

**Contract Procurement Rules 2013  
Summary of Changes:**

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| Page 3 Part A          | Contact Procurement and Legal who will support in And carry out Risk Assessment with Risk Manager   |   |
| Page 3 Part A          | For Works Contracts below £250k see Table A for requirements.   | Works Contracts £100k+  |
| Page 3 Part A          | Goods/ Services £500 - £10k<br>Goods / Services £10,001 - £100k<br>Goods/ Services £100,001 +<br>Thresholds updated   | Under £5k<br>5001 – 50,000<br>50,001 +<br>Works 200k +  |
| Page 4 1.1             | Officers must remember that their budgets are made up of public money and must ensure that they are spent correctly, fairly and transparently   |   |
| Page 4 1.4             | Deleted wording “and the Audit Manager”<br>Deleted wording “and the Strategic Director of Finance Policy & Governance”  | No longer applicable  |
| Page 4 1.6             | Contracts and Procurement Group   | Procurement and Contracts Group   |
| Page 4 1.7             | You should ask for advice from the Procurement Services and Legal Services if any aspect of these rules are unclear. You should also seek Procurement and Legal advice at the indicated stages of any procurement process, and at any other time you wish to do so.   | You should ask for advice from the Procurement Officer or Legal and Internal Audit and Consultancy Services if any aspect of these rules are unclear. You should also seek Procurement and Legal advice at the indicated stages of any procurement process. |
| Pg5 Part C             | Officer’s Interest in Contracts<br><br>3.1 The nature of the Council's activities often calls for a close working relationship with commercial organisations and without making any implication of improper conduct by either Officers or contractors, it is in your interests to ensure that there cannot even be a suspicion of a conflict of interest. | Deleted –<br>You must follow Rule 26 (Officers interest in Contracts) at all times. You should check with the Procurement Officer whether there are any suitable Framework Agreements or if your  |

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|                        | <p>3.2. This Rule is of particular importance to staff who are in close contact with commercial firms seeking the opportunity to tender for the Council's services. It is important that the actions of such staff should be manifestly above suspicion of bias in favour of a particular firm and every care must be taken not to disclose 'in confidence' information e.g. tender prices.</p> <p align="center"><u>Private Interests</u></p> <p>3.3 No contract may be awarded to an Officer of the Council, or to any partnership of which they, or any member of their family are a member (except for a corporation in which they are a shareholder) or to any company of which they or any member of their family are a director unless the Chief Executive has given permission for the award of the contract to proceed.</p> <p>3.4 In such a case the officer must disclose the full measure of their interest in the contract to their Strategic Director who will notify the Chief Executive.</p> <p>3.5 No Officer may accept a directorship in any company, without the express permission of the Chief Executive. Permission should be sought through their Strategic Director who will make a submission to the Chief Executive.</p> <p>3.6 Any member of staff who comes into official contact with any matter concerning a business organisation in which they or a member of their family have an interest must disclose this interest to their Strategic Director and ask that some other Officer deals with the matter.</p> <p>3.7 All Officers are expected to be aware of and comply with the requirements of the Council's policy on Conflicts of Interest.</p> <p>3.8 The exception to this rule is if two Officers of the Council put in an expression of interest to supply a service through the Community Right to Challenge Act 2012. Advice on this Community Right is available from the Corporate Legal Manager. Any Officers that have put in an expression of interest cannot take part in the tendering process from a Council perspective, e.g. they cannot participate in tender evaluation.</p> | <p>procurement should become a Framework Agreement.</p> <p>Deleted-<br/>See Rule 19 (Joining a Framework Agreement)</p> |

