

COUNCIL

DATE	20 th March 2025
REPORT OF	The Monitoring Officer
SUBJECT	Review of the Constitution – Contract Procedure Rules
STATUS	Open
FORWARD PLAN REF NO.	Not applicable

CONTRIBUTION TO OUR AIMS

Good governance arrangements contribute directly to the achievement of the Council's strategic aims.

EXECUTIVE SUMMARY

The Procurement Act 2023, the Procurement Regulations 2024 and the new National Procurement Policy Statement came into force on 24th February 2025. These changes mean that the Council's Contract Procedure Rules need to be updated to ensure they remain compliant.

RECOMMENDATIONS

1. That the updated Contract Procedure Rules as set out in the appendix of this report be approved and the Monitoring Officer be authorised to make requisite changes to the Constitution.
2. That continuing authority be delegated to the Monitoring Officer, in consultation with the Group Leaders, to make any amendments of a minor nature to the Constitution from time to time.

REASONS FOR DECISION

To ensure that the Council's governance arrangements are fit for purpose.

1. BACKGROUND AND ISSUES

- 1.1 The continuing review of the Constitution ensures that the Council's governance arrangements are fit for purpose and that provisions keep abreast of changing legislation.

2. CONTRACT PROCEDURE RULES

- 2.1 The Procurement Act 2023 (The Act), the Procurement Regulations 2024 and the new National Procurement Policy Statement came into force on 24th February 2025. The Act replaces the current public procurement regime with the aim of:
 - creating a simpler and more flexible, commercial system that better meets our country's needs while remaining compliant with our

international obligations;

- open's public procurement to new entrants such as small businesses and social enterprises so that they can compete for and win more public contracts; and
- embed transparency throughout the commercial lifecycle so that the spending of taxpayers' money can be properly scrutinised.

2.2 The Procurement Regulations 2024 supplement the Act by setting out detailed requirements for transparency, publication, and application of the Act in different sectors and authorities. These regulations include provisions on the publication of notices, sharing core supplier information, and ensuring transparency in procurement processes.

2.3 The National Procurement Policy Statement (NPPS) sets out the strategic priorities for public procurement and how contracting authorities can support their delivery. The NPPS aims to ensure that public procurement supports the government's missions, including delivering value for money, economic growth, and social value.

2.4 In order to ensure the Council's governance reflects the requirements of the Act, the Contract Procedure Rules have been updated.

2.5 The Contract Procedure Rules form an integral part of the Council's constitution and are the mandatory procurement procedures that must be followed by officers and elected members when the Council spends money on goods, services and works it needs to deliver services to local people.

2.6 The Contract Procedure Rules have also been updated to incorporate the requirements of the Health Care Services (Provider Selection Regime) Regulations 2023. The Provider Selection Regime sets out the rules the Council must follow when procuring Health Care Services.

3. RISKS AND OPPORTUNITIES

The continuing review of the Constitution acts as a mechanism to test and refresh the Council's governance arrangements and ensure compliance with legislation.

4. OTHER OPTIONS CONSIDERED

The recommendations in this report are intended to reflect the need to modify the Council's governance arrangements to keep abreast of new legislation.

5. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

These matters are reported to the Council as required by the Constitution and to support the continued good governance of the Council.

6. FINANCIAL CONSIDERATIONS

There are no financial considerations to be taken into account as a result of the recommendations within this report.

7. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

There are no direct implications for children and young people arising from the recommendations within this report.

8. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

There are no climate change or environmental implications arising from the recommendations within this report.

9. CONSULTATION WITH SCRUTINY

There has been no consultation with scrutiny.

10. FINANCIAL IMPLICATIONS

As stated above, there are no financial implications arising directly from the recommendations in this report.

11. LEGAL IMPLICATIONS

As set out in the main body of the report.

12. HUMAN RESOURCES IMPLICATIONS

There are no direct human resources implications arising from the recommendations in this report.

13. WARD IMPLICATIONS

The Council's governance arrangements impact on all wards.

14. BACKGROUND PAPERS

The Council's Constitution.

15. CONTACT OFFICER(S)

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APPENDIX

Contract Procedure Rules (CPRs)

Contract Procedure Rules (CPRs)



February 2025

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1. Definitions

Academy	A school that is directly funded by central government and independent of local authority control
Aggregation	The identification of similar purchases made and combined aggregated requirements over a specified period of time
Appropriate Officer	Member of staff who has delegated authority to conduct procurement exercises
Below-threshold Tender Notice	Use to notify the market that the Council is commencing a below threshold procurement
Budget Holder	The manager with responsibility for the budget concerned and with delegated authority to award the contract
Cabinet Member	Elected member of the Council who is responsible for the Cabinet Portfolio under which the service area sits
Category Manager	Officer responsible for the development of a category plan and to oversee procurement activity within the category
Centralised Procurement Authority	In this Act, “centralised procurement authority” means a Contracting Authority that is in the business of carrying out procurement for or on behalf of, or for the purpose of the supply of goods, services or works to, other contracting authorities.
Closed Tender Process	A number of providers are selected by the Council to be invited to participate in the tender opportunity as opposed to being “open” where anyone can submit an offer.
Commissioning	The process of specifying, securing and monitoring services to meet people’s needs at a strategic level. An ongoing process, it deals with whole groups of people, which distinguishes it from the process of buying individual services.
Concessions	A Concession Contract is where the Council grants a supplier the right to provide a service and rather than pay the supplier for providing the service. The Council transfers the opportunity of the market to the supplier, along with the demand risk in relation to the level of the market. Revenue from fees paid by service users is kept

	by the supplier and used to meet the costs incurred in delivering the service and potentially to make a profit
Conditions of Participation	A condition that the supplier must satisfy in order to be awarded a Public Contract. Conditions of Participation are set out in the tender documents.
Constitution	The set of legal, administrative and legislative principles by which the Council is governed, especially in relation to the rights of the people it governs.
Contract	Document setting out various particulars for the provision of goods, services and works
Contract Award Notice	Used to notify the market that it intends to enter a Public Contract. Issued via the Find a Tender Service.
Contract Details Notice	Used to confirm that a Public Contract has been entered into. Issued via the Find a Tender Service.
Contracting Authority	In the Act, 'Contracting Authority' means a public authority as defined in the Act. The Council is a Contracting Authority.
Council Plan	The document by which the Council sets out its priorities and objectives, and how it will achieve them
Council	North East Lincolnshire Borough Council
Covered Procurement	In the Act, a 'Covered Procurement' means the award, entry into and management of a Public Contract which is subject to the Procurement Act 2023.
CPR	Contract Procedure Rule
Director	Officer who is responsible for a Service Area or grouping of services of the Council
Disaggregation	The splitting down of requirements into lower value packages. This is not allowed under the Procurement Act 2023
e-Certis	e-Certis is a guide to the different documents & certificates required from companies tendering for Public Contracts in any EU country

Electronic auction	Price based procurement auction performed online following evaluation against non-price criteria. Usually a reverse auction where tenderers repetitively lower their prices.
Equans	Equans, the Council's Regeneration Partner
Excludable Supplier	A supplier or associated person who the contracting authority considers is subject to a discretionary exclusion ground (listed in Schedule 7 of the Procurement Act 2023) which is ongoing or likely to occur again.
Excluded Supplier	<p>A supplier or associated person who:</p> <ul style="list-style-type: none"> ○ The contracting authority considers is subject to a mandatory exclusion ground (listed in Schedule 6 of the procurement Act 2023) which is ongoing or likely to occur again; and/or ○ Is on the Debarment List for a mandatory exclusion.
Find a Tender Service	The Central Digital Platform
Framework Agreement	An overarching agreement with a supplier where prices, specifications and terms are pre-agreed, but where there is no obligation to purchase. Requirements are "called off" as and when required over a specified timeframe.
Health Care Services	As defined in Schedule 1 of The Health Care Services (Provider Selection Regime) Regulations 2023
ITT	Invitation to Tender
Key Decision	<p>Definition available at - https://www.nelincs.gov.uk/councillors-and-democracy/decision-making/how-decisions-are-made/</p> <p>Section 4 (Cabinet Functions) of Article 4 (Decision Making).</p>
Lowest Compliant	Of all offers, compliant with the essential criteria of the specification, this is the lowest priced offer: specification-compliance being the first factor to determine.
Maintained School	Primary and secondary schools funded by central government via the local authority, not charging fees to students.

Most Advantageous Tender	The tender the Council considers satisfies its requirements and best satisfies the award criteria.
Moderated Score	For each criterion or response considered under an evaluation, the evaluation team agrees one score for the said criterion (not an average or an aggregated score across the evaluation team members)
Monitoring Officer	The Monitoring Officer ensures the lawfulness and fairness of Council decision making and serves as the guardian of the Council's Constitution and the decision-making process. Responsibilities include advising the Council on the legality of its decisions, providing guidance to councillors and officers on the Council's Constitution and its powers and assisting the Standards Committee in its role of promoting and maintaining high standards of conduct and probity within the Council.
Option Appraisal	The assessment of options in order to establish the most viable or feasible course of action.
Priorities	The areas that the Council or Procurement believes are important in order to deliver services to citizens
Procurement	The process of acquiring goods, services and works from third parties
Procurement Documents	<p>(a) the tender notice or associated tender documents, including any requirements of a competitive tendering procedure, conditions of participation or award criteria;</p> <p>(b) documents inviting suppliers to participate in a competitive selection process under a framework, including details of the process, any conditions of participation or criteria for the award of the contract;</p> <p>(c) documents inviting suppliers to apply for membership of a dynamic market, including any conditions for membership;</p>
Procurement Process	<p>Can include (but not limited to):</p> <ul style="list-style-type: none"> • preliminary market engagement; • developing procurement documentation; • deciding on the scope or structure of the procurement; • choice of award procedure;

- selection of tenderers;
- mini competitions through frameworks or competitions under a Dynamic Market'; and,
- award of the contract;

Procurement Review Unit

A government body who aim to:

- Improve the capability and practices of contracting authorities for the benefit of everyone involved in public procurement by ensuring compliance with the Procurement Act 2023 (and trade agreements).
- Protect public procurement from suppliers that pose unacceptable risk.

Procurement Strategy

The document by which the Council sets out its procurement priorities and objectives, and how it will achieve them.

Project Team

A project team should include somebody technically proficient in the subject matter and usually includes: project manager, Procurement officer, finance officer, People and Culture officer, legal officer and any other expertise required to deliver the outcome.

Provider Selection Regime

The Health Care Services (Provider Selection Regime) Regulations 2023. These specify the rules the Council must following when procuring Health Care Services.

Purchasing Consortia

A group of organisations joining together for the shared purpose of purchasing supplies, services or works

Public Contract

Under the Procurement Act 2023, a Public Contract is a contract for the provision of goods, services or works where the whole life value exceeds the relevant threshold set out in [Schedule 1](#) of the Procurement Act 2023.

Relevant Bodies

A group of organisations defined in the Localism Act 2011, specifically voluntary and community organisations, charitable organisations, a group of two or more Council employees, parish and town Councils.

RFQ

Request for Quotation

Risk Management

The identification of potential risks and the arrangement of contingency plans to manage or minimise those risks

Service Area	An area of the Council that is responsible for specific service delivery
SME	Small and medium sized enterprises
SME Concordat	A nationally recognised procurement agreement to encourage a mixed range of suppliers to help develop and stimulate a varied and competitive marketplace
Social Value	It involves looking beyond the price of each individual contract and looking at what the collective benefit to a community is when a public body chooses to award a contract.
Tender Notice	A notice informing the market that the Council is publishing a tender. Issued via the Find a Tender Service.
Threshold	Sets out the amount of money (or contract value) by which different procurement procedures are followed
TSO	Third Sector Organisation. A non-governmental organisation which principally reinvests its surpluses to further social, environmental or cultural objectives
VCSE	Voluntary, community and social enterprise. Any organisation (incorporated or not) working with a social purpose. This ranges from small community-based groups/schemes, through to larger registered charities and social enterprises, public service mutuals and cooperatives that operate locally, regionally and nationally
TUPE	The Transfer of Undertaking (Protection of Employment) Regulations 2006 (SI No.2006/246) as amended or re-enacted from time to time
Value for Money	Obtaining the most economical, efficient, and effective solution
VAT	Value Added Tax
Whole Life Cost	The maximum amount that could be expected to be paid under a contract including, where applicable, amounts already paid.

