



Contract Procedure Rules

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Introduction and Scope of the Rules

1. Introduction

- 1.1 The Council undertakes a diverse range of procurements each year and intends to promote good procurement practice, ensure public accountability, and prevent corruption by compulsory use of these Contract Procedure Rules (CPR).
- 1.2 In accordance with its powers under s.135 of the Local Government Act 1972, the Council has created these Contract Procedure Rules as standing orders of the Council. These CPRs are part of the Constitution and need to be read and implemented in conjunction with the Financial Regulations.
- 1.3 These rules ensure formal compliance with EU Directives and the Public Contracts Regulations 2015.
- 1.4 Failure to comply with these rules may lead to disciplinary action and legal proceedings against those concerned.

2. Interpretation of the Rules

- 2.1 The Head of Procurement and Contract Services shall make all decisions relating to the interpretation of these rules.
- 2.2 Guidance issued from time to time by central government as well as decisive case-law and changes to procurement legislation shall take precedence over these rules.
- 2.3 Officers must have regard to any policies or guidance issued by Procurement and Contract Services relating to these rules.

3. Basic principles

- 3.1 The procurement of supplies, services and works of any value must;
 - 3.1.1 *At all times* provide value for money
 - 3.1.2 Be undertaken in a fair, transparent, equal and non-discriminatory manner
 - 3.1.3 Not involve fraud or corruption
 - 3.1.4 Follow a transparent process which is fully auditable in writing
 - 3.1.5 Adhere to ethical procurement principles
 - 3.1.6 Receive the appropriate approval to award a contract

4. Scope of the Contract Procedure Rules

- 4.1 These rules apply to all procurements for the provision of supplies, services or works, except where stated in 4.3.
- 4.2 A contract is any verbal or written agreement where a party (the Contractor) agrees to provide supplies, services or works to the Council in return for something for a payment (or something else which has monetary value), and where the Contractor may retain part of the payment as a profit. These contracts include but are not limited to:

- 4.2.1 Framework agreements
- 4.2.2 Purchase orders;
- 4.2.3 Leasing/ licensing/ Financing arrangements (e.g. Photocopiers);
- 4.2.4 Work concession contracts (refer to legal in all circumstances)
- 4.2.5 Quotations
- 4.2.6 Service concession contracts
- 4.3 The following contracts are exempt from these regulations:
 - 4.3.1 Contracts which make an individual a direct employee of the Council;
 - 4.3.2 Contracts for the acquisition, transfer, or disposal of any interest in land or property (including leasehold interest);
 - 4.3.3 Residential placements sought for an individual with a registered care provider of their choice;
 - 4.3.4 Supported living services for an individual with a care provider of their choice under the National Health Service and Community Care Act 1990;
 - 4.3.5 Social care packages under the personalization agenda;
 - 4.3.6 Individual school placements sought for a child with Special Educational Needs (SEN);

5. Responsibilities of Officers

Directors

- 5.1 Directors are responsible for procurement activity undertaken by their department ensuring that all-procedures are compliant with these rules.
- 5.2 Directors shall ensure;
 - 5.2.1 Ensure a Responsible Officer is in place for procurements in excess of £5,000;
 - 5.2.2 Take immediate action in the event of a suspected fraud or corruption activity.
 - 5.2.3 Take immediate action in the event of breach of these rules
 - 5.2.4 Ensure that each Department's officers are aware of and comply with the sub-delegation protocols.
 - 5.2.5 The Responsible officer;
 - 5.2.5.1 Attends formal and regular procurement training provided by the Procurement and Contracts Team
 - 5.2.5.2 Plans for sufficient time and resource to procure the requirement
 - 5.2.5.3 Has placed the procurement onto the Council's Annual Procurement Plan prior to the commencement of a procurement above £75,000

5.2.5.4 Provides a copy of their evaluation criteria to the Procurement and Contracts Team for approval in advance of any tender being issued above the value of £30,000.