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|                        | <p style="text-align: center;"><u>Prevention of Corruption</u></p> <p>3.9 All Contracts should ensure that suppliers are under a contractual obligation to adhere to the requirements of the Bribery Act 2010 and the Council's requirements as set out in the Council's Anti-Bribery Policy</p> <p>3.10 No Officer may purchase goods from or use the services of a contractor on preferential terms for private purposes if these terms are given either directly or indirectly because of the potential or actual contractual or other official business relationship between the contractor and the Council.</p> <p style="text-align: center;"><u>Hospitality</u></p> <p>3.11 The utmost discretion must be exercised if offers of hospitality, gifts etc. are received from contractors with whom staff deal in the course of their official duties. Dealings must be kept strictly on a business footing and the highest standard of watchfulness and integrity must be maintained at all times. See also the Council Gift's and Hospitality Policy (<a href="http://srvinternet01.north-herts.gov.uk/intracontent/gifts_hospitality_policy.doc">http://srvinternet01.north-herts.gov.uk/intracontent/gifts_hospitality_policy.doc</a>)</p> <p style="text-align: center;"><u>Record of Interests</u></p> <p>3.12 The Corporate Legal Manager shall record in a book to be kept for the purpose, particulars of any notice given by an officer of the Council of a pecuniary interest in a contract. During office hours any Member of the Council may inspect the book. See also the Council Conflicts of Interest Policy (<a href="http://srvinternet01.north-herts.gov.uk/intracontent/conflicts_of_interest.doc">http://srvinternet01.north-herts.gov.uk/intracontent/conflicts_of_interest.doc</a>)</p> <p>3.13 Whistleblowing</p> <p>3.14 When a Member, employee or a contractor raises concerns about the activities of the Council which are questionable, this is known as whistleblowing and is covered by the Councils 'Confidential Reporting Policy'. The policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff. It also covers suppliers and those providing services under a contract with the Council on their own premises.</p> |  |

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|                                | <p>3.15 Further information is available at</p> <p><a href="https://search.north-herts.gov.uk/search?q=whistleblowing&amp;btnG=+Go+&amp;site=NHDC&amp;client=NHDC&amp;output=xmlnodtd&amp;proxystylesheet=NHDC2">https://search.north-herts.gov.uk/search?q=whistleblowing&amp;btnG=+Go+&amp;site=NHDC&amp;client=NHDC&amp;output=xmlnodtd&amp;proxystylesheet=NHDC2</a></p>                                |   |
| Page 7<br>4.1.1                | Including any options for extensions or renewals  |   |
| Page 8<br>4.1.2 (a)            | “Works Contract” means a contractor carries out a predominant amount of construction,, demolition of buildings, earthworks and associated requirements such as re-roofing, re-surfacing etc.  |   |
| Page 8<br>4.1.2 (d)            | Consultancy Services(see Part G) means a contractor who provides a service of some sort that may culminate in plans, designs or a report provided to the council for future use. This does not cover training providers.  |   |
| Page 8<br>4.7                  |   | Deleted - If there is an intention to use indices for calculating any contract uplift, please ask the Procurement Officer or Legal for advice |
| Page 8<br>Section 5<br>Table A | Summary of requirements for Contract Value – amended all new threshold requirements as per procurement strategy   | Deleted – All old threshold requirements  |
| Page 9<br>Section 5<br>Table A | Summary of requirements for Works contracts – proposed new bandings from property services added  | For consideration   |
| Page 11<br>6.2                 | In line with the Document Retention Schedule  |   |
| Page 11<br>7.1                 | Once a quotation process has started there must be no contact with any of the bidders unless it is through a clarification process. Clarification questions usually relate to the contract or the specification and responses are time sensitive. Clarification responses are the responsibility of Legal Services and the Project Manager, although please keep Procurement Services informed of progress. |   |

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| Page 11<br>7.3         | Please see Table A for contract notice requirements. The project manager, if required, can place an advert in a trade publication (please be aware that some publications charge for adverts) | Deleted Supply2Gov website address and Imap/Europa and added Contracts Finder information<br>Deleted - All contract notices, including timescales for responses, must be published via the e-tendering system (once it is live) and the Procurement Officer will advise on this process. The e-tendering system will then post the notice either to Supply2Gov – <a href="http://www.supply2.gov.uk">www.supply2.gov.uk</a> or the OJEU <a href="http://simap.europa.eu">http://simap.europa.eu</a> , depending on the value. This information will also be provided on the Council's website |
| Page 11<br>7.4.1       | (eg Goods & Services procurements above £100,000 and Works procurements over £250k)   |   |
| Page 11<br>7.5.1       | Added to sentence – including environmental and economic factors  |   |
| Page 12<br>7.6         | Added to sentence – (Please check with the Procurement and Legal Services before proceeding)  |   |
| Page 12<br>7.7         |   | Amended: Strategic Directors may make such arrangements as they consider appropriate for the opening of quotations, provided that they are not opened until after the time appointed for the receipt of the quotations and that they are all opened at one time in the presence of the Procurement Officer (or their Line Manager) and the Project Manager (or their nominated officer) and the   |

