

<b><u>Key Changes to Contract Rules</u></b>		
<b>Part/Rule No</b>	<b>Subject</b>	<b>Nature of Revision</b>
<b>Part A</b>	<b>General application of the Rules</b>	This section introduces and details of the application and scope of the Rules. The key provisions here are:
6	Waivers	<p>Clarifies the circumstances under which waivers from Contract Rules requirements can be made and in particular, sets out in clearer terms the grounds on which waivers, including those in an “Emergency”, can be issued.</p> <p>The Rule also requires written reports/records to be kept of all waivers issued.</p>
7,8 and 9	Cabinet, Chief Officers and Officer responsibilities	Clarifies the respective responsibilities of Cabinet, Chief Officers and procuring Officers in the procurement process.
<b>Part B</b> (Rules 10 to 25)	<b>Before Commencing a Procurement</b>	<p>This section introduces and prescribes the process and considerations that procuring and commissioning Officers need to consider and undertake <u>before</u> commencing procurement. In particular, it requires Officers to conduct a pre-procurement review and needs assessment, to properly scope the Council’s requirements (not just the individual Service needs), conduct proper market research, properly consider what procurement route to follow, and consider using existing corporate contracts or frameworks.</p> <p>This section also introduces the following new provisions:</p>
18	Council’s Social Value Policy	<p>This Rule makes provision for compliance with the requirements of the Public Services (Social Value) Act 2012 which provides that where the Council proposes to procure or make arrangements for procuring the provision of services under a public services contract or framework agreement it must <u>before</u> it starts the procurement, consider</p> <p>(a) how what is proposed to be procured might improve the</p>

		<p>economic, social and environmental well-being of the relevant area, and</p> <p>(b) how, in conducting the process of procurement, it might act with a view to securing that improvement.</p> <p>The Council now needs to look beyond the direct purchase of the services and consider wider benefits to the community/area and how to make its contracts open to local and SME businesses and third sector organisations. The Council also needs to consider whether to consult stakeholders before commencing the procurement.</p>
23 & 24	Procurement Strategy Report and Procurement Board approval.	These key provisions confirm the establishment of the officer-led Procurement Board which acts as a procurement gateway and review body and the need to prepare and submit for consideration by the Board, a Procurement Strategy Report which sets out the strategy proposed for any given procurement, the one off or annual Contract value of which exceeds £100,000. The requirements of the Report are set out in Rule 24.2.
25	The Corporate Procurement Plan	Forward planning is key to the success of any high value or complex procurement strategy. This new provision establishes the process by which all such procurements are brought to the attention of the Cabinet. In addition to informing the Cabinet about any significant procurement being proposed, the Corporate Procurement Plan will also serve as a constant reminder to all those concerned with procurement, of the importance that advance notice and forethought plays in every successful procurement.
<b>Part C</b>	<b>The Procurement Process</b>	<p>This section sets out how the procurement process itself must be conducted. It covers how the value of contracts should be valued and procured and includes a threshold table indicating how different value contracts should be procured.</p> <p>The section also sets out the various types of EU procurement procedures available and detailed provisions on the use of framework agreements and contracts.</p>

		Of significance are the following provisions:
27	Contract Value	Provides more clarity as to how contract values should be assessed.
28	Approval Table	Sets out in tabular form how different value contracts should be procured and what approvals are required.  The contract value thresholds have been revised including the value of contracts needing Cabinet approval.
29	Advertising contracts	Clearer rules about advertising to accord with current case law.
31 & 32	Framework Agreements	Introduces new rules about purchasing from and setting up framework agreements to reflect current law and practice.
33 & 34	Shortlisting and Invitations to Tender	The Rules reflect current procurement law and clarify the minimum number of bidders that should be shortlisted and invited to submit tenders depending on the different EU procedures being followed. There is also clarification as to the information that must be included in ITTs.
36	Pre-tender clarification	The provisions under this new rule are intended to clarify the circumstances in which, and what type of questions may be asked and answered before bids are tendered. They reflect current law.
40	FOI and DPA	These are new provisions advising officers of their obligations under the FOI and DPA Acts in relation to contracts.
41	Contract criteria, evaluation and selection	The law in relation to contract criteria and evaluation has undergone significant development in recent years and the penalties for failure to comply with the legal provisions can be very severe. These provisions set out what officers need to do to ensure they comply with the law.
42	Presentations and site visits	Officers often include bidder presentations and/or site visits in the tender

		process. These new rules set out the circumstances and conditions under which these can be used.
<b>Part D</b>	<b>Awarding the Contract</b>	<p>This Part of the Rules sets out what should happen to tendered bids. It covers the whole process from receipt and opening of tenders through to the award of contracts, including post–tender clarifications, standstill periods and debriefing of unsuccessful bidders.</p> <p>Particular provisions of note include:</p>
46	Standstill	Recent legislative changes have imposed stringent obligations on contracting authorities in relation to standstill and information that must be provided to tenderers and candidates. These requirements are contained in the new Rules.
47	Contract Award	The provisions of this rule set out what should happen when a successful tender has been identified. It sets out the internal processes to be followed and the requirements in terms of the letters and information that need to be sent to successful bidders.
49	Contract Sealing/Signing	These provisions explain when and how contracts, once entered into, must be sealed and registered.
<b>Part E</b>	<b>Post Contract Award</b>	This section deals with the post contract management and monitoring of contracts and contains provisions governing the extension, variation, termination and retention of contracts.
<b>Schedule</b>	<b>Definitions and Interpretation</b>	This section provides a glossary of terms used and guidance on interpreting the text.