<p>6. ANY CONFLICT OF INTEREST DECLARED BY ANY EXECUTIVE (CABINET) MEMBER (S) CONSULTED, WHICH RELATES TO THE DECISION, OR (NON-EXECUTIVE) – ANY MEMBER OF THE COMMITTEE THAT DELEGATED THE DECISION TAKEN</p>	
<p>7. WITH REFERENCE TO 6. ABOVE - HAS ANY DISPENSATION BEEN GRANTED TO THE EXECUTIVE (CABINET) MEMBER? (ONLY APPLIES TO EXECUTIVE)</p>	

PLEASE REMEMBER TO ATTACH ANY ACCOMPANYING REPORT.

WHEN COMPLETE, PLEASE SEND TO HEAD OF DEMOCRATIC SERVICES, CIVIC CENTRE, SCUNTHORPE FOR PUBLISHING.

(The definitions of a key decision are when an executive decision is likely -

(i) to result in the Council incurring expenditure or the making of savings (including the receipt or loss of income) over £350,000 in any one financial year; or

(ii) to be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority).



Contract Procedure Rules



2018

Last Updated =17th January 2018

Contract Procedure Rules

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Contract Procedure Rules

INTRODUCTION [This introductory page does not form part of the Contract Procedure Rules]

Contract Procedure Rules (CPRs) are the framework of mandatory procurement procedures that must be followed by officers and elected members when the Council spends money on the supplies, services and works (including services concession and works concession contracts) it needs to deliver services to local people. They form an integral part of the Council's Constitution.

ALL Council employees, or any authorised person undertaking a procurement, a concession or disposal exercise on behalf of the Council, must use the CPRs in conjunction with the Procurement Toolkit, which provides a source of practical advice and guidance, and the NLC Finance Manual, or the [NELC Financial Regulations and Procedure Rules](#) as appropriate.

All documents are available for downloading via both Councils' intranet sites.

The following are key principles of procurement under the European public procurement regime:

1. Contracting authorities shall treat economic operators equally and without discrimination and shall act in a transparent and proportionate manner.
2. No procurement shall be designed with the intention of excluding it from the scope of the regime or of artificially narrowing competition. Competition is artificially narrowed where a procurement is designed with the intention of unduly favouring or disadvantaging certain economic operators.

If the Council fails in this duty, a potential supplier may have justifiable cause for complaint. The Council may be required to pay compensation if such a complaint were upheld; in addition, a contract or framework agreement may be rendered ineffective, either in whole or in part, and civil financial penalties may be imposed on the Council. Officers and elected members also have a personal responsibility to comply with these CPRs. Our practices are scrutinised by bidders and government (Government's Mystery Shopper Scheme).

The CPRs have five main purposes:

- to help the Council obtain value for money so that, in turn, value for money services may be provided to the public;
- to comply with the law governing spending of public money and the policy on transparency regarding Council expenditure;
- to provide a legal and auditable framework for the Councils' procurement activities;
- to protect Council staff and members from undue criticism or allegation of wrong doing and
- to support the delivery of the [Joint Corporate Procurement Strategy](#) across the Council.

POLICY CONTEXT

"Under the Duty of Best Value, therefore, authorities should consider overall value, including economic, environmental and social value, when reviewing service provision. Authorities also have a statutory duty to consider social value for services above specified procurement thresholds at the pre-procurement stage. Authorities can however apply the concept of social value more widely than this and this guidance recommends that authorities consider social value for other contracts (for example below the threshold or for goods and works) where it is relevant to the subject matter of the contract and deemed to be beneficial to do so." (Best Value Statutory Guidance, 2015, Department for Communities and Local Government)

The EU Directives reflect and reinforce the value for money (vfm) focus of the Government's procurement policy. This requires that all public procurement must be based on achieving vfm, defined as "the best mix of quality and effectiveness for the least outlay over the period of use of the goods or services bought, which should be achieved through competition, unless there are compelling reasons to the contrary".

CONTRACT PROCEDURE RULES

1 COMPLIANCE

- 1.1 The procurement of every contract (including contracts awarded via a dynamic purchasing system or framework agreement) entered into by or on behalf of the Council or its Maintained Schools, regardless of value or origin of the funding, shall comply with all EU Directives, UK legislation, the Council's Financial Regulations, Finance Standing Orders, CPRs and the Procurement Toolkit. It is the responsibility of the service area and service leads to ensure compliance with these requirements.

Academies are responsible for their own governance and scheme of finance and as such are not subject to by the Councils' constitution, nor therefore its Contract Procedure Rules, unless an academy is participating in a wider Council procurement.

Where a Council is providing procurement services to another public body, the procurement law applicable to that body applies. Where a procurement is for a particular public body (as opposed to where another body is joining a Council procurement as an additional contracting authority), the contract procedure rules or standing orders of that body will apply.

The Localism Act 2011 provides that under the '[community right to challenge](#)', the Council must consider an expression of interest (EOI) submitted by a 'relevant body' in relation to providing or assisting in providing a service provided by or on behalf of the Council. When the Council has decided to run a procurement exercise following acceptance of an EOI, the CPRs must be followed in awarding the contract.

Above the EU threshold, the Social Value Act 2012 requires contracting authorities to consider how to improve the economic, social and environmental well-being of the area served by them through the procurement of services. Social value considerations must always be proportionate to the scale and nature of the contract including any consultation measures.

Above EU threshold the Council must maintain an audit trail of specific decisions and verifications which must be available throughout the procurement and after the contract has been awarded.

The Council has a duty to run an efficient and timely procurement under the Small Business, Enterprise and Employment Act 2015 to enable SMEs to access public sector contract opportunities.

The CPRs apply to all the supplies, services and works (including service concessions and works concessions contracts) procured on the Council's behalf as detailed below:

Contract Procedure Rules

CPRs APPLY:	CPRs DO NOT APPLY:
<ul style="list-style-type: none"> • Where we procure from external organisations (public, private or voluntary); • Where we nominate a sub-contractor or supplier; • Where an external organisation is named in a Council procurement and has right to access it; • Where a service or works concession contract is proposed¹; • Development agreements to which the EU procurement rules apply¹; • Maintained Schools; • Where a third party is procuring on the Council's behalf and where the Council is the contracting party; • The Councils' commercial activity where the Council is bidding for others' services and • The substantial modification of an existing contract unless clearly provided for in the original contract terms or with the approval of the Council's Monitoring Officer. 	<ul style="list-style-type: none"> • Where requirements are sourced and delivered internally; • Academies (unless an academy is participating in a wider Council procurement); • Where a Council acts for another non-regulated body; • A contract with a Council-owned company or a public body which the Council's Monitoring Officer advises falls outside the scope of the EU public procurement regime; (unless it is participating in a wider Council procurement) • Contracts for the acquisition or disposal of land and buildings¹ and • Contracts of employment. • Grants where the council awards a grant to an external organisation.

Note 1: Where the acquisition or disposal of land and/or property potentially establishes a works concession contract or a development agreement, timely advice from Legal Services must be sought. This also applies where a procured contract includes lease/licence for a Council building

- 1.2 All procurement of services shall comply with the principles of North and North East Lincolnshire [COMPACT](#) Code of Good Practice for Funding and Procurement.
- 1.3 No member of the Council or officer acting without proper authority shall enter, either orally or in writing, into any contract in the Council's name.
- 1.4 Where a partner organisation acts on behalf of the Council and needs to purchase or assign goods or services, any such assignment must be undertaken in line with the Contract Procedure Rules unless otherwise exempted in writing by the Head of Legal & Democracy (Monitoring Officer) (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC).

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- 1.5 Where the North and North East Lincolnshire Councils are procuring together, this must be done under the terms of the Joint Procurement Agreement between them, and a Joint Project Initiation Document agreed between the two Authorities.

Where the Council is procuring with any other body (such as any other Council or a Clinical Commissioning Group or other health body), so that a successful procurement is dependent on the actions or financial contributions of the body, then a legally binding agreement must be entered into with that body to secure those actions or contributions, in terms approved by the Head of Legal & Democracy (Monitoring Officer) (NLC) or the Chief Legal Officer (Monitoring Officer) (NELC).

2 PROCEDURAL THRESHOLDS

- 2.1 It is important to ensure that the correct procedure is adopted and where there is a risk of a requirement falling above a threshold, the process for the higher threshold should be applied. Requirements valued within 10% of the EU threshold should be concluded using the EU tender process.

Where the value of any quotation or tender received, and recommended for acceptance, exceeds the upper threshold of the original procedure by more than 10%, then the procurement must be aborted and re-started in compliance with the CPRs which apply to the new procedural threshold.

- 2.2 The EU thresholds that apply will be those advised by the Cabinet Office as detailed below. The current thresholds set out below are valid from 01 January 2016 until 31 December 2017:

	Supplies	Services	LTR	Concessions	Works
Public Sector Contracting Authorities (excluding Schedule 1 authorities)	£181,302	£181,302	£615,278	£4,551,413	£4,551,413

- 2.3 In determining which threshold applies, the whole-life costing (excluding VAT) of the proposed contract or framework agreement must be considered. Purchases must not be disaggregated to avoid the requirements of the CPRs. Any option to extend a contract must also take into account whether the EU thresholds would be exceeded with the extension value included, even if the option to extend is not eventually exercised, and must be approved by the relevant officer depending on the value involved. Where the duration of the contract is unknown or uncertain, its total cost over a **four year** period should be estimated and the relevant procedure then followed to award the contract or conclude the framework agreement. Where requirements include a mix of supplies, services and/ or works elements, advice should be sought from The Procurement People as to which threshold is applicable.
- 2.4 We are encouraged to consider a wider range of impacts to ensure the cost of switching to a new contracted provision does not create additional ancillary life-cycle cost. The greater the change in approach being considered and the greater the value of the contract, the more important it becomes for The Procurement People to be consulted to ensure the switching costs do not outweigh the benefits of the intended procured solution.
- 2.5 Where it is possible to predict a number of similar requirements, we must consider the requirements as a whole and procure accordingly. The procured solution must operate based on the aggregated value of the requirements to ensure compliance and maximise value for money.
- 2.6 All monetary thresholds referred to in this document exclude VAT but include all other applicable taxes and charges.

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3 PROCEDURE

3.1 Key Decisions and governance requirements

The law and the Council's Constitution require Key Decisions to be transparent. Key Decision is defined, and the rules relating to Key Decisions set out, in the Constitution. For ease of reference, both are summarised in the table below.

	North East Lincolnshire	North Lincolnshire
What is considered a Key Decision?	Significant effect on communities of two or more wards or resulting in significant public interest or incurring social, economic or environmental risk where the whole-life expenditure or savings exceed £350,000 or 20% of the project cost	A key decision means an executive decision which is likely (i) to result in the Council incurring expenditure or the making of savings (including the receipt or loss of income) over £350,000 in any one financial year (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards
Action:	Notice of the proposed decision should be published by the Council 28 days clear before a Key Decision is made and a report for decision produced by the service area lead. Note a 5 day call-in period also applies after the decision has been taken.	Notice of the proposed decision should be published 28 days prior to the formal decision to initiate the procurement. Note a 2 day call-in period also applies after the decision has been taken.
When should the Portfolio Holder (NELC)/ Cabinet Member (NLC) be consulted by the relevant director?	Decisions with a whole-life expenditure or savings £50,000 - £350,000.	Procurements over £1m whole life cost which are not subject to a pre-existing corporate arrangement or framework.
Action:	Director to update Portfolio Holder	Procurement plans for contracts with a whole life value over £1m should be approved by the relevant cabinet member. An information report on the outcome of the procurement should be submitted to the relevant cabinet member following the successful award of contract. The Key Decision process must also be complied with.
When can decisions be taken by an officer with delegated authority?	When Cabinet has delegated authority to make the decision to the officer (subject to adherence to any calling In period (5 days))	Directors should authorise all procurements over £100k prior to commencement (except those over £1m - see above)

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		and approve the award of all contracts over £100k
Action:	An 'Officer Decision Record' should be completed and returned to Democratic Services on a timely basis.	'Officer Decision Records' should be signed and published on the council's website on a timely basis at Pre procurement and Post Award stages*

**save those contracts relating to placements for individuals care and support or such other categories of contract that are exempted by the Director: Governance and Partnerships.*

3.2 Options Appraisal

The options for satisfying the defined requirement must be fully assessed by conducting an "options appraisal". This analysis will apply equally to supplies, services or works. Where an option to proceed with a competitive procurement exercise has been chosen, having obtained approval from the budget holder and, where applicable, relevant Director for the business case and budget, the flow chart [Choice of Procedure](#), will determine the appropriate process to be used. Evidence of the options appraisal/analysis/budget holder approval should be retained.

Where the level of risk is high for a low value contract, a higher value procedure should be considered.

4 CONFIDENTIALITY AND CONFLICTS OF INTEREST

- 4.1 No one shall disclose information which has been forwarded to the Council by economic operators and designated as confidential. Please note this is subject to the Council's obligations to comply with obligations under the Transparency Code, the Freedom of Information Act 2000 and the Environmental Protection Regulations 2003.
- 4.2 The Councils shall take appropriate measures to effectively prevent, identify and remedy conflicts of interest arising in the conduct of a procurement procedure so as to avoid any distortion of competition and ensure equal treatment of economic operators.
- 4.3 For the purpose of CPR 4.2, a procurement includes:
- i. preliminary market consultations;
 - ii. developing procurement documentation;
 - iii. deciding on the scope or structure of the procurement;
 - iv. choice of award procedure;
 - v. selection of tenderers;
 - vi. award of the contract; and
 - vii. contract management.
- 4.4 For the purpose of CPR 4.2, there is a conflict of interest where an officer or other person acting on behalf of the Council has a direct or indirect financial, economic or other personal interest which might be perceived to compromise their impartiality and independence.
- 4.5 Potential involvement either directly or indirectly through a related party in an in-house or other bid, where this will be made in competition with the market, is a conflict of interest for the purpose of CPR 4.2.

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- 4.6 Conflicts of interest must be proactively monitored throughout the procurement process, documented, risk assessed and notified to the Head of Legal & Democracy (Monitoring Officer) (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC) accordingly. Records must be available on request and will form part of the Regulation 84 report for EU level contracts.

5 IN-HOUSE PROVIDERS

- 5.1 Where a decision to procure has been made, any in-house provider should be considered as potential providers of the required supplies, services or works, and should be invited to submit bids as part of the competitive process and subject to the same procedures.

6 TRADING AND SELLING SERVICES

- 6.1 In all cases where the Council proposes to supply services to, or carry out work for external bodies with or without charging, this must be done in line with the Councils' commercial/ financial policies as appropriate and:
- prior written advice should be obtained from the Director Governance & Partnerships (NLC) or the Chief Legal Officer (Monitoring Officer) (NELC);
 - (NLC only) the process as outlined in [Annex 1a](#), must be followed.
- 6.2 No Service Area of the Council shall submit a tender or quotation to any other Service Area of the Council to perform work or supply goods or services that they do not have the capacity to deliver without recourse to external suppliers, except where the proposed external element is of a specialist nature.

7 LEAD SERVICES

- 7.1 Services Areas undertaking procurement of the following supplies, services or works must be guided by the lead service indicated:

Requirement	Lead Service (NELC)	Lead Service (NLC)
Cleaning Services	Facilities Management Engie	Business Development
Civil Engineering and non-building construction works	Highways Engie	Operations
Building works, accommodation and facilities management where a work permit MUST be obtained	Assets Team; Architectural Consultancy Engie	Operations
Energy, Fuel & Water	Property Services Engie	Operations
Financial & Leasing Services	Finance	Governance & Partnerships
ICT requirements / services	ICT	Business Development
Legal Services	Legal Services	Governance & Partnerships
Leisure	Lincs Inspire Ltd	Learning, Skills & Culture
Printing Services	Print Unit	Business Development
Commissioning of social or personal care services, and placement activity	People Services	Adults & Community Well Being/Children & Community Resilience and Public Health
Training & Development Services	Human Resources; Learning & Development	Business Development
Transport Services	Access Services	Operations

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	Highways and Transport Engie	
Vehicles	Neighbourhood Services	Operations
Waste Disposal	Neighbourhood Services	Operations
Public Health	Public Health	Public Health

8 CORPORATE CONTRACTS

8.1 Where a Corporate Contract exists for supplies, services or works, it must be used. Only in the following circumstances will a request for exception be considered:

- Availability - The requirement cannot be obtained through a corporate contract;
- Timescale - The requirement cannot be obtained in the required timescale through a corporate contract; or
- Specification - The requirement cannot be obtained with the required specification through a corporate contract.

9 PRELIMINARY MARKET CONSULTATION

9.1 Wherever there is:

- an inherent need for consultation;
- a review of economic, social or value for money considerations;
- a new, developing or evolving need to be met or
- a desire for a new approach to service delivery;

The project team should consider the benefits of undertaking preliminary market consultation to engage the local, third sector and commercial market in the development of scope, objectives, specification, evaluation criteria and conditions of contract.

9.2 A flowchart of steps to be undertaken during a preliminary market consultation is set out in Annex 1b. The Procurement People should be engaged wherever a preliminary market consultation is being considered

9.3 In all preliminary market consultations, full regard should be had to the EU procurement principles of equal treatment, transparency, proportionality and non-discrimination in order to ensure an effective competition can take place once the procurement has commenced.