Officers

5.3 Officers are required to:

- 5.3.1 Check the Contracts Register to establish whether there is an existing contract which may be used instead of engaging in a procurement
- 5.3.2 Declare any personal interest in the procurement by completing a Conflict of Interest Declaration in advance of a procurement. Corruption may result in criminal proceedings as well as disciplinary action.
- 5.3.3 Take all necessary procurement, legal, financial, and professional advice.
- 5.3.4 Adhere to the Contract Procedure Rules if they are involved in the procurement of supplies, services or works.
- 5.3.5 Ensure the Council is provided with Value for Money throughout the procurement process
- 5.3.6 Be aware of necessary procurement timescales and notify Procurement, Legal, Finance, and other departments as soon as possible prior to a deadline if their assistance will be required.
- 5.3.7 Ensure that a written contract or council official purchase order is in place prior to the commencement of the supply of supplies, services or works.
- 5.3.8 Keep records of dealings with Contractors and all parties assisting the Council in procuring the supplies, services, or works.
- 5.3.9 Ensure that Members, Corporate Leadership Team (CLT), Procurement, the Monitoring Officer and Chief Financial Officer are consulted as necessary on issues arising as part of a procurement exercise;
- 5.3.10 Record all contracts in the Council's Contracts Register;
- 5.3.11 Report confidentially any Officer, Member, advisor or consultant who they witness or suspect of misconduct or breach of procedures, following the process shown in the Council's whistle-blowing policy;
- 5.3.12 Where applicable, seek the approval of the relevant governance board.
- 5.3.13 Utilise the Council's e-tendering system in accordance with rules 5.3.10, 8.1 and 13.
- 5.3.14 Report any suspected or known fraud or corruption activity immediately.
- 5.3.15 Consult the Procurement and Contracts Team immediately when a potential or legal challenge has been made or received in writing to a procurement activity
- 5.3.16 Consult Leasehold Management Team if the procurement activity impacts on Leaseholders (Service Charge or Section 20)
- 5.3.17 Report any suspected Modern Slavery concerns

Consultants advising on procurement

- 5.4 Where a consultant or other advisors are engaged to provide advice to support a procurement process, the Responsible Officer must:
- 5.4.1 Obtain a written Conflict of Interest Declaration from the Consultant / Advisor
 - 5.4.2 Create a schedule of requirements that sets out the consultant or advisor's role in the procurement exercise;
 - 5.4.3 Minimise as much as possible, the risk that any consultant or advisor informing on procurement does not use information obtained during employment with the Council, to gain any commercial or pecuniary gain;
 - 5.4.4 Ensure that the relevant level of Professional Indemnity Insurance has been obtained by the consultant or advisor;
 - 5.4.5 Not permit any consultant or advisor to be designated as the Responsible Officer for the procurement;
 - 5.4.6 Immediately, upon becoming aware that a consultant or advisor intends to, or has, bid for a tender involving the Council, approach the Head of Procurement and Contracts Team for advice before proceeding further.
 - 5.4.7 Not permit the consultant or advisor to communicate directly with bidders unless that communication has been authorised by the Responsible Officer.
 - 5.4.8 Permit the consultant or advisor to act in an advisory capacity to the Council's tender evaluation panel and permit them to score the submissions where specific expertise is required.
 - 5.4.9 Undertake due diligence where an officer recommendation has been received to employ a consultant directly
 - 5.4.10 Consult the Procurement and Contracts Team when in doubt of the rules applying to the employment of consultants

6. Rules applying to all procurements

Pre-tender Market Research and Consultation

- 6.1 The Responsible Officer:
- 6.1.1 May consult potential tenderers prior to the issue of the Invitation to Tender or quotation in general terms about the nature, level and standard of the requirement and other relevant matters, provided this does not prejudice any potential tenderer or tender;
 - 6.1.2 Must not seek or accept technical advice on the preparation of an Invitation to Tender or Quotation from anyone who may have a commercial interest in it, this may prejudice the equal treatment of all potential tenderers or distort competition.
 - 6.1.3 Must notarise the meeting/ event, share the information presented as and when requested, unless the information is commercially sensitive.

Pre-Procurement

- 6.2 Prior to procurement the Responsible Officer must:

