

## APPENDIX 1

### Proposed amendments to Constitution

Original Clause	Original Wording	New Wording	<i>Explanation</i>
<b>FINANCIAL PROCEDURE RULES</b>			
<b>9.0</b>	<b>Placing of Contracts (Including Official Orders)</b> <b>Deleted</b>	<b>Procurement of Goods and Services</b> <b>Added</b>	<i>Placing of contracts does not adequately describe the entire procurement process including tendering.</i>
9.1	<p>Before placing a contract, regard will be had to the Contract Procedure Rules and to the various financial limits shown in the Financial Limits Appendix which determine and affect:</p> <ul style="list-style-type: none"> <li>(a) The form of contract to be used;</li> <li>(b) The need for a competitive approach;</li> <li>(c) The need for financial vetting;</li> <li>(d) Bonding arrangements;</li> <li>(e) Contract period; and</li> <li>(f) Liquidated damages.</li> </ul> <p>(Note: The form of contract document to be used is prescribed in Contract Procedure Rule 1(5). Official Orders or a contract in a form</p>	<p>Procurement of Goods and Services shall be in accordance with the Contract Procedure Rules.</p> <p><b>Added</b></p>	<i>This paragraph duplicates material that is in the Contract Procedure Rules.</i>

Original Clause	Original Wording	New Wording	Explanation
	<p>approved by the Head of Legal Services must be used where that form of contract document does not apply.)</p> <p><b>Deleted</b></p>		
9.5	<p>Official orders will describe, where applicable:</p> <ul style="list-style-type: none"> <li>(a) The nature and quantity of the work, goods or services required;</li> <li>(b) The quality of the work, goods and services where this can be quantified and is a factor in the placing of the order;</li> <li>(c) Any contract or agreement or agreed prices relating thereto;</li> <li>(d) The estimated total cost;</li> <li>(e) Any defects period;</li> <li>(f) Any retention of monies;</li> <li>(g) The rate of any liquidated damages to be applied; and</li> <li>(h) The dates for commencement and completion of the work or services, or the date for the delivery of goods.</li> </ul>	<p>Official orders will describe:</p> <ul style="list-style-type: none"> <li>(a) For materials and simple services not covered by a separate contract <ul style="list-style-type: none"> <li>i. The nature and quantity of the work, goods or services required;</li> <li>ii. The quality of the work, goods and services where this can be quantified and is a factor in the placing of the order;</li> <li>iii. Any contract or agreement or agreed prices relating thereto;</li> <li>iv. The total cost</li> </ul> </li> <li>(b) For services and high value materials where a formal contract is in place</li> </ul>	<p><i>Where applicable has been deleted as the standing order already covers the minimum requirements.</i></p> <p><i>The list has been broken into two to reflect the two very different types of order: a) those for simple procurements where the order is the form of contract and b) where a separate form of contract is in place and the order is the link to the payment system.</i></p>

Original Clause	Original Wording	New Wording	Explanation
	<b>Deleted</b>	i. Clear reference to the contract including reference number, name and date. <b>Added</b>	
9.6, 11.2a and 11.3	Official orders will be authorised in the Financial Management System by the Director or duly authorised officer, whose names will be notified in writing for the agreement of the Chief Finance Officer specifying any financial limits to that authority. <b>Amended</b>	Official orders will be authorised in the Financial Management System by the authorised officer as approved by the Chief Finance Officer and defined in the Delegated Authorities Matrix. <b>Amended</b>	<i>The Delegated Authorities Matrix has been introduced as a way of capturing details of all authorised officers.</i>
12.1	When a contract (including official orders) provides for payments to be made on an interim or stage basis, the Director or designated duly authorised Officer will be responsible for the maintenance of a contract register. The register will, for each contract, specify the name of the contractor, the works to be executed or the goods to be supplied, the contract period and value, bonds, liquidated damages and all payments made in accordance with the contract. <b>Deleted</b>	10.1 When a contract (including official orders) provides for payments to be made on an interim or stage basis, the Responsible Officer will set up and maintain a contract file including details of award, waivers, contract, payments, variations, extensions and correspondence. <b>New Clause</b>	<i>The Contract Register is covered elsewhere. This clause now relates to maintaining accurate and accessible contract information.</i>
<b>AUTHORISATION LEVELS</b>			
	<u>Contract Procedure Rules</u>	<u>Contract Procedure Rules</u>	<i>The Delegated Authorities Matrix will be simpler to understand and</i>