10 LIGHT TOUCH REGIME

10.1 The Public Contracts Regulations 2015 set out a new light-touch regime (LTR) which is a specific set of rules for certain service contracts that tend to be of lower interest to potential tenderers in other European countries. Those service contracts mainly centre around social, health and education services.

10.2 The LTR route for over threshold contracts includes the advertisement of the contract in the Official Journal of the European Union (OJEU), the publication of a contract award notice and ensuring compliance with the Treaty on the Functioning of the European Union principles of transparency and equal treatment. Time limits are to be reasonable and proportionate and the procurement is to be conducted in conformance with the information provided in the OJEU advertisement. To meet these obligations, the EU open or restricted procedures should be used.

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- 10.3 Legislatively, LTR does not require a formal procedure to be followed, but the principles of the Treaty must be, and to this end, an approved exception ([CPR 30.1k](#)) is required to vary from the open/restricted procedure above the £615,278 threshold.
- 10.4 For all LTR contracts valued below the threshold, use the defined processes in sections [CPR 23](#) and [CPR 24](#)
- 10.5 The use of LTR for over threshold contracts must be undertaken on the advice of The Procurement People.

11 RESERVED CONTRACTS

- 11.1 Certain contracts can be reserved such that the competition is not available to the wider market. The list of 'qualifying organisations' which can be subject to reserved contracts is prescribed and is predominately made up of health, social care or education services. Advice must be sought from The Procurement People where there is an intent to reserve a contract.

12 FRAMEWORK AGREEMENTS, DYNAMIC PURCHASING SYSTEMS & E-AUCTIONS

- 12.1 The use of framework agreements/DPS established by Central Purchasing Bodies or other contracting authorities (as defined by the Public Contracts Regulations 2015) must be on advice from The Procurement People and subject to exception approval under CPR 30.
- 12.2 A dynamic purchasing system (DPS) is a completely electronic system which may be established to purchase commonly used goods, works or services. It must operate for a defined duration. Any DPS is to be established in accordance with the requirements of the CPRs with guidance from The Procurement People.
- 12.3 In determining the relative advantages and disadvantages of establishing a DPS, framework or traditional contract model, the benefits of keeping requirements open to competition over the life of the arrangement must be evaluated. If a framework is not established for over threshold contracts it is required that the tender documentation sets out the justifications.
- 12.4 A framework agreement or DPS must be considered or accessed where a Service Area has an ongoing requirement for supplies, services or works of a similar type which, when aggregated, exceed £50,000 a year, but may be considered for lower values where considered beneficial. The framework agreement/DPS is to be established in accordance with the requirements of the CPRs with guidance from The Procurement People. Framework agreements/DPS are not supplies or services contracts in themselves, although they are legally binding. A contract and/or purchase order should be raised separately in order to engage the relevant supplier/s when calling off requirements under a framework agreement/DPS.
- 12.5 Service Areas must not disaggregate purchases in order to avoid the CPR requirements. Where advantageous, any purchase of greater than £5,000 should be subject to further competition between **all** suppliers who are a party to the framework agreement/DPS in accordance with the requirements stated by the framework/DPS owner (unless alternative provisions have been agreed). Wherever possible and advantageous, bundling of largely similar requirements should be undertaken to maximise economies of scale.
- 12.6 A framework is a closed list of lotted providers who have been ranked following a tender exercise. The framework providers are approved for a maximum 4 year period and can be awarded contracts in line with the framework terms. No contractual commitment attaches from the creation of the framework itself.

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- 12.7 All framework agreements must comply with the following:
- Maximum length of 4 years (unless exceptional and approved)
 - Contracting authorities that access the agreement must be identified as a party to it. Estimated value must include all potential call-offs by all contracting authorities
 - Contracts based on the framework must not entail substantial modifications to the terms laid down in the framework
 - Contracts are formed when requirements are called-off under purchase order or a call-off contract.
 - Access, terms, award criteria and procedure for call-off are as per the terms of the framework agreement and must be followed.
 - A Regulation 84 report must be produced and maintained
- 12.8 The flowchart at [Annex 1c](#), sets out the process for establishing a DPS and awarding contracts under it.
- 12.9 An Electronic Auction (eAuction) is a commercial tool designed to secure the best and final offer from bidders in a competitive process. Use of eAuctions is not mandatory but the benefits should be considered for procurements of requirements over £50,000.
- 12.10 The process for undertaking eAuctions is set out at [Annex 1f](#).
- 12.11 All awards for contracts under a Framework/DPS/eAuction valued over £25k must be advertised using Contracts Finder.

13 USE OF THE COMPETITIVE DIALOGUE PROCEDURE, THE NEGOTIATED PROCEDURES AND INNOVATION PARTNERSHIPS

- 13.1 The use of Competitive Dialogue is only applicable for contracts of very significant scale and where the preferred delivery option cannot be determined from preliminary market consultation.
- 13.2 Negotiated Procedures can only be used in limited circumstances, principally where it is not clear at the outset that the Council cannot adequately specify its requirements as they need to be developed with bidders. Legal advice should be sought.
- 13.3 The use of Innovation Partnerships is only applicable for inherently innovative development such as core research or new technical advancement.
- 13.4 The use of these procedures requires approval of the Director Governance & Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC); the application of CPRs to the procurement will be modified as required by the Public Contracts Regulations 2015 and approved by Legal Services.

14 CONCESSION CONTRACTS

- 14.1 Concession contracts are governed by the Concession Contracts for an economic benefit 2016; they are used where the Council engages a third party to provide a service or works, with or without a fee payable by the Council. Consideration for the service is in the form of the concessionaire being given a right to charge for the services being provided. Advice from The Procurement People must be sought before engaging in any procurement relating to a concession contract. Concessions apply to services contracts and works contracts.

15 TECHNICAL STANDARDS & SPECIFICATIONS

- 15.1 Where an appropriate International, European or British Standard Specification or British Standard Code of Practice is in force at the date of the procurement, every specification and contract shall state that all goods and materials used or supplied and all the workmanship shall be at least of the standard required by such Standard or Code of Practice or its equivalent.

16 MANAGEMENT OF DATA

16.1 Data Protection

In situations where personal data or confidential information needs to be shared with the market and the requirements of the Data Protection Act 1998 are likely to be invoked, ensure that the Head of Council Strategy, Information & Outcomes (NLC) or Team Manager – Information Governance Complaints and Consultation (NELC) are consulted.

16.2 Open Data

All requests for quotation/invitation to tender must indicate the Council's obligation to publish commercial and other data provided by suppliers in accordance with Local Government Transparency Code 2014 as amended.

17 TRANSFER OF UNDERTAKINGS (PROTECTION OF EMPLOYMENT) REGULATIONS 2006 AS AMENDED 2014 (TUPE)

- 17.1 Careful consideration needs to be given as to whether TUPE shall apply at commencement of the proposed procurement.
- 17.2 Where a proposed procurement may involve the TUPE transfer of Council officers, the advice of the Strategic HR Lead and Legal Services must be obtained prior to the start of procurement.
- 17.3 Any procurement involving the TUPE transfer of Council officers must be approved by Cabinet on the advice of the Director Governance & Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC).
- 17.4 The application of TUPE should also be considered in respect of staff employed by existing contractor(s) when the Council is looking to re-procure the service currently provided by such contractor(s). Guidance should be sought from the Head of Legal & Democracy (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC).
- 17.5 An anonymised table of TUPE information and, where relevant, pension information, must be available for release with the tender documentation, using the TUPE matrix template. Further information can be shared with interested parties on the successful completion of the appropriate non-disclosure agreement.

18 EXCLUSION CRITERIA AND FINANCIAL APPRAISAL

- 18.1 Minimum standards of financial standing and financial appraisals are subject to the advice of the Head of Financial Services (NLC) or the Chief Finance Officer (NELC) but the requirements must not exceed a turnover of twice the contract value except in duly authorised cases. Minimum standards of financial standing should be considered for all contracts where the estimated contract value exceeds the threshold of any relevant EU Directive or UK legislation and/or where other risk is identified, including where there would be a significant effect on the delivery of Council services in the event of contractor default or cessation of supply or service.

Contract Procedure Rules

- 18.2 Where considered appropriate following a financial appraisal of a potential contractor against the Council's minimum standards of financial standing, the potential contractor may be required to provide a Parent Company Guarantee (PCG) or a Performance Bond in a form acceptable to the Council for the duration of the contract (including any extension period). All financial requirements should be published up front, including the possibility of a Bond/PCG. Any such Guarantee or Bond shall only be required where it is deemed that there is a specific ascertainable risk. Where group company financial information is assessed, a PCG will be required.
- 18.3 The Council's standard insurance requirements are specified in the Council's standard conditions of purchase. Where the estimated contract value exceeds the threshold of any relevant EU Directive or UK legislation or where specific risks are involved you should refer to the Insurance Manager and The Procurement People.
- 18.4 The national Standard Supplier Questionnaire (SSQ) template must be utilised for supplier suitability assessments. Supplier suitability can be tested using limited suitability questions. You must refer to The Procurement People should you consider excluding a potential tenderer.
- 18.5 The Council must accept submissions of the information requested in the SSQ made via the European Single Procurement Documentation (ESPD), and accept e-certis as a means of proof when certification is requested. It is mandatory for a potential supplier to complete Part 1 and Part 2 of the SSQ, or the ESPD template, for all procurements above EU thresholds.

19 TENDER AND QUOTATION ERRORS

- 19.1 Tender errors (including quotation errors) shall be dealt with in accordance with the following paragraphs of CPR 19, which shall be included in all Invitations to Tender and Requests for Quotations.
- 19.2 **Compliance**
Any Tenderer who fails to comply with the tender instructions and submission requirements set out in the Invitation to Tender may be deemed to be non-compliant and, subject to the discretion of the Council, acting reasonably, may have their tender rejected.
- 19.3 **Late Tender**
No late tender, other than system access errors, shall be considered except with the approval of the Director Governance and Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC) on the advice of The Procurement People.
- 19.4 **YORtender or e-Sourcing Suite Access Errors**
Where a tenderer advises that a tender submission deadline may be or has been missed as a result of [YORtender](#) being unavailable, The Procurement People should obtain a system report from Proactis prior to the Council exercising its discretion as to whether to accept or reject the Tender. When accessing the Crown Commercial Services e-Sourcing Suite a system report should be sought from the Crown Commercial Service.
- 19.5 **Omissions, Ambiguities and Inconsistencies**
Where there is an omission, ambiguity or inconsistency in a tender (including an arithmetical error), the Council reserves the right to contact the tenderer in writing via [YORtender](#), setting out the ambiguous or inconsistent part and the alternative interpretations of it. The tenderer will be required to identify within an appropriate time limit, via [YORtender](#), which of the interpretations are correct and confirm the appropriate amendments to the tender, provided that such requests are made in compliance with the principles of equal treatment and transparency. Where there is an omission, ambiguity or inconsistency in pricing, advice from The Procurement People must be sought.

Contract Procedure Rules

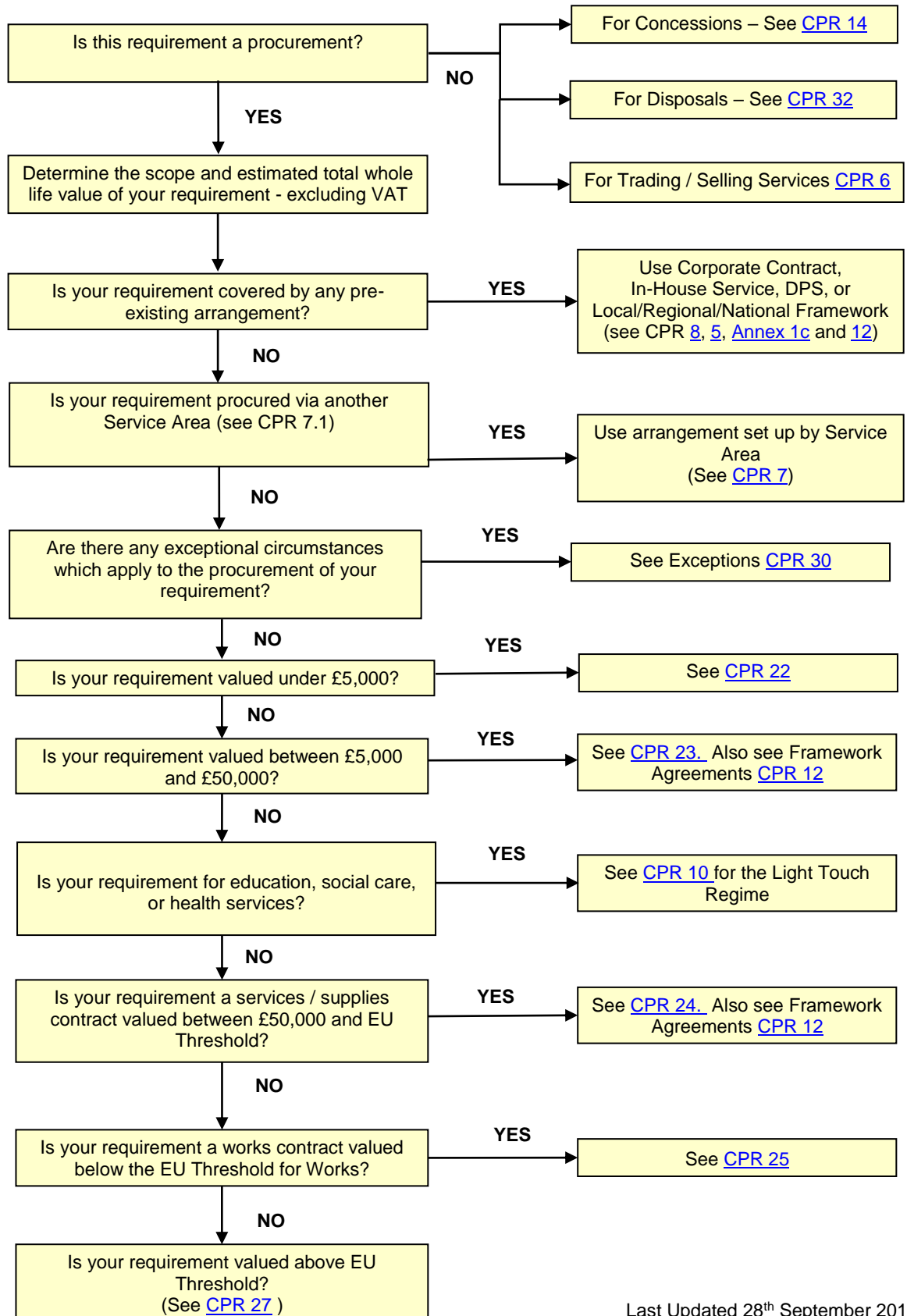
19.6 Abnormally low tenders

The Councils are required to seek explanation for exceptionally low tenders and may reject the tender where the explanation does not satisfy the concerns.

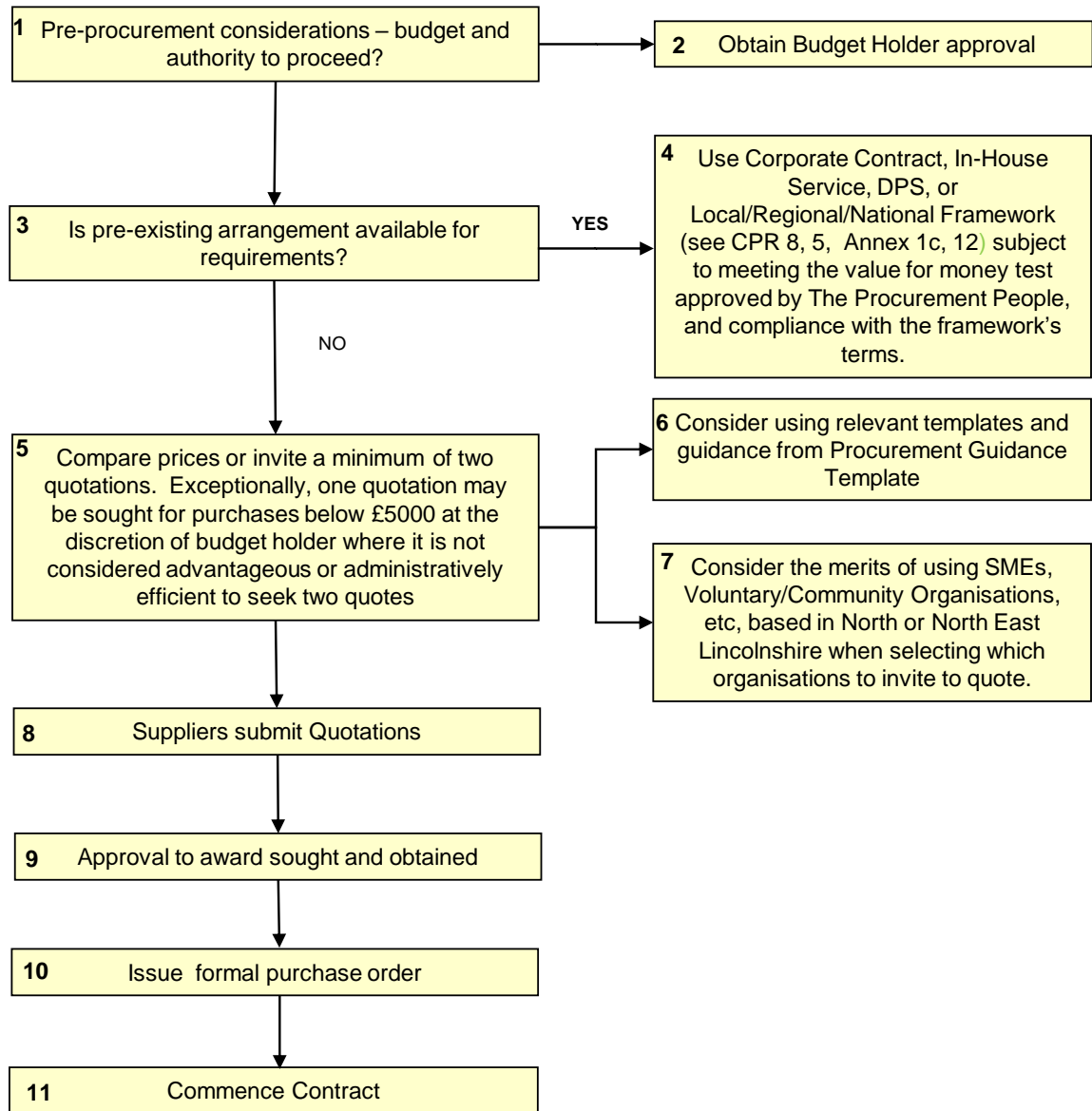
20 PRE AND POST TENDER/REQUEST FOR QUOTATION CLARIFICATION

20.1 All clarifications by the Council or tenderers must be raised via YORtender. Guidance from The Procurement People is recommended in all circumstances but mandated where the issue, error, omissions or inconsistency is linked to price or potentially creates a material change.