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|                               |   | results are recorded on a quotation record sheet. (link to be inserted)<br>Both officers are to sign and date the appropriate pages of the quotation document and the record sheet. A copy to be kept by the Project Manager, the Procurement Officer and Legal Services. |
| Page 13<br>8.2.1              | It is highly recommended that all documentation and specifications are completed before proceeding to advert. If this is not done in the initial stages officers may find that they have placed themselves under unnecessary pressure to meet the timescales they have set. In addition please ensure that all Project meetings (e.g. evaluation and moderation) are timetabled well in advance to ensure resource availability at key points, and no diary clashes |   |
| Page 13<br>8.3.2              |   | 1.1.1 Amendment - You must not change the scoring method after requesting tenders once RFQs, Pre Qualification Questionnaires (PQQ ) or Invitations to Tender (ITT's) have been sent to interested bidders..  |
| Page 12 8                     | Tender/Quotes   |   |
| Page 12<br>8.1                | Transparent added to paragraph  |   |
| Page 14<br>TABLE B<br>Rule 11 | Or if it is an Open Framework.  |   |
| Page 14<br>Table B<br>Rule 10 |   | Amendment to paragraph - Suppliers are pre-qualified as to their suitability as contracting partners. They are assessed as to whether they have the capability to provide the works, goods  |

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| Page 14<br>Table B<br>Rule 11 |   | or services.<br>Amendment to paragraph - This process may be used if we are named or named via a link (Supply Herts) as a member of an appropriate Framework Agreement. The procedure is that defined by the Framework Agreement but generally invites supplier members to tender prices against a specification. There is not normally any negotiation on terms or conditions   |
| Page 14<br>TABLE B<br>Rule 12 | (Contact the Procurement and Legal Services for advice)   |  |
| Page 14<br>Part D             | Once a Tender process has started, there must be no contact with any of the bidders unless it is through a clarification process. Clarification questions usually relate to the contract or the specification and responses are time sensitive. Clarification responses are the responsibility of Legal Services and the Project Manager, although please keep Procurement Services informed of progress. |  |
| Page 14<br>9.1                | All adverts and contract award notices must be published as per Table A requirements.   | <b>1.2</b> Deleted - All contract notices, including timescales for responses, must be published via the e-tendering system (once it is live) and the Procurement Officer will advise on this process. The e-tendering system will then post the notice either to Supply2Gov – <a href="http://www.supply2.gov.uk">www.supply2.gov.uk</a> or the OJEU <a href="http://simap.europa.eu">http://simap.europa.eu</a> , depending on the value. This information will also be provided |

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|                        |   | on the Council's website  |
| Page 15<br>9.2         | The Council has a standard ITT template which is tailored to each procurement. Please contact Legal Services for the current version.             | 1.3 Deleted - You should use the approved starting point ITT. Contact the Procurement Officer or Legal for the current version.   |
| Page 15<br>9.2.1       | The ITT for each specific procurement must be "owned" by the project or service manager leading the procurement exercise                          |   |
| Page 15<br>9.3         | environmental and economic (eg employment) factors<br>(I) The following may be assessed at PQQ or ITT stage: Social Value and Equalities impacts. |   |
| Page 15<br>10.1        | All adverts and contract award notices must be published as per the requirements in Table A.  | Deleted –<br><br>All adverts and contract award notices must be published via the e-tendering system and the Procurement Officer will advise on this process. The e-tendering system will then post the notice to Contract Finder – <a href="http://www.contractsfinder.businesslink.gov.uk/">http://www.contractsfinder.businesslink.gov.uk/</a> or the OJEU <a href="http://simap.europa.eu">http://simap.europa.eu</a> , This information will also be provided on the Council's website and the Supply Herts website. |