Original Clause	Original Wording	New Wording	Explanation
	<p>[3.5] All contracts to the value of £10,000 or more shall be the subject of a written risk assessment.</p> <p>[5.3.6] All contracts of the value of £25,000 or more must be included on the Council's Contract Register.</p> <p>[5.3.7] Separate files recording details of contract awards, waivers and extensions shall be kept for all contracts of a value of £25,000 or above.</p> <p>[7.4] Thresholds for quotes/tenders – see table 7.4 for Contract Procedure Rules.</p> <p>[8.3] The common seal of the Council shall be affixed to every contract in excess of £75,000, unless the Head of Legal Partnership considers that this is not necessary or appropriate.</p> <p><u>Financial Procedure Rules</u></p> <p>[4.2] The overall limit for virement is £100,000.</p> <p>[4.4] The Chief Finance Officer is authorised to accept tenders or quotations on the recommendation of the Director or duly authorised Officer and subject to the conditions shown in Financial Procedure Rules in excess of £75,000. Directors are authorised to accept tenders not exceeding this sum.</p>	<p>All contracts of the value of £25,000 or more must be included on the Council's Contract Register.</p> <p>Thresholds for Tenders are set out in section 3 of the Contract Procedure Rules.</p> <p>The Common Seal of the Council shall be affixed to contracts over £1 million and construction contracts over £75,000, unless in the opinion of the Monitoring Officer exceptional circumstances require the contract to be sealed.</p> <p><b>Added</b></p>	<p><i>will cover all authorities all in one place</i></p>

Original Clause	Original Wording	New Wording	<i>Explanation</i>
	<p>[4.7] All Committees are authorised to incur expenditure, including the acceptance of tenders, where the delegation to the Chief Finance Officer has not been exercised, in excess of £75,000.</p> <p>[4.8] (a) The limit of the authority for the Chief Finance Officer to authorise virement is £50,000 per item.</p> <p>[4.8] (b) &amp; (c) The overall limit for deferred virement and Committee virement is £100,000.</p> <p>[4.8] (d) The limit to the authority for the Chief Finance Officer to authorise supplementary estimates is £50,000 per item.</p> <p>[4.8] (e) The limit to the authority of the Chief Finance Officer to authorise supplementary estimates in relation to a confirmed emergency or the activation of the Business Continuity Plan is £100,000 per emergency.</p> <p>[4.11] (a) The minimum carry forward is £6,000.</p> <p>[22.6] The limit to the authority of the Chief Finance Officer or an Officer authorised by</p>		

Original Clause	Original Wording	New Wording	Explanation
	<p>him/her to write-off individual amounts due to the Council including the council tax, business rates and housing rents and to authorise adjustments to stores balances is £12,000 per item.</p> <p>[22.7] The approval of the Policy and Resources Committee is required before amounts can be written off or stores balances can be adjusted in excess of £12,000 per item.</p> <p>[16.4(a) &amp; (b)] Any payment to a single supplier which exceeds £40,000 requires authorisation of a bank signatory.</p> <p><b>Delete</b></p>		

## CONTRACT PROCEDURE RULES

<p><b>1.</b></p>	<p><b>Introduction – Purpose of the Contract Procedure Rules</b></p> <p>1.1 Purchasing decisions and processes are important because the money involved is public money. The purpose of these Contract Procedure Rules is to provide a structure within which purchasing decisions are made and implemented and which ensure that the Council:</p> <p>1.1.1 Furthers its corporate objectives</p>	<p><b>Introduction</b></p> <p>It is the responsibility of the Chief Executive and the Service Directors to ensure that all purchases of goods and services comply with:</p> <p>(a). Legal requirements</p> <p>(b). EU Directives</p> <p>(c). The Public Contracts Regulations 2015 (all</p>	<p><i>A detailed introduction is unnecessary and repeats other areas of the Contract Procedure Rules.</i></p>
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Original Clause	Original Wording	New Wording	Explanation
	<p>1.1.2 Uses its resources efficiently</p> <p>1.1.3 Purchases appropriate quality goods, services and works</p> <p>1.1.4 Safeguards its reputation from any implication of dishonesty or corruption.</p> <p>1.2 Purchasing by the Council, from planning to delivery, shall incorporate (where appropriate) principles of sustainability, efficiency, whole life costings and cost savings.</p> <p>1.3 These Contract Procedure Rules are made in accordance with the requirements of Section 135 of the Local Government Act 1972.</p> <p>1.4 These Contract Procedure Rules do not provide guidelines on what is the best way to purchase works, supplies (goods) and services. They set out minimum requirements to be followed. Further information and guidelines are set out in the Council's Purchasing Guide.</p> <p><b>Deleted</b></p>	<p>amendments and Procurement Policy Notes that have been applied later)</p> <p>(d). The Councils Constitution including these Contract Procedure Rules, the Finance Procedure Rules and the Scheme of Delegation</p> <p>(e). Compliance with the Councils decision making process</p> <p>(f). An appropriately signed Procurement Plan is in place prior to the commencement of any procurement over £75,000 contract sum.</p> <p><b>Added</b></p>	
<b>2.</b>	<b>General Principles – Application and</b>	<b>General Principles Applying to all</b>	<i>More relevant title.</i>