- 6.2.1 Consult Procurement and Contracts Team on all procurements in excess of £30,000;
 - 6.2.2 Make a genuine estimate of the total value (including all payments to the Contractor) of the supplies, services or works being supplied during the entire term (including any extension period) of the contract. Contracts must not be artificially divided into two or more contracts to avoid EU Procurement Rules or the Council's Contract Procedure Rules;
 - 6.2.3 Where the contract term is without fixed length calculate the estimated value of the contract should be calculated by the monthly value multiplied by 48 in accordance with Regulation 8 of the EU Regulations (Regulation 6;17;b of the Public Contract Regulations 2015);
 - 6.2.4 Consult Finance prior to commencing a procurement or placing the project onto the Annual Procurement Plan (APP) to ensure that budget for the total estimated value identified above will be available for the contract;
 - 6.2.5 Consider the application of Public Services (Social Value) Act 2012 for all procurements above £75,000.
 - 6.2.6 Ensure that during a procurement process all information remains confidential until a contract has been awarded. Information stipulated as sensitive in the contract must continue to be treated as such after award.
- 6.3 Conflict of interest declarations must be completed in advance, by officers and others involved in quotations / tendering process.
 - 6.4 Ensure full written notes are made by evaluators to create an audit of the evaluation process. Notes must not dispose for 6 months after award of contract.

Sourcing Supplies and Services using Corporate Contracts

- 6.5 Where there is a corporate contract in place, it must be used where it meets the Council's need and promotes Value for Money.

7. Annual Procurement Plan

- 7.1 All procurements where the anticipated total contract value is in excess of £75,000 must be reported to the Cabinet in the Annual Procurement Plan (APP) or an update to that Plan.
- 7.2 Where the procurement meets the Key Decision criteria, as set out in the Council's Constitution:
 - 7.2.1 It is the responsibility of the Director, in consultation with the Lead Member, to agree the recommended Annual Procurement Plan appendix.
 - 7.2.2 Approval of this recommendation by Cabinet determines authorisation required for the procurement, including where decision making is delegated to the Director.
 - 7.2.3 Procurement's approved by Cabinet as a Key Decision must still be placed on the Forward Plan at least 28 days prior to the commencement of procurement and 28 days prior to the award of contract, except where 7.2.4 applies.
 - 7.2.4 Programmes of services or works approved by Cabinet that contains several procurements within it may not require separate approval by to commence those procurements where;

7.2.5.1 Each procurement shows the allocated budget

7.2.5.2 Each procurement outlines a scope of the service or works

7.2.5.3 7.2.5.1 and 7.2.5.2 have not changed since the original programme was approved.

7.2.5 The entry on the Forward Plan must include the date cabinet approved the APP.

8. Authority to commence and minimum tendering requirements

8.1 The procurement of any supplies, services or works, including an extension or variation to a contract, requires appropriate authority before it can commence and prior to award. Please see the table below (Table 1).

	Contract Value	Minimum Tendering Requirement	Authority to Commence	Method of Publication	Authority to Award
8.1.1	Up to £5,000	Minimum of one written quotation, which represents value for money, must be obtained. Where possible a quotation from a local supplier should be sought ¹	Authorisation from Budget Holder	n/a	Authorisation from Budget Holder
8.1.2	£5,001 - £30,000	Minimum of three written quotations, which represents value for money, must be sought. Where possible 2 quotations from a local supplier should be sought ¹ .		ProContract (Quick Quote)	Authorisation from Head of Service
8.1.3	£30,001 - £75,000		Authorisation from Head of Service		Authorisation from Head of Service
8.1.4	£75,001 – EU Threshold	Full competitive tendering process or a compliant framework must be used. At least 5 Contractors must be invited to tender.	Authorisation in accordance with the APP	ProContract and Contracts Finder	Authorisation in accordance with the APP
8.1.5	Above EU Threshold			ProContract, OJEU and Contracts Finder	

Table 1

8.2 All tenders and quotations over £5,000 must be published through the Council's stipulated e-tendering system, ProContract.

8.3 Officers must obtain legal advice on the terms and conditions of all contracts if they are likely to expose the Council to reputational or financial risk, even if the value of the contract is less than the relevant EU threshold. Advice should be sought in the event that clarification is required.

¹ The Council cannot give preference to local suppliers, due to legislative constraints. However, the Council will seek to reduce the impact of any barriers to competition for local and SME suppliers where it can do so within the law.

8.4 Legal advice must be sought on the terms and conditions of all contracts in excess of the relevant EU threshold.

8.5 Financial checks are required on potential suppliers for procurements £75,000 and above. The Responsible Officer must request Procurement and Contracts Team to undertake these checks. If the Responsible Officer or Procurement deems it necessary, financial checks may be carried out on procurements below £75,000.

9. Rules Applying to Procurements over EU Thresholds

9.1 Advice must be obtained from Procurement and Contracts Team before deciding which procedure to use where the contract value is in excess of the applicable EU Supplies, Services or Works Threshold.