YORtender

The Council's e-tendering system by which the Council effectively advertises and manages quotations and tenders

2. Introduction

- 2.1. The CPRs form an integral part of the Council's Constitution and are the mandatory procurement procedures that must be followed by officers and elected members when the Council spends money on the goods, services and works it needs to deliver services to local people. It is the service area and service leads responsibility to ensure the CPRs are complied with.
- 2.2. All Council employees, or any authorised person undertaking a procurement, a concession or disposal exercise on behalf of the Council, must use the CPRs in conjunction with supporting guidance, or the Council's Financial Regulations and Procedure Rules as appropriate.
- 2.3. In order to be compliant with the Section 12 of the Procurement Act 2023, all procurements (excluding Health Care Services which are covered by the Provider Selection Regime) must have regard to the importance of the following procurement objectives:
 - 2.3.1. In carrying out a covered procurement, a Contracting Authority must have regard to the importance of:
 - 2.3.1.1. delivering value for money;
 - 2.3.1.2. maximising public benefit;
 - 2.3.1.3. sharing information for the purpose of allowing suppliers and others to understand the Council's procurement policies and decisions;
 - 2.3.1.4. acting, and being seen to act, with integrity.
 - 2.3.2. In carrying out a covered procurement, a Contracting Authority must treat suppliers the same unless a difference between the suppliers justifies different treatment.
 - 2.3.3. If a Contracting Authority considers that different treatment is justified in a particular case, the Council must take all reasonable steps to ensure it does not put a supplier at an unfair advantage or disadvantage.
 - 2.3.4. In carrying out a covered procurement, a Contracting Authority must:
 - 2.3.4.1. have regard to the fact that small and medium-sized enterprises may face particular barriers to participation, and
 - 2.3.4.2. consider whether such barriers can be removed or reduced.
- 2.4. When procuring Health Care Services covered by the Provider Selection Regime, the Council must have regard to the following principles:
 - 2.4.1. Act with a view to:
 - 2.4.1.1. securing the needs of the people who use the services,
 - 2.4.1.2. improving the quality of the services, and
 - 2.4.1.3. improving efficiency in the provision of the services
 - 2.4.2. Act transparently, fairly and proportionately.

3. Consequences of a non-compliant procurement

- 3.1. If the Council fails to conduct a compliant procurement, a potential supplier may have justifiable cause for legal challenge. This can result in the Council having to pay damages if such a complaint were upheld; in addition, a contract or framework agreement may be rendered ineffective, either in whole or in part, and civil financial penalties may be imposed on the Council. A challenge will also include significant legal fees and is likely to take up extensive officer time. In addition, a challenge is likely to cause delay in awarding the contract

procured and will therefore cause delays to implementing and mobilisation of the contract. Officers and elected members also have a personal responsibility to comply with these CPRs. Our practices are scrutinised by bidders and government via the Procurement Review Unit.

3.2. The CPRs have five main purposes:

- 3.2.1. to help the Council obtain value for money so that, in turn, value for money services may be provided to the public;
- 3.2.2. to comply with the law governing spending of public money and the policy on transparency regarding Council expenditure;
- 3.2.3. to provide a legal and auditable framework for the Councils' procurement activities;
- 3.2.4. to protect Council staff and members from undue criticism or allegation of wrong doing; and,
- 3.2.5. to support the delivery of the Council's Procurement Strategy.

4. Compliance

- 4.1. It is the responsibility of the service area and service leads to ensure compliance with the requirements set out in the CPRs.
- 4.2. The procurement of every contract (including contracts awarded via a dynamic market or framework agreement) entered into by or on behalf of the Council or its Maintained Schools, regardless of value or origin of the funding, shall comply with the Procurement Act 2023, the Procurement Regulations 2024, all, UK legislation, the Council's Financial Regulations, Finance Standing Orders, CPRs and the procurement supporting guidance.
- 4.3. All Health Care Services contracts, as defined in the Health Care Services (Provider Selection Regime) Regulations 2023, must be procured in accordance with this legislation. Advice must be sought from Procurement if you are looking to award/procure a contract which is covered by the Provider Selection Regime.
- 4.4. Academies are responsible for their own governance and scheme of finance and as such are not subject to by the Councils' constitution, nor therefore its CPRs, unless an academy is participating in a wider Council procurement.
- 4.5. Where a Council is providing commercial procurement services exclusively to another public body, the procurement law and procedure rules applicable to that body will apply.
- 4.6. The Localism Act 2011 provides that under the '[community right to challenge](#)', the Council must consider an expression of interest (EOI) submitted by a 'relevant body' in relation to providing or assisting in providing a service provided by or on behalf of the Council. When the Council has decided to run a procurement exercise following acceptance of an EOI, the CPRs must be followed in awarding the contract. Where a procurement is for a Public Contract, the Social Value Act 2012 requires Contracting Authorities to consider how to improve the economic, social and environmental well-being of the area served by them through the procurement of services. Social value considerations must always be proportionate to the scale and nature of the contract including any consultation measures.
- 4.7. The Council has a duty to run an efficient and timely procurement under the Small Business, Enterprise and Employment Act 2015 to enable a small or medium-sized enterprise (SMEs) to access public sector contract opportunities.
- 4.8. A Contracting Authority must keep sufficient records to explain material decisions it makes in relation to awarding or entering into Public Contracts. A "material decision" is one which a Contracting Authority must publish or provide a notice or information about or one which an

Council is required to make under the Act. Records of communications between the Council and a supplier which relate to the award or entry into a Public Contract or the period before the contract is entered into must be kept generally for a period of three years from the date of entry into or award of contract.

- 4.9. The CPRs apply to all the goods, services and works (including service concessions and works concessions contracts) procured on the Council's behalf as detailed below:

CPRs APPLY:	CPRs DO NOT APPLY:
<ul style="list-style-type: none"> • Where we procure from external organisations (public, private or voluntary); • Where we nominate a sub-contractor or supplier; • Where an external organisation is named in a Council procurement and has right to access it; • Where a service or works concession contract is proposed¹; • Development agreements to which the Procurement Act 2023 apply¹; • Maintained Schools; • Where a third party is procuring on the Council's behalf and where the Council is the contracting party; • The Councils' commercial activity where the Council is bidding for others' services and • The substantial modification of an existing contract unless clearly provided for in the original contract terms or with the approval of the Assistant Director Law and Governance (Monitoring Officer). 	<ul style="list-style-type: none"> • Where requirements are sourced and delivered internally; • Academies (unless the Council is leading a procurement which an academy is participating in); • Where a Council acts for another non-regulated body; • A contract with a Council-owned company which the Council's Monitoring Officer advises falls outside the scope of the Public Contracts Regulations • Contracts for the acquisition or disposal of land and buildings¹ and • Contracts of employment. • Grants where the Council awards a grant to an external organisation.

Note 1: Where the acquisition or disposal of land and/or property potentially establishes a works concession contract or a development agreement, timely advice from Legal Services must be sought. This also applies where a procured contract includes lease/licence for a Council building

- 4.10. The following CPRs do not apply when procuring Health Care Services under the Provider Selection Regime. Procurement must be consulted before awarding/procuring any Health Care Services which are covered by the Provider Selection Regime:

CPR9 Trading and Selling Services

CPR10 Reserving Contracts

CPR12 Dynamic Markets

CPR13 E-Auction

CPR14 Concessions Contracts

CPR 20 Conditions of Participation – Procurement Act 2023

CPR31.1 Pipeline Notice

CPR31.3 Supply of Goods, Services or Works Contracts £1 - £100,000

CPR31.4 Supply of Goods, Services or Works Contracts £100,000 to £214,904 (Including VAT)

CPR31.5 Works Contracts (Above £214,904 (Including VAT), but below £5,372,609 (Including VAT)

CPR31.6 Supply of Goods, Services or Works Contracts above Public Contract Threshold

CPR31.7 Light Touch Contracts above £663,540 (including VAT)

- 4.11. All procurement of services shall comply with the principles of the revised Best Value Statutory Guidance (March 2015) to be responsive to the benefits and needs of the voluntary and community sector organisations of all sizes.
- 4.12. No member of the Council or officer acting without proper authority shall enter, either orally or in writing, into any contract in the Council's name.
- 4.13. Where a partner organisation acts on behalf of the Council and needs to purchase or assign goods or services, any such assignment must be undertaken in line with the CPRs unless otherwise exempted in writing by the Assistant Director Law and Governance (Monitoring Officer).
- 4.14. Where the Council is procuring together with another council or public body, this must be done under the terms of the Joint Procurement Agreement and a Joint Project Initiation Document agreed.
- 4.15. Where the Council is procuring with any other body (such as any other council or a ICB or other health body), so that a successful procurement is dependent on the actions or financial contributions of the body, then a legally binding agreement must be entered into with that body to secure those actions or contributions, in terms approved by the Assistant Director Law and Governance (Monitoring Officer).

5. Value Thresholds

- 5.1. The CPRs set out what process must be followed for various value thresholds. It is important to ensure that the correct procedure is adopted and where there is a risk of a requirement falling above a threshold, the process for the higher threshold should be applied.
- 5.2. Under the Procurement Act 2023, the current values for Public Contracts as of the 1st January 2024 are:

Type of Contract	Goods	Services	Light Touch	Concessions	Works
Net of VAT	£179,087	£179,087	£552,950	£4,477,174	£4,477,174
Inclusive of VAT	£214,904	£214,904	£663,540	£5,372,609	£5,372,609

- 5.3. Requirements valued within 10% of the above thresholds should consider following a Procurement Act 2023 competitive process.
- 5.4. In determining which threshold applies, the whole-life costing (including VAT) of the proposed contract or framework agreement must be considered. Purchases must not be disaggregated to avoid the requirements of the CPRs. Any option to extend a contract must also take into account whether the Procurement Act 2023 thresholds would be exceeded with the extension value included, even if the option to extend is not eventually exercised.
- 5.5. Where the estimated value is unknown, or it is not possible to calculate it then the value must be treated as being above the Public Contract threshold amount for the type of contract.

- 5.6. Where requirements include a mix of goods, services and/ or works elements, advice should be sought from procurement as to which threshold is applicable.
- 5.7. The whole lifecycle of a procurement should be considered in determining its whole-life cost, including the cost of maintenance, spares, upgrades, decommissioning and disposal.
- 5.8. Where it is possible to predict a number of similar requirements, we must consider the requirements as a whole and procure accordingly. The procured solution must operate based on the aggregated value of the requirements to ensure compliance and maximise value for money.
- 5.9. When calculating the estimated value of the contract to determine whether the Procurement Act 2023 apply, the contract value estimation should be inclusive of VAT (where applicable).
- 5.10. For the purposes of advertising, the estimated contract value will continue to be provided inclusive of VAT. Similarly for contract award notices, these will continue to be published inclusive of VAT.
- 5.11. Where the level of risk is high for a low value contract, a higher value procedure should be considered.
- 5.12. There is no minimum value threshold when rules set out the Provider Selection Regime apply. The Provider Selection Regime applies to all Health Care Services no matter the value.

6. Options Appraisal

- 6.1. A proportionate options appraisal must be undertaken before commencing a procurement in order to determine how best to meet the need for goods, service or works. Where an option to proceed with a competitive procurement exercise has been chosen, and approved by budget holder, and where applicable relevant Director, evidence of the options appraisal/analysis/budget holder approval must be retained for audit purposes.

7. Lead Services

- 7.1. Services Areas undertaking procurement of the following goods, services or works must be guided by the lead service indicated:

Requirement	Lead Service
Cleaning Services	Facilities Management (Equans)
Civil Engineering and non-building construction works	Professional Services (Highways Design) (Equans)
Building works, accommodation and facilities management where a work permit must be obtained	Assets Team; Professional Services (Technical Design) (Equans)
Energy, Fuel & Water	Procurement (Equans)
Financial & Leasing Services	Finance
ICT requirements / services	ICT
Legal Services	Legal Services
Leisure	Lincs Inspire Ltd

Printing Services	Print Hub
Advertising services	Communications
Stationary	Business Support
Business Travel	Business Support
Vehicle Hire	Business Support/ Fleet and Garage
Commissioning of social or personal care services, and placement activity (Childrens)	Children's Services
Commissioning of social or personal care services, and placement activity (Adults)	Adult Social Services
Training & Development Services	People and Culture Learning & Development
Transport Services	Education Transport Highways and Transport (Equans)
Vehicles	Fleet and Garage
Waste Disposal	Environment
Public Health related goods and services	Public Health

8. Confidentiality and Conflict of Interest

- 8.1. No one shall disclose information which has been forwarded to the Council by a potential supplier and designated as confidential. This is subject to the Council's obligations to comply with legislation, codes of practice, regulations and local policy requirements.
- 8.2. When undertaking a Procurement Process, the service lead shall take all reasonable steps to identify, and keep under review any conflicts of interest, or any potential conflicts of interest. This applies equally to employees, members and those working on behalf of the Council. An interest can be personal, professional or financial and maybe direct or indirect.
- 8.3. Conflicts of interest may include (but not limited to):
 - 8.3.1. if you are a current or previous employee of a company, or have a member of your family, your partner (married, civil partnership or not), your siblings, your children, or any close personal or professional relationships that are an employee of a company, that is seeking to do business with the Council;
 - 8.3.2. if you, or a member of your family/friends (as set out above), has a financial interest in a company that is seeking to do business with the Council;
 - 8.3.3. if you, or a member of your family/friends (as set out above), has a financial relationship of any kind with a company seeking to do business with the Council.
- 8.4. When undertaking a procurement the service lead must also take all reasonable steps to ensure that a conflict of interest does not put a supplier at an unfair advantage or disadvantage. This may include requiring a supplier to take reasonable steps.
- 8.5. Where a conflict is identified, the Assistant Director Law and Governance (Monitoring Officer) must be notified. Records must be kept for audit purposes and to comply with the requirements of the Procurement Act 2023, and the Information Requirements under Regulation 24 for contracts awarded under the Provider Selection Regime.