Original Clause	Original Wording	New Wording	<i>Explanation</i>
	<b>Compliance with Contract Procedure Rules</b>  <b>Title Deleted</b>	<b>Procurements</b>  <b>Title Added, other content retained</b>	
<b>3.</b>	<b>General Principles Applying to All Contracts</b>  3.1. All purchases however small shall be in writing.  3.2. As a minimum, all contracts shall include clauses which set out:  3.2.1. The works, supplies (goods), services, material, matters or things to be carried out or supplied.  3.2.2. The contract value or a pricing schedule by which the price to be charged for the works, supplies or services provided can be calculated.  3.2.3. The time within which the contract is to be performed.  3.2.4. Quality requirements and/or standards which must be met.  3.2.5. Requirements on the contractor to hold and maintain appropriate insurance.		<i>This section becomes guidance at lots of points and is repetitive so has been removed.</i>

<b>Original Clause</b>	<b>Original Wording</b>	<b>New Wording</b>	<b><i>Explanation</i></b>
	<p>3.2.6. What happens in the event that the contractor fails to comply with its contractual obligations (in whole or in part).</p> <p>3.2.7. Requirements on the contractor to comply with all relevant equalities and health and safety legislation.</p> <p>3.2.8. Requirements on the contractor to comply with relevant sustainability guidelines.</p> <p>3.2.9. That the Council shall be entitled to cancel the contract and recover losses in the event that the contractor does anything improper to influence the Council to give the contractor any contract or commits an offence under the Bribery Act 2010.</p> <p>3.2.10. Requirements regarding freedom of information, data protection, data quality and copyright legislation.</p> <p>3.2.11. Requirements regarding business continuity.</p>		

<b>Original Clause</b>	<b>Original Wording</b>	<b>New Wording</b>	<b><i>Explanation</i></b>
	<p data-bbox="331 308 987 443">3.2.12. Conditions of termination, including the Council's obligations under regulation 73 of the Public Contracts Regulations 2015.</p> <p data-bbox="443 496 958 919">Payment clauses as required by Regulation 113 of the Public Contracts Regulations 2015 which should specify that the Council will pay the contractor within 30 days from the date on which the relevant invoice is regarded valid and undisputed and oblige contractors to include similar provisions in any subsequent sub-contract entered into by the contractor.</p> <p data-bbox="241 978 925 1150">3.3. Written contracts shall not include non-commercial terms or terms unrelated to the actual performance of the contract, unless these are necessary to achieve best value for the Council.</p> <p data-bbox="241 1193 1014 1364">3.4. All contracts shall include relevant specifications and/or briefs/technical requirements which are prepared taking into account the need for effectiveness of delivery, quality, sustainability and efficiency (as</p>		

Original Clause	Original Wording	New Wording	<i>Explanation</i>
	<p>appropriate) and the information set out in the Council's Purchasing Guide.</p> <p>3.5. All contracts of a value of £10,000 or more or which involve a substantial risk to the Council must be subject to a written risk assessment, which should be kept on the contract file.</p> <p>3.6. All contracts over a value of £10,000 or for the provision of consultancy services shall be in a form of contract approved by the Head of Legal Partnership.</p> <p><b>Deleted</b></p>		
<b>4.</b>	<p><b>Regulatory Context</b></p> <p>4.1. All purchasing shall be conducted in accordance with Regulatory Provisions which are:</p> <p>4.1.1. All relevant statutory provisions.</p> <p>4.1.2. The relevant European Community Treaty Principles and EU Rules, which are defined in the Council's Purchasing Guide.</p> <p>4.1.3. The Council's Constitution</p>		<p><i>These are fundamental requirements so are more appropriately dealt with in Section 1 – see above</i></p>