21 CHOICE OF PROCEDURE



22 SUPPLIES/SERVICES/WORKS CONTRACTS BELOW £5,000

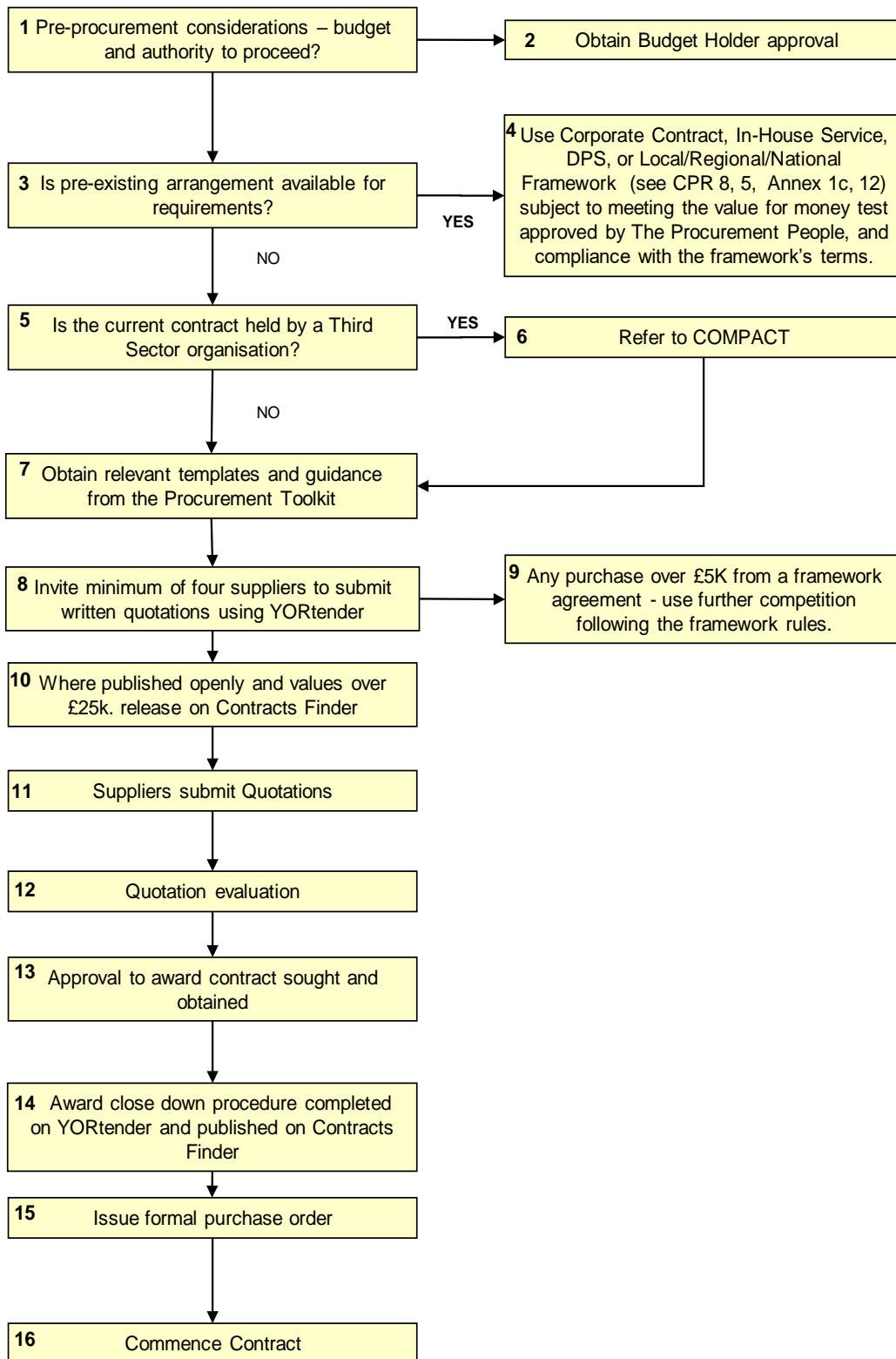


Contract Procedure Rules

22.1 SUPPLIES/SERVICES/WORKS CONTRACTS BELOW £5,000

<p style="text-align: center;">22.1a Authorisation to Proceed with Procurement</p> <p>Verify availability of budget and obtain Budget Holder approval.</p> <p>Check for Conflicts of Interest – Proactively monitor and record, seeking advice where appropriate.</p>
<p style="text-align: center;">22.1b Competitive Process</p> <p>Follow The Procurement People’s self-service guidance on TopDesk.</p> <p>Compare prices or seek a minimum of two comparable quotations. Consider the merits of using SMEs, Voluntary/Community Organisations, etc., based in North or North East Lincolnshire when selecting which organisations to invite to quote.</p> <p>Exceptionally, for purchases below £5,000 where it is not considered advantageous or administratively efficient, one quotation may be sought at the discretion of the budget holder, otherwise seek approval from The Procurement People.</p> <p>Written formats may include e-mail, catalogue and website pages or copies, advertisements or marketing material, price lists, letters, etc.</p> <p>Use of YORtender is optional at this level but is recommended for transparency, audit trail, etc.</p>
<p style="text-align: center;">22.1c Advertisement</p> <p>No obligation to advertise.</p> <p>Optional – YORtender</p> <p>Any advertisement shall: specify the nature and purpose of the contract, invite expressions of interest or quotations for its execution, state the last date and time when expressions of interest or quotations will be accepted and comply in all respects with the requirements of the relevant UK legislation.</p>
<p style="text-align: center;">22.1d Receiving & Opening of Quotations</p> <p>Within Service Area, addressed to the procuring officer or nominee at the address specified by that person for its return.</p> <p>Retain copies of quotations for audit trail.</p>
<p style="text-align: center;">22.1e Evaluation</p> <p>Evaluate on the basis of :</p> <p>The lowest compliant quotation where payment is made by the Council; or</p> <p>The highest compliant quotation where payment is made to the Council, e.g. a concession contract.</p> <p>Compliant means the bid should be fully capable of meeting all fitness for purpose requirements in terms of specification, price, quality, delivery, etc.</p>
<p style="text-align: center;">22.1f Authorisation to Award</p> <p>Obtain Budget Holder approval.</p>
<p style="text-align: center;">22.1g Execution</p> <p>A formal purchase order shall be issued and its acceptance acknowledged by the supplier specifying the supplies, services or works and setting out prices and terms of payment (which should be the Council’s terms and conditions of purchase.)</p>
<p style="text-align: center;">22.1h Records & Documentation</p> <p>The Service Area shall retain records of the transaction in accordance with the Council’s approved record management or document retention policy.</p> <p>If advertised on YORtender ensure that the contract is awarded on YORtender using the button on the contracts detail page.</p>

23 **SUPPLIES/SERVICES/WORKS CONTRACTS £5,000 - £50,000**



Contract Procedure Rules

23.1 SUPPLIES/SERVICES/WORKS CONTRACTS £5,000 - £50,000

23.1a Authorisation to Proceed with Procurement

Verify availability of budget and obtain Budget Holder approval.

Check for Conflicts of Interest – Proactively monitor and record seeking advice where appropriate.

23.1b Competitive Process

Follow The Procurement People's self-service guidance on the intranet.

Consider:

- whether the requirement needs to be procured in accordance with the Council's [Sustainable/ethical Procurement Policy](#);
- the benefits of undertaking an [Integrated / Impact Assessment](#) where there is potential for direct impact upon citizens, officers or a requirement for consultation, and
- The use of Lots to facilitate greater access to the opportunity for SMEs.
- whether a TUPE risk attaches

Seek a minimum of four written quotations using the basic quotation template where considered helpful. Consider SMEs, Voluntary/Community Organisations, etc., based in North or North East Lincolnshire when selecting which organisations to invite to quote (only where a closed process is being used.) The Council's approved Terms & Conditions must be used and the process must be fully managed using [YORtender](#) unless administratively burdensome and with the express permission of The Procurement People.

Where a framework agreement is being used, any purchase greater than £5,000 should be subject to further competition between **all** suppliers who are a party to the agreement in accordance with the requirements stated by the framework owner (unless alternative provisions have been agreed). Wherever possible and considered advantageous, grouping of largely similar requirements should be undertaken to maximise economies of scale.

Requests to use **electronic auctions** should be referred to [The Procurement People](#)

The use of a pre-qualification stage is prohibited below the EU threshold for supplies. A suitability assessment question may be used where essential.

23.1c Advertisement

Mandatory – Open advertisement on [YORtender](#) with indicative contract values published. A closed process with pre-determined bidders may be used where administratively expedient and/or given operational urgency or necessity, and then only in accordance with the exception procedure.

Quotations valued over £25k which are advertised as an open advert on [YORtender](#) must also be advertised on 'contracts finder'.

Quotations valued over £25k must be advertised for a minimum of 10 **working** days

Optional – Advertising of open opportunities via web-based media e.g. Twitter, and other health and voluntary sector sites subject to The Procurement People advice.

Any advertisement shall: specify the nature and purpose of the contract, invite expressions of interest in or quotations for its execution, state the last date and time when expressions of interest or quotations will be accepted and comply in all respects with the requirements of the relevant UK legislation.

Contract Procedure Rules

23.1 SUPPLIES/SERVICES/WORKS CONTRACTS £5,000 - £50,000

23.1d Receiving & Opening of Quotations

Within the Service Area using the [YORtender](#) system by an independent person, i.e. a person not associated with the purchase or project.

No late tender shall be considered except with the approval of the Director Governance & Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC) on the advice of The Procurement People.

23.1e Evaluation

Evaluate on the basis of :

- The lowest **compliant** quotation where payment is made **by** the Council; or
- The highest **compliant** quotation where payment is made **to** the Council, e.g., a concession contract.

Compliance means the quotation should be fully capable of meeting all fitness for purpose requirements in terms of specification, price, quality, delivery, etc.

Optionally evaluate using The **Most Economically Advantageous Tender (MEAT)**, and ensure MEAT criteria, sub-criteria, weighting, and scoring guidance are disclosed to tenderers. The final evaluation score given to each tenderer must be the moderated score. Refer to [CPR 19](#) for guidance on how to manage errors in quotation submissions.

The Request for Quotation (RFQ) must state that no tenders or quotes will be considered unless received by the date and time stipulated in the documentation. No tender or quote delivered in contravention of this rule shall be accepted without the written approval of the Director Governance & Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC).

23.1f Negotiation

No negotiation with the existing or potential contractors shall be carried out without the approval and guidance of The Procurement People.

23.1g Authorisation to Award

Obtain Budget Holder approval.

If only one response is received, the written approval of the Director Governance & Partnerships (NLC) or Chief Legal Officer, (Monitoring Officer) (NELC) must be obtained prior to accepting the quotation.

23.1h Execution

A formal purchase order shall be issued and its acceptance acknowledged by the supplier specifying the supplies, services or works and setting out prices and terms of payment (which should be the Council's [terms and conditions of purchase](#)).

Contracts entered into orally, due to extreme urgency, must be confirmed in writing as above.

Without publishing, upload evaluation results and approval authorisation onto [YORtender](#) to maintain the decision making audit trail.

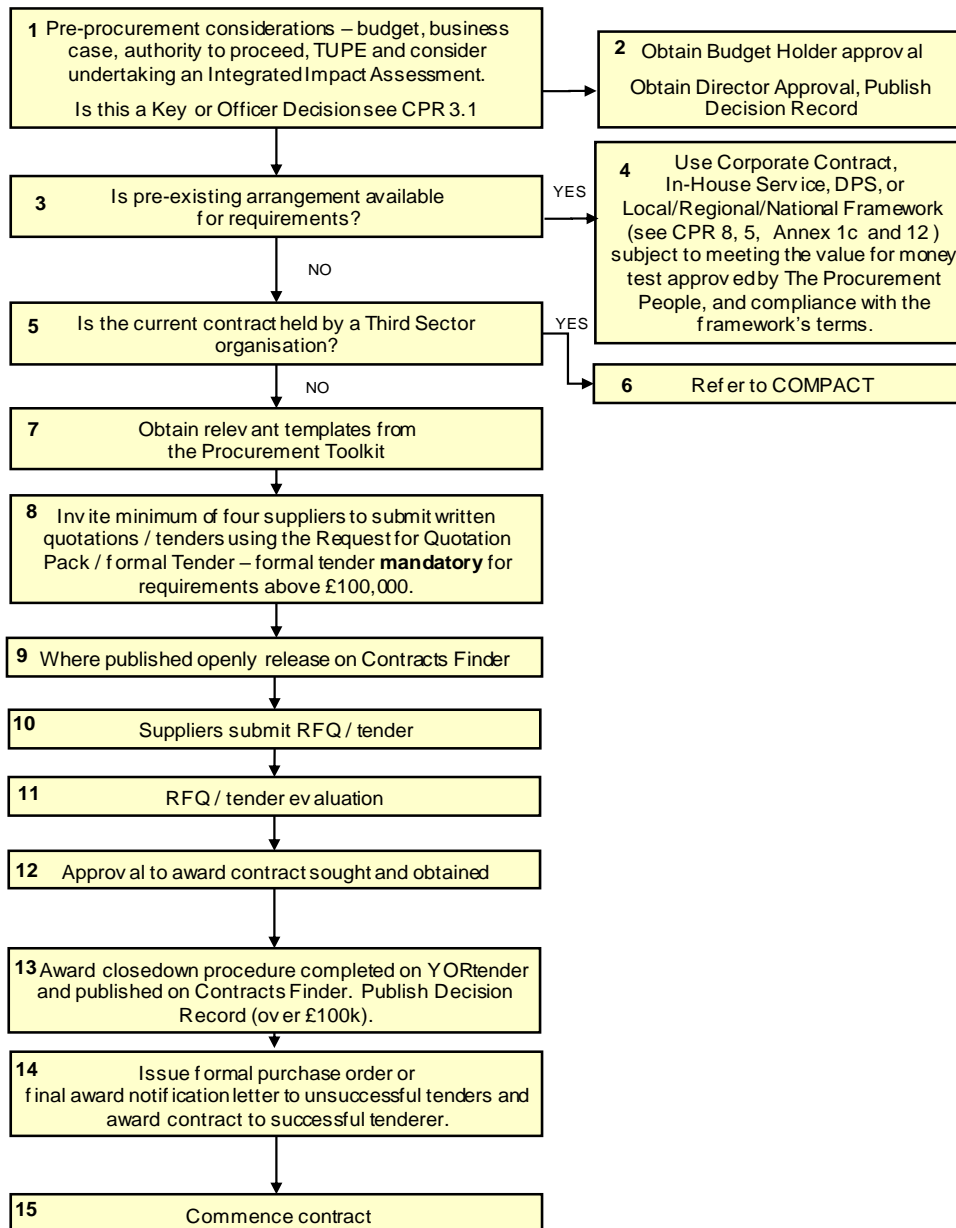
A notification of award must be advertised on Contracts Finder, via [YORtender](#) for all contracts valued over £25k.

The contract must be awarded using the options available in the contract details module on [YORtender](#). Care must be taken to ensure that the contract details are up to date.

23.1i Records & Documentation

The Service Area shall retain records of the procurement exercise and the purchase order including the original signed copy of the contract where applicable, in accordance with the Council's approved record management or document retention policy.