- 8.6. Before publishing a procurement, transparency notice or Dynamic Market, a Conflicts Assessment must be prepared in relation to the procurement. This Conflicts Assessment must be kept under review by the service area for the life of the procurement and during management of the contract. This must include:
- 8.6.1. conflicts or potential conflicts of interest, and
 - 8.6.2. any steps the Contracting Authority has taken or will take for the to mitigate the conflict.

9. Trading and Selling Services

- 9.1. There may be occasions when the Council proposes to provide a service to a third party with or without charge. In all such cases advice must be sought from Procurement and / or Legal Services. Any provision of a service which exceeds the value of £350,000 will require cabinet approval.
- 9.2. Please note that the above paragraph does not apply where the Council supplies a service via a grant agreement.

10. Reserving Contracts

- 10.1. Certain contracts can be reserved to particular suppliers so that competition is not available to the wider market. The suppliers that contracts can be reserved to are set out in the Procurement Act 2023. Advice must be sought from Procurement if you intend to reserve a contract.

11. Frameworks

- 11.1. A framework is a contract between a Contracting Authority and one or more suppliers that provides for the future award of contract by the Contracting Authority to the supplier(s).
- 11.2. Frameworks do not guarantee any services to the suppliers who are admitted to the framework although they are legally binding contracts. A contract and/or purchase order should be raised separately in order to engage the relevant supplier/s when calling off requirements under a framework.
- 11.3. The term of a framework may not exceed 4 years, unless the Council considers the nature of the good, services or works to be supplied under contracts awarded in accordance with the framework means a longer term is required. The reason for the longer term must be set out in the tender documents or transparency notice. The maximum term does not apply to frameworks awards under an Open Framework or if the framework is a light touch contract.
- 11.4. Advice must be sought from procurement if you are looking to establish a framework.
- 11.5. The use of a framework established by Centralised Procurement Authority or other contracting authorities (as defined by the Procurement Act 2023) must be on advice from procurement and subject to exception approval under section 27 of the CPR. The framework terms and conditions must also be approved by legal services prior to accessing the framework.
- 11.6. Service areas must not disaggregate purchases in order to avoid the CPR requirements. Where advantageous, any purchase of greater than £5,000 undertaken via a framework should be subject to further competition. All suppliers who are a party to the framework should be invited to take part in the further competition in accordance with the requirements stated by the framework owner (unless alternative provisions have been agreed). Wherever

possible and advantageous, bundling of largely similar requirements should be undertaken to maximise economies of scale.

- 11.7. All frameworks must comply with the following requirements:
 - 11.7.1. Maximum length of 4 years (unless exceptional and approved).
 - 11.7.2. Contracting authorities that access the agreement must be identified as a party to it. Estimated value must include all potential call-offs by all contracting authorities.
 - 11.7.3. Contracts based on the framework must not entail substantial modifications to the terms laid down in the framework.
 - 11.7.4. Contracts are formed when requirements are called-off under a purchase order or a call-off contract.
 - 11.7.5. Access, terms, award criteria and procedure for call-off are as per the terms of the framework agreement and must be followed.
 - 11.7.6. Keep such records as considered sufficient to explain a material decision made for the purpose of awarding a framework or entering into a contract awarded via a framework.
- 11.8. The Provider Selection Regime Information Requirements under Regulation 24 must be complied with when awarding a Health Care Services framework agreement under the Provider Selection Regime.

12. Dynamic Markets

- 12.1. Dynamic Markets are predominantly established for more “off-the-shelf” goods and services. A Dynamic Market is a group of suppliers who have been assessed and found to satisfy the conditions of membership and economic and financial standing requirements. Competition can then be restricted using the competitive flexible procedure to excluded suppliers from participating in or processing as part of, the procedure is they are not a member of an appropriate Dynamic Market, or are not a member of an appropriate part of an appropriate Dynamic Market.
- 12.2. A Dynamic Market or part of a Dynamic Market is appropriate if the terms permit the award of the contract by the Council.
- 12.3. Before excluding the supplier, consideration must be given to applications for membership to the Dynamic Market or part of the Dynamic Market from suppliers who have submitted a request to participate in the competitive flexible procedure, or have submitted a tender as part of the competitive flexible procedure (except in exceptional circumstances as set out in the Procurement Act 2023).
- 12.4. Any Dynamic Market must be established in accordance with the requirements of the CPRs, the Procurement Act 2023 and guidance from procurement.
- 12.5. An exception must be sought in line with section 27 of the CPR if you are looking to access a Dynamic Market established by Centralised Procurement Authority or other contracting authorities (as defined by the Procurement Act 2023). The Dynamic Market terms and conditions must also be approved by legal services prior to accessing the Dynamic Market.

13. E-Auction

- 13.1. An Electronic Auction (eAuction) is a commercial tool designed to secure the best and final offer from bidders in a competitive process. Use of eAuctions is not mandatory but the benefits should be considered for procurements of requirements over £50,000.

14. Concessions Contracts

- 14.1. In the Procurement Act 2023, “concession contract” means a contract for the supply, for pecuniary interest, of works or services to a contracting Council where:
 - 14.1.1. at least part of the consideration for that supply is a right for the supplier to exploit the works or services, and
 - 14.1.2. under the contract the supplier is exposed to a real operating risk.
- 14.2. An “operating risk” is a risk that the supplier will not be able to recover its costs in connection with the supply and operation of the works or services, where the factors giving rise to that risk:
 - 14.2.1. are reasonably foreseeable at the time of award, and
 - 14.2.2. arise from matters outside the control of the contracting Council and the supplier.
- 14.3. Advice must be sought from procurement before undertaking a procurement relating to a concessions contract.

15. Specifications

- 15.1. Specifications set out the technical requirements for goods, services or works being procured.
- 15.2. Specifications must not unnecessarily narrow competition or limit the number of suppliers capable of meeting the requirements or give an unfair advantage to particular suppliers.
- 15.3. Procurement Documents must not refer to design, a particular licencing model or descriptive characteristics in circumstances where they could appropriately refer to performance or functional requirements. They must also not refer to United Kingdom standards unless:
 - 15.3.1. The standard adopts an internationally-recognised equivalent, or
 - 15.3.2. There is no internationally-recognised equivalent.
- 15.4. If the Procurement Documents refer to a United Kingdom standard, they must provide that tenders, proposals or applications that the Council considers satisfy an equivalent standard from another state, territory or organisation of states or territories will be treated as having satisfied the United Kingdom standard.
- 15.5. Unless the Council considers it necessary in order to make its requirements understood, the Procurement Documents must not refer to:
 - 15.5.1. Trademark, trade name, patent, design or type,
 - 15.5.2. Place of origin, or
 - 15.5.3. Producer or supplier
- 15.6. If it is necessary to refer to any of the above then the Procurement Documents must state that equivalents which demonstrate the same quality or performance will be considered.

16. Management of Data

16.1 Data Protection

- 16.1.1. In situations where personal data or confidential information needs to be shared with the market and the requirements of the Data Protection Act 2018 and the General Data Protection Regulations are likely to be invoked, the Service Area

shall ensure that the Strategic Lead – Business Practice and Performance (Data Protection Officer) is consulted.

- 16.1.2. In the publication and disclosure of contracts related information, the Council will be informed by the provisions of section 94 of the Procurement Act 2023, and the exemptions and exceptions set out in the Data Protection Act 2018 / UK GDPR, the Freedom of Information Act 2000 and the Environmental Information Regulations 2024.

16.2 Open Data

- 16.2.1 All requests for quotation/invitation to tender must indicate the Council's obligation to publish commercial and other data provided by suppliers in accordance with Freedom of Information Regulations and the Local Government Transparency Code 2015 as amended.

17. TUPE

- 17.1. Careful consideration needs to be given as to whether TUPE shall apply at commencement of the proposed procurement.
- 17.2. Where a proposed procurement may involve the TUPE transfer, the advice of the People Partnering Manager and Legal Services must be obtained prior to the start of procurement.
- 17.3. Any procurement involving the TUPE transfer of Council staff must be approved by the Relevant Director on the advice of the Assistant Director People and Organisational Development.
- 17.4. The application of TUPE should also be considered in respect of staff employed by existing contractor(s) when the Council is looking to re-procure the service currently provided by such contractor(s). Guidance should be sought from the Assistant Director People and Organisational Development.
- 17.5. An anonymised table of TUPE information and, where relevant, pension information, must be available for release with the tender documentation, using the TUPE matrix template. Further information can be shared with interested parties on the successful completion of the appropriate non-disclosure agreement.

18. Find a Tender Service

- 18.1. Where the estimated contract or framework value exceeds the Public Contract threshold set out in the Procurement Act 2023, suppliers must be registered with the Governments Find a Tender Service before they submit a tender. It is the supplier responsibility to keep their details up to date on Find a Tender Service.
- 18.2. A supplier does not need to be registered with the Find a Tender Service to submit a tender for a Health Care Service contract covered the Provider Selection Regime.

19. Excluding Suppliers

- 19.1. Under the Procurement Act 2023, where the estimated contract or framework value exceeds the Public Contract threshold, submissions from excluded suppliers must be disregarded, and before assessing which tender best satisfies the award criteria the Council must consider if a supplier is excludable, and may disregard any tender from an excludable supplier.
- 19.2. Under the Provider Selection Regime, the Council must not award a contract to a provider, and may exclude a provider from any of the Provider Selection Regime processes, if the

provider meets the exclusion criteria detailed in Regulation 20 of the Provider Selection Regime. This regulation does not apply to contracts based on a framework agreement.

- 19.3. Advice must be sought from procurement before excluding a supplier.

20. Conditions of Participation – Procurement Act 2023

- 20.1. A condition of participation is a condition that a supplier must satisfy in order to be awarded a Public Contract.
- 20.2. Conditions of participation may only be set if the Council is satisfied that the conditions are a proportionate means of ensuring that suppliers have:
- 20.2.1. the legal and financial capacity to perform the contract, or
 - 20.2.2. the technical ability to perform the contract.
- 20.3. Proportionate means having regards to the nature, complexity and cost of the Public Contract.
- 20.4. Conditions of participation may not require the submission of audited annual accounts, except from suppliers who are, or were, required to have the accounts audited in accordance with Part 16 of the Companies Act 2006 or an overseas equivalent; or require insurance relating to the performance of the contract to be in place before the award of the contract.
- 20.5. Minimum standards of financial standing and financial appraisals are subject to the advice of the Finance Group Manager but the requirements must not exceed a turnover of twice the contract value except in duly authorised cases. Minimum standards of financial standing at the award stage should be considered for all contracts where the estimated contract value exceeds the thresholds of the Procurement Act 2023 or any relevant UK legislation and/or where other risk is identified, including where there would be a significant effect on the delivery of Council services in the event of contractor default or cessation of supply or service.
- 20.6. Where considered appropriate following a financial appraisal of a potential provider against the Council's minimum standards of financial standing, the potential contractor may be required to provide a Parent Company Guarantee (PCG) or a Performance Bond (Bond) in a form acceptable to the Council for the duration of the contract (including any extension period). All financial requirements should be published up front, including the possibility of a Bond or PCG. Any such PCG or Bond shall only be required where it is deemed that there is a specific ascertainable risk. Where group company financial information is assessed, a PCG will be required.
- 20.7. Where the estimated contract value exceeds the threshold of the Procurement Act 2023 or any relevant UK legislation or where specific risks are involved including consideration of any non-standard insurance requirements (e.g. clinical insurance required for public health contracts), you should refer to the Limits of Indemnity Contractors and Third Parties guidance or seek advice from the Insurance Team.
- 20.8. Conditions of participation must not be used to assess the suitability of tenders for below threshold contracts with the exception of Works contracts where suitability can be assessed if the value is above the goods and service Public Contract threshold (£214,904 (including VAT)).

