

Key Changes to Contract Rules			
Section / Rule No	Subject	Nature of Revision	Regulation
Section A 4	General Application of the Rules Exempt Agreements	Addition to this section to introduce two new exempt areas which will fall outside of the scope of Contract Rules; one for in-house contracts and joint co-operation between contracting authorities and another exclusion for Subscription/ membership fees.	12
Section B 12.3.1	Before Commencing a Procurement Exercise Division into Lots	Addition to this section to introduce the new requirement for the Council, when deciding not to divide a contract into lots, to explain why this decision has been taken. This provision has been included within the Regulations as part of the drive to encourage SME participation.	46
19	Market Research and Consultation with Third Parties	Clarifies the circumstances under which Officers can use market research in a procurement exercise and the procedures which must be complied with to ensure that there is a level playing field when a candidate or tenderer has already been involved in the pre-procurement stage.	40 & 41
22	Pre-procurement Notices	Addition in this section clarifying the use of Prior Information Notices (PINs) as a call for competition.	48
Section C Rule 28	The Procurement Process Approval Table	Updating the Approval Table to advise on some of the new requirements contained within the Public Contract Regulations 2015 i.e advertise on contracts finder. Also the addition of a new column for 'Documents Required' so that Officers are clear what documents are required for each threshold. Also an update to 28.4 detailing the requirement to advertise on Contracts Finder for procurements above £25,000.	110
30	Electronic Communication and Access to Documents	New rule setting out the requirement for all communication and information exchange relating to and during a procurement to be carried out by electronic means.	22

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		Also information relating to the requirement for electronic versions of the procurement documents to be made available immediately on publication of the OJEU Contract Notice.	53
31	Pre-Qualification Questionnaire (PQQ)	<p>Details the new ban on the use of a selection (PQQ) stage for under threshold contracts and where Officers will be using a PQQ the requirement to use the Standardised PQQ as prescribed by the CCS.</p> <p>Clarification on the requirements which the Council can impose when determining whether a tenderer possess the necessary economic and financial capacity to perform the contract. This includes the requirement which states that the maximum turnover requirements that the Council can request is twice the Contract Value, unless due to particular risks a greater turnover requirement is justified.</p>	<p>111</p> <p>58 (7) – (10)</p>
32	EU Procurement Procedures	<p>The addition of new procedures available under the Public Contracts Regulations 2015:</p> <ol style="list-style-type: none"> 1. Competitive Procedure with negotiation which has replaced the Negotiated Procedure; 2. Innovation Partnership, a brand new procedure under the Regulations; and 3. Negotiated Procedure without prior publication. <p>There is also an explanation of the requirements for below EU threshold procurements and procurements for Social, Education, Health and Other Specific Services, now referred to as the new Light Touch Regime and covered within Schedule 3 of the Public Contracts Regulations 2015, which has replaced the old 'Part B Service' regime.</p>	<p>29</p> <p>31</p> <p>32</p> <p>74-76</p>
36	Shortlisting and Exclusions	<p>A new section setting out an explanation of the mandatory and discretionary grounds for exclusion of a candidate from a procurement process.</p> <p>Inclusion of self cleaning mechanism where a supplier may provide evidence that, despite the existence of mandatory or discretionary grounds, it can</p>	<p>57</p> <p>57(13)</p>

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		demonstrate its reliability and that it has taken compensatory measures to prevent the issue happening again.	
38.6	Contract Documentation	Clarification around when the use of when industry standard and Contractor's standard terms and conditions may be permitted.	N/A
44.3	Criteria and Evaluation	Clarification within this rule that all contract awards must now be made to the 'most economically advantageous tender' (MEAT) assessed from the point of view of the Council.	67
Section D 48	Awarding the Contract Abnormally Low Tenders	Sets out the requirement for the Council to demand an explanation where a tender appears to be abnormally low, and states that bids may only be rejected where this explanation is unsatisfactory.	69
50.1	Standstill Period & Challenge	Inclusion within the rule, upon the guidance issued from the Crown Commercial Services (CCS), that contracts which are subject to the Light Touch Regime must also observe a standstill period.	N/A
Section E 58	Post Contract Award Contract Extensions	Further clarification has been provided on contract extensions and the award of them.	N/A
59	Variations	Provides clarification contained within the Regulations on the extent to which a contract can be amended after award without the need to re-advertise in OJEU. This now reflects previous case law, particularly the <i>Presstext</i> case.	72
Schedule	Definitions and Interpretation	Update and addition of the following definitions: <ol style="list-style-type: none"> 1. High Value Contract 2. Light Touch Regime 3. PIN 4. Procurement Documents 5. Standardised Pre-Qualifications Questionnaire 6. Suitability Assessment Questions 	