10. Framework Agreements / Dynamic Purchasing System

10.1 Where a framework agreement or DPS has been identified:

10.1.1 Advice must be sought from Procurement and Contract Team to confirm that the framework agreement / DPS can be used by the Council;

10.1.2 The scope of the services that can be drawn off the agreement / DPS and their associated service levels and terms and conditions need to be analysed to ensure they meet the Council's needs;

10.1.3 The process and rules for using the framework agreement / DPS must be understood and complied with.

10.1.4 The rebate to be paid must be a consideration before purchasing from a Framework Agreement or DPS.

10.1.5 A framework agreement must not be used without having access agreements approved by Procurement and Contract Team.

10.1.6 An Authority to Commence and Authority to Award must be approved prior to accessing or awarding from a framework agreement or DPS.

11. Collaborative Procurement

11.1 Each collaborative procurement will have a lead or Contracting Authority. This is the body that will be responsible for letting and awarding the contract. The procurement process will usually be undertaken in accordance with that body's contracting regulations.

11.2 Each participating Councils role and responsibilities in any collaborative procurement must be clearly outlined and understood at the beginning of the procurement.

11.3 The responsibilities of officers of this Council will vary depending on whether:

11.3.1 The London Borough of Hounslow is designated as the contracting authority;

11.3.2 Whether another body is the contracting authority;

11.3.3 The nature of the procurement activity and any democratic responsibilities.

11.4 Where the Council is not the Contracting Authority, departments must obtain authority to participate prior to placing a notice advertising the procurement.

- 11.5 Where the London Borough of Hounslow will be the Contracting Authority for the procurement:
- 11.5.1 Authorisation to commence the procurement process must be obtained and undertaken in accordance with these rules;
 - 11.5.2 A member of the Procurement team must lead the procurement element of the project;
 - 11.5.3 There must be legal representation on the project team;
 - 11.5.4 Advice must be sought from the Risk & Insurance Team regarding the level of insurance required, notwithstanding the other contractual indemnity clauses
 - 11.5.5 The procurement timetable should allow for the participating authorities to obtain the necessary approvals in accordance with their constitution;
 - 11.5.6 Authorisation to award the contract must be obtained in accordance with these Regulations.

12. Concession Contracts

- 12.1 Procurement and Legal must be consulted before proceeding with the tendering of a Concession contract for services or works. Concession contracts are covered by the Concession Contracts Regulations 2016.

13. Procurement Process

Specifications

- 13.1 Specifications must set out a clear and comprehensive description of the Council's requirements with regard to the supplies, services or works to be supplied. The specification should include the defined outputs/ outcomes expected.
- 13.2 All supplies, services or works must be specified by reference to European standards or National standards if no European standards are set.
- 13.3 Named products or manufacturers must not be specified for procurements above the EU threshold.
- 13.4 Specifications must contain *measurable* objectives to enable the Council to ascertain whether requirements are being met. This should include Key Performance Indicators for measurable purposes.
- 13.5 Specifications must incorporate the relevant requirements in respect of:
- 13.5.1 Professional or Industry accreditations to be held by the service providers
 - 13.5.2 Responsibility for the management, safeguarding and ownership of any data to be held and/or used as part of the contract;
 - 13.5.3 Consultation with service users;
 - 13.5.4 Reporting to the Council on key service metrics;
 - 13.5.5 Equalities analysis
 - 13.5.6 Data protection
 - 13.5.7 Sustainable procurement and social value.

- 13.6 Ethical procurement principles must be followed at all times throughout the procurement process. These principles to be extended to the monitoring of contracts.
- 13.7 Quotation or Invitation to Tender should not be started until the specification has been prepared and is ready to issue. For concession contracts and where appropriate, a supplier's business plan may be used as the specification.

13.6 Advertising

- 13.6.1 Procurements at or above £75,000 must be published on the Council's stipulated e-tendering system and where required on Contracts Finder.
- 13.6.2 Where the requirement is above the relevant EU threshold a contract notice must first be placed in the OJEU in the form prescribed by OJEU for all procurements. Publication of a notice must be approved and issued by the Procurement Team.
- 13.6.3 All documents relating to an above EU threshold procurement must be made available at the first point of publication of the contract notice.

13.7 Evaluation Criteria

- 13.7.1 Evaluation criteria to be applied for all tenders above £75,000 must be approved by a member of the Procurement Team prior to publication.