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| Page 16<br>10.5        | (c) environmental and economic (eg employment ) factors and<br>(g) The following may be assessed at PQQ or ITT stage: Social Value and Equalities impacts |  |
| Page 16<br>10.8        | And auditable   |  |
| Page 16<br>10.9        | 1.4 In relation to Contract Values under the EU Threshold – you must follow the requirements in Table A   |  |
| Page 16<br>10.10.1     | The Evaluation Criteria must also be included in this document.   |  |
| Page 17<br>11.3        |   | Amendment to paragraph - This Rule only applies if the Council is already named or named via a link (Supply Herts) unless using a consortium framework e.e ESPO (Eastern Shires Purchasing Organisation) or it is an Open Framework. If there is no appropriate Framework Agreement in place see Rule 19 (Joining a Framework Agreement).  |
| Page 17<br>11.4        |   | Amendment to paragraph - Each Framework Agreement has its own procedures in relation to purchasing from a Supplier under the agreement. These must be followed exactly. See Procurement and Legal Services for advice. These procedures may be quicker and more straightforward than full procurements. As with all Frameworks, it is important to consider whether it provides the best Value for |

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|                        |   | Money outcomes   |
| Page 17 12             | (Please liaise with the Procurement and Legal Services in the first instance) |  |
| Page 17 12             |   | (a) Deleted - You are awarding a repeat contract to the same supplier. You must have previously awarded a contract following a competitive tendering process not more than eighteen months previously. This option must not be used for tenders with an amalgamated value (both the previous and current Contract Values together) above the EU Threshold. You must also consider Rule <b>Error! Reference source not found.</b> ( <b>Error! Reference source not found.</b> ) if the additional work contemplated has the effect of varying the original contract; or |
| Page 18 12.2           | (Please liaise with the Procurement and Legal Services in the first instance) |  |
| Page 19                |   | Amendment to paragraph – Receipt of  |

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| Page 19<br>13.1        |   | Hard Copy Tenders  |
| Page 19<br>13.2        |   | Amendment to paragraph - tenders are sent in a plain envelope or package which bears the official blue tender return address. This label should be sent out with your ITT. Contact Procurement for advice on layout and preparation of labels. |
| Page 19<br>13.3(b)     |   | Added to paragraph – the SIAS Audit Manager.<br>Deleted Strategic Director responsible and the Audit Manager   |
| Page 19<br>13.4        |   | Amendment to paragraph - In all other cases, late tenders shall not be considered and will be given to the Legal department who shall open the tender to ascertain the name of the sender and return it stating the reasons for rejection      |
| Page 19<br>13.5        |   | All envelopes received shall be kept securely and shall not be opened or accessed until the time appointed for their opening by Procurement Services.  |
| Page 19<br>13.6        | Bidders must be notified in reasonable time |  |
| Page 19<br>14.1        |   | Amended - Tenders shall be opened together in the presence of the Procurement Officer (or Line Manager in case of absence) and the Project Manager (or nominated officer )for the contract to which the tenders relate.                        |

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|                        |   | <p>Procurement will arrange the tender opening.</p> <p>Deleted – not less than three officers of the Council, one designated by the Democratic Services Manager, one by the Strategic Director of Finance, Policy and Governance and one by the Head of Service responsible.</p> <p>Deleted: Committee Services – replaced by Procurement</p>   |
| Page 20<br>14.3        |   | <p>Amended: Each tender shall be marked with the date of opening and signed by the officers present on each page where there is any financial data. This is to ensure there can be no changes to the information provided at the tender opening. The tender opening record shall be signed by both officers present at the opening, a copy made available to the project manager and the Procurement Officer and the original retained in the custody of the Corporate Legal Services Manager</p> |
| Page 20<br>14.4        | <p>Where tenders are submitted through the Councils e-tendering system , it will automatically record the receipt of the tender for audit purposes. Each tender submitted will be deposited in a secure tender box in the system to which only the project team, Procurement and Legal Services will have access. Once the tender has been awarded the tender will be kept in a secure vault until the expiry of the retention period..</p> |   |
| Page 20<br>15.1        | <p>The Project/Service manager leading the procurement is responsible for organising all the project meetings necessary to complete the procurement process.</p>  | <p>Amended – The identified Project Team will evaluate all the tenders or quotations received in accordance with the evaluation criteria set out in the bid</p>   |