21. Basic Selection Criteria - Provider Selection Regime

- 21.1. The Council must not award a contract or conclude a framework agreement with a provider who does not meet the basic selection criteria. This does not apply to the use of Direct Award Process A or Direct Award Process B, or call-offs from an existing framework.

- 21.2. The basic selection criteria which must be met by the provider may relate to:
- 21.2.1. Suitability to pursue a particular activity
 - 21.2.2. Economic and financial standing
 - 21.2.3. Technical and professional ability
- 21.3. Minimum standards of financial standing and financial appraisals are subject to the advice of the Finance Group Manager but the requirements must not exceed a turnover of twice the contract value except in duly authorised cases. Minimum standards of financial standing at the award stage should be considered for all contracts where the estimated contract value exceeds any relevant UK legislation and/or where other risk is identified, including where there would be a significant effect on the delivery of Council services in the event of contractor default or cessation of service.
- 21.4. Where considered appropriate following a financial appraisal of a potential provider against the Council's minimum standards of financial standing, the potential contractor may be required to provide a Parent Company Guarantee (PCG) or a Performance Bond (Bond) in a form acceptable to the Council for the duration of the contract (including any extension period). All financial requirements should be published up front, including the possibility of a Bond or PCG. Any such PCG or Bond shall only be required where it is deemed that there is a specific ascertainable risk. Where group company financial information is assessed, a PCG will be required.
- 21.5. Where the estimated contract value exceeds any relevant UK legislation or where specific risks are involved including consideration of any non-standard insurance requirements e.g clinical insurance required for public health contracts, you should refer to the Limits of Indemnity Contractors and Third Parties guidance or seek advice from the Insurance Team.
- 21.6. The Council must comply with the Provider Selection Regime exclusion requirements. You must refer to procurement should you consider excluding a potential tenderer.

22. Tender & Quotation Errors

- 22.1. Tender errors (including quotation errors) shall be dealt with in accordance with the following paragraphs, which shall be included in all Invitations to Tender and Requests for Quotations.

22.2 Compliance with Tender Instructions and Requirements

- 22.2.1 Any Tenderer who fails to comply with the procedural requirements set out in the tender notice or associated tender documents may have their tender rejected by the Council.

22.3 Late Tender

- 22.3.1 No late tender, other than system access errors, shall be considered except with the approval of the Assistant Director Law and Governance, (Monitoring Officer) on the advice of procurement.

22.4 YORtender or e-Sourcing Suite Access Issues

- 22.4.1 Where a Tenderer advises that a tender submission deadline may be or has been missed as a result of [YORtender](#) being unavailable, the Tenderer should obtain a system report from Merzell, the proprietor of YORtender, to evidence YORtender being unavailable prior to the Council exercising its discretion as to whether to accept or reject the Tender.

- 22.4.2 When accessing the Crown Commercial Services e-Sourcing Suite a system report should be sought from the Crown Commercial Service.

22.5 Omissions, Ambiguities and Inconsistencies

22.5.1 Where there is an omission, ambiguity or inconsistency in a tender (including an arithmetical error), the Council reserves the right to contact the Tenderer in writing via [YORtender](#), setting out the ambiguous or inconsistent part and the alternative interpretations of it. The Tenderer will be required to identify within an appropriate time limit, via [YORtender](#), which of the interpretations are correct and confirm the appropriate amendments to the tender, provided that such requests are made in compliance with the principles of equal treatment and transparency.

22.5.2 Where there is an omission, ambiguity or inconsistency in pricing, advice from procurement must be sought.

22.6 Abnormally Low Price

22.6.1 The Council is required to seek an explanation for exceptionally low tenders and may reject the tender where the explanation does not satisfy the concerns.

22.6.2 The Council may disregard any tender that offers a price that the Council considers to be abnormally low for performance of the contract.

22.6.3 Before disregarding any tender for an abnormally low price the Council must notify the Tenderers that the Council considers the price to be abnormally low and give the Tenderer reasonable opportunity to demonstrate that it will be able to perform the contract for the price offered.

22.6.4 If the Tenderer demonstrates to the Council's satisfaction that it will be able to perform the contract for the price offered, the Council may not disregard the tender.

23. Pre and Post Tender/Request for Quotation Clarification

23.1. All clarifications by the Council or Tenderers must be raised via [YORtender](#).

23.2. Guidance from procurement is recommended in all circumstances but mandated where the issue, error, omissions or inconsistency is linked to price or potentially creates a material change.

24. Presentations and Interview

24.1. The use of presentations and/or interviews during a procurement is not permitted, except in exceptional circumstances with the written approval of the Assistant Director Law & Governance (Monitoring Officer).

25. Reporting Tenders

25.1. The Council will publish details of all contracts let over £5,000 via [YORtender](#) on the Council's live Contracts Register.

26. Preventing of Corruption & The Bribery Act 2010

26.1. Requests for quotations and invitation to tenders must inform prospective tenderers of the Council's whistle blowing policy.

26.2. All contracts must contain a clause to the effect that the Council will be entitled to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation if:

- 26.2.1. the contractor, his employees or agents, shall have offered or given or agreed to give to any persons any gift or consideration of any kind as an inducement or reward in any way relating to the contract or any other contract with the Council; or
- 26.2.2. in relation to any contract with the Council, the contractor, his employees or agents, shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916, Section 117 of the Local Government Act 1972 and the Bribery Act 2010.
- 26.3. The Bribery Act 2010 has created the following new offences that can have particular relevance for the award of Public Contracts:
 - 26.3.1. bribing a person to induce or reward them to perform a relevant function improperly;
 - 26.3.2. requesting, accepting or receiving a bribe as a reward for performing a relevant function improperly;
 - 26.3.3. failing to prevent bribery

<https://www.nelincs.gov.uk/council-information-partnerships/fraud-and-corruption/>

27. Exceptions

- 27.1. Exceptions to the CPRs are permitted under certain circumstances.
 - 27.1.1. Budget Holder approval is required for exceptions to [CPR 31.3 - Supply of Goods, Services or Works Contracts £1 - £100,000](#).
 - 27.1.2. Over £100,000, The Assistant Director Law and Governance, (Monitoring Officer) may, where permitted by the Procurement Act 2023 or Provider Selection Regime approve exceptions in all of the following circumstances:

Direct Award of Public Contracts under the Procurement Act 2023

- 27.2. The following justifications are available under the Procurement Act 2023 for Direct Award. Direct Awards must not breach the Procurement Objectives. It is the service leads responsibility to ensure that the Procurement Objectives are not breached.
 - 27.2.1. Direct award to a supplier where the Public Contract concerns the production, or supply of novel goods or services for the purposes of testing the suitability of the goods or services, researching the viability of producing or supplying the goods or services at scale and developing them for that purpose, or other research, experiment, study or development. “novel goods or services” means goods or services designed or developed at the request of the Council.
 - 27.2.2. Direct award to single supplier where the Public Contract concerns the creation or acquisition of a unique work of art or artistic performance.
 - 27.2.3. Direct award to a single supplier where the following conditions are met in relation to a Public Contract:
 - 27.2.3.1. due to a particular supplier having intellectual property rights or other exclusive rights, only that supplier can supply the goods, services or works required, and
 - 27.2.3.2. there are no reasonable alternatives to those goods, services or works.

- 27.2.4. Direct award to a single supplier where the following conditions are met in a Public Contract:
 - 27.2.4.1. due to an absence of competition for technical reasons, only a particular supplier can supply the goods, services or works required, and
 - 27.2.4.2. there are no reasonable alternatives to those goods, services or works.
- 27.2.5. The Public Contract concerns the supply of goods, services or works by the existing supplier which are intended as an extension to, or partial replacement of, existing goods, services or works in circumstances where:
 - 27.2.5.1. a change in supplier would result in the Contracting Authority receiving goods, services or works that are different from, or incompatible with, the existing goods, services or works, and
 - 27.2.5.2. the difference or incompatibility would result in disproportionate technical difficulties in operation or maintenance.
- 27.2.6. The Public Contract concerns the supply of goods, services or works by the existing supplier that are similar to existing goods, services or works where:
 - 27.2.6.1. the existing goods, services or works were supplied under a Public Contract that was awarded in accordance with a competitive tendering procedure within the period of five years ending with the day on which the transparency notice is published, and
 - 27.2.6.2. the tender notice or any tender document in respect of that earlier contract set out:
 - 27.2.6.2.1. the Contracting Authority's intention to carry out a subsequent procurement of similar goods, services or works in reliance on this direct award justification, and
 - 27.2.6.2.2. any other information specified in regulations under section 95 or the Procurement Act.
- 27.2.7. The Public Contract concerns goods purchased on a commodity market.
- 27.2.8. The award of the Public Contract to a particular supplier will ensure terms particularly advantageous to the Council due to the fact that a supplier, whether or not the one to whom the contract is to be awarded, is undergoing insolvency proceedings.
- 27.2.9. Direct Award of a contract on the grounds that the goods, services or works to be supplied under the Public Contract are strictly necessary for reasons of extreme and unavoidable urgency, and as a result the Public Contract cannot be awarded on the basis of a competitive tendering procedure. Urgency is unavoidable if it is not attributable to any act or omission of the Council, and could not have been foreseen by the Council.
- 27.2.10. Direct award to supplier where the Public Contract is a contract for the supply of user choice services and the individual to whom the services are to be supplied or their carer has expressed a preference as to who should supply the services, or the nature of the services to be supplied is such that only one supplier is capable of providing them, and the Council considers that it is not in the best interests of the individual to award the contract via a competitive tender process.

Modification of existing Public Contracts under the Procurement Act 2023

- 27.3. The following justifications are available under the Procurement Act 2023 for modification of existing contracts. Modifications must not breach the Procurement Objectives. It is the service leads responsibility to ensure that the Procurement Objectives are not breached.
- 27.3.1. Modification of an existing contract where the modification is unambiguously provided for in the contract and tender or transparency notice, and the modification does not change the overall nature of the contract.
 - 27.3.2. Modification of an existing contract on the grounds that the goods, services or works to be supplied under the Public Contract are strictly necessary for reasons of extreme and unavoidable urgency or the protection of life, and as a result there isn't enough time to undertake a competitive tendering procedure. Urgency is unavoidable if it is not attributable to any act or omission of the Council, and could not have been foreseen by the Council.
 - 27.3.3. Modification of an existing contract on the grounds that the goods, services or works to be supplied under the Public Contract are necessary due to unforeseeable circumstances. The modification does not change the overall nature of the contract and does not increase the estimated value of the contract by more than 50%.
 - 27.3.4. Modification of an existing contract for the supply of goods/services or works in addition to those already provided for in the contract where using a different supplier would result in the goods, service or works being incompatible with those already provided in the contract which would result in disproportionate technical difficulties in operation or maintenance or other significant inconvenience and would be a substantial duplication of costs to the Council. The modification does not change the overall nature of the contract and does not increase the estimated value of the contract by more than 50%.

Health Care Service Exceptions (Not applicable to contracts covered by the Procurement Act 2023)

- 27.4. There is a need to urgently award or modify a Health Care Services contract to address immediate risks to patient or public safety, but only if all of the following apply:
- 27.4.1. the award or modification must be made urgently
 - 27.4.2. the reason for the urgency was not foreseeable by and is not attributable to the Council
 - 27.4.3. delaying the award of the contract to conduct a full application of the Provider Selection Regime would be likely to pose a risk to patient or public safety.

General Exceptions

- 27.5. The following are general exemption:
- 27.5.1. When the Council is properly required to adopt other procedures by a Government body or the Council is procuring subsidised public transport services.
 - 27.5.2. Works orders placed with utility companies (e.g. for re-routing cables or pipework).

- 27.5.3. Where the use of a recognised regional or national framework arrangement or Dynamic Market will provide the most cost effective procurement solution.
- 27.5.4. Where there are other exceptional circumstances.
- 27.6. In all instances a written request for exception, clearly documenting the reasons, must be notified in advance to the approving officer before the exception can be actioned. The standard exception form must be completed for exceptions with a whole life value of £100,000 and above. This is available on the Council's intranet.

28. Community Right to Challenge

- 28.1. The Localism Act provides relevant bodies with the right to challenge the running of local Council services where they believe they could do this differently or better.
- 28.2. Corporate guidance has been produced on the management of challenges received under the Act. An overview of the process for managing challenges is under Annex 1.