13.8 Submission of Tenders

- 13.8.1 Tenders must comply and be submitted in accordance with the rules and instructions set out in the Invitation to Tender.
- 13.8.2 Tenders must be submitted electronically using the Council's e-tendering system. Any deviation from using the e-tendering system must be approved by the Procurement Team.
- 13.8.3 Tenders received after the specified deadline can only be considered if the tenderer provides evidence that submission was delayed due to circumstances outside of their control. Acceptance of such tenders is subject to the approval of the Procurement.

13.9 Amending Quotation, Tenders or Bids

- 13.9.1 If a potential supplier identifies an error in their tender they may submit a correction as long as this is before the deadline.
- 13.9.2 A supplier's response is their offer to the Council and no amendments can be made after the closing date.
- 13.9.3 Genuine arithmetical error(s) may be clarified with tenderers and alterations may be acceptable at the discretion of the Head of Procurement and Contracts Team or Senior Procurement Manager.
- 13.9.4 Correction of any other tender error(s) can only be made at the discretion of the Head of Procurement and Contracts Team or Senior Procurement Manager.

13.10 Award Methodology and Evaluation Criteria

13.10.1 The award methodology must be the most economically advantageous tender (MEAT) based on criteria set out in the Invitation to tender or Request for Quotation.

13.10.2 Bidders must meet the minimum standard set out in the selection criteria where included in the evaluation process.

13.10.3 Abnormally low bids must be investigated and only accepted where there is justification to do so.

13.10.4 Training must be received by officers and others involved in the evaluation process prior to any tender being published. If training has not been received this may impact on the approval to award a contract.

13.11 Authority to Award Contract

13.11.1 An Authority to Award form must be completed for all procurements. The form must be authorised within the service by those shown in the table below (Table 2). Finance and Procurement approval is also required for contracts over £30,000.

13.11.2 All Authority to Award forms must be copied to the Procurement and Contract Team upon completion when approval has been made.

13.11.3 Authority to Awards above £75,000 must identify the Social Value agreed and provisions for employing local young people.

13.11.4 The names of SME's invited to quote, or tender must be captured on the Authority to Award.

Contract Value	Authorisation by	Transparency Requirement
£0 - £5,000	Authorisation by Head of Service or above	ProRegister
£5,000 - £30,000		Pro Register and Contracts finder
£30,001 - £75,000	Authorisation by Head of Service or above	Pro Register and Contracts finder
£75,001 - EU Service and Supplies Threshold	Authorisation in accordance to APP Appendix	Pro Register and Contracts finder
Above EU Service and Supplies Threshold		Pro Contract, Contracts Finder and OJEU
£75,001 – EU Works Threshold		Pro Contract, Contracts Finder and OJEU
Above EU Works Thresholds		Pro Contract, Contracts Finder and OJEU

Table 2

13.12 Informing Suppliers

13.12.1 Once Authority to Award is approved the successful supplier must be informed in writing using the standard letter templates found on the Procurement intranet page.

13.12.2 After a contract is awarded all other third parties should be notified of the decision prior any standstill period.

13.12.3 If a supplier asks for feedback the Responsible Officer must contact Procurement to seek advice on the protocol to be used where the procurement is over £30,000.

13.13 Regulation 84 Reports must be produced and presented with the authority to award for all above EU threshold contracts.

13.14 Where section 20 of the Landlord and Tenant Act 1985 (as amended by S151 of the Commonhold and Leasehold Reform Act 2002) applies at least 2 tender returns must be received before proceeding to award.

13.15 Execution of Contracts

13.15.1 All contracts with a value over £150,000, in expenditure or income, must be signed and sealed by the Mayor.

13.15.2 Cover notes for contracts over the threshold stated in 13.15.1 must be completed and signed by the solicitor that has compiled the contract prior to signing and sealing of the contract.

13.15.3 Contracts below the threshold in 13.15.1 can be signed by the relevant officer within the scheme of delegation.

14. Waivers

14.1 Waivers are rarely granted. A Waiver is an exemption from the Contract Procedure Rules. Waivers will be declined where its use cannot be completely justified, lacks transparency or does not represent value for money.

14.2 Where the value of the contract is at or above the published EU Procurement thresholds which come under the Public Contracts Regulations 2015 cannot be waived.