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|                        |  | documentation (either the invitation to quote or ITT).  |
| Page 20<br>15.3        |  | <p>Amended - You should contact Legal Services who will advise on the appropriate criteria for your procurement</p> <p>Deleted – You should decide who will be involved in the quotation/tender evaluation before the quotation/tenders are issued. Evaluation criteria can take two forms. Deleted – the Procurement Officer</p> |
| Page 20<br>15.6        |  | Amended - Tenders or quotations exceeding the approved budget may only be accepted once the budget holder has liaised with the Accountancy Manager to determine whether, and how the budget can be increased.   |
| Page 20<br>15.7        | (b) in cases of urgency, the Chief Executive may use Urgency powers as set out in the constitution. The appropriate Strategic Director shall report tenders or quotations accepted in this way to the next meeting of the Cabinet. | (c) Deleted - in cases of urgency, the Chief Executive has consulted and obtained the approval of the Leader of the Council. The appropriate Strategic Director shall report tenders or quotations accepted in this way to the next meeting of the  |

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|                        |   | Cabinet.   |
| Page 20<br>15.8        |   | Deleted – Where post tender negotiations have been undertaken in accordance with Rule 22 (Post Tender Negotiation) the appropriate Strategic director shall only accept the lowest priced tender received. A tender other than the lowest must not be accepted until the Cabinet has considered a written report from the appropriate Strategic Director and recommended acceptance of a tender other than the lowest. |
| Page 21<br>15.10       |   | Deleted – the Procurement Officer  |
| 15.11                  | Added – 60/40<br>Added - The weighting decision is made by the Project/Service Manager leading the procurement.                           | Deleted – 50/50  |
| Page 21<br>15.12       | Most economically advantageous tender criteria must be set before the tender process commences, and should include the following elements |  |
| Page 21<br>15.12 (a)   | set at the commencement of the procurement process, with  |  |
| Page 21 16             |   | Amended Title – Contract Award for Over EU Thresholds  |
| Page 21<br>16.1        | Characteristics and   |  |
| Page 21<br>16.3        | All letters and documents must be uploaded through the Council's e-tendering system and advice is available from Procurement.             |  |

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| Page 21<br>16.4        | A “contract award notice” must be published in the OJEU Contract Finder (and on the NHDC website) following procurements where the Contract Value is over the EU Threshold,. For other contracts, please see the requirements in Table A. All contract award notices should be published via the Councils e-tendering system. Again, Procurement can assist with this. |  |
| Page 22<br>16.5        |  | <p><b>1.5</b> Amendment to paragraph - The Strategic Director of Finance, Policy &amp; Governance maintains a Contract Register showing all contracts entered into by the Council. Once awarded, all new contracts over £10,000 must be confirmed to Procurement Services so they can be recorded in the Contracts Register,</p> <p>Deleted – and a schedule of contractual payments made on an individual contract basis.</p> |
| Page 22<br>17          | Standstill Period (for EU Threshold only, not part B or DPS (Dynamic Purchasing Systems)   |  |
| Page 22<br>17.2        | notification to all tenderers regarding the Contract Award.  | Deleted - Contract Award Procedure   |
| Page 22<br>18.1.1      |  | Amendment to paragraph - £10,000   |
| Page 22<br>18.1.2      |  | Amendment to paragraph - £10,000   |
| Page 22<br>18.2        |  | Deleted – any exceptions are to be reported to the Cabinet, together with  |

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|                        |  | the reasons for this omission   |
| Page 23<br>19          | <p>In some instances a Framework Agreement can offer the most cost effective and appropriate means by which to procure. However, this may not necessarily be the case and so should be regarded as one potential means by which to proceed and should be compared to alternatives.</p> <p>Procurement will resource framework agreements to ensure that they are available for use and Legal will check the terms and conditions of the call off agreement, if there is one. The Project Manager will ensure that it is fit for purpose for their needs.</p> |   |
| Page 23<br>19.2        | <p>This means that the Framework Agreement is a pre-agreed set of terms and conditions that establishes the terms and conditions that will apply to subsequent contracts (a <b>Call-Off</b> contract) created under the Framework Agreement but it does not itself do anything except explain how Call-Off contracts are made</p>  | <p>Deleted – subsequent contracts (a CALL-OFF contract) created under the Framework Agreement but it does not itself do anything except explain how Call-Off contracts are made. There are normally a number suppliers (usually at least 3) and the Call Off selects the particular supplier for your particular requirement.</p> |
| Page 23<br>19.3        | <p>Dependent on how the framework has been set up you can either purchase directly from a supplier or carry out a mini competition amongst the suppliers. Some consortiums require an access agreement to be completed. Legal will assist with this process</p>  | <p>Deleted - Instead you carry out the Call-Off procedure of the Framework Agreement. This is normally much easier and quicker than a full procurement</p>  |
| Page 23<br>19.4        | <p>The maximum duration of a Framework Agreement is four years. The term of a framework agreement may not exceed four years, save in exceptional cases, duly justified. Contact Procurement who will provide advice and guidance.</p>  | <p>Deleted - Unless, exceptionally, a longer period can be justified.</p> <p>Deleted – Call-Off contracts may extend beyond the life of the Framework Agreement</p>   |