29. Contract Signing & Modification

- 29.1. Directors are authorised to sign contracts that do not exceed £100,000 where the Assistant Director Law and Governance, (Monitoring Officer) has approved the form of contract as appropriate for the type of contract concerned.
- 29.2. The Assistant Director Law and Governance (Monitoring Officer) is authorised to sign contracts that exceed £100,000 and unless they determine otherwise, such contracts shall be executed by way of deed, under the Common Seal of the Council.
- 29.3. The Assistant Director Law and Governance, (Monitoring Officer) is authorised to affix the Common Seal of their respective Council to such contracts.
- 29.4. Under limited circumstances, the Procurement Act 2023 and Provider Selection Regime permit contract modifications during their term. Advice should be sought from procurement in the first instance.
- 29.5. Changes to contracts and/or terms and conditions must be authorised by the relevant Director and substantial (i.e. material) changes to contracts and/or terms and conditions must be authorised by the relevant Director following consultation with the Assistant Director Law, Governance and (Monitoring Officer).
- 29.6. In all instances the council's standard terms and conditions must be used unless an alternative form of contract has been authorised for use by the Assistant Director Law and Governance, (Monitoring Officer).

30. Contract Management

- 30.1. The service area is responsible for managing contracts in compliance with the corporate contract management toolkit. Public Contracts must also be managed in compliance with the requirements of the Procurement Act 2023 and the Provider Selection Regime.

31. Processes

31.1 Pipeline Notice

If the Council considers that it will pay more than £100 million under contracts for the supply of goods, services or works in the coming financial year it must publish a pipeline notice within 56 days from 1st April.

Any Public Contract with an estimated value of more than £2 million in respect of which the Council intends to publish a tender notice or transparency notice during the reporting period must be included in the pipeline notice.

Inclusion of a Public Contract on the pipeline does not commit the Council to procuring the Public Contract.

The pipeline notice must be published on the Find a Tender Service. This will be done by procurement.

31.2 Preliminary Market Engagement

Before publishing a tender notice in relation to a Public Contract, the Council may engage with suppliers and other persons, via preliminary market engagement for the purpose of:

- developing the requirements and approach to the procurement;
- designing a procedure, conditions of participation or award criteria;
- preparing the tender notice and associated tender documents;
- identifying suppliers that may be able to supply the goods, services or works required;
- identifying likely contractual terms;
- building capacity among suppliers in relation to the contract being awarded.

Preliminary market engagement should be considered when there is a local SME or VCSE market in order to generate awareness and engage them in the Procurement Process.

In carrying out preliminary market engagement, the Council must take steps to ensure that:

- suppliers participating in the preliminary market engagement are not put at an unfair advantage, and
- competition in relation to the award of the Public Contract is not otherwise distorted.

If the Council considers that a supplier's participation in preliminary market engagement has put the supplier at an unfair advantage in relation to the award of a Public Contract, and the advantage cannot be avoided, then

The Contracting Authority must in relation to the award treat the supplier as an excluded and exclude the supplier from participating in, or progressing as part of, any competitive tendering procedure.

If the Council carries out preliminary market engagement then a preliminary market engagement notice must be published on the Find a Tender Service prior to a tender notice, or reasons provided for not publishing the preliminary market engagement notice in the tender notice.

Procurement should be engaged wherever preliminary market engagement is being considered.

31.3 Supply of Goods, Services or Works Contracts £1 - £100,000

31.3a Authorisation to Proceed with Procurement

Verify availability of budget and obtain Budget Holder approval. Keep a record of this for audit purposes.

Take all reasonable steps to identify, and keep under review conflicts of interest and potential conflicts of interest –seeking advice from Legal where a conflict of interest or potential conflict of interest is identified.

31.3b Process

Follow Procurement's self-service guidance on the intranet.

Procurement Processes under £100,000 recognise the need for agile and efficient business processes. Direction is provided below in line with key procurement policy principles and this may be interpreted flexibly dependent on circumstances with the exception of the mandatory principles and requirements indicated in bold below. Records of decisions made should be recorded for the audit trail particularly where there is variation from the normal process or key principles outlined below.

Open, Transparent & Proportionate Process

- Unless you are using an existing corporate or lead service contract (Section 9 of the CPR), ordinarily you will be expected to undertake a competitive process to secure and demonstrate value for money
- If you directly award a contract to a supplier without competition, your decision may be challenged by the external market and expose the Council to reputational risk; note all of the Council's expenditure over £250 is published externally and open to audit and public scrutiny. Direct award of contracts valued below £100,000 must be approved by the Budget Holder and a record of the approval retained for audit purposes.
- Over £5,000 you should ordinarily consider using [YORtender](#) to help you comply with these requirements
- **A below threshold tender notice must be published on the Find a Tender Service before publishing an invitation to tender for a contract valued at £30,000 (Including VAT) to £100,000 (not applicable to procurements by schools). This does not apply if undertaking a direct award or inviting tenders from pre-selected suppliers.**
- Procurement templates exist to enable efficient and effective process and to help secure contracts on the terms which protect the Council. If you choose not to use this documentation, be aware of the risk that your contract may be entered into on the supplier's terms and conditions, written to protect their interest.
- Your requests of bidders should be proportionate to the value and complexity of your requirement.

Consider SME and VCSE

- You must have regard to the fact that SME and VCSE may face particular barriers to participation and consider whether such barriers can be removed or reduced.

Equal Treatment

- Treating all potential suppliers the same is crucial for securing a successful outcome and minimising the risk of a challenge

- This is achieved by:
 - Setting the same timescales for all bidders.
 - Sharing the same information with all bidders.
 - Notifying all bidders of any changes to your requirements and providing them with the same timescale.
- Where you consider different treatment to be justified you must take all reasonable steps to ensure that it does not put a potential supplier at an advantage or disadvantage.

Delivering Value for Money

- Competitive process is ordinarily used to deliver value for money. It can assist in leveraging the best price and quality from the market and open up opportunities for alternative solutions and innovation as well as supporting SME and VCSE organisations.
- Typically, securing 3 – 5 written quotations is an effective way of demonstrating competition and value for money
- The primary means of undertaking a competitive process is set out above
- Your evaluation of bids should be based on objective and transparent criteria and fully disclosed to bidders in advance of them submitting their bids
- The criteria should be either:
 - Lowest “compliant” price; compliant meaning ability to meet the specification in full; or (often used where requirements are well defined); or
 - Most Advantageous Tender (MAT) – a mix of price and quality, setting out the % weighting allocated to price/quality and any sub criteria used.

Maximising Public Benefit

- You must have regard to maximising the public benefit of the contract.

If you invite tender submissions you cannot restrict the submission of tenders by reference to an assessment of the potential suppliers suitability to perform the contract, this includes reference to the suppliers legal and financial capacity and technical ability.

31.3c Authorisation to Award

Obtain Budget Holder approval for the contract award. Keep a record of this for audit purposes.

31.3d Award & Execution

Ordinarily, the Council’s standard terms and conditions should be used to form the contract. If the contract is entered into using the suppliers terms and condition, it will be the service areas responsibility make sure the suppliers terms and conditions don’t put the Council at risk. **A contract details notice must be published on the Find a Tender Service as soon as reasonably practical after entering into a contract valued at £30,000 (including VAT) to £100,000 (not applicable to procurements by schools).**

Publish details of all contracts let over £5,000 via YORtender on the Council’s live contracts register.

31.3e Records & Documentation

The Service Area shall retain records of the procurement process and the contract in accordance with the Council's approved record management or document retention policy.

If advertised on [YORtender](#) the service area shall ensure that the contract is awarded on [YORtender](#) using the button on the contracts detail page.

31.4 Supply of Goods, Services or Works Contracts £100,000 to £214,904 (Including VAT)

31.4a Authorisation to Proceed with Procurement

It is the Budget Holder's responsibility to ensure the availability of budget and the authority to commit to the expenditure, noting the Key Decisions and governance requirements. It is essential for the whole-life commitment to be considered (assuming all available extensions are exercised) not the annual value of the commitment when securing authority to proceed.

If following approval, the estimated cost of the contract increases, then the increase must be approved by the Budget Holder and there must be consideration as to whether a new Cabinet decision is required (if a Key Decision) prior to publishing the procurement.

Verify decision making protocols where:

- There are possible Council workforce and related [TUPE](#) implications, advice from Legal Services and People and Culture must be sought;
- There are potentially significant economic development / sustainability implications and
- There are budget or policy implications.

Take all reasonable steps to identify, and keep under review conflicts of interest and potential conflicts of interest, seeking advice from Legal where a conflict of interest or potential conflict of interest is identified.

31.4b Competitive Process

The service lead should ensure that any procurement is undertaken in line with the Council's agreed [project management framework](#), where appropriate, and that a procurement timetable is produced.

The process must comply with the procurement objectives set out in the Procurement Act 2023.

Consideration should be given to the use of lots to facilitate greater access to the opportunity for SME and VCSE organisations.

Consideration should be given to how the procurement can positively contribute towards the Council's [Social Value Policy](#) and deliver tangible and meaningful added social value within North East Lincolnshire.

Consideration should be given to how the procurement can positively contribute towards the Council's Environmental Vision and contribute towards the Net Zero target of 2030, and how suppliers can mitigate their impact on the local environment of North East Lincolnshire during performance of the contract.

Consideration should be given to whether the requirement needs to be procured in line with relevant consultation requirements.

An open Procurement Process must be applied, except by exception following written approval by the Assistant Director of Law and Governance (Monitoring Officer).

The Council may not restrict the submission of tenders by reference to an assessment of a potential supplier's suitability to perform the contract, this includes reference to legal and financial capacity and technical ability.

Where a framework agreement are being accessed, any purchase should be subject to further competition following the rules set out in the framework agreement. Wherever possible and advantageous, bundling of largely similar requirements should be undertaken to maximise economies of scale.

The service lead should establish a project team. Procurement must be contacted to determine the level of involvement required based on an assessment of identified risks.

Where "lowest compliant" is not being applied, the service lead in consultation with the project team must agree a percentage split in the award criteria based on the scope and importance of quality, risk and cost on a project by project basis. Where a framework agreement is being accessed, the award criteria set out in the framework agreement must be followed. The tender documents must set out all sub-criteria, weighting, and scoring guidance.

The process must be fully managed using [YORtender](#)

Requests to use **electronic auctions** should be referred to procurement.

31.4c Advertisement

Mandatory

A below threshold tender notice must be published on the Find a Tender Service before publishing an invitation to tender for a contract valued at £30,000 (Including VAT) to Public Contracts threshold (not applicable to procurements by schools). This does not apply when undertaking a further competition via a framework agreement.

The procurement must be advertised openly on [YORtender](#).

If the procurement is being conducted via framework agreement the opportunity may be advertised on the framework agreement owners e-tender portal following advice from procurement.

Tenders must be advertised for a minimum of 10 working days, but proportionately increased to its complexity. If the procurement is being conducted via a framework agreement then the framework owner may have set a different minimum number of days which the further competition must comply with.

Optional

Advertising of open opportunities via web-based media e.g. Twitter, and other health and voluntary sector sites subject to procurement's advice. Direct marketing of the existence of the opportunity is permissible in order to include organisations that may not ordinarily see the opportunity and to ensure local / regional / national competition.

Any advertisement shall: specify the nature and purpose of the contract, outline how to submit a compliant tender, state the last date and time when tenders will be accepted and comply in all respects with the requirements of the relevant UK legislation.

31.4d Receiving & Opening of Tenders

Tenders must be submitted via [YORtender](#) and opened by an officer of appropriate seniority, who is entirely independent and non-conflicted by the procurement.

No late tender shall be considered except with the written approval of the Assistant Director Law and Governance, (Monitoring Officer) on the advice of procurement.

31.4e Evaluation

The evaluation must be conducted in line with the process set out in the tender documents.

Tenders must be evaluated using either lowest compliant or Most Advantageous Tender methodology.

Most Advantageous Tender

If evaluating using the Most Advantageous Tender (MAT), ensure the MAT criteria, sub-criteria, weighting, and scoring guidance are disclosed to tenderers.

The final evaluation score given to each tenderer must be the Moderated Score.

Lowest Compliant

If evaluating on the basis of lowest compliance use either:

- The lowest **compliant** quotation where payment is made **by** the Council; or
- The highest **compliant** quotation where payment is made **to** the Council, e.g. a concession contract.

Compliance means the tender should be fully capable of meeting all fitness for purpose requirements in terms of specification, price, quality, delivery, etc.

Refer to section 22 of the CPR for guidance on how to manage errors in tender submissions.