<b>Original Clause</b>	<b>Original Wording</b>	<b>New Wording</b>	<b>Explanation</b>
	<p>including these Contract Procedure Rules, the Council's Financial Procedure Rules and Scheme of Delegation.</p> <p>4.1.4. The Council's Purchasing Guide and other policies and procedures of the Council as appropriate.</p> <p>4.2. In the event of conflict between the above, the EC Treaty Principles and EU Rules will take precedence, followed by UK legislation, then the Council's Constitution, the Council's Purchasing Guide and guidelines, policies and procedures.</p> <p><b>Deleted</b></p>		
<b>5.0</b>	<p><b>Responsibilities of Directors and Responsible Officers</b></p> <p>5.1. Each Director shall:</p> <p>5.1.1. be responsible for the purchasing undertaken by his/her Directorate.</p> <p>5.1.2. be accountable to the Council for the performance of his/her duties in relation to purchasing. comply</p>		<i>Replaced by Annex A, Flowcharts and Section 1</i>

<b>Original Clause</b>	<b>Original Wording</b>	<b>New Wording</b>	<b><i>Explanation</i></b>
	<p>with the Council's decision making processes including, where appropriate, implementing and operating a Scheme of Delegation.</p> <p>5.1.3. appoint a Responsible Officer in writing who shall be an authorised signatory.</p> <p>5.1.4. take immediate action in the event of breach of these Contract Procedure Rules.</p> <p>5.2. A Responsible Officer is an officer with responsibility for conducting purchasing processes for the purchase of works, supplies (goods) or services on behalf of the Council.</p> <p>5.3. A Responsible Officer's duties in respect of purchasing are to ensure:</p> <p>5.3.1. compliance with all Regulatory Provisions and integrity of the tender process.</p> <p>5.3.2. compliance with the relevant statutory provisions and the Council's requirements relating to declarations of</p>		

<b>Original Clause</b>	<b>Original Wording</b>	<b>New Wording</b>	<b><i>Explanation</i></b>
	<p>interest affecting any purchasing process.</p> <p>5.3.3. that there is an appropriate analysis of the requirement, timescales, procedure and documentation to be used.</p> <p>5.3.4. the purchasing process, from planning to delivery incorporates (where appropriate) principles of sustainability, efficiency, whole life costings and cost savings.</p> <p>5.3.5. compliance with the Council's decision making processes.</p> <p>5.3.6. ensuring that all contracts of a value of £25,000 or more are included on the Council's Contract Register.</p> <p>5.3.7. making sure that proper records of all contract award procedures, waivers/exemptions and extensions are maintained, with separate files for each purchase of a value of £25,000 or more.</p> <p>5.3.8. that the works, supplies or services procured are appropriate and</p>		

<b>Original Clause</b>	<b>Original Wording</b>	<b>New Wording</b>	<b><i>Explanation</i></b>
	<p>proportional to the council's needs.</p> <p>5.3.9. that value for money is achieved.</p> <p>5.3.10. that adequate and appropriate security (such as a bond or guarantee) is taken to protect the Council in the event of non-performance.</p> <p>In considering how best to procure works, supplies and services Directors and/or Responsible Officers (as appropriate in the context) shall take into account wider contractual delivery opportunities and purchasing methods including the use of Purchasing Schemes and e-procurement/purchasing methods, the Public Services (Social Value) Act 2012 and the availability of local authority charging and trading powers under the Local Government Act 2003 and Localism Act 2011.</p> <p>5.4. It is a disciplinary offence to fail to comply with these Contract Procedure Rules and the Council's Purchasing Guide. All employees have a duty to report breaches of Contract Procedure Rules to their line manager or to the Monitoring Officer or the Head of Audit Partnership.</p>		