24 SUPPLIES/SERVICES/WORKS CONTRACTS £50,000 - £181,302



24.1 SUPPLIES/SERVICES/WORKS CONTRACTS £50,000 - £181,302

24.1a Authorisation to Proceed with Procurement

It is the Budget Holder's responsibility to ensure the availability of budget and the authority to commit to the expenditure, noting the [Key Decisions](#) and governance requirements. It is essential for the whole-life commitment to be considered (assuming all available extensions are exercised) not the annual value of the commitment when securing authority to proceed.

Verify decision making protocols where:

- There are possible Council workforce and related [TUPE](#) implications, advice from Legal Services and HR must be sought;
- There are potentially significant economic development / sustainability implications and
- There are budget or policy implications.

Full Council approval may be necessary.

Check for Conflicts of Interest – Proactively monitor and record, seeking advice where appropriate.

24.1b Competitive Process

Adhere to the corporate governance frameworks for [project management](#) and produce a procurement timetable. Project managers should ensure that any procurement is undertaken in line with the Council's agreed project management framework, where appropriate.

Consider, in consultation with The Procurement People, whether the requirement needs to be procured in accordance with:

- an [Integrated / Impact Assessment](#) (where there is potential for direct impact upon citizens / officers.);
- relevant consultation requirements;
- the use of Lots to facilitate greater access to the opportunity for SMEs;
- the SME Concordat;
- the principles of [COMPACT](#);
- Council Skills Pledge and
- [Sustainable/ethical Procurement Policy](#).

Selection of Tenderers

Seek a minimum of four written competitive quotations (under £100k), openly advertised via [YORtender](#) comprising:

- Clear instructions for the submission and pricing of quotations;
- A clear written specification of the request;
- Quotation Reply Forms;
- A Pricing Schedule and
- The approved Council Terms & Conditions. Where alternative Terms & Conditions are used, or amendments are made, seek guidance and approval from Legal Services.

Alternatively, an **open** formal tender procedure may be used; with tenders being invited from a minimum of four potential contractors advertising via [YORtender](#). Note that a formal tender procedure is **mandatory** for contract values above £100,000.

The use of a pre-qualification stage is prohibited below the EU threshold for supplies. A suitability assessment question may be used where essential.

24.1 SUPPLIES/SERVICES/WORKS CONTRACTS £50,000 - £181,302

Where a framework agreement is being used, any purchase should be subject to further competition following the framework rules. The evaluation criteria and the [terms and conditions](#) specified by the framework owner must be used. Wherever possible and advantageous, bundling of largely similar requirements should be undertaken to maximise economies of scale.

The project manager should establish a project team. The Procurement People must be contacted to determine the level of involvement required based on an assessment of identified risks.

Where “lowest compliant” is not being applied, the project manager in consultation with the project team must agree a percentage split in the award criteria based on the scope and importance of quality, risk and cost on a project by project basis. However, where the contract is being accessed via a framework, the award criteria set out in the agreement must be followed.

Where the project manager wishes to pursue a cost element of less than 60%, they should refer to [The Procurement People](#) and then should further seek prior written approval from the Director Governance & Partnerships (NLC) or the Strategic Commissioning Lead – Shared Services and Commercial Development (NELC).

The process must be fully managed using [YORtender](#)

Requests to use **electronic auctions** should be referred to [The Procurement People](#)

24.1c Advertisement

Mandatory – [YORtender](#) with indicative contract values published tenders which are advertised as an open advert on [YORtender](#) must also be advertised on contracts finder.

Tenders must be advertised for a minimum of 10 **working** days, but proportionately increased to its complexity.

Optional – Advertising of open opportunities via web-based media e.g. Twitter, and other health and voluntary sector sites subject to The Procurement People advice.

Any advertisement shall: specify the nature and purpose of the contract, outline how to submit a compliant tender, state the last date and time when tenders will be accepted and comply in all respects with the requirements of the relevant UK legislation.

24.1d Receiving & Opening of Tenders

Managed using [YORtender](#), kept confidential and opened by an officer of appropriate seniority, who is entirely independent and non-conflicted by the project in question.

No late tender shall be considered except with the approval of the Director Governance & Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC) on the advice of The Procurement People.

24.1 SUPPLIES/SERVICES/WORKS CONTRACTS £50,000 - £181,302

24.1e Evaluation

Under £100,000 evaluate on the basis of :

The lowest **compliant** quotation where payment is made **by** the Council; or

The highest **compliant** quotation where payment is made **to** the Council, e.g., a concession contract.

Compliance means the tender should be fully capable of meeting all fitness for purpose requirements in terms of specification, price, quality, delivery, etc.

Optionally evaluate using The **Most Economically Advantageous Tender (MEAT)**, and ensure MEAT criteria, sub-criteria, weighting, and scoring guidance are disclosed to tenderers. The final evaluation score given to each tenderer must be the Moderated Score. Refer to [CPR 19](#) for guidance on how to manage errors in tender submissions. For procurements over £100,000, MEAT criteria should be used.

The RFQ/tender must state that no tenders or quotes will be considered unless received by the date and time stipulated in the documentation. No tender or quote delivered in contravention of this rule shall be accepted without the written approval of the Director Governance & Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC).

24.1f Post Tender Negotiation

No negotiation with the existing or potential contractors shall be carried out.

24.1g Authorisation to Award

Must be obtained from the relevant Director where required by the Council's Scheme of Delegation and Policy and Budget Framework, which must always be applied.

At least two tender responses must be received. If only one response is received, the written approval of the Director Governance & Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC) must be obtained prior to accepting the quotation/tender.

Without publishing, upload evaluation results and approval authorisation onto [YORtender](#) to maintain the decision making audit trail.

24.1h Award and Execution

Contract Procedure Rules

Outcome of Tender Exercise

The acceptance of the successful tender is concluded by advising of the outcome of the tender followed by the issuing of a purchase order or formal contract.

All tenderers should be advised in writing of the outcome of the tender exercise. A debrief should be provided to unsuccessful tenderers on request with The Procurement People guidance.

Contract details

Every purchase order / contract as a minimum shall be in writing and specify:

- the supplies or services to be provided and/or the work(s) to be executed;
- the price to be paid or the manner in which the price is to be determined together with details of the amount of any discounts or other deductions;
- the time within which the contract is to be performed;
- the Council's requirements on indemnity and insurance;
- for services, an exit strategy for when the contract terminates and
- other conditions and terms as set out in the RFQ / invitation to tender.

24.1 SUPPLIES/SERVICES/WORKS CONTRACTS £50,000 - £181,302

Signing

Directors are authorised to sign contracts that do not exceed £100,000 where the Chief Legal Officer, (Monitoring Officer) (NELC) or the Head of Legal & Democracy (Monitoring Officer) (NLC) has approved the form of contract as appropriate for the type of contract concerned.

The Chief Legal Officer, (Monitoring Officer) (NELC) or the Head of Legal & Democracy (Monitoring Officer) (NLC) are authorised to sign contracts that exceed £100, 000 and unless they determine otherwise, such contracts shall be executed by way of deed, under the Common Seal of the Council.

The Chief Legal Officer (Monitoring Officer) NELC or the Head of Legal and Democracy (Monitoring Officer) NLC are authorised to affix the Common Seal of their respective Council to such contracts.

Contracts entered into orally, due to extreme urgency, must be confirmed in writing as above as soon as possible.

The relevant Officer Decision Record should be completed by the Service Area and published on the council's website as appropriate.

Mandatory- Without publishing, upload evaluation results and approval authorisation onto [YORtender](#) to maintain the decision making audit trail. A notification of award must be advertised on Contracts Finder, via [YORtender](#) for all contracts

24.1i Records & Documentation

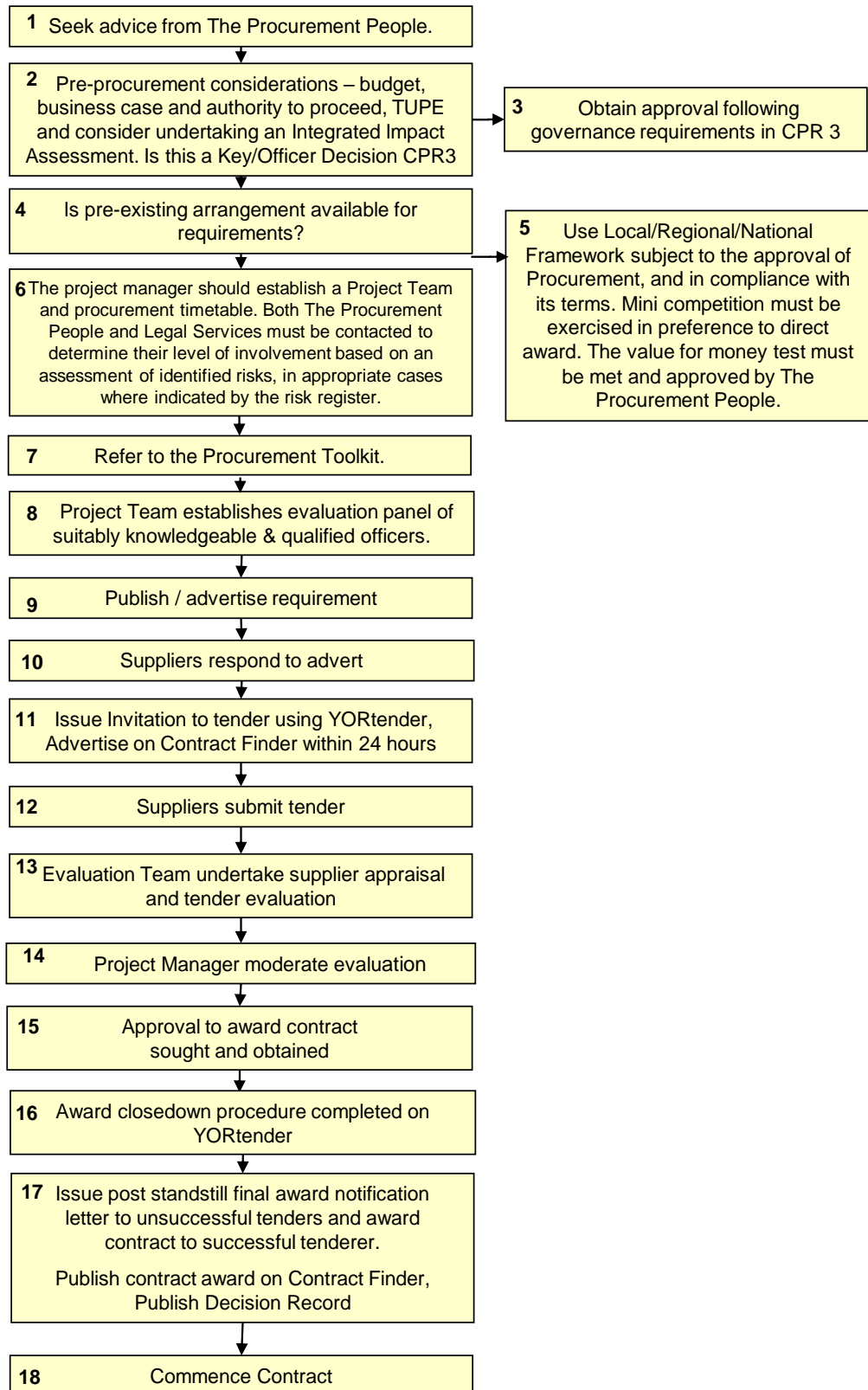
The Service Area shall retain records of the procurement exercise, including the original signed copy of the contract if the value is below £100,000, in accordance with the Council's approved record management or document retention policy.

Where the contract value is over £100,000, the original signed copy shall be retained by Legal Services.

The contract must be awarded using the options available in the contract details module on [YORtender](#), care must be taken to ensure that the contract details are up to date.

Contract Procedure Rules

25 WORKS CONTRACTS (ABOVE EU THRESHOLD FOR SUPPLIERS/SERVICES AND BELOW EU THRESHOLD FOR WORKS)



25.1 WORKS CONTRACTS (ABOVE EU THRESHOLD FOR SUPPLIERS/SERVICES AND BELOW EU THRESHOLD FOR WORKS)

25.1a Authorisation to Proceed with Procurement

Please refer to Lead Services [CPR 7](#).

It is the Budget Holder's responsibility to ensure the availability of budget and the authority to commit to the expenditure, noting the [Key/Officer Decisions CPR 3](#) and governance requirements. It is essential for the whole-life commitment to be considered not the annual value of the commitment when securing authority to proceed.

Verify decision making protocols where:

- There are potentially significant economic development / sustainability implications;
- There are budget or policy implications.

Full Council approval may be necessary.

Check for Conflicts of Interest – Proactively monitor and record seeking advice where appropriate

25.1b Competitive Process

Adhere to the corporate governance frameworks for [project management](#) and produce a procurement timetable. Project managers should ensure that any procurement is undertaken in line with the Council's agreed project management framework, where appropriate.

The suite of construction frameworks has been developed to meet the majority of the Council's Works requirements.

Determine in consultation with The Procurement People, whether the construction frameworks are appropriate or whether a specific procurement is necessary in accordance with:

- An [Integrated / Impact Assessment](#) (where there is potential for direct impact upon citizens / officers.);
- relevant consultation requirements;
- the use of Lots to facilitate greater access to the opportunity for SMEs;
- SME Concordat;
- Council Skills Pledge and
- [Sustainable/ethical Procurement Policy](#).

Where a specific procurement is necessary, use a formal open tender procedure managed using [YORtender](#). Invitations to tender to comprise:

- Clear instructions for the submission and pricing of quotations;
- The Supplier Questionnaire PAS 91;
- A clear written specification;
- A Form of Tender including anti-collusion certificate;
- A Freedom of Information Declaration;
- A Pricing Schedule and
- The approved Council Terms & Conditions/a standard form of agreement e.g. NEC3 or JCT suite of conditions or where alternative Terms & Conditions are used, or amendments are made, seek guidance and approval from Legal Services.

Alternatively a minimum of four formal tenders may be sought using a closed process, subject to approval by The Procurement People.

25.1 **WORKS CONTRACTS (ABOVE EU THRESHOLD FOR SUPPLIERS/SERVICES AND BELOW EU THRESHOLD FOR WORKS)**

The project manager should establish a project team. Both The Procurement People and Legal Services must be contacted for them to determine the level of their involvement required based on an assessment of identified risks.

Where “lowest compliant” is not being applied, the project manager in consultation with the project team must agree a percentage split in the award criteria based on the scope and importance of quality, risk and cost on a project by project basis. However, where the contract is being accessed via a framework, the award criteria set out in the agreement must be followed.

Where the project manager wishes to pursue a cost element of less than 60%, he should refer to The Procurement People and then should further seek prior written approval from the Director Governance & Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC).

Requests to use **electronic auctions** should be referred to The Procurement People.

25.1c Advertisement (only applicable if not using the construction frameworks)

Mandatory – [YORtender](#) with indicative contract values published tenders which are advertised as an open advert on [YORtender](#) must also be advertised on contracts finder.

Tenders must be advertised for a minimum of 10 **working** days, but proportionately increased to its complexity.

Optional –

- advertising of open opportunities via social media e.g. Twitter subject to The Procurement People advice
- one or more specialist trade or professional newspapers or journals where appropriate.

Direct marketing of the existence of the opportunity is permissible in order to include organisations that may not ordinarily see the opportunity and to ensure local / regional / national competition.

Any advertisement shall: specify the nature and purpose of the contract, invite expressions of interest or tenders for its execution; state the last date and time when expressions of interest or tenders will be accepted; and comply in all respects with the requirements of the relevant UK legislation.

25.1d Receiving & Opening of Tenders

Managed using [YORtender](#), kept confidential and opened by an officer who is entirely independent and has no conflict of interest in relation to the project in question.

25.1e Evaluating Tenders (only applicable if not using the construction frameworks)

Evaluate on the basis of:

- The lowest **compliant** quotation where payment is made **by** the Council; or
- The highest **compliant** quotation where payment is made **to** the Council, e.g. a concession contract.

Compliance means the tender should be fully capable of meeting all fitness for purpose requirements in terms of specification, price, quality, delivery, etc.

25.1 WORKS CONTRACTS (ABOVE EU THRESHOLD FOR SUPPLIERS/SERVICES AND BELOW EU THRESHOLD FOR WORKS)

Optionally evaluate using The **Most Economically Advantageous Tender (MEAT)**, and ensure MEAT criteria, sub-criteria, weighting, and scoring guidance are disclosed to tenderers. The final evaluation score given to each tenderer must be the Moderated Score. Refer to [CPR 19](#) for guidance on how to manage errors in tender submissions. The tender must state that no tenders or quotes will be considered unless received by the date and time stipulated in the documentation. No tender or quote delivered in contravention of this rule shall be accepted without the written approval of the Director Governance & Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC).

25.1f Post Tender Negotiation

No negotiation with the existing or potential contractors shall be carried out.

25.1g Authorisation to Award

Must be obtained from the relevant Director where consistent in all respects with Council's Scheme of Delegation, Policy and Budget Framework and governance requirements for [Key Decisions](#).

At least two tender responses must be received. If only one response is received, the written approval of the Director Governance & Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC) must be obtained prior to accepting the tender.

Upload evaluation results and approval authorisation onto [YORtender](#) to provide transparency.