31.4f Post Tender Negotiation

No negotiation with the existing or potential suppliers shall be carried out during the Procurement Process.

31.4g Authorisation to Award

Must be obtained from the relevant Director where required by the Council's Scheme of Delegation and Policy and Budget Framework, which must always be applied.

At least two tender responses must be received. If only one response is received, advice from procurement and the written approval of the Assistant Director Law and Governance (Monitoring Officer) must be obtained prior to awarding the contract.

A record of evaluation results and approval authorisation must be maintained for audit purposes.

31.4h Award & Execution

Outcome of Tender Exercise

The acceptance of the successful tender is concluded by advising of the outcome of the tender via [YORtender](#) followed by the issuing of the contract.

All tenderers should be advised in writing, via [YORtender](#) of the outcome of the tender exercise. Procurement must be consulted if requests for feedback are received.

Contract details

Every contract as a minimum shall be in writing and specify:

- the supplies or services to be provided and/or the work(s) to be executed;
- the price to be paid or the manner in which the price is to be determined together with details of the amount of any discounts or other deductions;
- the time within which the contract is to be performed;
- the Council's requirements on indemnity and insurance;
- for services, an exit strategy for when the contract terminates and
- other conditions and terms as set out in the tender.

Transparency

A contract details notice must be published on the Find a Tender Service as soon as reasonably practical after entering into a contract valued at £30,000 (including VAT) to Public Contract threshold (not applicable to procurements by schools).

Details of the contract must be published on the Council's contracts register.

Signing

The Assistant Director Law and Governance (Monitoring Officer) is authorised to sign contracts that exceed £100,000 and unless they determine otherwise, such contracts shall be executed by way of deed, under the Common Seal of the Council.

The Assistant Director Law and Governance, (Monitoring Officer) is authorised to affix the Common Seal of their respective Council to such contracts.

Contracts entered into orally, due to extreme urgency, must be confirmed in writing as above as soon as possible.

The relevant Officer Decision Record should be completed by the service lead and published on the Council's website as appropriate.

31.4i Records & Documentation

The Service Area shall retain records of the procurement exercise, in accordance with the Council's approved record management or document retention policy.

Only contracts signed under the Common Seal shall be retained by the Assistant Director Law and Governance (Monitoring Officer). All other contracts shall be retained by the service area.

The contract must be awarded using the options available in the contract details module on YORtender, care must be taken to ensure that the contract details are up to date.

31.5 Works Contracts (Above £214,904 (Including VAT), but below £5,372,609 (Including VAT))

31.5a Authorisation to Proceed with Procurement

Please refer to Lead Services, section 9 of the CPR.

It is the Budget Holder's responsibility to ensure the availability of budget and the authority to commit to the expenditure, noting the Key Decision and governance requirements. It is essential for the whole-life commitment to be considered not the annual value of the commitment when securing authority to proceed.

If following approval, the estimated cost of the contract increases, then the increase must be approved by the Budget Holder and there must be consideration as to whether a new Cabinet decision is required (if a Key Decision) prior to publishing the procurement. Verify decision making protocols where:

- There are potentially significant economic development / sustainability implications;
- There are budget or policy implications.

Take all reasonable steps to identify, and keep under review conflicts of interest and potential conflicts of interest, seeking advice from Legal where a conflict of interest or potential conflict of interest is identified.

31.5b Competitive Process

The service lead should ensure that any procurement is undertaken in line with the Council's agreed project management framework, where appropriate, and that a procurement timetable is produced.

The process must comply with the procurement objectives set out in the Procurement Act 2023.

Consideration should be given to the use of lots to facilitate greater access to the opportunity for SME and VCSE organisations.

Consideration should be given to how the procurement can positively contribute towards the Council's [Social Value Policy](#) and deliver tangible and meaningful added social value within North East Lincolnshire.

Consideration should be given to how the procurement can positively contribute towards the Council's Environmental Vision and contribute towards the Net Zero target of 2030, and how suppliers can mitigate their impact on the local environment of North East Lincolnshire during performance of the contract.

Consideration should be given to whether the requirement needs to be procured in line with relevant consultation requirements.

The suite of construction frameworks has been developed to meet the majority of the Council's Works requirements so refer to the Lead Service before setting the competitive process.

Where a specific procurement is necessary, use a formal open tender procedure managed using [YORtender](#) Invitations to tender to comprise:

- Clear instructions for the submission and pricing of quotations;
- An assessment of the supplier's suitability to perform the contract.

- A clear written specification;
- A Form of Tender including anti-collusion certificate;
- A Freedom of Information Declaration;
- A Pricing Schedule and
- The approved Council Terms & Conditions/a standard form of agreement e.g. NEC or JCT suite of conditions or where alternative Terms & Conditions are used, or amendments are made, seek guidance and approval from Legal Services.

Alternatively a minimum of four formal tenders may be sought using a closed process, subject to approval by procurement.

The project manager should establish a project team. Both Procurement and Legal Services must be contacted for them to determine the level of their involvement required based on an assessment of identified risks.

Where “lowest compliant” is not being applied, the service lead in consultation with the project team must agree a percentage split in the award criteria based on the scope and importance of quality, risk and cost on a project by project basis. Where a framework agreement is being accessed, the award criteria set out in the framework agreement must be followed. The tender documents must set out all sub-criteria, weighting, and scoring guidance.

Requests to use electronic auctions should be referred to procurement.

31.5c Advertisement (only applicable if not using the construction frameworks)

Mandatory

A below threshold tender notice must be published on the Find a Tender Service before publishing an invitation to tender for a contract valued at £30,000 (Including VAT) to Public Contracts threshold (not applicable to procurements by schools). This does not apply when undertaking a further competition via a framework agreement.

The procurement must be advertised openly on [YORtender](#).

Tenders must be advertised for a minimum of 10 working days, but proportionately increased to its complexity. If the procurement is being conducted via a framework agreement then the framework owner may have set a different minimum number of days which the further competition must comply with.

Optional

- advertising of open opportunities via social media e.g. Twitter subject to Procurement's advice
- one or more specialist trade or professional newspapers or journals where appropriate.

Direct marketing of the existence of the opportunity is permissible in order to include organisations that may not ordinarily see the opportunity and to ensure local / regional / national competition.

Any advertisement shall: specify the nature and purpose of the contract, invite expressions of interest or tenders for its execution; state the last date and time when expressions of interest or tenders will be accepted; and comply in all respects with the requirements of the relevant UK legislation.

31.5d Receiving & Opening of Tenders

Tenders must be submitted via [YORtender](#) and opened by an officer of appropriate seniority, who is entirely independent and non-conflicted by the procurement.

No late tender shall be considered except with the written approval of the Assistant Director Law and Governance, (Monitoring Officer) on the advice of procurement.

31.5e Evaluating Tenders (only applicable if not using the construction frameworks)

The evaluation must be conducted in line with the process set out in the tender documents.

Tenders must be evaluated using either lowest compliant or Most Advantageous Tender methodology.

Most Advantageous Tender

If evaluating using the Most Advantageous Tender (MAT) ensure the MAT criteria, sub-criteria, weighting, and scoring guidance are disclosed to tenderers.

The final evaluation score given to each tenderer must be the Moderated Score.

Lowest Compliant

If evaluating on the basis of lowest compliance use either:

- The lowest compliant quotation where payment is made by the Council; or
- The highest compliant quotation where payment is made to the Council, e.g. a concession contract.

Compliance means the tender should be fully capable of meeting all fitness for purpose requirements in terms of specification, price, quality, delivery, etc.

Refer to section 22 of the CPR for guidance on how to manage errors in tender submissions.

31.5f Post Tender Negotiation

No negotiation with the existing or potential suppliers shall be carried out during the Procurement Process.

31.5g Authorisation to Award

Must be obtained from the relevant Director where consistent in all respects with Council's Scheme of Delegation, Policy and Budget Framework and governance requirements for [Key Decisions](#).

At least two tender responses must be received. If only one response is received, the written approval of the Assistant Director Law and Governance, (Monitoring Officer) must be obtained prior to accepting the tender.

A record of evaluation results and approval authorisation must be maintained for audit purposes.

31.5h Award and Execution

Outcome of Tender Exercise

The acceptance of the successful tender is concluded by advising of the outcome of the tender via [YORtender](#) followed by the issuing of the contract.

All tenderers should be advised in writing, via [YORtender](#) of the outcome of the tender exercise. Procurement must be consulted if requests for feedback are received.

Contract details

Every contract as a minimum shall be in writing and specify:

- the supplies or services to be provided and/or the work(s) to be executed;
- the price to be paid or the manner in which the price is to be determined together with details of the amount of any discounts or other deductions;
- the time within which the contract is to be performed;
- liability, indemnity and insurance and
- other conditions and terms as set out in the invitation to tender.

Transparency

A contract details notice must be published on the Find a Tender Service as soon as reasonably practical after entering into a contract valued at £30,000 (including VAT) to Public Contract threshold (not applicable to procurements by schools).

Details of the contract must be published on the Council's contracts register.

Signing

The Assistant Director Law and Governance (Monitoring Officer) is authorised to sign contracts that exceed £100,000 and unless they determine otherwise, such contracts shall be executed by way of deed, under the Common Seal of the Council.

The Assistant Director Law and Governance, (Monitoring Officer) is authorised to affix the Common Seal of their respective Council to such contracts.

Contracts entered into orally, due to extreme urgency, must be confirmed in writing as above as soon as possible.

The relevant Officer Decision Record should be completed by the service lead and published on the Council's website as appropriate.

31.5i Records & Documentation

The Service Area shall retain records of the procurement exercise, in accordance with the Council's approved record management or document retention policy.

Only contracts signed under the Common Seal shall be retained by the Assistant Director Law and Governance (Monitoring Officer). All other contracts shall be retained by the service area.

The contract must be awarded using the options available in the contract details module on YORtender, care must be taken to ensure that the contract details are up to date.

31.6 Supply of Goods, Services or Works Contracts above Public Contract Threshold

31.6a Authorisation to Proceed with Procurement

It is the Budget Holder's responsibility to ensure the availability of budget and the authority to commit to the expenditure, noting the Key Decision and governance requirements. It is essential for the whole-life commitment to be considered and not just the annual value of the commitment when securing authority to proceed.

If following approval, the estimated cost of the contract increases, then the increase must be approved by the Budget Holder and there must be consideration as to whether a new Cabinet decision is required (if a Key Decision) prior to publishing the procurement. Verify decision making protocols where:

- There are possible Council workforce and related [TUPE](#) implications, advice from Legal Services and People and Culture must be sought;
- There are potentially significant economic development / sustainability implications and
- There are budget or policy implications.

Written evidence of Council to proceed will be required.

Take all reasonable steps to identify, and keep under review conflicts of interest and potential conflicts of interest, seeking advice from Legal where a conflict of interest or potential conflict of interest is identified.

31.6b **Competitive Process**

The service lead should ensure that any procurement is undertaken in line with the Council's agreed project management framework, where appropriate, and that a procurement timetable is produced.

The process must comply with the procurement objectives set out in the Procurement Act 2023.

Consideration should be given to the use of lots to facilitate greater access to the opportunity for SME and VCSE organisations.

Consideration should be given to how the procurement can positively contribute towards the Council's [Social Value Policy](#) and deliver tangible and meaningful added social value within North East Lincolnshire.

Consideration should be given to how the procurement can positively contribute towards the Council's Environmental Vision and contribute towards the Net Zero target of 2030, and how suppliers can mitigate their impact on the local environment of North East Lincolnshire during performance of the contract.

Consideration should be given to whether the requirement needs to be procured in line with relevant consultation requirements.

For all service procurements over Public Contracts thresholds, an [Equality Impact Assessment](#) must be completed to comply with the Public Services (Social Value) Act 2012 and relevant consultation requirements, prior to commencement to inform the specification and evaluation criteria.

Seek advice from Procurement when determining the Procurement Act 2023 procedure to be used. The Council's standard approach is to use the single-stage, Open Procedure. Use of the Competitive Flexible procedure must only be on advice of procurement.

The following may only be used when advised by procurement:

- Creation of a Framework Agreement
- Creation of a Dynamic Market
- Accessing a Framework or Dynamic Market. This is subject to exception approval under section 27 of the CPR
- E-Auction

All transparency notices issued on the Find a Tender Service must be approved and released by procurement.

Use a formal tender procedure, and manage the process fully using [YORtender](#)

The invitation to tender must comprise:

- clear instructions for the submission and pricing of tenders;
- background information;
- a clear written specification;
- reply forms:
 - Conditions of Participation;
 - form of tender and non-collusion certificate;
 - freedom of information declaration;
 - pricing schedule;
 - method statements;
- Terms & Conditions provided by Legal Services.