<b>Original Clause</b>	<b>Original Wording</b>	<b>New Wording</b>	<b><i>Explanation</i></b>
	<p>5.5. Any officer or Councillor who suspects any misconduct or corruption in relation to the purchase by or on behalf of the Council of works, supplies (goods) and services must immediately report that suspicion to their line manager or the Council's Monitoring Officer and Head of Audit Partnership.</p> <p>5.6. Where permissible under applicable EU Rules, any person or company against who any misconduct or corruption referred to in clause 5.6 is proved will be immediately disbarred from consideration in relation to the purchase by or on behalf of the Council of works, supplies (goods) and services.</p> <p><b>Deleted</b></p>		
<b>6.0</b>	<p><b>Scheme of Delegation</b></p> <p>6.1. Council purchasing may only be undertaken by officers with the appropriate delegated authority to carry out such tasks as set out in the Council's Scheme(s) of Delegation. Officers with delegated authority may only delegate to other officers who have the appropriate skills and knowledge for the task and such delegation shall be recorded in writing by the officer delegating the task and notified to the relevant Head of Service.</p>		<p><i>All authorities must be clear and transparent, and recorded in one place, hence the introduction of a Delegated Authorities Matrix.</i></p>

Original Clause	Original Wording	New Wording	<i>Explanation</i>
	<p>6.2. Officers shall, where appropriate, be informed by their Head of Service of the extent of any delegated authority and applicable financial thresholds.</p> <p><b>Deleted</b></p>		
<b>7.0</b>	<p><b>Financial Thresholds and Procedures</b></p> <p>7.1. The table below sets out the general rules applying to the choice of purchasing procedure for contracts at the stated threshold values.</p> <p>7.2. There is a general presumption in favour of competition. Wherever possible contract opportunities should be advertised by way of a public notice. The Council must consider the potential cross border interest in the opportunity effect of a contract on interstate trade (at a European level). If a contract may be of interest to contractors from other member states then this may result in a need to advertise in a manner which ensures that potential contractors from other member states are aware of the opportunity, even for small value contracts or contracts under the EU Threshold levels outlined below in Table 7.4. For any contract opportunity with a value of £25,000 or</p>		<p><i>Replaced by new Section 3 and Flowcharts A, B and C.</i></p>

Original Clause	Original Wording	New Wording	Explanation						
	<p>more, whenever the Council places a public notice in relation to a contract opportunity it must also, within 24 hours of first publication of the public notice, place a notice on the Contracts Finder website as required by the Public Contracts Regulations 2015.</p> <p>7.3. The public notice referred to at 7.2 may take the form of a notice or advertisement in an electronic or paper format, on an easily accessible website or other electronic media and/or in the press, trade journals or Official Journal of the European Union ("OJ") (as appropriate). The Responsible Officer may choose to place one or more public notices in different media but it is important to note the Council's obligations to publish notices on Contracts Finder as referred to at 7.2 above.</p> <p><b>7.4. Table setting out financial thresholds and procedures</b></p> <table border="1" data-bbox="275 1209 1055 1369"> <thead> <tr> <th data-bbox="275 1209 495 1281">Total value £</th> <th data-bbox="495 1209 719 1281">Type of contract</th> <th data-bbox="719 1209 1055 1281">Procedure to be used</th> </tr> </thead> <tbody> <tr> <td data-bbox="275 1281 495 1369">0 to 10, 000</td> <td data-bbox="495 1281 719 1369">Works, supplies and services</td> <td data-bbox="719 1281 1055 1369">At least one written quote in advance</td> </tr> </tbody> </table>	Total value £	Type of contract	Procedure to be used	0 to 10, 000	Works, supplies and services	At least one written quote in advance		
Total value £	Type of contract	Procedure to be used							
0 to 10, 000	Works, supplies and services	At least one written quote in advance							

Original Clause	Original Wording			New Wording	<i>Explanation</i>
		10,001 to 24,999	Works, supplies and services	At least three written quotes in advance	
		25,000 to 74,999	Works, supplies and services	At least three written quotes in advance and, if a public notice is placed, then a corresponding notice on Contracts Finder also	
		75,000 to  164,176**		At least three written tenders in advance, following advertisement by public notice and on Contracts Finder	
		164,176** plus **EU Threshold for supplies and services	Supplies, services and design contracts	EU Rules apply – full competitive process following advertisement in the OJ and on Contracts Finder for supplies and services. For services listed in Schedule 3 to the Public Contracts Regulations 2015 reduced requirements apply under the EU Rules but there is a presumption in favour of advertising and a competitive process	