25.1h Award and Execution

Outcome of Tender Exercise

All tenderers must be advised of the outcome of the tender exercise in writing, and the following information must be included in the notice:

- the name of the successful tenderer;
- the award criteria and any sub-weightings used;
- the reasons for the decision, including the characteristics and relative advantages of the successful tender and
- the scores of the successful tenderer and the organisation receiving the notice.

Unsuccessful tenderers may request further debrief.

Contract details

Every contract as a minimum shall be in writing and specify:

- the supplies or services to be provided and/or the work(s) to be executed;
- the price to be paid or the manner in which the price is to be determined together with details of the amount of any discounts or other deductions;
- the time within which the contract is to be performed;
- liability, indemnity and insurance and
- other conditions and terms as set out in the invitation to tender.

Mandatory- Contract award to be published on Contracts Finder

25.1 **WORKS CONTRACTS (ABOVE EU THRESHOLD FOR SUPPLIERS/SERVICES AND BELOW EU THRESHOLD FOR WORKS)**

Signing

The Chief Legal Officer, (Monitoring Officer) (NELC) or the Head of Legal & Democracy (Monitoring Officer) (NLC) are authorised to sign contracts that exceed £100, 000 and unless they determine otherwise, such contracts shall be executed by way of deed, under the Common Seal of the Council.

The Chief Legal Officer (Monitoring Officer) NELC or the Head of Legal and Democracy (Monitoring Officer) NLC are authorised to affix the Common Seal of their respective Council to such contracts.

Contracts entered into orally, due to extreme urgency, must be confirmed in writing as above as soon as possible.

The relevant Officer Decision Record should be completed by the Service Area and published on the council's website as appropriate

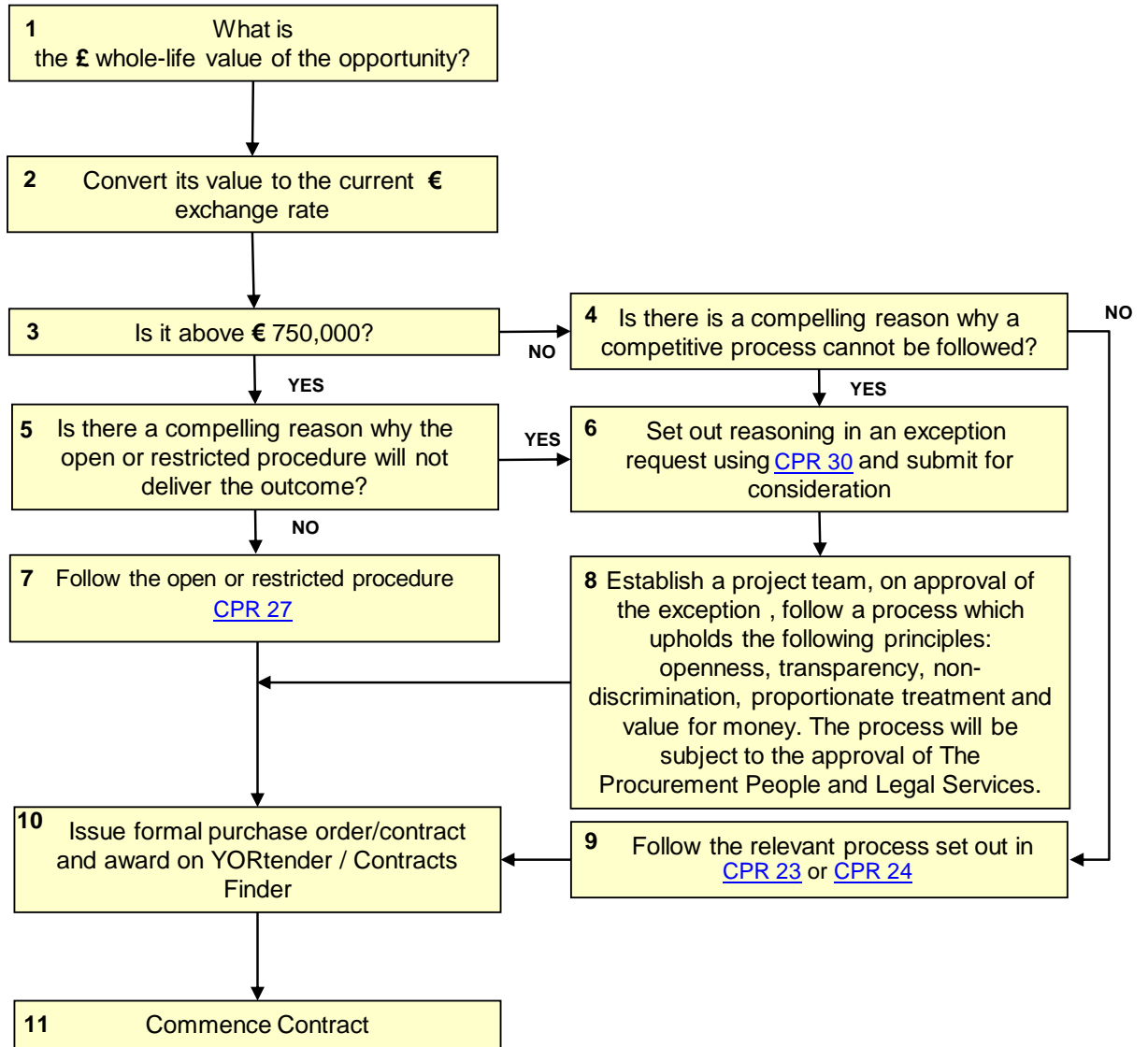
25.1i Records & Documentation

The Service Area shall retain records of the procurement exercise, in accordance with the Council's approved record management or document retention policy.

The original signed copy of the contract shall be retained by the Chief Legal Officer, (Monitoring Officer) (NELC) or Head of Legal & Democracy (Monitoring Officer) (NLC).

The contract must be awarded using the options available in the contract details module on [YORtender](#), care must be taken to ensure that the contract details are up to date.

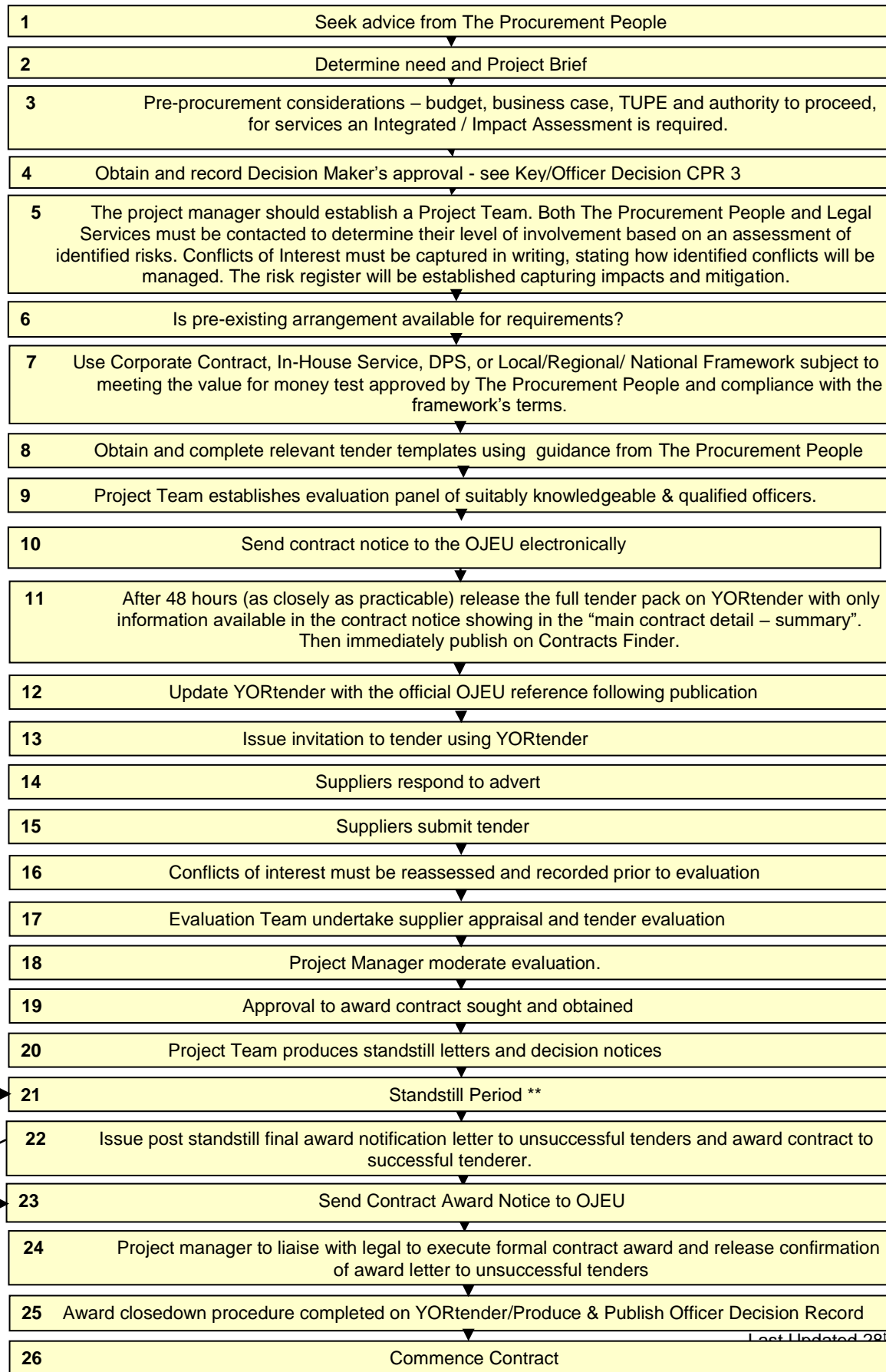
26 LIGHT TOUCH REGIME



Contract Procedure Rules

27.a SUPPLIES/SERVICES/WORKS CONTRACTS ABOVE EU THRESHOLDS

Open Procedure



* Minimum of 15 days if prior information notices have been issued for Supplies or Services provided the PIN appeared at least 52 days and not more than 12 months before the date of despatch of the Contract Notice.

** The date should be 10 days from the notice being sent to all tenderers and candidates. In this context days include weekends and bank holidays but where the last day of the standstill period falls on a non-working day then the standstill period is extended to midnight at the end of the next working day.

Days stated refer to calendar days

Mandatory Timescales
(assumes electronic process throughout)

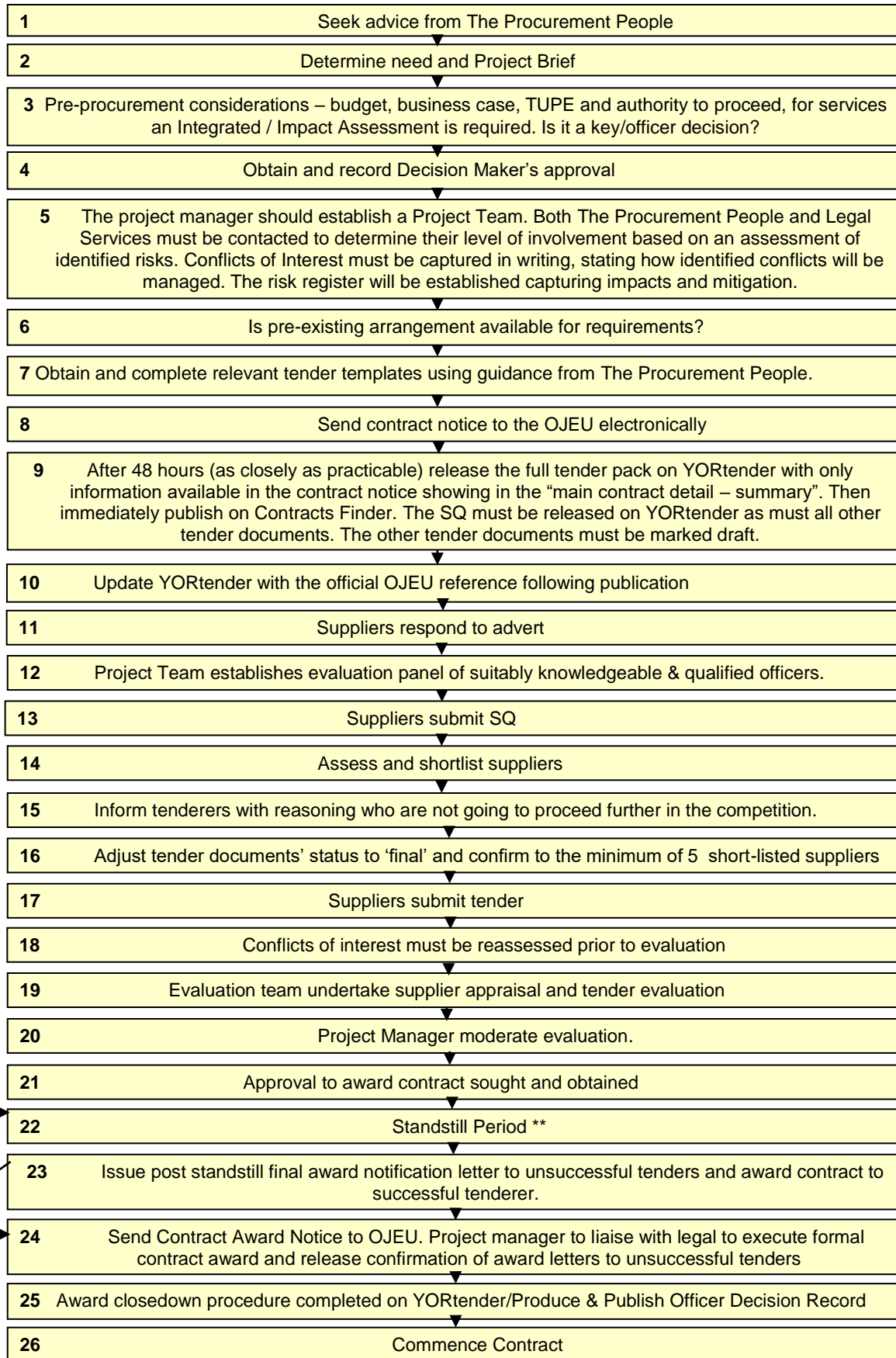
Minimum 30 Days or 15 Days if published in a PIN*

10 Days

Maximum 30 Days

Contract Procedure Rules

27.b SUPPLIES/SERVICES/WORKS CONTRACTS ABOVE EU THRESHOLDS Restricted Procedure



Days stated refer to calendar days

Mandatory Timescales
(assumes electronic process throughout)

** The date should be 10 days from the notice being sent to all tenderers and candidates. In this context days include weekends and bank holidays but where the last day of the standstill period falls on a non-working day then the standstill period is extended to midnight at the end of the next working day.

Minimum 30 Days or 10 Days if using Accelerated Restricted Procedure

Minimum 35 Days or 31 Days if published in a PIN*; or 10 Days if using the Accelerated Restricted Procedure

10 Days

Maximum 30 Days

SUPPLIES/SERVICES/WORKS CONTRACTS ABOVE EU THRESHOLDS

27.1a Authorisation to Proceed with Procurement
<p>It is the Budget Holder’s responsibility to ensure the availability of budget and the authority to commit to the expenditure, noting the Key Decisions and governance requirements. It is essential for the whole-life commitment to be considered not the annual value of the commitment when securing authority to proceed.</p> <p>Verify decision making protocols where:</p> <ul style="list-style-type: none"> • There are possible Council workforce and related TUPE implications, advice from Legal Services and HR must be sought; • There are potentially significant economic development / sustainability implications and • There are budget or policy implications. <p>Full Council approval may be necessary. Written evidence of authority to proceed will be required. Risk assessments and conflict of interest assessments with recorded corrective actions are required at this stage.</p>
27.1b Competitive Process
<p>Adhere to the corporate governance frameworks for project management and produce a procurement timetable. Project managers should ensure that any procurement is undertaken in line with the Council’s agreed project management framework, where appropriate.</p> <p>Consider, in consultation with The Procurement People, whether the requirement needs to be procured in accordance with:</p> <ul style="list-style-type: none"> • The use of Lots to facilitate greater access to the opportunity for SMEs (justification must be cited in the tender documentation in instances where lots have not been used); • the SME Concordat; • the principles of the COMPACT; • Council Skills Pledge; • Sustainable/ethical Procurement Policy and • Public Services (Social Value) Act 2012. <p>For all services procurements over EU threshold, an Integrated / Impact Assessment must be completed to comply with the Public Services (Social Value) Act 2012 and relevant consultation requirements, prior to commencement to inform the specification and evaluation criteria.</p> <p>EU Procedure</p> <p>Seek advice from The Procurement People and determine the EU procedure to be used. The Council’s standard approach is to use Open Procedure. The following procedures may only be used on the advice of The Procurement People:</p> <ul style="list-style-type: none"> • Restricted Procedure; • Creation of a Framework; • Access to a Framework, subject to exception approval under CPR 30 • Dynamic Purchasing System and • E-Auction. <p>The following procedures may not be used except with approval of Director Governance & Partnerships (NLC) or Chief Legal Officer, (Monitoring Officer) in accordance with CPR 13</p>

27.1 SUPPLIES/SERVICES/WORKS CONTRACTS ABOVE EU THRESHOLDS

- Competitive Procedure with Negotiation.
- Competitive Dialogue Procedure
- Innovation Partnership Procedure
- An accelerated procedure due to substantiated urgency

All OJEU Notices, (PINs, Contract Notices and Award Notices), must be approved and released by The Procurement People.