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| Page 23<br>19.5        | The terms of the Framework and the maximum length of call-off will need to be considered on a case by case basis.  |   |
| Page 23<br>19.6        |  | <p>Amended - Useful Framework Agreements include Eastern Shires Purchasing Organisation (ESPO), The Government Procurement Service (GPS) Hertfordshire Business Services, Supply Hertfordshire, Yorkshire Purchasing Organisation (YPO), North East Purchasing Organisation (NEPO), Pro 5 or through any consortia of local authorities.</p> <p>Deleted – the Central Buying Consortium, the Office of Government Commerce Buying Solutions (including S-CAT and G-CAT)</p> |
| Page 23<br>20          | In certain circumstances it may be necessary to request a variation to these Procurement Rules. Such a request is referred to as a waiver. You must seek advice from Procurement and Legal Services in the first instance.   |   |
| Page 24<br>20.1        | Waivers are not to be used as an alternative to a lack of forward planning. Where a waiver is needed due to unforeseen circumstances, it will be expected that the waiver will be for a short period of time to allow for a tender/quotation process to be carried out. Waivers which have been submitted to extend contracts or for reasons of extreme urgency must have a timetable attached to highlight when the procurement process is going to be undertaken within the framework of the Contract Procurement Rules. |   |
| Page 24<br>20.2        |  | Amended - In relation to procurements <u>above</u> the EU Threshold, few elements   |

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|                        |  | of these Rules may be waived. Please contact the Procurement and Legal Services for advice as the general law of public procurement is more complicated than can be summarised in these Rules.  |
| Page 24<br>20.3(a)     | Contract Value of £100,000 or less   |   |
| Page 24<br>20.3(b)     | The Cabinet for contracts over £100,000  |   |
| Page 24<br>20.4        | A record of the decision and the reasons for it must be kept by the Corporate <b>Legal Manager</b>   | 1.6 Deleted - A record of the decision and the reasons for it must be kept by the Corporate Legal Manager. Waivers which have been submitted to extend contracts or for reasons of extreme urgency must have a timetable attached to highlight when the procurement process is going to be undertaken within the framework of the Contract Procurement Rules. |
| Page 25<br>22          | <p>There are restrictions on the use of post tender negotiation under the open and restricted procedures. The European Commission specifically rules out any negotiation on price:</p> <p>“In open and restricted procedures all negotiations with candidates or tenderers on fundamental aspects of contracts, variations in which are likely to distort competition, and in particular on prices, shall be ruled out; however, discussions with candidates or tenderers may be held only for the purpose of clarifying or supplementing the content of their tenders or the requirements of the contracting authorities, and provided this does not involve discrimination”.</p> |   |

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| Page 26<br>23.2        | If your contractor requests or demands that the Council contracts on their standard terms and conditions, you should <b>contact Legal Services</b> who will advise you in relation to these terms. <b>In many cases a supplier's terms can be acceptable, but sometimes negotiation is required</b> | 1.7 Deleted - If your contractor requests or demands that the Council contracts on their standard terms and conditions, you should contact Legal who will review and advise you in relation to these terms. In many cases contractor's terms are generally acceptable but in some cases negotiation is required. Legal can assist you to, or carry out on your behalf, any negotiation necessary. |
| Page 26<br>24.1        |   | Deleted – and Procurement   |
| Page 26<br>24.3        | as well as any legislative requirements   |   |
| Page 26<br>25.2        | Or there is a benefit to the council to reduce the payment terms  |   |
| Page 26<br>25.3        | ensuring appropriate systems are in place for carrying out checks on  | Deleted - adequate checks on contractor's final accounts.   |
| Page 26<br>25          |   | Deleted – The nature of the Council's activities often calls for a close working relationship with commercial organisations and without making any implication of improper conduct by either Officers or contractors, it is in your interests to ensure that there cannot even be a suspicion of a conflict   |