Original Clause	Original Wording			New Wording	Explanation
	164,176 to 4,104,394**	Works	Full competitive process with tenders following advertisement by public notice and on Contracts Finder		
	4,104,394** plus **EU Threshold for works 589,148	Works Social and Other Specific Services	EU Rules apply – full competitive process with tenders following OJ advertisement and Contracts Finder advertisement EU Light Touch Procurement regime applies		
	<p>For the purposes of the EU Rules services are divided into two types and the EU Rules apply to a different degree. Responsible Officers should act cautiously and seek advice when considering the procedure to be used and application of the EU Rules to services contracts;</p> <p>** or relevant threshold in force at the time under the EU Rules.</p>				
	<p>7.5. Where contracts are of a type and value which means that they are subject to the EU Rules then there are a number of EU procedures available under the Public Contracts Regulations 2015. Care must be taken to ensure that the correct and most appropriate procedure is used. For any procedure where it is anticipated that there will be negotiation with tenderers, justification as to the choice of</p>				

<b>Original Clause</b>	<b>Original Wording</b>	<b>New Wording</b>	<b><i>Explanation</i></b>
	<p>procedure is likely to be needed based on the nature and complexity of the contract and assistance on the choice and use of EU procedure should be sought.</p> <p>7.6. Responsible Officers should always consider whether it is appropriate to undertake some form of market consultation before the formal procurement process is commenced. Market consultation can help to prepare for a more efficient and streamlined process but should be carried out in accordance with the Public Contracts Regulations 2015 where applicable and steps should be taken to ensure that this does not distort competition or prejudice the subsequent procurement process.</p> <p><b>Deleted</b></p>		
<b>8.0</b>	<p><b>Financial Thresholds and Processes Applying to Approval and Execution of Contracts</b></p> <p>8.1. For contracts over the relevant EU Threshold (in force at the time), the choice of purchasing procedure to be used and the decision to proceed to advertisement must be authorised in writing by the Head of Finance (or an Officer authorised in writing by him/her) in advance.</p>		<i>Replaced by new Section 5 and Delegated Authorities Matrix</i>

<b>Original Clause</b>	<b>Original Wording</b>	<b>New Wording</b>	<b><i>Explanation</i></b>
	<p>8.2. When a decision is made to award a contract then the Responsible Officer must, in addition to complying with his/her general obligations under these Contract Procedure Rules ensure, in particular, that:</p> <p>8.2.1. the appropriate approvals have been obtained to authorise that decision; and</p> <p>8.2.2. where appropriate, a standstill period complying with the EU Rules is incorporated into the final award process.</p> <p>8.2.3. where the contract value is £10,000 and below authorisation is delegated to the appropriate officer in accordance with the previously advised financial sign off level.</p> <p>8.2.4. Where the contract value is between £10,001 and £74,999 written authorisation must be obtained from the appropriate Director prior to awarding the contract.</p> <p>8.2.5. Where the contract value is £75,000 or above, written authorisation must be obtained from Chief Finance Officer</p>		

Original Clause	Original Wording	New Wording	<i>Explanation</i>
	<p>prior to awarding the contract.</p> <p>8.2.6. In the event that the contract is not awarded to the tender which represents the best value for money the Chief Finance Officer must consult with the relevant Committee Chairman before confirming the award.</p> <p>8.2.7. A contract award notice is published in the OJ where required by the EU Rules, and a contract award notice is placed on Contracts Finder.</p> <p>8.3. Any contracts valued at £75,000 or above shall be executed as a deed, unless in the opinion of the Head of Legal Partnership a deed is unnecessary. All other contracts may be signed by officers with appropriate delegated authority.</p> <p>8.4. Electronic signatures may be used in accordance with the Electronic Signature Regulations 2002 provided the sufficiency of security arrangements has been approved by the Head of Audit Partnership.</p> <p><b>Deleted</b></p>		
<b>9.0</b>	<b>Calculating the Contract Value</b>		<i>This is guidance rather than a</i>

