

---

**Report of Procurement Governance and Regulation Manager**

**Report to the Chief Officer Public Private Partnerships and Procurement**

**Date: 25 March 2015**

**Subject: Revised contract procedure rules**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

---

**Summary of main issues**

1. The council's contract procedure rules (CPRs) were last updated in June 2014. Since that date the Public Contract Regulations 2015 (the Regulations) have come in to force. The CPRs have been updated in line with the Regulations.

**Recommendations**

2. The Chief Officer Public Private Partnerships and Procurement is recommended to approve the revised CPRs and approve that they will come into effect on 01 April 2015.

## **1 Purpose of this report**

- 1.1 The Chief Officer Public Private Partnerships and Procurement has responsibility for updating the CPRs on a periodic basis to ensure that they reflect current legislation, best practice and Council policy. The last version of the CPRs was approved on 02 June 2014.
- 1.2 The Chief Officer Public Private Partnerships and Procurement is requested to approve the revised CPRs.
- 1.3 The revised CPRs are attached to this report at appendix 1

## **2 Background information**

The council's contract procedure rules are review on a periodic basis. The following have been consulted on the contents of these CPRs:

- Category teams (with a request that they consult their clients)
- UMT
- Corporate Commissioning Group
- Governance services
- Internal audit

Responses to the consultation were considered by officers within the commercial team.

## **3 Main issues**

### Consultation response

- As the amends to the CPRs are largely aimed at complying with the new Regulations the consultation did not lead to a large number of responses.
- Consultation responses requested further clarity and guidance on the Regulations. That guidance has either now been provided or is in the process of being provided. Officers can always request guidance on the Regulations through category teams.
- Queries are still being raised on some rules that were introduced in 2013 including the categorisation of all waivers as Significant Operational Decisions and the prohibition on quality only tenders. PPPU / PU are continuing to work through these and other issues with officers from the wider council. In each case, individual team's concerns must be weighed against overall council policy and the requirements of Members.

## Summary of amendments

- Recognition that full compliance with CPRs may not be possible for health and social care contracts that involve “personal choice”.
- References to DSC updated to references to the Project Registration Process
- Requirement to publish all advertised tender opportunities worth £10k or more on Contracts Finder
- New rules to reflect the new position on social services (and other contracts) to replace the old “part B”
- New rules to reflect the changed position on PQQ
- Greater freedom to allow mistakes in tenders to be rectified
- Officers must now actively consider whether contracts with a value above the EU threshold should be divided into lots

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

Please see the list of consultees set out at the background section.

### **4.2 Equality and Diversity / Cohesion and Integration**

This is a re-draft of a document that was created as part of the Transforming Public Procurement programme. There is no impact on previous assessments of this programme.

The requirement to consider dividing large contracts in to lots should help smaller companies access council contracts.

### **4.3 Council policies and City Priorities**

These updated CPRs are in line with previous assessments of the impact on policies and priorities.

### **4.4 Resources and value for money**

These updated CPRs continue introduce positive change without putting an unreasonable and disproportionate burden on council resources.

The government intends that the changes to the rules on pre-qualification will reduce the time and expense of procurement for both the public and private sector.

## **4.5 Legal Implications, Access to Information and Call In**

- 4.5.1 The new CPRs ensure that the Council is acting in line with current legislation when conducting procurements.
- 4.5.2 There are no restrictions on access to information associated with this report.
- 4.5.3 This report is recommending a significant operational decision and therefore is not subject to call-in.
- 4.5.4 The Chief Officer Public Private Partnerships Unit and Procurement is authorised to take this decision pursuant to the sub-delegation scheme of the Deputy Chief Executive.
- 4.5.5 These CPRs fulfil the council's obligation to put standing orders for purchase in place in accordance with s135 of the Local Government Act 1972.

## **4.6 Risk Management**

- 4.6.1 The new CPRs will improve the Council's risk management when conducting procurements.

## **5 Conclusions**

- 5.1 The new CPRs continue to contribute to the process of bringing the Council's procurement rules, processes and procedures in line with current legislation, best practice and policy.

## **6 Recommendations**

- 6.1 The Chief Officer Public Private Partnerships and Procurement is recommended to approve the revised CPRs and approve that they will come into effect on 01 April 2015.

## **7 Background documents<sup>1</sup>**

- 7.1 None.

---

<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

## Appendix 1 – revised contract procedure rules