Prior Information Notices (PIN) may be used to enable preliminary market consultation; a Contract Notice must be used as the call for competition.

Where a Supplier Questionnaire is required, the national standard Supplier Questionnaire template must be used. Assessment must follow national guidance.

Use a formal tender procedure, and manage the process fully using [YORtender](#).

The invitation to tender must comprise:

- clear instructions for the submission and pricing of tenders;
- background information;
- a clear written specification;
- reply forms:
 - supplier questionnaire;
 - form of tender and non-collusion certificate;
 - freedom of information declaration;
 - pricing schedule;
 - method statements;
- [Terms & Conditions](#) provided by Legal Services.

Where a restricted procedure is used, tenders must be invited from a minimum of five potential contractors. The distinction between selection criteria used to assess tendering organisations and award criteria used to evaluate the strength of the tender proposal must be entirely separate and remain so throughout the process.

The invitation to tender must state that no tender will be considered unless it is received by the date and time stipulated in the tender documentation. No tender delivered in contravention of this rule shall be accepted without the written approval of the Director Governance & Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC).

The project manager should establish a project team. Both The Procurement People and Legal Services must be contacted for them to determine the level of their involvement required based on an assessment of identified risks.

The project manager in consultation with the project team must agree a percentage split in the award criteria based on the scope and importance of quality, risk and cost on a project by project basis. However, where the contract is being accessed via a framework, the award criteria set out in the agreement must be followed.

Where the project manager wishes to pursue a cost element of less than 60%, he should refer to The Procurement People and then should further seek prior written approval from the Director Governance & Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC).

27.1 SUPPLIES/SERVICES/WORKS CONTRACTS ABOVE EU THRESHOLDS

27.1e Advertisement

Mandatory OJEU contract notice approved and issued via [The Procurement People](#). **After** publication of the OJEU notice followed by release on [YORtender](#) advising indicative contract values and publication on Contracts Finder, then:

Optional –

- Advertising of open opportunities via social media e.g. Twitter and other health and voluntary sector sites subject to The Procurement People advice
- One or more specialist trade or professional newspapers or journals where appropriate.
- Direct marketing is permissible, after publication of the OJEU notice, to include organisations that may not see the opportunity to ensure local / regional / national competition.

The contract notice should be sent to the OJEU. 48 hours later, the tender should be released on YORtender with all tender documents being made available and only information available on the contract notice showing in the “main contract details – summary” on YORtender. Having published on YORtender immediately publish on Contracts Finder, remaining consistent with the contract notice text.

Once the OJEU has published the contract notice, update YORtender with the official reference number.

Any supplementary advertisement, (e.g. trade press) of the opportunity may only be published once the Contract Notice has been published in the OJEU and must not include additional information than is available in the Contract Notice or PIN.

Any advertisement shall: specify the nature and purpose of the contract, invite expressions of interest in or tenders for its execution; state the last date and time when expressions of interest or tenders will be acceptable; and comply in all respects with the requirements of the relevant EU Directive or UK legislation.

27.1f Receiving & Opening of Tenders

Managed using [YORtender](#), kept confidential and opened by an officer who is entirely independent and has no conflict of interest in relation to the project in question.

27.1g Evaluating Tenders

Evaluate tenders using The **Most Economically Advantageous Tender (MEAT)**, and ensure MEAT criteria, sub-criteria, weighting, and scoring guidance are disclosed to tenderers. The final evaluation score given to each tenderer must be the Moderated Score. Refer to [CPR 19](#) for guidance on how to manage errors in tender submissions.

Conflict of interest assessments of the evaluation team are required at this stage.

Where a tenderer has been excluded from the competition at any stage mid-evaluation, the tenderer must be informed in an expedient manner. Equally any requests for clarification from such tenders must be responded to within 15 days of the request: such letters to be approved following the standstill mechanism.

27.1h Post Tender Negotiation

No negotiation with the existing or potential contractors shall be carried out.

Contract Procedure Rules

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27.1 SUPPLIES/SERVICES/WORKS CONTRACTS ABOVE EU THRESHOLDS

27.1i Authorisation to Award

Must be obtained from the relevant Director where consistent in all respects with Council's Scheme of Delegation, Policy and Budget Framework and governance requirements for [Key Decisions](#).

At least two tender responses must be received. If only one response is received, the written approval of the Director Governance & Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC) must be obtained prior to accepting the tender.

Without publishing, upload evaluation results and approval authorisation onto [YORtender](#) to maintain the decision making audit trail.

27.1j Standstill Period

All tenderers, and any candidates, including those who have already received notification of their rejection (for example, at selection stage), must be advised of the preferred tenderer status in writing, using [YORtender](#). The following information must be included in the notice or pre-standstill award and decline letters:

- the name of the successful tenderer;
- the award criteria and any sub-weightings used;
- the reasons for the decision, including the characteristics and relative advantages of the successful tender;
- the reasons why the recipient did not meet the technical specification, if applicable;
- the scores of the successful tenderer and the organisation receiving the notice and
- the length of the standstill period, and anticipated end time and date.

Standstill letters must give sufficient, clear reasons, making any debrief unnecessary.

All standstill letters must be approved by The Procurement People, and signed by Legal Services.

Following this notification, a mandatory minimum 10 calendar day standstill period must be observed prior to final award. The period commences on the day following electronic issue of the pre-standstill award letters and must end on a working day. If a legal challenge is received do not award the contract and seek legal advice.

If the award is a [Key Decision](#), then

- Notice of the Key Decision should not precede issue of the standstill letters;
- It may not be implemented by final contract award until after the 2 day notice period.

SUPPLIES/SERVICES/WORKS CONTRACTS ABOVE EU THRESHOLDS

27.1k Execution
<p>Contract details</p> <p>Every contract as a minimum shall be in writing and specify:</p> <ul style="list-style-type: none">• the supplies or services to be provided and/or the work(s) to be executed;• the price to be paid or the manner in which the price is to be determined together with details of the amount of any discounts or other deductions;• the time within which the contract is to be performed;• the Council's requirements on indemnity and insurance;• for services, an exit strategy for when the contract terminates and• other conditions and terms as set out in the RFQ / invitation to tender. <p>Signing</p> <p>The Chief Legal Officer, (Monitoring Officer) (NELC) or the Head of Legal & Democracy (Monitoring Officer) (NLC) are authorised to sign contracts that exceed £100, 000 and unless they determine otherwise, such contracts shall be executed by way of deed, under the Common Seal of the Council.</p> <p>The Chief Legal Officer (Monitoring Officer) NELC or the Head of Legal and Democracy (Monitoring Officer) NLC are authorised to affix the Common Seal of their respective Council to such contracts.</p> <p>Contracts entered into orally, due to extreme urgency, must be confirmed in writing as above as soon as possible.</p> <p>The relevant Officer Decision Record should be completed by the Service Area and published on the council's website as appropriate</p>
27.1l OJEU Award Notice
<p>Contract award must be announced by means of a Contract Award Notice in OJEU transmitted no later than 30 calendar days after the date of the post-standstill award letter. This is the responsibility of The Procurement People. An award notice must also be placed on Contracts Finder.</p>
27.1m Records & Documentation
<p>The Service Area shall retain records of the procurement exercise by maintaining the Regulation 84 report, in accordance with the Council's approved record management or document retention policy. The project manager will ensure this decision record is uploaded, but not published, on YORtender.</p> <p>The original signed copy of the contract shall be retained by the Chief Legal Officer, (Monitoring Officer) (NELC) or the Head of Legal & Democracy (Monitoring Officer) (NLC)</p> <p>The contract must be awarded using the options available in the contract details module on YORtender, care must be taken to ensure that the contract details are up to date.</p>

Contract Procedure Rules

The award recommendation award approval and Regulation 84 report must be retained.

Officer Decision Record must be produced/published as appropriate.

28 REPORTING OF TENDERS

28.1 The Procurement People will:

- Publish details of all contracts let over £5,000 on a monthly basis on the Council's website, to comply with the transparency code of practice guidelines.
- Publish details of all contracts let over £5,000 on the Council's live Contracts Register via YORtender, the e-tendering system, for the Yorkshire and Humber Region.
- report annually on all contracts let over £5,000 in the previous 12 months

29 PREVENTION OF CORRUPTION & THE BRIBERY ACT 2010

29.1 Requests for quotations and invitation to tenders must inform prospective tenderers of the Council's whistle blowing policy

29.2 All contracts must contain a clause to the effect that the Council will be entitled to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation if:

- the contractor, his employees or agents, shall have offered or given or agreed to give to any persons any gift or consideration of any kind as an inducement or reward in any way relating to the contract or any other contract with the Council; or
- in relation to any contract with the Council, the contractor, his employees or agents, shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916, Section 117 of the Local Government Act 1972 and the Bribery Act 2010.

29.3 The Bribery Act 2010 has created the following new offences that can have particular relevance for the award of public contracts:

- bribing a person to induce or reward them to perform a relevant function improperly;
- requesting, accepting or receiving a bribe as a reward for performing a relevant function improperly;
- failing to prevent bribery

NELC - <https://www.nelincs.gov.uk/council-information-partnerships/fraud-and-corruption/>

NLC - <http://www.northlincs.gov.uk/your-council/about-your-council/policy-and-budgets/fraud/>

30 EXCEPTIONS

30.1 With the approval of:

- The Director Governance & Partnerships (NLC) – for contracts over £50,000; The Head of Council Strategy, Information & Outcomes (NLC) for contracts under £50,000 or the Chief Legal Officer, (Monitoring Officer) (NELC); there may, where permitted by the Public Contracts Regulations 2015, be exceptions to the requirements of the CPRs in the following circumstances:

- a. Where important urgent repairs are required to maintain and ensure efficient and continuous service delivery due to the breakdown, or other failure, of buildings, plant, appliances, machinery or ICT equipment or software. Where the urgent repair relates to a repairs & maintenance item, and where the value exceeds £5,000, a retrospective request for exception is acceptable.

Contract Procedure Rules

- b. Where renewals, repairs and upgrades to buildings, plant, appliances, machinery, vehicles or ICT equipment or software can only be efficiently carried out and most economically supplied with regards to time, cost and speed of delivery by the original contractor or supplier (or their successors or other sole specialists).
 - c. Where urgent alternative arrangements are required to maintain the delivery of critical services due to the failure of an existing service provider or supplier.
 - d. Where an emergency situation exists as defined in the Council's Emergency Plan.
 - e. When the Council is properly required to adopt other procedures by a Government body or the Council is procuring subsidised public transport services.
 - f. Works orders placed with utility companies (e.g. for re-routing cables or pipework).
 - g. Where there is only one potential supplier of the required supplies, services or works due to market factors and/or service exigency.
 - h. Where the use of a recognised regional or national framework arrangement will provide the most cost effective procurement solution.
 - i. Where contracts are extended beyond their specified term.
 - j. Where exceptionally it is not expedient to undertake an open process below £100k.
 - k. Where exceptionally above the EU LTR threshold variations to the open and restricted procedure are required.
 - l. Where there are other exceptional circumstances.
- 30.2 In all instances a written request for exception, clearly documenting the reasons, must be notified in advance to the approving officer before the exception can be actioned. A standard exception form should be completed.

31 COMMUNITY RIGHT TO CHALLENGE

- 31.1 The Localism Act provides relevant bodies with the right to challenge the running of local authority services where they believe they could do this differently or better.
- 31.2 Corporate guidance has been produced on the management of challenges received under the Act. An overview of the process for managing challenges is under [Annex 1d](#).

32 DISPOSAL & WRITE-OFF OF ASSETS (EXCLUDING LAND & PROPERTY)

- 32.1 A disposal request form must be completed for disposals under £50,000, approved by authorised officers and forwarded to The Procurement People to be actioned based on the information provided. Items over £50,000 will require cabinet member (NLC) / portfolio holder (NELC) consultation.
- 32.2 The process for disposal is detailed in [Annex 1e](#).

Contract Procedure Rules

33 CONTRACT SIGNING & MODIFICATION

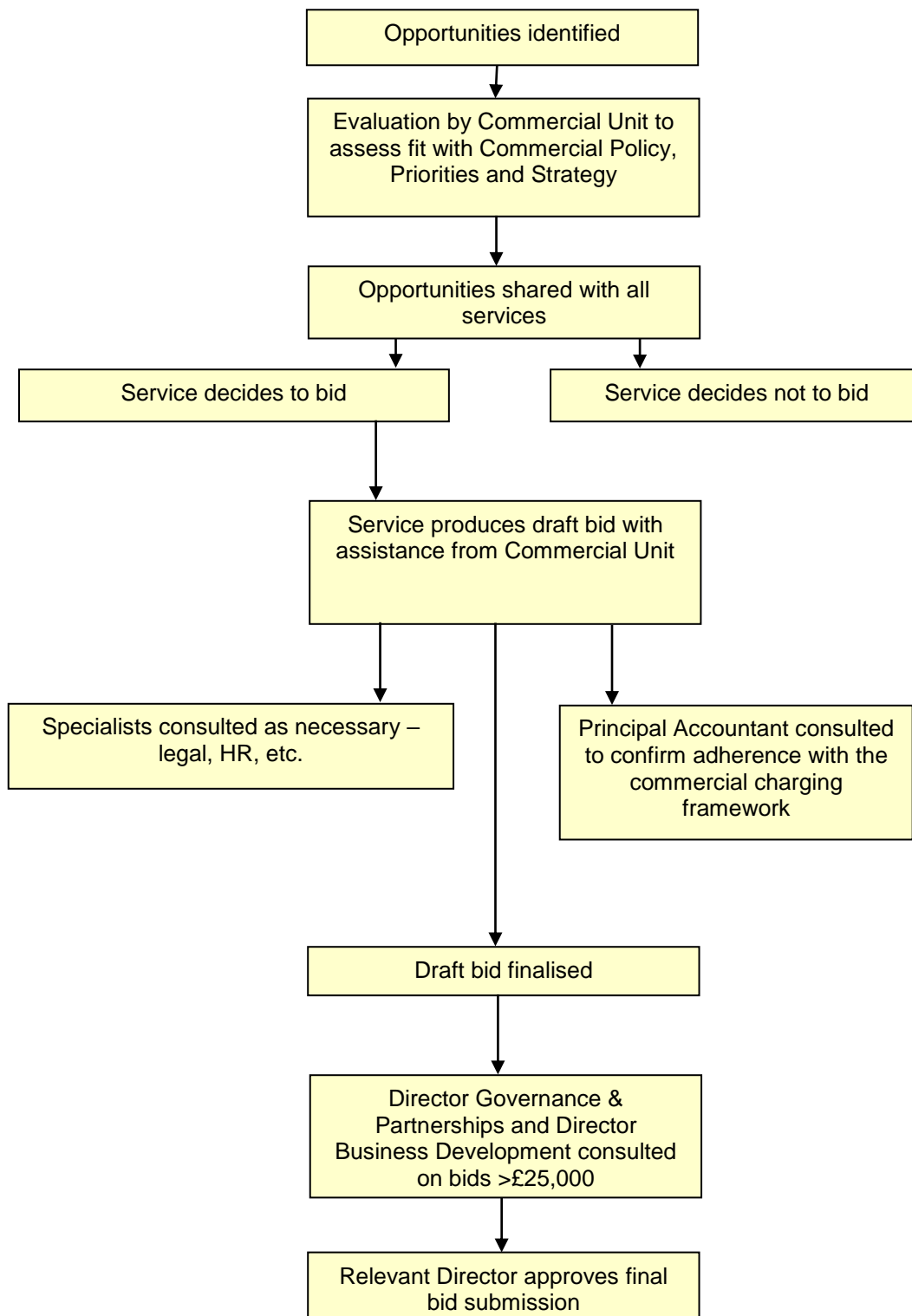
- 33.1 Directors are authorised to sign contracts that do not exceed £100,000 where the Chief Legal Officer, (Monitoring Officer) (NELC) or the Head of Legal & Democracy (Monitoring Officer) (NLC) has approved the form of contract as appropriate for the type of contract concerned.
- 33.2 The Chief Legal Officer, (Monitoring Officer) (NELC) or the Head of Legal & Democracy (Monitoring Officer) (NLC) are authorised to sign contracts that exceed £100, 000 and unless they determine otherwise, such contracts shall be executed by way of deed, under the Common Seal of the Council.
- 33.3 The Chief Legal Officer (Monitoring Officer) NELC or the Head of Legal and Democracy (Monitoring Officer) NLC are authorised to affix the Common Seal of their respective Council to such contracts
- 33.4 Under limited circumstances, the Public Contract Regulations permit contract modifications during their term. Advice should be sought from The Procurement People in the first instance.
- 33.5 Changes to contracts and/or terms and conditions must be authorised by the relevant Director and substantial (i.e. material) changes to contracts and/or terms and conditions must be authorised by the relevant Director following consultation with the Head of Legal & Democracy (Monitoring Officer) (NLC) or Chief Legal Officer, (Monitoring Officer) (NELC).
- 33.6 In all instances the council's standard terms and conditions must be used unless an alternative form of contract has been authorised for use by the relevant Director (NLC) or Chief Legal Officer, (Monitoring Officer) (NELC).