The service lead should establish a project team. Both Procurement and Legal Services must be contacted for them to determine the level of their involvement required based on an assessment of identified risks.

The service lead in consultation with the project team must agree a percentage split in the award criteria based on the scope and importance of quality, risk and cost on a project by project basis. However, where the contract is being accessed via a framework, the award criteria set out in the agreement must be followed.

31.6c Advertisement

Mandatory

A tender notice must be approved and issued by procurement via the Find a Tender Service.

After publication of the tender notice, this information, along with the associated tender documents must be released on [YORtender](#) advising indicative contract values (inclusive of VAT).

Tenders must be advertised in compliance with the time limits set out in the Procurement Act 2023, but proportionately increased to its complexity. If the procurement is being conducted via a framework agreement then the framework owner may have set a different minimum number of days which the further competition must comply with.

Optional

Advertising of open opportunities via social media e.g. Twitter, facebook, linkedin and other health and voluntary sector sites subject to procurement's advice.

One or more specialist trade or professional newspapers or journals where appropriate.

Direct marketing is permissible, after publication of the tender notice on the Find a Tender Service, to include organisations that may not see the opportunity to ensure local / regional / national competition.

Any supplementary advertisement, (e.g. trade press) of the opportunity may only be published once the tender notice has been published on the Find a Tender Service and must not include additional information than is available in the tender notice.

Any advertisement shall: specify the nature and purpose of the contract, invite submission of tenders or requests to participate; state the last date and time when tenders or requests to participate will be acceptable; and comply in all respects with the requirements of the Procurement Act 2023 and relevant UK legislation.

31.6d Receiving & Opening of Tenders

Managed using [YORtender](#), kept confidential and opened by an officer who is entirely independent and has no conflict of interest in relation to the project in question.

The Council will check the Find a Tender Service to make sure the tenderers are registered on the Find a Tender Service. No submissions shall be accepted from tenderers who are not registered with the Find a Tender Service. The tender documents must ask for confirmation of this and for confirmation that the tenderer has kept their core supplier information up-to-date on the Find a Tender Service.

31.6e Evaluating Tenders

Before assessing which tender best satisfies the award criteria, the Council must disregard any tender from a supplier that is an excluded supplier, and must consider whether a supplier is an excludable supplier, and may disregard any tender from an excludable supplier.

Tenders must be evaluated using the Most Advantageous Tender (MAT), and ensure MAT criteria, sub-criteria, weighting, and scoring guidance are disclosed to tenderers.

The final evaluation score given to each tenderer must be the Moderated Score.

Refer to section 22 of the CPR for guidance on how to manage errors in tender submissions.

Conflict of interest assessments of the evaluation team are required at this stage.

Where a tenderer has been excluded from the competition at any stage mid-evaluation, the tenderer must be informed at standstill. Equally any requests for clarification from such tenders must be responded to within 15 days of the request: such letters to be approved following the standstill mechanism.

31.6f Post Tender Negotiation

No negotiation with the existing or potential suppliers shall be carried out during the Procurement Process.

31.6g Authorisation to Award

Must be obtained from the relevant Director where consistent in all respects with the Council's Scheme of Delegation, Policy and Budget Framework and governance requirements for Key Decisions.

At least two tender responses must be received. If only one response is received, the written approval of the Assistant Director Law and Governance, (Monitoring Officer) must be obtained prior to accepting the tender.

A record of evaluation results and approval authorisation must be maintain for audit purposes.

31.6h Standstill Period

Before entering into the contract a contract award notice must be published on the Find a Tender Service setting out that the Council intends to enter into as contract.

Before publishing the contract award notice, an assessment summary must be provided to each supplier who submitted an assessed tender. The assessment summary must be provided in writing via YORtender. The following information must be included in the assessment summary.

The assessment summary's must give sufficient, clear reasons, making any debrief unnecessary. The Council Assessment Summary template must be used.

All assessment summaries must be produced in conjunction with procurement and signed by Legal Services.

Following issue of the contract award notice on the Find a Tender Service, a mandatory minimum 8 working day standstill period must be observed prior to final award. The period commences on the day the contract award notice is published on the Find a Tender Service and must end on a working day. If a legal challenge is received do not award the contract and seek legal advice.

The contract must not be entered into until before the end of the standstill period.

If the award is a Key Decision, then

- Notice of the Key Decision should not be issued before the conclusion of the standstill period;
- It may not be implemented by final contract award until after the 2 day notice period.

31.6i Execution

Contract details

Every contract as a minimum shall be in writing and specify:

- the supplies or services to be provided and/or the work(s) to be executed;
- the price to be paid or the manner in which the price is to be determined together with details of the amount of any discounts or other deductions;
- the time within which the contract is to be performed;
- the Council's requirements on indemnity and insurance;
- for services, an exit strategy for when the contract terminates and
- other conditions and terms as set out in the RFQ / invitation to tender.

Signing

The Assistant Director Law and Governance, (Monitoring Officer) is authorised to sign contracts that exceed £100,000 and unless they determine otherwise, such contracts shall be executed by way of deed, under the Common Seal of the Council.

The Assistant Director Law and Governance (Monitoring Officer) is authorised to affix the Common Seal of their respective Council to such contracts.

Contracts entered into orally, due to extreme urgency, must be confirmed in writing as above as soon as possible.

The relevant Officer Decision Record should be completed by the service lead and published on the council's website as appropriate.

31.6j Contract Details Notice

A contract details notice must be published on the Find a Tender Service within 30 days of the contract being entered into. 120 days for light touch contracts.

Details of the contract must be published on the Council's contracts register.

If the estimated value of the Public Contract is more than £5 million a copy of the contract must be published within 90 days of the contract being entered into. 180 days for light touch contracts.

In the publication and disclosure of contracts related information, the Council will be informed by the provisions of section 94 of the Procurement Act 2023, and the exemptions and exceptions set out in the Data Protection Act 2018 / UK GDPR, the Freedom of Information Act 2000 and the Environmental Information Regulations 2024.

31.6k Records & Documentation

The service lead shall retain records of the procurement exercise, in accordance with the requirements of the Procurement Act 2023 and the Council's approved record management or document retention policy. The service lead will ensure this decision record is uploaded, but not published, on [YORtender](#).

Only contracts signed under the Common Seal shall be retained the Assistant Director Law and Governance, (Monitoring Officer). All other contracts shall be retained by the service area.

The contract must be awarded using the options available in the contract details module on [YORtender](#), care must be taken to ensure that the contract details are up to date.

The award recommendation award approval must be retained.

An Officer Decision Record must be produced and published as appropriate.

31.7 Light Touch Contracts above £663,540 (including VAT)

31.7a Authorisation to Proceed with Procurement

It is the Budget Holder's responsibility to ensure the availability of budget and the authority to commit to the expenditure, noting the Key Decision and governance requirements. It is essential for the whole-life commitment to be considered and not just the annual value of the commitment when securing authority to proceed.

If following approval, the estimated cost of the contract increases, then the increase must be approved by the Budget Holder and there must be consideration as to whether a new Cabinet decision is required (if a Key Decision) prior to publishing the procurement. Verify decision making protocols where:

- There are possible Council workforce and related [TUPE](#) implications, advice from Legal Services and People and Culture must be sought;
- There are potentially significant economic development / sustainability implications and
- There are budget or policy implications.

Written evidence of Council to proceed will be required.

Take all reasonable steps to identify, and keep under review conflicts of interest and potential conflicts of interest, seeking advice from Legal where a conflict of interest or potential conflict of interest is identified.

31.7b Competitive Process

The use of light touch must be undertaken on the advice of procurement.

Under the Procurement Act 2023, light touch contracts are contracts for certain social, health, education and other public services and are subject to more flexible procurement rules. One thing these services have in common is that they are services provided directly to individuals or groups of people and therefore warrant special treatment and greater flexibility.

Procurements of light touch Public Contracts must comply with the procurement objectives set out in the Procurement Act 2023, and must comply with the competitive tendering procedures set out in section 20 of the Procurement Act 2023.

The light touch provisions in the Procurement Act 2023 do not apply to regulated health procurements as defined in the regulations made under the national Health Service Act 2006. Regulated health procurement is the procurement of specified services by a 'relevant Council' that are subject to separate procurement provisions made under the National Health Services Act 2006. These separate provisions are currently the Provider Selection Regime, and have applied to the procurement of certain healthcare services by relevant authorities in England since 1 January 2024.

The service lead should ensure that any procurement is undertaken in line with the Council's agreed project management framework, where appropriate, and that a procurement timetable is produced.

The process must comply with the procurement objectives set out in the Procurement Act 2023.

Consideration should be given to the use of lots to facilitate greater access to the opportunity for SME and VCSE organisations.

Consideration should be given to how the procurement can positively contribute towards the Council's [Social Value Policy](#) and deliver tangible and meaningful added social value within North East Lincolnshire.

Consideration should be given to how the procurement can positively contribute towards the Council's Environmental Vision and contribute towards the Net Zero target of 2030, and how suppliers can mitigate their impact on the local environment of North East Lincolnshire during performance of the contract.

Consideration should be given to whether the requirement needs to be procured in line with relevant consultation requirements.

Seek advice from Procurement when determining the Procurement Act 2023 procedure to be used. The Council's standard approach is to use the single-stage, Open Procedure. Use of the Competitive Flexible procedure must only be on advice of procurement.

The following may only be used when advised by procurement:

- Creation of a Framework Agreement
- Creation of a Dynamic Market
- Accessing a Framework or Dynamic Market. This is subject to exception approval under section 27 of the CPR
- E-Auction

All transparency notices issued on the Find a Tender Service must be approved and released by procurement.

Use a formal tender procedure, and manage the process fully using [YORtender](#)

The invitation to tender must comprise:

- clear instructions for the submission and pricing of tenders;
- background information;
- a clear written specification;
- reply forms:
 - Conditions of Participation;
 - form of tender and non-collusion certificate;
 - freedom of information declaration;
 - pricing schedule;
 - method statements;
- Terms & Conditions provided by Legal Services.

For all service procurements over Public Contracts thresholds, an [Equality Impact Assessment](#) must be completed to comply with the Public Services (Social Value) Act 2012 and relevant consultation requirements, prior to commencement to inform the specification and evaluation criteria.

The service lead should establish a project team. Both procurement and Legal Services must be contacted for them to determine the level of their involvement required based on an assessment of identified risks.

The service lead in consultation with the project team must agree a percentage split in the award criteria based on the scope and importance of quality, risk and cost on a project by project basis. However, where the contract is being accessed via a framework, the award criteria set out in the agreement must be followed.

31.7c Advertisement

Mandatory

A tender notice must be approved and issued by procurement via the Find a Tender Service.

After publication of the tender notice, this information, along with the associated tender documents must be released on [YORtender](#) advising indicative contract values (inclusive of VAT).

Time limits must be proportionate to the complexity of the contract being awarded. If the procurement is being conducted via a framework agreement then the framework owner may have set a different minimum number of days which the further competition must comply with.

Optional

Advertising of open opportunities via social media e.g. Twitter, facebook, linkedin and other health and voluntary sector sites subject to procurement's advice.

One or more specialist trade or professional newspapers or journals where appropriate.

Direct marketing is permissible, after publication of the tender notice on the Find a Tender Service, to include organisations that may not see the opportunity to ensure local / regional / national competition.

Any supplementary advertisement, (e.g. trade press) of the opportunity may only be published once the tender notice has been published on the Find a Tender Service and must not include additional information than is available in the tender notice.

Any advertisement shall: specify the nature and purpose of the contract, invite submission of tenders or requests to participate; state the last date and time when tenders or requests to participate will be acceptable; and comply in all respects with the requirements of the Procurement Act 2023 and relevant UK legislation.

31.7d Receiving & Opening of Tenders

Managed using [YORtender](#), kept confidential and opened by an officer who is entirely independent and has no conflict of interest in relation to the project in question.

The Council will check the Find a Tender Service to make sure the tenderers are registered on the Find a Tender Service. No submissions shall be accepted from tenderers who are not registered with the Find a Tender Service. The tender documents must ask for confirmation of this and for confirmation that the tenderer has kept their core supplier information up-to-date on the Find a Tender Service.

31.7e Evaluating Tenders

Before assessing which tender best satisfies the award criteria, the Council must disregard any tender from a supplier that is an excluded supplier, and must consider whether a supplier is an excludable supplier, and may disregard any tender from an excludable supplier.

Tenders must be evaluated using the Most Advantageous Tender (MAT), and ensure MAT criteria, sub-criteria, weighting, and scoring guidance are disclosed to tenderers.