14.3 If granted, waivers are an interim measure, granted for the shortest period possible.

14.4 A Waiver must be applied for by using the correct documentation and must be signed by the Head of Procurement and Contract Team and the Director of Finance and Corporate Services.

14.5 A lack of time to complete a procurement caused by inadequate forward planning is not a cogent reason to seek a Waiver.

14.6 A retrospective Waiver may be granted in the following circumstances:

14.6.1 An unforeseen emergency involving danger to life or health or serious damage to property that requires supplies or services to be obtained more urgently than would be possible if the tender or quotation procedure were followed;

14.6.2 Where contracts need to be entered into urgently to discharge a court stipulated action.

14.7 All Waiver exemptions must be applied for and approved before engagement of works, services or supplies.

15. Contract performance monitoring

15.1 Every awarded contract must have an identified Contract Manager who is responsible for:

- 15.1.1 Ensuring that the supplier maintains the insurance policies required by the contract;
- 15.1.2 Keeping a record of all valuations, payments, claims, monitoring, changes and certificates under the contract;
- 15.1.3 Managing the transition between the ending of one contract and the beginning of another
- 15.1.4 Ensuring the Contractor is compliant with the Council's policies e.g. equal opportunities, whistle-blowing and any changes in legislation including Data Protection Act, Health & Safety and Safeguarding.
- 15.1.5 Ensuring that KPI's are met and carry out meetings/visits where required
- 15.2 The Contract Manager must consult with the Procurement and/or Legal Services:
 - 15.2.1 Before any amendments to the scope of the contract or its terms and conditions are agreed with a Contractor
 - 15.2.2 In the event of a claim for payment not clearly defined within the terms and conditions of contract;
 - 15.2.3 Contractors must be informed prior to making any deduction from payments due.

16. Variations to the Scope of Contracts

- 16.1 The Contract Manager may agree with a Contractor to carry out additional works or services that were not included in the original contract but which, through change control or unforeseen circumstances, have become necessary.
- 16.2 Prior to the variation of the scope of a contract:
 - 16.2.1 A budget must be allocated for that expenditure
 - 16.2.2 Value for money must be demonstrated
 - 16.2.3 The Head of Procurement and Contracts Team and relevant Director must agree the variation
 - 16.2.4 Legal advice must be sought where required.
 - 16.2.5 Supplies, services or works must not exceed 50% of the total value of the original contract and must represent best value
- 16.3 All variations must be authorised by the appropriate Head of Finance and Head of Procurement and Contracts Team using the template found on the Procurement intranet page.

17. Contract Extensions

- 17.1 If there is no extension clause in the contract agreement then a Waiver must be completed.
- 17.2 A contract may be extended where there is no clause for extension in the contract agreement, subject to a risk assessment. Any extension should be commenced in consultation with Procurement and Contracts Team.
- 17.3 A contract may be extended before the expiry date where the extension is in accordance with its original terms, and must be supported with an Authority to Extend form.

- 17.4 Where the contract terms do not provide expressly for an extension:
- 17.4.1 Contracts subject to the EU Regulations may be extended only in limited circumstances and on the approval of the applicable Director, Head of Procurement and Contracts Team and Legal Services
 - 17.4.2 Contracts not subject to the EU Regulations may only be extended by formal written variation where the extension to a contract will achieve Best Value and is reasonable in all the relevant circumstances on the approval of the applicable Director.
- 17.5 All extensions must be approved using the appropriate template found on the Procurement intranet page

18. Termination

- 18.1 Where a contract needs to be terminated prematurely or for poor performance Procurement must be consulted. The final decision will reflect the financial and legal implications arising from the termination.

19. Novation of Existing Contracts

- 19.1 The novation of a contract to a new person requires the prior written permission of the Head of Procurement and Contracts Team in consultation with the Head of Governance.

20. Document Retention

- 20.1 All contract records must be retained for six years after contract expiry and under any seal for twelve years from the expiry of the contract.
- 20.2 Where the contract is externally funded any contingent liabilities and/ or grant conditions must be taken into account by the length of the retention period.
- 20.3 Unsuccessful tenders must be retained for one year from the award of contract.