34 CONTRACT MANAGEMENT

- 34.1 All contracts must be managed in compliance with the corporate contract management guidance and framework.

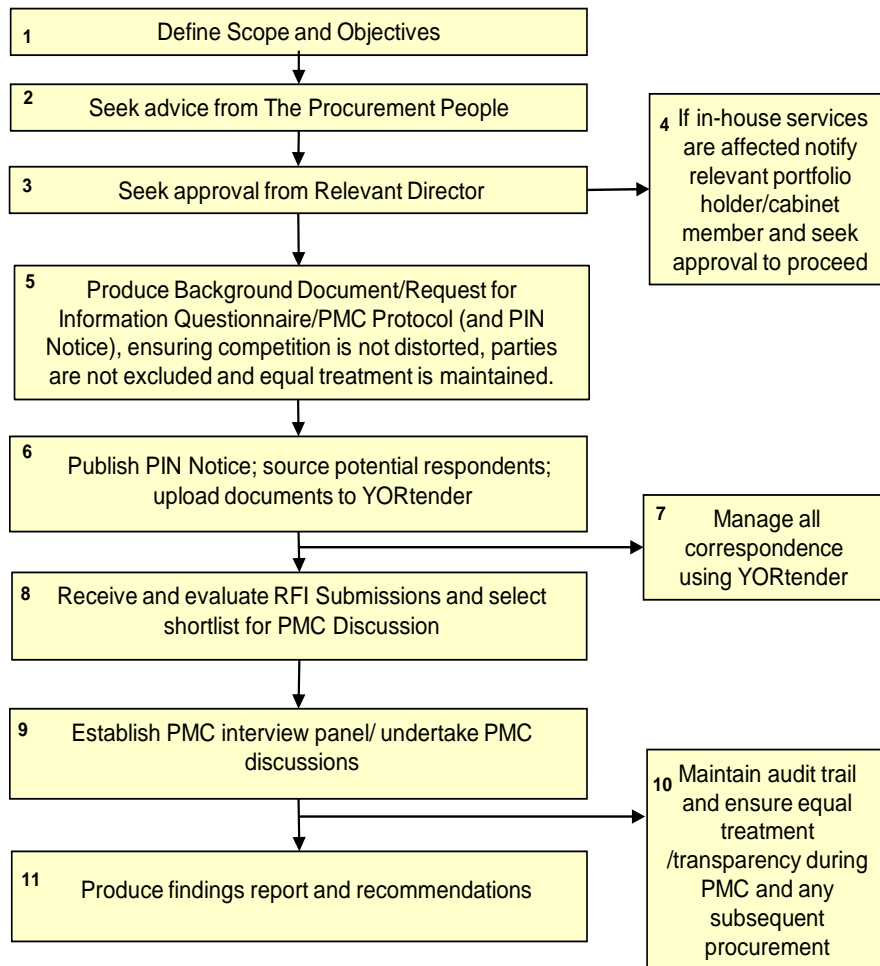
Contract Procedure Rules

ANNEX- 1a – COMMERCIAL PROCESS – NORTH LINCOLNSHIRE COUNCIL ONLY



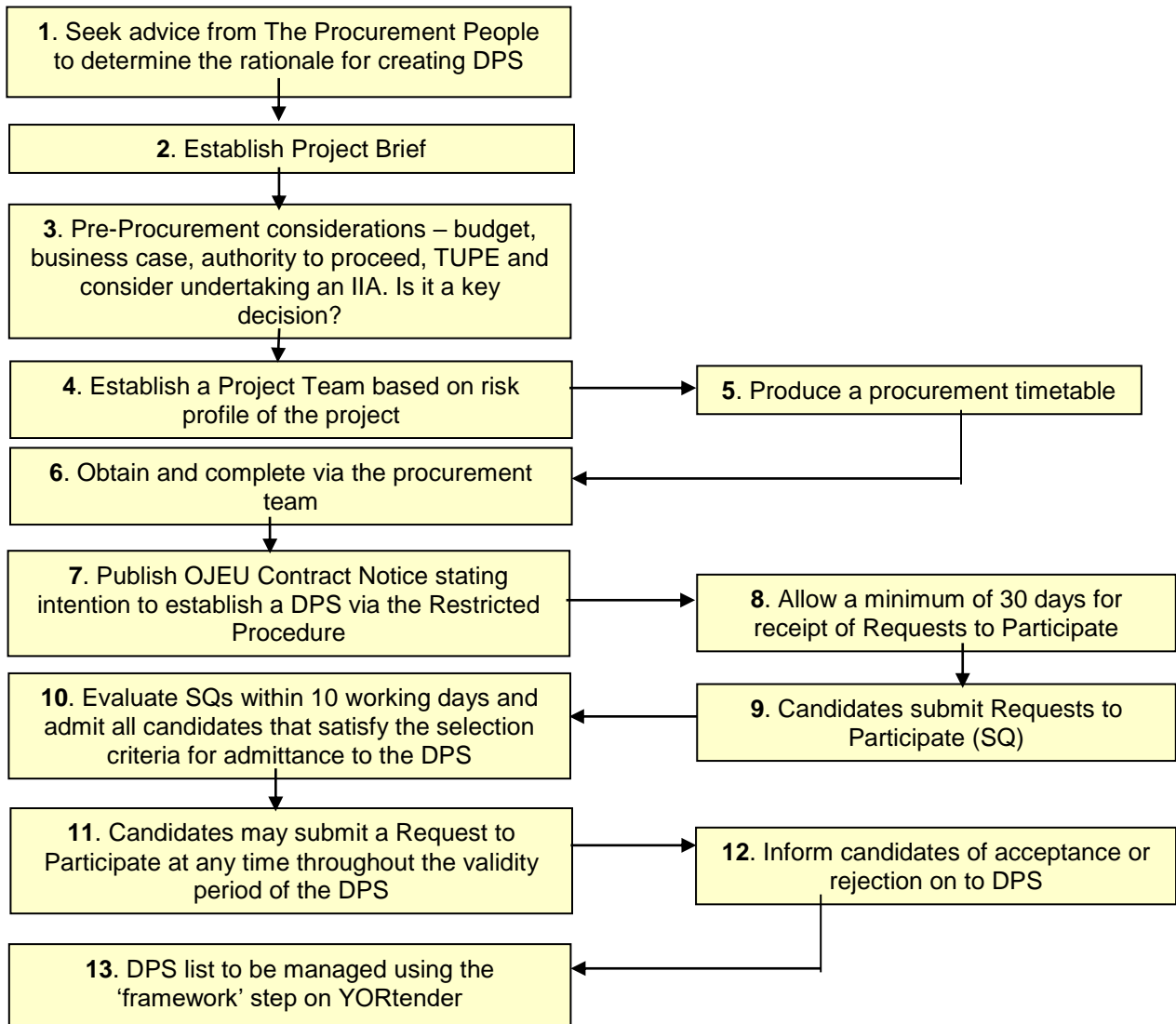
Contract Procedure Rules

ANNEX- 1b – PRELIMINARY MARKET CONSULTATION

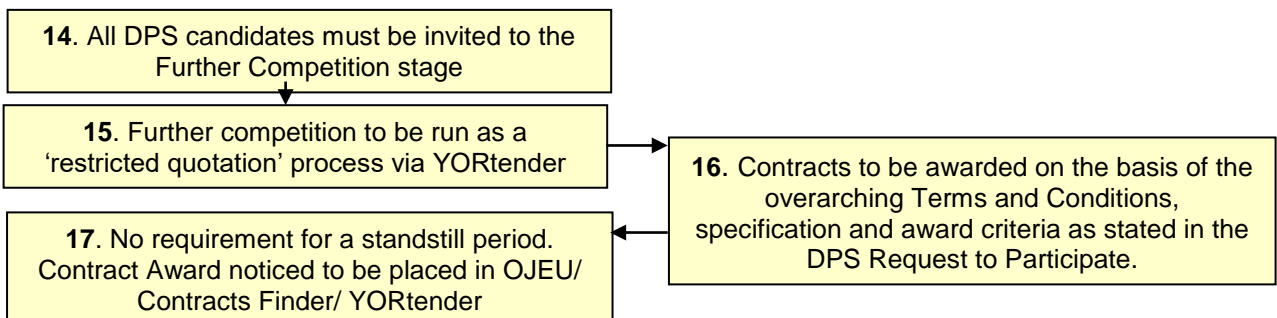


Annex 1c- DYNAMIC PURCHASING SYSTEMS

Stage 1 Establishment of DPS

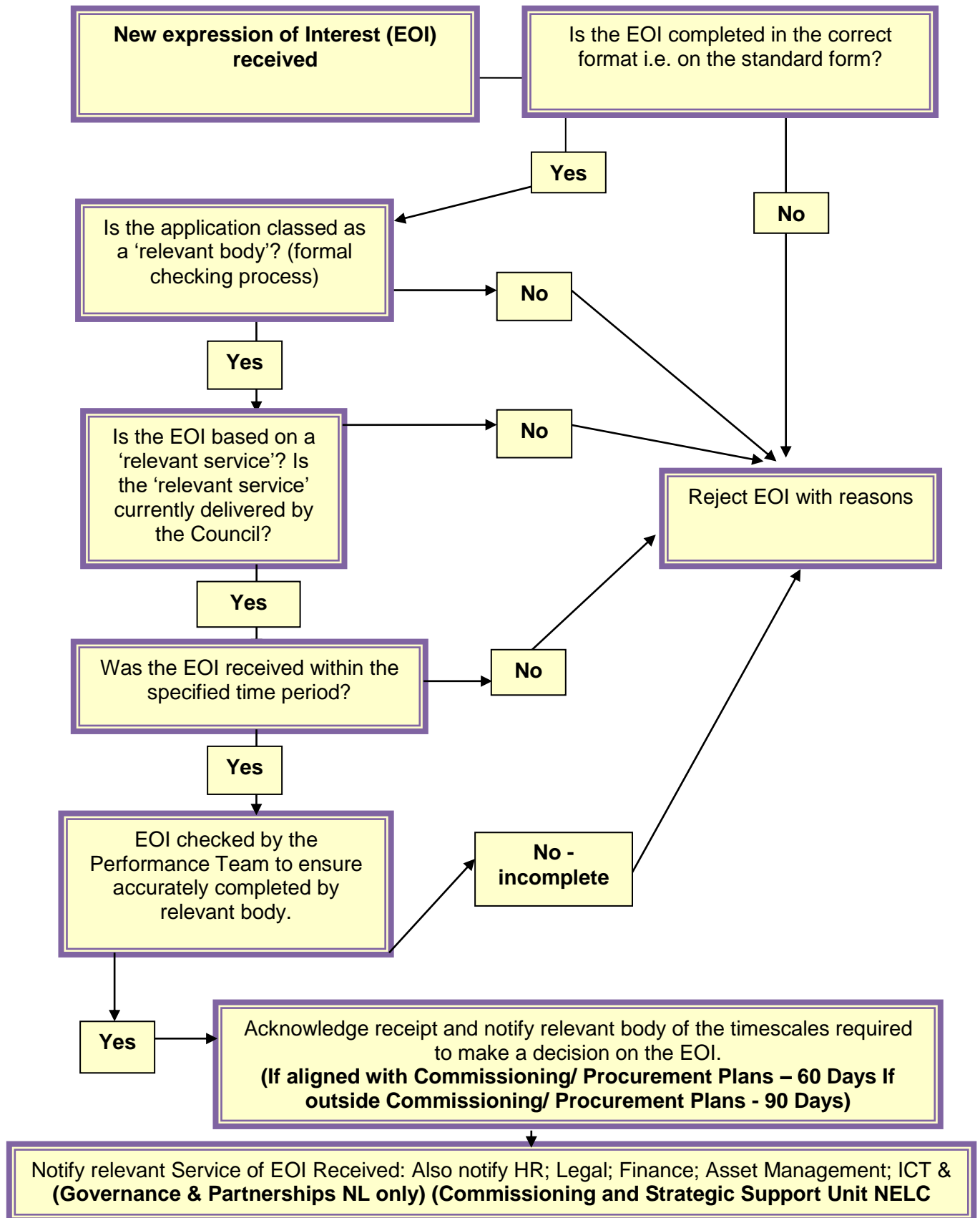


Stage 2 – Further Competition

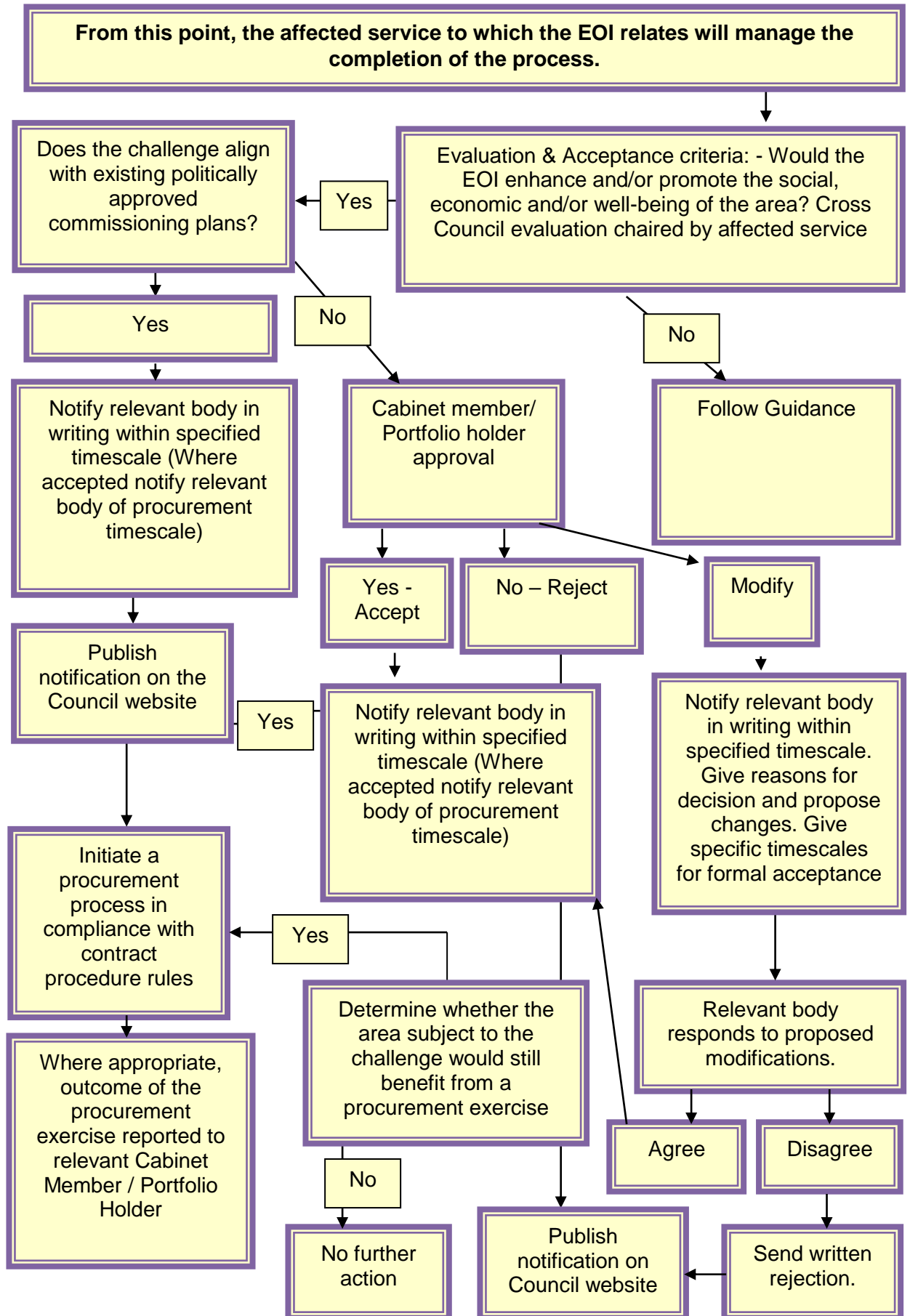


Contract Procedure Rules

Annex 1d- COMMUNITY RIGHT TO CHALLENGE EXPRESSION OF INTEREST PROCESS MAP

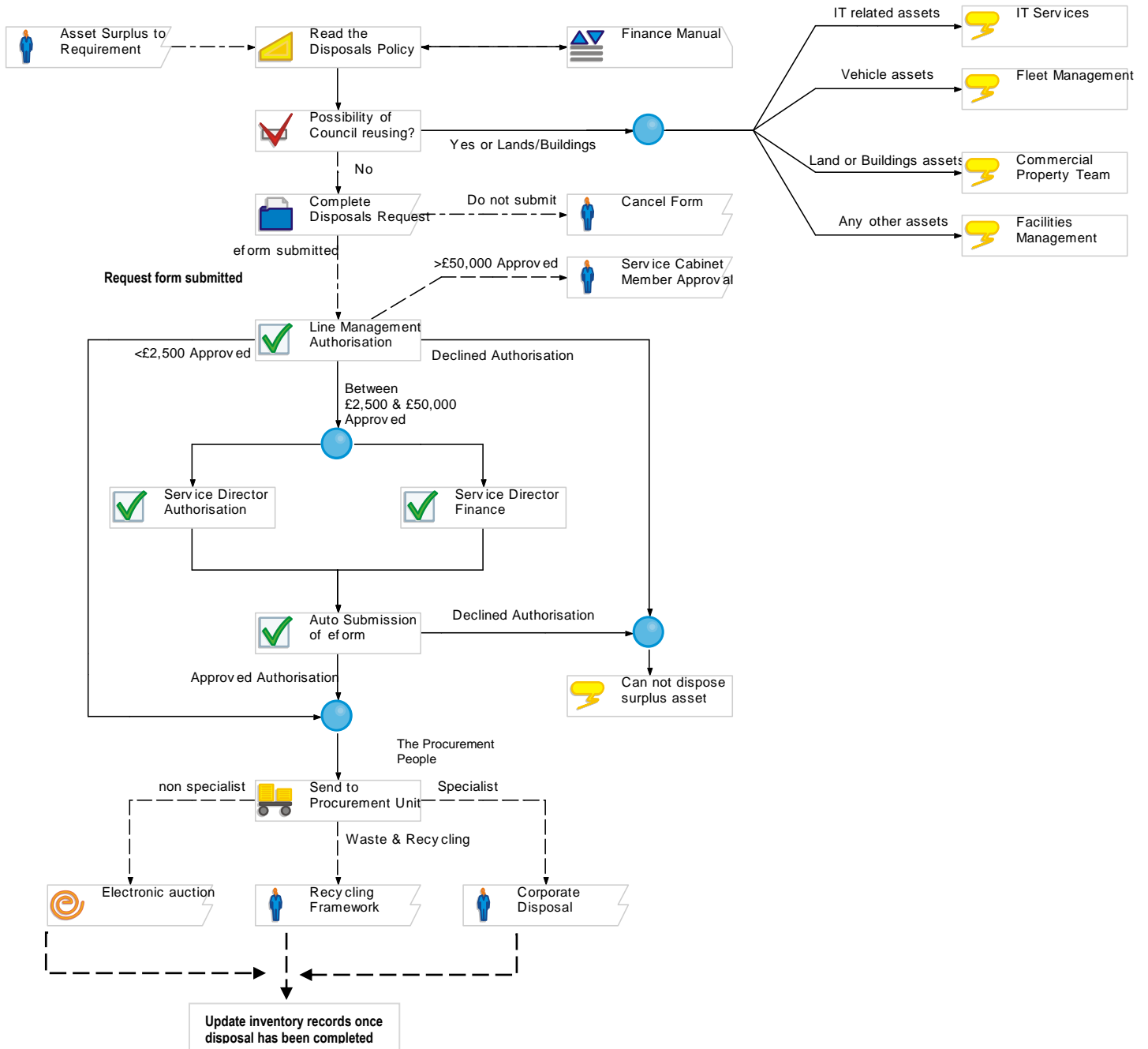


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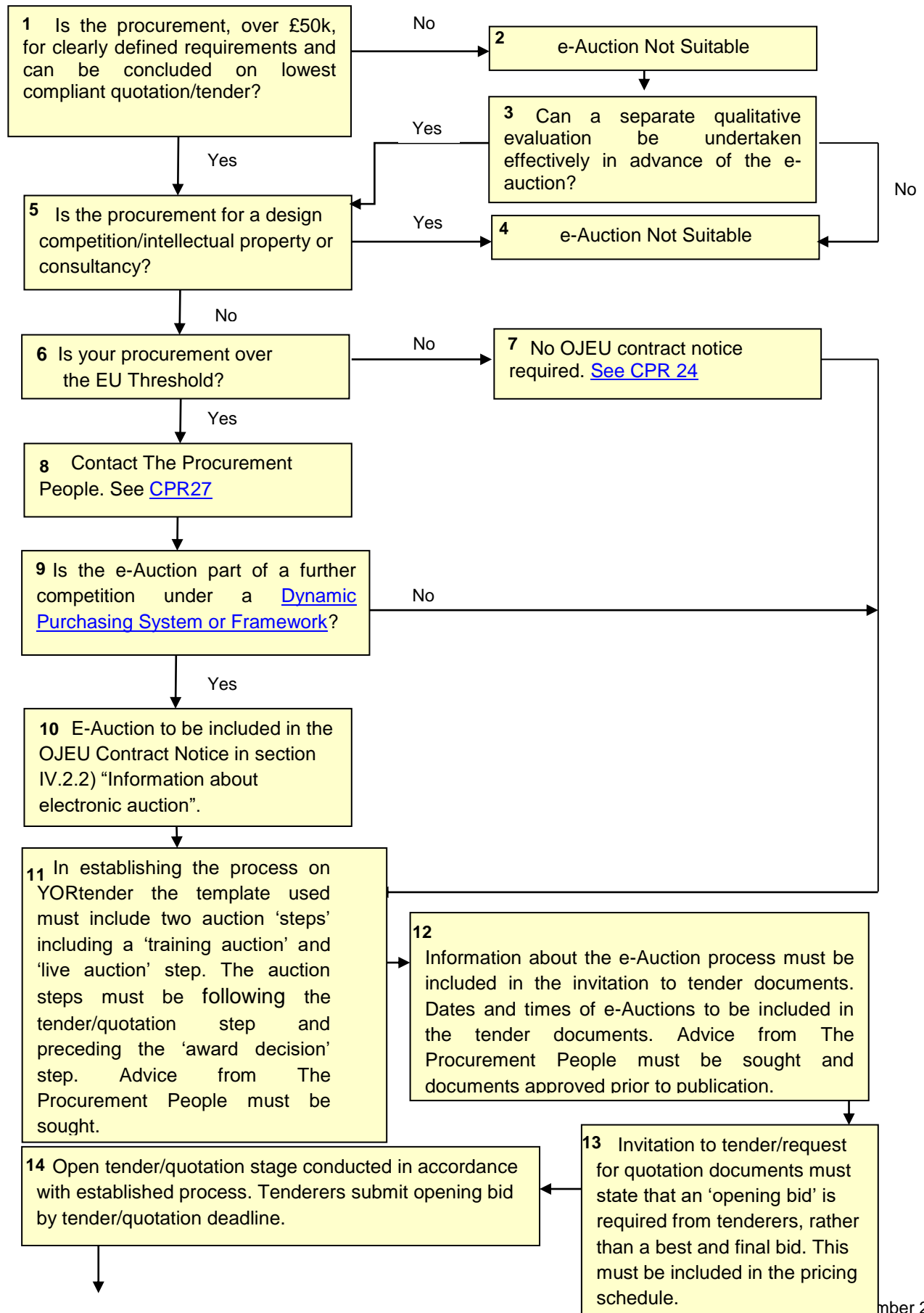
Contract Procedure Rules

Annex 1e- DISPOSAL AND WRITE OFF OF ASSETS

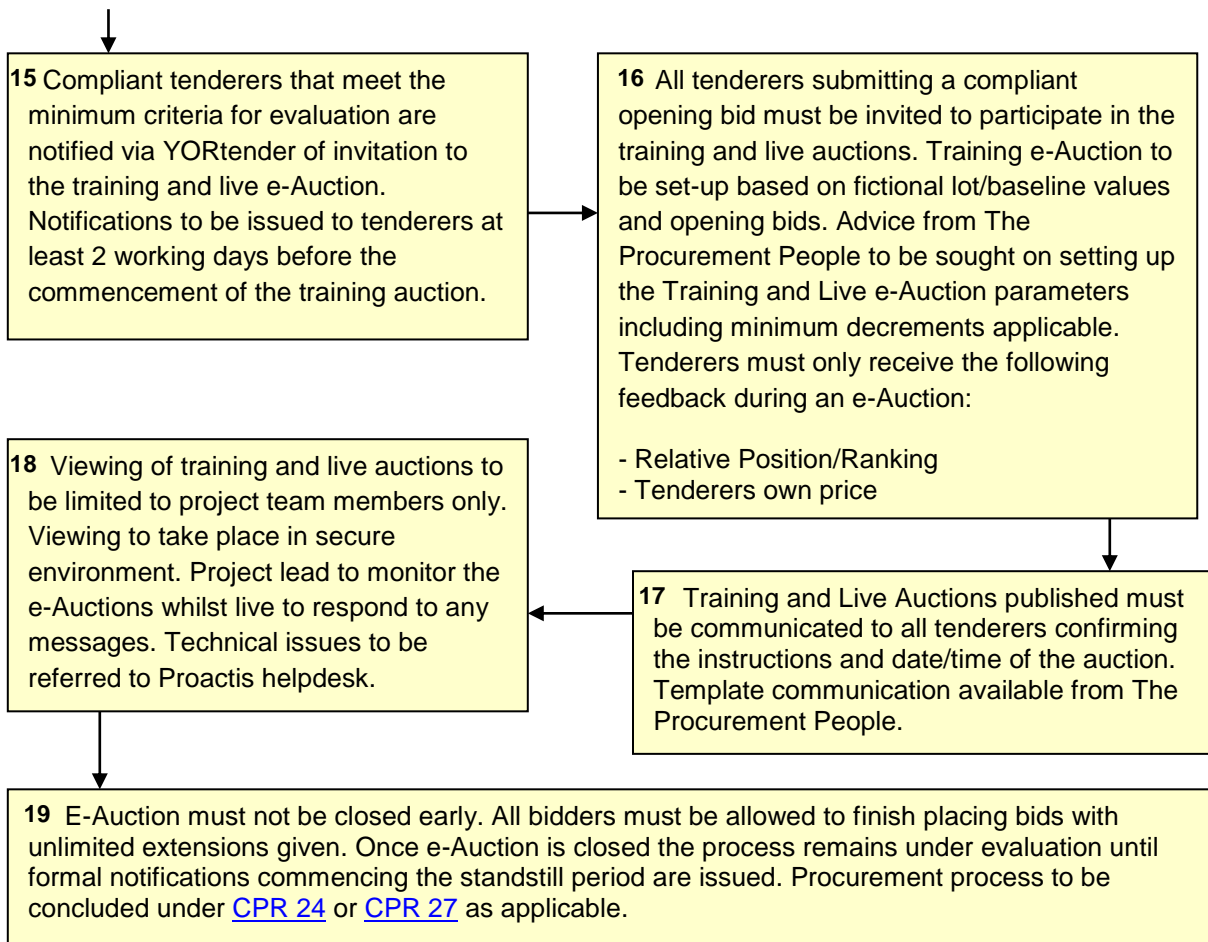


Contract Procedure Rules

Annex 1f- E-AUCTION PROCESS



Contract Procedure Rules



Contract Procedure Rules

Annex 1g

DEFINITIONS AND GLOSSARY

Academy	A school that is directly funded by central government and independent of local authority control
Aggregation	The identification of similar purchases made and combined aggregated requirements over a specified period of time
Appropriate Officer	Member of staff who has delegated authority to conduct procurement exercises
Regulation 84	Is Regulation 84 of the Public Contracts Regulations 2015 which sets out the decisions made throughout the procurement process which must be recorded and retained
Budget Holder	The manager with responsibility for the budget concerned and with delegated authority to award the contract
Cabinet Member	Elected member of the Council who is responsible for the Cabinet Portfolio under which the service area sits
Category Manager	Officer responsible for the development of a category plan and to oversee procurement activity within the category
Central Purchasing Bodies	A contracting authority (as defined by the Public Contracts Regulations 2015) providing centralised purchasing activities and ancillary activities
Closed Tender Process	A number of providers are selected by the Council to be invited to participate in the tender opportunity as opposed to being "open" where anyone can submit an offer.
Commissioning	The process of specifying, securing and monitoring services to meet people's needs at a strategic level. An ongoing process, it deals with whole groups of people, which distinguishes it from the process of buying individual services.
Concessions	A Concession Contract is where the Council grants a Service Provider the right to provide a service and rather than pay the Service Provider for providing the service. The Council transfers the opportunity of the market to the Service Provider, along with the demand risk in relation to the level of the market. Revenue from fees paid by service users is kept by the Service Provider and used to meet the costs incurred in delivering the service and potentially to make a profit

Contract Procedure Rules

Constitution	The set of legal, administrative and legislative principles by which the Council is governed, especially in relation to the rights of the people it governs.
Contract	Document setting out various particulars for the provision of supplies, services and works
Contracts Finder	A online database which enables suppliers to search for contract opportunities valued over £10,000, across the nation and sectors.
Corporate Plan	The document by which the Council sets out its priorities and objectives, and how it will achieve them
Corporate Procurement Strategy	The document by which the Council's Strategic Procurement Unit sets out its priorities and objectives, and how it will achieve them
Councils	Refers to North East Lincolnshire Borough Council and North Lincolnshire Borough Council unless otherwise specified
CPR	Contract Procedure Rule
Director	Officer who is responsible for a Service Area or grouping of services of the Council
Disaggregation	The splitting down of requirements into lower value packages
e-Certis	e-Certis is a guide to the different documents & certificates required from companies tendering for public contracts in any EU country
Electronic auction	Price based procurement auction performed online following evaluation against non-price criteria. Usually a reverse auction where tenderers repetitively lower their prices.
Engie	Engie, NELC's Regeneration Partner
ESPD	European Single Procurement Document consists of a self-declaration as preliminary evidence of certification
EU	European Union