The final evaluation score given to each tenderer must be the Moderated Score.

Refer to section 22 of the CPR for guidance on how to manage errors in tender submissions.

Conflict of interest assessments of the evaluation team are required at this stage.

Where a tenderer has been excluded from the competition at any stage mid-evaluation, the tenderer must be informed at standstill. Equally any requests for clarification from such tenders must be responded to within 15 days of the request: such letters to be approved following the standstill mechanism.

31.7f Post Tender Negotiation

No negotiation with the existing or potential suppliers shall be carried out during the Procurement Process.

31.7g Authorisation to Award

Must be obtained from the relevant Director where consistent in all respects with the Council's Scheme of Delegation, Policy and Budget Framework and governance requirements for Key Decisions.

At least two tender responses must be received. If only one response is received, the written approval of the Assistant Director Law and Governance, (Monitoring Officer) must be obtained prior to accepting the tender.

A record of evaluation results and approval authorisation must be maintain for audit purposes.

31.7h Standstill Period

Before entering into the contract a contract award notice must be published on the Find a Tender Service setting out that the Council intends to enter into as contract.

Before publishing the contract award notice, an assessment summary must be provided to each supplier who submitted an assessed tender. The assessment summary must be provided

in writing via YORtender. The following information must be included in the assessment summary.

The assessment summary's must give sufficient, clear reasons, making any debrief unnecessary. The Council's Assessment Summary template must be used.

All assessment summaries must be produced in conjunction with procurement and signed by Legal Services.

Following issue of the contract award notice on the *Find a Tender Service*, it is advised that a voluntary minimum 8 working day standstill period is observed prior to final award. The period commences on the day the contract award notice is published on the *Find a Tender Service* and must end on a working day. If a legal challenge is received do not award the contract and seek advice from Legal Services.

If observing a voluntary standstill period, the contract must not be entered into until before the end of the voluntary standstill period.

If the award is a Key Decision, then:

- Notice of the Key Decision should not be issued before the conclusion of the standstill period;
- It may not be implemented by final contract award until after the 2 day notice period.

31.7i Contract Details Notice

A contract details notice must be published on the Find a Tender Service within 120 days of the contract being entered into.

Details of the contract must be published on the Council's contracts register.

If the estimated value of the Public Contract is more than £5 million a copy of the contract must be published within 180 days of the contract being entered into.

31.7j Records & Documentation

The service lead shall retain records of the procurement exercise, in accordance with the requirements of the Procurement Act 2023 and the Council's approved record management or document retention policy. The service lead will ensure this decision record is uploaded, but not published, on [YORtender](#).

Only contracts signed under the Common Seal shall be retained the Assistant Director Law and Governance, (Monitoring Officer). All other contracts shall be retained by the service lead.

The contract must be awarded using the options available in the contract details module on [YORtender](#), care must be taken to ensure that the contract details are up to date.

The award recommendation award approval must be retained.

An Officer Decision Record must be produced and published as appropriate.

31.8 Health Care Services procured under the Provider Selection Regime

31.8a Authorisation to Proceed with Procurement

It is the Budget Holder's responsibility to ensure the availability of budget and the authority to commit to the expenditure, noting governance requirements. It is essential for the whole-life commitment to be considered and not just the annual value of the commitment when securing authority to proceed.

If following approval, the estimated cost of the contract increases, then the increase must be approved by the Budget Holder and there must be consideration as to whether a new Cabinet decision is required (if a Key Decision) prior to publishing the procurement. Verify decision making protocols where:

- There are possible Council workforce and related [TUPE](#) implications, advice from Legal Services and People and Culture must be sought;
- There are potentially significant economic development / sustainability implications and
- There are budget or policy implications.

Written evidence of authority to proceed will be required.

Take all reasonable steps to identify, and keep under review conflicts of interest and potential conflicts of interest, seeking advice from Legal where a conflict of interest or potential conflict of interest is identified.

31.8b Competitive Process

Health Care Service contracts must be procured in compliance with the requirements of Provider Selection Regime. Advice must be sought from procurement when undertaking a procurement for Health Care Services.

Procurement of Health Care Services must follow the appropriate process set out in the Provider Selection Regime. The 5 possible processes are:

- Direct Award Process A
- Direct Award Process B
- Direct Award Process C
- The Most Suitable Provider Process
- The Competitive Process

Selection of the correct process to use must be done in line with requirements of [the Provider Selection Regime: Statutory Guidance](#).

Award/procurement of Health Care Services contracts must comply with the procurement principles set out in [Regulation 4](#) of Provider Selection Regime.

The Provider Selection Regime applies to the arranging of all Health Care Services; there is no minimum threshold for application of the regime. Therefore, when applying the Provider Selection Regime, a proportionate approach must be applied. The approach must not create a disproportionate burden relative to the benefits that will be achieved.

The service lead should ensure that any procurement is undertaken in line with the Council's agreed project management framework, where appropriate, and that a procurement timetable is produced.

Where undertaking a competitive process, consideration should be given to the use of lots to facilitate greater access to the opportunity for SME and VCSE organisations.

Consideration should be given to how the award/ procurement can positively contribute towards the Council's Social Value Policy and deliver tangible and meaningful added social value within North East Lincolnshire.

Consideration should be given to how the award/ procurement can positively contribute towards the Council's Environmental Vision and contribute towards the Net Zero target of 2030, and how suppliers can mitigate their impact on the local environment of North East Lincolnshire during performance of the contract.

Consideration should be given to whether the requirement needs to be procured in line with relevant consultation requirements.

The following may only be used when advised by procurement:

- Creation of a Framework Agreement
- Accessing a Framework or Dynamic Market. This is subject to exception approval under section 27 of the CPR

All transparency notices issued on the Find a Tender Service must be approved and released by procurement.

[YORtender](#) should ordinarily be used when undertaking a competitive process for contracts valued at over £5,000.

[YORtender](#) must be used when undertaking a competitive process for contracts valued at over £100,000.

When undertaking a competitive process, the invitation to tender must comprise:

- clear instructions for the submission and pricing of tenders;
- background information;
- a clear written specification;
- reply forms:
 - Basic Selection Criteria;
 - form of tender and non-collusion certificate;
 - freedom of information declaration;
 - pricing schedule;
 - Key Criteria;
- Terms & Conditions provided by Legal Services.

For all service procurements over Public Contracts thresholds, an Equality Impact Assessment must be completed to comply with the Public Services (Social Value) Act 2012 and relevant consultation requirements, prior to commencement to inform the specification and evaluation criteria.

The service lead should establish a project team. Both procurement and Legal Services must be contacted for them to determine the level of their involvement required based on an assessment of identified risks.

The service lead in consultation with the project team must agree a percentage split in the award criteria based on the scope and importance of quality, risk and cost on a project by project basis. However, where the contract is being accessed via a framework, the award criteria set out in the agreement must be followed.

31.8c Transparency Requirements

Direct Award Process A, Direct Award Process B and contracts based on a Framework

- Publish a notice of the award within 30 days of the contract award on the Find a Tender Service.

Direct Award Process C

- Before the contract is entered into, publish on the Find a Tender Service a notice setting out the Councils intention to award. Publishing of this notice starts the mandatory standstill period (see 33.8h).
- Publish a notice of the award within 30 days of the contract award on the Find a Tender Service.

Most Suitable Provider Process

- After the Council has decided to follow the approach for the most suitable provider process, it must publish its intention to follow this approach on the Find a Tender Service.
- After the Council has selected a provider, but before the contract is entered into, it must publish its intention to award a contract on the Find a tender Service. Publishing of this notice starts the mandatory standstill period (see 33.8h).
- Once the standstill period has ended, the Council can award the contract. The Council must publish on the Find a Tender Service a confirmation of the award within 30 days of the contract award.

Competitive Process

- A Contract Notice must be published on the Find a Tender Service to initiate start of the competitive process.
- After the Council has identified the successful provider(s) (including when establishing a framework agreement or awarding a contract based on a framework agreement), it must publish on the Find a Tender Service its intention to award a contract to the successful provider.
- Once the standstill period has ended, the Council can award the contract (including those awarded based on a framework agreement) or conclude the framework agreement. The Council must publish on the Find a Tender Service a notice confirming the award within 30 days of the contract award.

All contracts valued over £5,000 must be added to the Council's contracts register.

All transparency notice will be published by procurement.

31.8d Receiving & Opening of Tenders

When managing a competitive process using [YORtender](#), submissions must be kept confidential and opened by an officer who is entirely independent and has no conflict of interest in relation to the project in question.

31.8e Evaluating Tenders

Basic Selection Criteria

Reasonable and proportionate due diligence must be undertaken on providers. Consideration must be given to whether the organisation they enter into a contract has the legal and financial capacities and the technical and professional abilities to deliver the contract.

For direct award process C, the most suitable provider process, and the competitive process, and when establishing a framework agreement, the Council must assess if providers are considered suitable to provide a service by applying the basic selection criteria as outlined in [Schedule 16](#) of the Provider Selection Regime. All basic selection criteria requirements

must be related and proportionate to the subject-matter of the contract or framework agreement.

There is no requirement to apply the basic selection criteria when following direct award processes A or B, or when awarding a contract based on a framework agreement.

The Council must not award a contract to a provider, and may exclude a provider from any of the Provider Selection Regime processes, if the provider meets the exclusion criteria detailed in [Regulation 20](#) or the Provider Selection Regime. A provider may offer evidence that it has taken measures to demonstrate its reliability despite meeting a criterion for exclusion; if the Council considers these measures to be sufficient, they must not exclude the provider. If the Council does not consider the measures to be sufficient, they must respond to the provider with a statement of the reasons for this decision.

Key Criteria

The following five key criteria must be considered when applying direct award process C, the most suitable provider process or the competitive process:

- quality and innovation
- value
- integration, collaboration and service sustainability
- improving access, reducing health inequalities and facilitating choice
- social value.

Advice should be sought from procurement before setting basic selection criteria and key criteria.

The final evaluation score given to each tenderer must be the Moderated Score.

Refer to section 22 of the CPR for guidance on how to manage errors in tender submissions.

Conflict of interest assessments of the evaluation team are required at this stage.

31.8f Post Tender Negotiation

No negotiation with the existing or potential suppliers shall be carried out during the Procurement Process.

31.8g Authorisation to Award

Must be obtained from the relevant Director where consistent in all respects with the Council's Scheme of Delegation, Policy and Budget Framework and governance requirements for Key Decisions.

If applying the competitive process, at least two tender responses must be received. If only one response is received, the written approval of the Assistant Director Law and Governance, (Monitoring Officer) must be obtained prior to accepting the tender.

A record of evaluation results and approval authorisation must be maintained for audit purposes.

31.8h Standstill Period

Where Direct Award Process C, the Most Suitable Provider Process or the Competitive Process are followed the Council must not enter into the contract or conclude the framework agreement before the end of a standstill period.

The standstill period begins on the day after the day a notice of intention to award or conclude is published on the Find a Tender Service.

Where no written representations are received the standstill period ends at midnight at the end of the 8th working day after the day the standstill period began.

After having identified the winning bid, the Council must communicate their decision in writing to unsuccessful providers before publishing the intention to award notice. The Council must provide unsuccessful providers with written information on why their bid was unsuccessful. This must include:

- contract or framework agreement title and reference
- contract or framework award criteria against which bids were evaluated
- reasons why the successful provider was successful (this may include the score of the successful provider)
- reasons why the unsuccessful provider was unsuccessful (this may include the score of the unsuccessful provider)
- start and end dates for the period during which written representations may be made.

All feedback must be produced in conjunction with procurement and signed by Legal Services.

If a legal challenge is received do not award the contract and seek advice from Legal Services.

If the award is a Key Decision, then:

- Notice of the Key Decision should not be issued before the conclusion of the standstill period;
- It may not be implemented by final contract award until after the 2 day notice period.

31.8i Records & Documentation

The service lead shall retain records of the procurement exercise, in accordance with the requirements of the Provider Selection Regime and the Council's approved record management or document retention policy. The service lead will ensure this decision record is uploaded, but not published, on [YORtender](#).

Only contracts signed under the Common Seal shall be retained the Assistant Director Law and Governance, (Monitoring Officer). All other contracts shall be retained by the service lead.

The contract must be awarded using the options available in the contract details module on [YORtender](#), care must be taken to ensure that the contract details are up to date.

The award recommendation award approval must be retained.

An Officer Decision Record must be produced and published as appropriate.

ANNEX 1 - COMMUNITY RIGHT TO CHALLENGE EXPRESSION OF INTEREST PROCESS MAP



