

Addendum to Contracts Procedure Rules (CPRs)

Effective 26 February 2015

On 5 February the Government introduced new Public Contracts Regulations which are effective from **26 February 2015** for all new procurements (those which have not commenced before 26 February) over the relevant EU thresholds (see CPR 10.2). Some limited points have a later date of implementation, and the points below about advertising and pre-qualification questionnaires affect procurements below the EU thresholds.

The Chief Officer Public Private Partnerships and Procurement (PPPU / PU) will update the CPRs in the near future. This document summarises the key changes and the CPRs affected. The new Regulations prevail over current CPRs. Further information and advice is available from the PPPU / PU.

PQQ Pre-qualification/selection stage (CPR 11) – the Regulations prohibit authorities from including a separate PQQ stage for below EU threshold procurements. This regulation applies to the procurement of goods, works or services that fall below the EU threshold for goods and services. This is currently £172,514. Authorities may only ask suitability questions in below threshold procurements where they are relevant to the subject-matter of the contract and proportionate. CPR 11 should be read accordingly.

Advertising of tender opportunities (CPRs 8.2 and 9.2) – where for any procurement above a value of £25 000 an open competition process is used, the authority must also advertise the opportunity on the Government's Contracts Finder website. YORtender allows this and you must choose the option to advertise through Contracts Finder in these circumstances. These regulations come into force from 01 April 2015 but it is good practice to start complying with them now.

Part A/Part B services (CPR 10.3) – the new regulations introduce a narrower list of Part B Services and require competition for any procurement over a value of 750 000 euros, with a 'light-touch' procedure applying to such procurements.

Tender documents must be available electronically at date of OJEU notice (CPR 3.1.17) – this is now mandatory for all procurements above the EU thresholds (CPR 10.2) but is also required under CPRs for all other procurements.

SME friendly provisions – the new rules introduce provisions (some of which are already reflected in CPRs) which are intended to ensure SMEs are not disadvantaged in the procurement process, including a requirement to consider lots and record reasons where lots are not used in the tender award report.

New procurement procedure - one completely new procedure has been added for "Innovation Partnerships" – for further information please contact PPPU / PU.

Other changes applying to above EU-threshold procurements - these include making into law certain case-law decisions about Teckal companies, public sector collaboration, and contract variations, provisions about pre-market engagement, changes to the mandatory and discretionary grounds for exclusion, tender award reports, and certain mandatory contract provisions.