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|                              |           | <p>of interest.</p> <p>This Rule is of particular importance to staff who are in close contact with commercial firms seeking the opportunity to tender for the Council's services. It is important that the actions of such staff should be manifestly above suspicion of bias in favour of a particular firm and every care must be taken not to disclose 'in confidence' information e.g. tender prices.</p> <p>Private Interests – No contract may be awarded to an Officer of the Council, or to any partnership of which they, or any member of their family are a member are a Director unless the Chief Executive has given permission for the award of the contract to proceed. In such a case the officer must disclose the full measure of the interest in the contract to their Strategic Director who will notify the Chief Executive. No officer may accept a directorship in any company without the express permission of the Chief Executive. Permission should be sought through their Strategic Director who will make a submission to the Chief Executive. Any member of staff who comes into official contact with any matter concerning a business organisation in</p> |

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|                        |  | which they or a member of their family have an interest must disclose this interest to their Strategic Director and ask that some other officer deals with the matter  |
| Page 27<br>26          |  | <b>Amended - You must seek advice from Procurement and Legal Services before negotiating / agreeing any extension including Framework Agreements</b>   |
| Page 27<br>26.6        | <ul style="list-style-type: none"> <li>(i) the cost to the Council of the variation is less than or equal to 20% of the value of the contract, for contracts up to £250,000; or</li> <li>(ii) the cost to the Council of the variation is less than or equal to 10% of the value of the contract, for contracts above £250,000 subject to a de-minimis of £50k; and</li> <li>(iii) that any additional cost is less than the EU Threshold; or</li> </ul> | <ul style="list-style-type: none"> <li>(iv) Deleted - the cost to the Council of the variation is less than or equal to 20% of the value of the contract, for contracts between £60,000 and £250,000; or</li> <li>(v) the cost to the Council of the variation is less than or equal to 5% of the value of the contract, for contracts above £250,000; or</li> <li>(vi) the costed value of the variation</li> </ul> |

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|                         |   | <p align="right">does not increase the value of the contract from below £60,000 to more than £72,000; and</p>   |
| <p>Page 28<br/>27.3</p> |   | <p>Amended - If the extension is for more than three months a single extension only may be approved by the appropriate Portfolio Holder, following consultation with the Finance &amp; IT Portfolio Holder and the Strategic director of Finance, Policy &amp; Governance.</p> <p>Deleted – provided that any additional cost is less than the EU Threshold</p> |
| <p>Page 28<br/>26.7</p> | <p>(b) adds more than 20% to the value of the contract for contracts up to £250,000; or<br/>(c) adds more than 10% to the estimated value of the contract for contracts above £250,000; (noting de-minimis in 26.6 c (ii)) or</p> | <p>(d) adds more than 20% to the value of the contract for contracts between £60,000 and £250,000; or<br/>(e) adds more than 5% to the estimated value of the contract for contracts above £250,000; or<br/>(f) increases the estimated value of the contract from below £60,000 to</p>   |

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|                        |   | £72,000 or or more;  |
| Page 28<br>27          | Including framework agreements  | Deleted - <b>This Rule Error!</b> Reference source not found. <b>may apply in addition to the Rule Error!</b> Reference source not found. <b>Single Tender Option.</b> |
| Page 28<br>27.1        | Approved by the Corporate Legal Manager   |  |
| Page 28<br>27.3        | 1.8 If the extension is for more than three months a single extension only may be approved by the appropriate Portfolio Holder, following consultation with the Finance & IT Portfolio Holder and the Strategic Director of Finance, Policy & Governance, <b>subject to compliance with Rule 26.</b>  |  |
| Page 28<br>28          |   | Amended title Post Contract Award to Contract Management   |
| Page 29<br>29          | Before the appointment of any Consultants, Officers must contact Procurement and Legal Services in the first instance who will provide advice and guidance on the process.  |  |
| Page 29<br>29.1        |   | Amendment to value from £5000 to £10,000   |
| Page 29<br>29.2        | This requirement at 29.1 applies to the appointment of management or other advisory consultancy work (to replace, advise or bolster in-house staff resources in “business as usual” activities). The process outlined in 29.1 does not apply to technical or specialist contracts for services (employed for specific projects and included in approved overall project budget) e.g. specialist engineers, architects, surveyors, barristers etc. However, proper Procurement procedures must be followed when appointing in all circumstances. |  |