Framework Agreement	An overarching agreement with a supplier where prices, specifications and terms are pre-agreed, but where there is no obligation to purchase. Requirements are "called off" as and when required over a specified timeframe.
ITT	Invitation to Tender

Contract Procedure Rules

Key Decision (NELC)	Definition available at - https://www.nelincs.gov.uk/wp-content/uploads/2016/03/Part-2-Draft-new-constitution-2016-2.pdf Section 4 (Cabinet Functions) of Article 4 (Decision Making).
Key Decision (NLC)	Definition available at http://www.northlincs.gov.uk/EasySiteWeb/GatewayLink.aspx?allId=32678 (Section B13.03)
Lowest Compliant	Of all offers, compliant with the essential criteria of the specification, this is the lowest priced offer: specification-compliance being the first factor to determine.
LTR	Light Touch Regime
Maintained School	Primary and secondary schools funded by central government via the local authority, not charging fees to students.
Mandatory & Discretionary Exclusion	Grounds to exclude tenderers from participating
MEAT	Most Economically Advantageous Tender
Moderated Score	For each criterion or response considered under an evaluation, the evaluation team agrees one score for the said criterion (not an average or an aggregated score across the evaluation team members)
Monitoring Officer	The Monitoring Officer ensures the lawfulness and fairness of Council decision making and serves as the guardian of the Council's Constitution and the decision-making process. Responsibilities include advising the Council on the legality of its decisions, providing guidance to councillors and officers on the Council's Constitution and its powers and assisting the Standards Committee in its role of promoting and maintaining high standards of conduct and probity within the Council.
NELC	North East Lincolnshire Council
NLC	North Lincolnshire Council
OJEU	Official Journal of the European Union
Option Appraisal	The assessment of options in order to establish the most viable or feasible course of action
PIN	Prior Information Notice
Priorities	The areas that the Council or The Procurement People believes are important in order to deliver services to citizens

Contract Procedure Rules

Procurement	The process of acquiring supplies, services and goods from third parties
Project Team	A project team should include somebody technically proficient in the subject matter and usually includes: project manager, The Procurement People officer, finance officer, HR officer, legal officer and any other expertise required to deliver the outcome.
Procurement Toolkit	Intralinc (NLC)/Intranet (NELC) based pack - self-service guidance and templates
Purchasing Consortia	A group of organisations joining together for the shared purpose of purchasing supplies, services or works
Relevant Bodies	A group of organisations defined in the Localism Act 2011, specifically voluntary and community organisations, charitable organisations, a group of two or more Council employees, parish and town Councils.
RFQ	Request for Quotation
Risk Management	The identification of potential risks and the arrangement of contingency plans to manage or minimise those risks
Service Area	An area of the Council that is responsible for specific service delivery
SME	Small and Medium sized Enterprises
SME Concordat	A nationally recognised procurement agreement to encourage a mixed range of suppliers to help develop and stimulate a varied and competitive marketplace
Social Value	It involves looking beyond the price of each individual contract and looking at what the collective benefit to a community is when a public body chooses to award a contract
Supplier Questionnaire	To gather information on and make assessments of the prospective bidders' credentials, before considering tenders
Threshold Level	Sets out the amount of money (or contract value) by which different procurement procedures are followed
TSO	Third Sector Organisation. A non-governmental organisation which principally reinvests its surpluses to further social, environmental or cultural objectives
TUPE	The Transfer of Undertaking (Protection of Employment) Regulations 2006 (SI No.2006/246) as amended or re-enacted from time to time

Contract Procedure Rules

Value for Money	Obtaining the most economical, efficient, and effective solution
VAT	Value Added Tax
Whole Life Cost	The calculation of the estimated value of a procurement based on the total amount payable, net of VAT, as estimated by the contracting authority, including any form of option and any renewals
YORtender	Supplier Contract Management System (or equivalent e-tendering system) web portal by which the Council effectively advertises and manages quotations and tenders