

## Revised Contract Procedure Rules (CPR) Key changes for ELDC

## Appendix 3

Current rule	New rule	Reason for change
Contract and Procurement Procedure Rules	Contract Procedure Rules	Alignment across the 3 councils
<p>3.1.2 All exemptions, and the reasons for them, must be recorded on the Council’s Procurement Exemption Request Form at Appendix 1 to these Contract Procedure Rules and be approved by the Chief Executive, Section 151 Officer, and the Portfolio Holder for Finance, in advance of the award of contract.</p> <p>3.1.3 All exemption forms must be kept on file as evidence of compliance with the Council’s Contract Procedure Rules and all Exemptions must be recorded on the Contracts Register and reported to the Executive Board for noting at the earliest opportunity.</p>	<p>3.5 Every variation/exemption must be recorded on the Council’s Procurement Exemption Form at Appendix 1 to these Contract Procedure Rules and the form will be recorded on a master register to be maintained by a Contracts and Procurement Service.</p> <p>3.2 These Contract Procedure Rules may be exempted where the circumstances meet any of the following criteria within 3.3. Any exemption form must be completed and sent to the Head of Procurement &amp; Contracts in the first instance to allow comments which will assist with the approval or rejection of the exemption.</p> <p>3.3 The Head of Procurement &amp; Contracts will then pass this through to the Section 151 Officer and Monitoring Officer for approval prior to consideration by the Chief Executive and the Portfolio Holder for the relevant area, as well as the Portfolio Holder for Finance. This process must be followed in advance of the award of contract, and in compliance with the criteria set out in the Delegations to Officers</p>	<p>Changed approval process for exemptions to allow for more robust scrutiny before an exemption is approved.</p> <p>To ensure the council follows a robust procedure for all exemptions</p> <p>To follow recommendations from Peer Review and audit on aligning procurement and contract procedures across the partnership</p>
No current comparable rule	3.8 A Contracts and Procurement Service must monitor the use of all exemptions.	To ensure procurement processes are scrutinised and followed correctly by officers
(9) The Chief Executive, S151 Officer and Leader of the Council believe a contract to represent Value for Money for the taxpayer and the evidence of this is sufficient to withstand scrutiny.	No new comparable exemption	To ensure proper use of exemptions and robust scrutiny of the process
<p>Exemption (10) Where the contract is an extension to an existing contract, where a change of supplier would cause:</p> <ul style="list-style-type: none"> <li>• disproportionate technical difficulties;</li> </ul>	No new comparable exemption instead it is to be dealt with via the MO - 3.4.2 The Monitoring Officer must be	Change of process to ensure correct procurement processes are being followed

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<ul style="list-style-type: none"> <li>• dis-economies; or</li> <li>• significant disruption to the delivery of Council services</li> </ul>	<p>consulted where the contract is an extension to an existing contract and a change of supplier would cause:</p> <ul style="list-style-type: none"> <li>(a) Disproportionate technical difficulties</li> <li>(b) Diseconomies</li> <li>(c) Significant disruption to the delivery of Council services.</li> </ul>	
<p>No current comparable exemption</p>	<p>3.3.9 where building development opportunities are available to the Council, and have been proven to be financially viable, and the value is under the FTS Thresholds for Works (as per Appendix 2 – Above Public Contracts Regulations 2015 / Concessions Contracts Regulations 2016 thresholds.).</p>	<p>Added to allow reasonable exemption for this reason to assist with the development of housing, where appropriate.</p>
<p>No current comparable exemption</p>	<p>3.3.2 for supplies purchased or sold in a public market or auction;</p>	<p>Added to allow reasonable exemption for this reason</p>
<p>Finance procedure rule - Payments in excess of £100,000 shall be countersigned by two designated signatories and authorised by the Section 151 Officer/Deputy S151 Officer.</p>	<p>Supplier payments in excess of £100,000 shall be countersigned by 2 approved bank signatories. Prime documents must be produced for checking at the time of countersigning.</p>	<p>The automation and workflow controls within the new Unit 4 finance system provides the assurance that purchase orders and invoices are appropriately approved, before payment is made.</p>
<p><b>£0 - £5,000</b> one verbal quotation, local supplier to be used where appropriate, officer to record details</p>	<p><b>£0 - £5,000</b> - One quote - this should be a local provider wherever possible. A purchase order must be raised.</p>	<p>To align processes across the partnership, including changes to rules following EU exit.</p> <p>A new appendix with the Public Contracts Regulations / Concessions Contracts Regulations thresholds will be used to allow changes to be made in line with new legislation without the need to bring the CPR back to committee every time</p>
<p><b>£5,000 - £10,000</b> minimum of two written quotations One of the Quotations must be from a local supplier and a local supplier should be used where they provide the most economically advantageous offer. Bids should be submitted via an electronic tendering process</p>	<p><b>£5,001 - £10,000</b> - Two quotes – one should be a local provider wherever possible. A purchase order must be raised.</p>	
<p><b>£10,000 - £25,000</b> minimum of 3 written quotations - One of the Quotations must be from a local supplier and a local supplier should be used where they provide the most economically advantageous offer. Bids should be submitted via an electronic tendering process</p>	<p><b>£10,001 - £40,000</b> - At least three quotes shall be sought and two must be received. Local providers must be given an opportunity to provide a quote, wherever possible. A purchase order must be raised.</p>	
<p><b>£25,001 - £75,000</b> Three Written Quotations based on a RFQ document with simplified Terms &amp; Conditions (T&amp;Cs) web-</p>	<p><b>£40,001 - £85,000</b> - At least five written quotations shall be sought via a Request for Quotation via e-Tendering Portal.</p>	

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<p>based publications may be used documentation Must be based on a written specification provided to the Economic Operators by the Council which should be submitted via an electronic tendering process.</p>	<p>Local providers must be given an opportunity to provide a quote, wherever possible. A purchase order must be raised.</p>	
<p><b>£75,001 - &lt; EU threshold</b> full tender process Web based publications may be used. Place on Contracts Finder in line with Public Contract Regulations 2015 Invitation to Tender (ITT) documentation as relevant with sealed bids which may be submitted via an electronic tendering process.</p>	<p><b>£85,001 up to Public Contracts Regulations 2015/Concessions Contracts Regulations 2016 threshold*)</b> Open tender via E-Tendering Portal including Contracts Finder. A social value clause must be built into the specification and contract. (Public Service (Social Value) Act 2012). A purchase order must be raised</p>	
<p><b>EU threshold &gt;</b> full tender process and if above £500,000 the Key Decision process Official Journal of the European Union (OJEU), Web based publications may be used. documentation - consult with the Council's Procurement Advisor</p>	<p><b>Above Public Contracts Regulations 2015/Concessions Contracts Regulations 2016 threshold*)</b> UK Public Procurement Procedure – via E-Tendering Portal &amp; Find a Tender notice. Local social value clause must be built into the specification of the contract. (Public Service (Social Value) Act 2012). A purchase order must be raised</p>	