Original Clause	Original Wording	New Wording	<i>Explanation</i>
	<p>9.1. The starting point for calculating the contract value for the purposes of these Contract Procedure Rules is that the contract value shall be the genuine pre-estimate of the value of the entire contract excluding Value Added Tax. This includes all payments to be made, or potentially to be made, under the entirety of the contract and for the whole of the predicted contract period (including proposed extensions and options).</p> <p>9.2. There shall be no artificial splitting of a contract to avoid the application of the provisions of the EU Rules and/or these Contract Procedure Rules.</p> <p>9.3. The EU Rules can cover contracts which are below the stated EU threshold where they constitute repeat purchases and/or purchases of a similar type in a specified period. Responsible Officers should therefore seek advice on the application of the EU Rules where they envisage that they may require repeat purchases and/or purchases of a similar type.</p> <p><b>Deleted</b></p>		<p><i>mandatory requirement. It is now is incorporated in the guidance documents.</i></p>
<b>10.0</b>	<b>Principles Underlying Procurement Processes and Evaluation</b>		<p><i>This is guidance rather than a mandatory requirement. It is</i></p>

Original Clause	Original Wording	New Wording	<i>Explanation</i>
	<p>10.1. All tendering procedures (including obtaining quotes), from planning to contract award and signature, shall be undertaken in a manner so as to ensure:</p> <p>10.1.1. Sufficient time is given to plan and run the process</p> <p>10.1.2. Equal opportunity and equal treatment</p> <p>10.1.3. Openness and transparency</p> <p>10.1.4. Probity</p> <p>10.1.5. Outcomes which deliver sustainability, efficiency and cost savings (where appropriate).</p> <p><b>Deleted</b></p>		<p><i>now is incorporated in the guidance documents.</i></p>

<b>Original Clause</b>	<b>Original Wording</b>	<b>New Wording</b>	<b>Explanation</b>
<b>11.0</b>	<p><b>Submission and Opening of tenders</b></p> <p>11.1. An Invitation to Tender shall be issued by the Council for all contracts over £75,000 and tenders shall be submitted in accordance with the requirements of the Invitation to Tender and the EU Rules.</p> <p>11.2. Any tenders received (other than those received electronically, to which 11.3 shall apply) shall be:</p> <p>11.2.1. addressed to the Director of Finance and Business Improvement or other nominated Director not involved in the Tender process.</p> <p>11.2.2. in a sealed envelope marked "Tender" followed by the subject matter to which it relates.</p> <p>11.2.3. kept in a safe place by the Director of Finance and Business Improvement or other nominated Director.</p> <p>11.2.4. retained unopened until the date and time specified for its opening.</p>	<p><b>4.0 Submission and Opening of Tenders</b></p> <p>4.1 In accordance with flowchart C for all contracts over £75,000 and also where appropriate for those below £75,000, a formal tender process will be followed.</p> <p>4.2 All tenders shall be submitted electronically using the e-sourcing tool in use by the Council.</p> <p>4.3 Late tenders shall not be accepted unless the Director of Finance and Business Improvement is satisfied that there is sufficient evidence that exceptional circumstances apply.</p> <p><b>5.0 Placing Contracts</b></p>	<p><i>All tenders over £75,000 should be received electronically via the portal, so reference to non-electronic tenders has been removed.</i></p>

Original Clause	Original Wording	New Wording	<i>Explanation</i>
	<p>11.3. Where the Council has indicated in the Invitation to Tender and/or where the EU Rules require that a tender can or must be submitted electronically, then those tenders shall be:</p> <p>11.3.1. in the format specified in the Invitation to Tender.</p> <p>11.3.2. stored securely with a secure method of opening.</p> <p>11.3.3. retained unopened until the date and time specified for their opening.</p> <p>11.4. No tender received after the time and date specified for its opening shall be accepted or considered by the Council unless the Director of Finance and Business Improvement or other nominated Director is satisfied that there is sufficient evidence of the tender having been dispatched in time for it to have arrived before the closing date and time, or other exceptional circumstances apply and the other tenders have not been opened.</p> <p>Tenders shall be opened by the Director of Finance and Business Improvement or other nominated officer or a member of their staff designated by them and an immediate record shall be made of tenders received</p>	<p>5.1 As required under section 9 of the Financial Procedure Rules all external expenditure except those specifically exempted shall be supported by a contract and/or official order, for those contracts over £75,000 the type of contract will be defined in the Procurement Plan.</p> <p>5.2 Details to be included in a contract/order are dependent on the risk and value associated with that order (refer to sectionn 9.5 in Financial Regulations)</p> <p><b>Added to replace Section 11.</b></p>	