Appendix 1 – Definition of Terms

Advisor		means a consultant or other third party specialist who is appointed to provide the Council with technical or other specialist service related advice as part of a procurement process
Annual Procurement Plan		means a document that is approved by Cabinet that lists the procurements to be undertaken by the Council in a particular time period
Business Continuity		means the arrangements for maintaining a service in the event of an unexpected incident that disrupts the availability of resources (e.g., people, electricity, IT systems, transportation routes) that are needed to deliver the service
Commissioning		means specifying a need or outcome
Contract		means any agreement to provide goods, services or works in exchange for a consideration (this is usually a payment)
Contracts Review Board		means the senior officer group responsible for overseeing contract award and management within the Council. The Contracts Review Board encourages strategic planning of contracts, the development of good practice procurement for new tenders or contract extensions, the embedding of contract management principles and provides strategic advice and guidance.
Contract Management		means managing a contract to achieve a need or outcome
Constitution		Means the constitution of the Council
CPR		means Contract Procedure Rules
Contract Value		means a genuine estimate of the value all payments to be made, or potentially to be made to the Contractor, for the whole of the contract period including any extension period
Contracting Authority		means public body that is subject to the procurement Regulations.
Council Procurement Documentation		means that documentation as specified from time to time by the Assistant Director of Procurement and Transactional Services and/or the Assistant Director Corporate Governance as that to be used to document the procurement process undertaken by the Council
e-tendering		means the process of carrying out a tender process online, including the submission of bids
EU Procurement Regulations		means the 2014 EU Procurement Directives as amended from time to time
EU Services Threshold		means the threshold specified under the European public contracts directive (2014/24/EU)
EU Works Threshold		means the threshold specified under the European public contracts directive (2014/24/EU) for the award of works contracts as amended from time to time.
Financial Regulations		means regulation which subjects financial institutions to certain requirements, restrictions and guidelines, aiming to maintain the integrity of the financial system
Framework Agreement		means an agreement between one or more contracting authorities and one or more suppliers which fixes the

		terms and conditions under which the supplier will enter into one or more specific contracts with a contracting authority under the term of the framework agreement, which must be no longer than four years.
Heads of Service (HOS)		
Key Decisions Threshold		means the financial threshold, as amended from time to time, set for decisions that need to be made by the Cabinet as the expenditure is regarded as significant and therefore needs to be included on the Council's Forward Plan. At 1 February 2012 decisions with financial implications in excess of £250,000 may be deemed to be key decisions.
OJEU		means the Official Journal of the European Union). This is the publication in which all tenders from the public sector which are valued above a certain financial threshold according to EU legislation, must be published
Procurement		means the process for satisfying a need or outcome
Public Contracts Regulations		means the UK legislation implementing the Public Sector Directive 2004/18/EC setting out procedures for the award of contracts for goods, services and works.
Purchase Order		means the Council's official order form for the purchase of works, goods or services.
ProContract		Means the e-tendering system used by the Council
Quotation		means a description as to how a supplier intends to meet the requirements set out in the Council's Specification accompanied by a schedule of costs of the works, goods or services to be provided to meet the Council's Specification
Reserved Decisions		means that authority to commence the procurement process and authority to award a contract must be obtained from the Cabinet
Responsible Officer		means an officer with responsibility for conducting processes for the purchase of works, goods or services on behalf of the Council. This shall include Assistant Directors, Heads of Service, service managers and other officers who are exercising the necessary delegated powers on behalf of the relevant Director
Specification		means a written statement of the Council's requirements for works, goods and/or services

Appendix 2 – Procurement Templates

Procurement Authorisation		The Procurement Authorisation document should be completed for procurements above £30,000. This combines the APP registration form, Authority to Commence and the Authority to award forms for procurements over £30,000.
Authority to Commence		The Authority to Commence (ATC) is a document that must be completed and submitted to the Procurement when a procurement with a contract value of less than £30,000 is ready to commence
Authority to Award		The Authority to Award (ATA) is a document that must be completed and submitted to the Procurement when a procurement with a contract value of less than £30,000 is ready to be awarded.
Authority to Vary a Contract		The Authority to Vary (ATV) is a request for permission to amend the scope, length or value of an existing Contract.
Authority to Extend a Contract		The Authority to Extend (ATE) is a document that should be completed by the requestor (Responsible Officer) when an additional period of time at the end of a contract is required.
Exemption to the APP		Where an urgent requirement arises that was not foreseen within the APP, authority to proceed may be sought from the Head of Procurement and Contracts Team,
Waiver		The waiver is a request to waive one or more Contract Procedure Rules. The waiver is not an approval to commence or award a procurement, and cannot be used to circumvent the Councils constitution.