<b>Original Clause</b>	<b>Original Wording</b>	<b>New Wording</b>	<b>Explanation</b>
	<p>including names and addresses and the date and time of opening</p> <p><b>Deleted</b></p>		
<b>12.0</b>	<p><b>Evaluation of Quotes and Tenders</b></p> <p>12.1. All quotes and tenders shall be evaluated in accordance with evaluation criteria notified in advance to those submitting quotes/tenderers.</p> <p>12.2. Tenders subject to the EU Rules shall be evaluated in accordance with the EU Rules. Save in exceptional circumstances approved in advance by the Head of Finance contracts shall be awarded on the basis of the quote or tender which represents best value for money to the Council and not on the basis of lowest price.</p> <p><b>Deleted</b></p>		<p><i>This is guidance rather than a mandatory requirement. It is now incorporated in the guidance documents.</i></p>
<b>13.0</b>	<p><b>Waivers</b></p> <p><b>Retained as is but moved to new Section 7</b></p>		

Original Clause	Original Wording	New Wording	<i>Explanation</i>
14.0	<b>Extensions to Existing Contracts</b> <b>Retained as is but moved to new Section 6</b>		
15.0	<b>Purchasing Schemes</b>  15.1. A Responsible Officer may use Purchasing Schemes subject to the following conditions and the Council’s Purchasing Guide.  15.2. Responsible Officers must check in advance that:  15.2.1. The Council is legally entitled to use the Purchasing Scheme 15.2.2. The purchases to be made do properly fall within the coverage of the Purchasing Scheme  15.2.3. The establishment and operation of each Purchasing Scheme is in compliance with the EU Rules (where they apply) and meets the Council's own requirements.  15.3. A “Purchasing Scheme” may include:  15.3.1. Contractor prequalification lists/select lists  15.3.2. Framework arrangements		<i>Some of the purchasing schemes listed within the original wording are not compliant with the Contract Procedure Rules and EU law. Identifying a compliant purchasing scheme is in any case an inherent part of the procurement planning process so this section is redundant.</i>

Original Clause	Original Wording	New Wording	<i>Explanation</i>
	<p>(including those set up by the Office of Government Commerce)</p> <p>15.3.3. Purchasing arrangements set up by central purchasing bodies and commercial organisations</p> <p>15.3.4. Consortium purchasing</p> <p>15.3.5. Collaborative working arrangements</p> <p>15.3.6. Formal agency arrangements</p> <p>15.3.7. E-procurement/purchasing schemes and methods</p> <p>15.3.8. Other similar arrangements</p> <p>15.4. Where a Purchasing Scheme is used then there shall be a whole or partial exemption from the obligations under these Contract Procedure Rules in respect of the choice and conduct of procedures to the extent permitted and indicated in the Council's Purchasing Guide.</p> <p><b>Deleted</b></p>		
	<p><b>New Clause 8.0 Added</b></p>	<p><b>8 Approval and Execution of Contracts</b></p>	<p><i>This new section changes the requirement to seal all contracts over £75,000.</i></p>

Original Clause	Original Wording	New Wording	<i>Explanation</i>
		<p>8.1. Contract award approval is to be in accordance with Delegated Authorities. All contracts must be executed and issued prior to commencement of contract.</p> <p>8.2. Contracts will be executed by hand unless they are (a) over £1 million, (b) a construction contract over £75,000 or (c) considered to require sealing by the Monitoring Officer, in which case they will be sealed.</p>	
<b>16.0</b>	<p><b>Review and Changes to these Contract Procedure Rules</b></p> <p>16.1. These Contract Procedure Rules shall be reviewed and updated on a regular basis. Save in the case of revisions to the EU Thresholds in Contract Procedure rule 7, amended Contract Procedure Rules shall be agreed and adopted by the Council. Revisions to the EU Thresholds shall be updated by the Chief Finance Officer.</p> <p><b>Deleted</b></p>	<p><b>9.0 Review and Changes to these Contract Procedure Rules</b></p> <p>9.1 These Contract Procedure Rules shall be reviewed and updated on a regular basis. Save in the case of revisions to the EU Thresholds, amended Contract Procedure Rules shall be agreed and adopted by</p>	<p><i>Rule 7 reference removed as there is no need to differentiate these revisions from those revisions which may be updated by the Chief Finance Officer.</i></p>

<b>Original Clause</b>	<b>Original Wording</b>	<b>New Wording</b>	<b><i>Explanation</i></b>
		<p>the Council. Revisions to the EU Thresholds shall be updated by the Chief Finance Officer.</p> <p><b>Slightly amended the original Clause</b></p>	