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| Page 29<br>29.4        | (a) comply with these Procurement Rules as though they were an employee of the Council, and confirm their acknowledgement of this requirement; (this will be particularly relevant if a consultant sub-contracts on behalf of the Council).  |   |
| Page 29<br>29.4        | (b) ensure the provision of skills transfer  |   |
| Page 29<br>29.5        |  | Deleted – letter of appointment or  |
| Page 30<br>29.8        | <p>1.9 At the end of a project, a post-project appraisal exercise should be carried out by the Project Manager (and including Legal, Procurement and other relevant officers) that includes an assessment of the consultant's performance. When a project is complete, the Project Manager should also forward a copy of the completed Lessons Log to the Performance and Risk Management Team. The team will review the content of the project's Lessons Log and enter the details of the relevant lessons in the Corporate Lessons Learnt Log.</p> <p>Further information is available at</p> <p><a href="http://srvinternet01.north-herts.gov.uk/intracontent/index/finance_and_procurement/corporate_governance/project_management-2/lessons_learned.htm">http://srvinternet01.north-herts.gov.uk/intracontent/index/finance_and_procurement/corporate_governance/project_management-2/lessons_learned.htm</a></p> |   |
| Page 31<br>31.3        | These Rules apply to all valuations of land carried out by a qualified and independent Chartered Surveyor appointed to act on behalf of, or to advise, the Council.  | Deleted – not in the employ of the Council  |
| Page 31<br>31.4        | Chartered Surveyor   | Deleted – valuer/advisor  |
| Page 31<br>31.5        | It shall be the duty of the Council's Chartered Surveyor, whether employed or appointed, to report on any transaction authorised by the Council to the relevant Committee or Group at appropriate times. Which Committee or Group depends on the particular transaction and the authorisation for that transaction.  | Deleted – It shall be the duty of the Council's valuer whether employed or appointed to report on the progress of any transaction authorised by the |



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|                        | Please contact Legal Services for advice.  | Council to the appropriate Committee or Group at least at every other convened meeting of that Committee or Group. Which Committee or Group depends on the particular transaction and the authorisation for that transaction. Please contact the Procurement Officer or Legal for advice. |
| Page 31<br>31.6        | Or balance sheet estimate  |   |
| Page 31<br>31.7        |  | Deleted – The property or land will be appropriated to the directorate at the then open value as certified by the Councils valuer.  |
| Page 31<br>31.8        | <p>No property or land owned or leased by the Council, other than land held for investment purposes or previously declared surplus to requirements, shall be disposed of until a detailed report has been prepared by the Strategic Director of Finance, Policy and Governance, and presented to Cabinet, containing:</p> <ul style="list-style-type: none"> <li>(a) a description of the property or land, its title, physical characteristics and development constraints; and</li> <li>(b) any information from the Council's records or those of statutory undertakers which would affect the property or land's value or development potential; and</li> <li>(c) an assessment of the development potential of the property or land; and</li> <li>(d) confirmation that the property or land has been offered to all directorates and that the Council has no operational use for the property or land; and</li> <li>(e) recommendations on the following: <ul style="list-style-type: none"> <li>(i) the title to be transferred; and</li> <li>(ii) the method of disposal; and</li> </ul> </li> </ul> |   |

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|   | <ul style="list-style-type: none"> <li>(iii) whether negotiations must proceed with a special purchaser; and</li> <li>(iv) the estimated price the Council may receive. (f in Part 2 report)</li> <li>(f) In arriving at the recommendation, other factors that officers need to take into consideration are:               <ul style="list-style-type: none"> <li>(i) issues that need to be resolved before marketing of the property or land can proceed; and</li> <li>(ii) whether Legal Services and other costs must be recovered from the prospective purchaser and if so an estimate of their amount; and</li> <li>(iii) whether the appointment of external advisors or agents is required</li> </ul> </li> </ul> |   |
| Page 32<br>31.9                           | Costs of marketing and disposal will be charged to the receipt.  |   |
| Page 32<br>Glossary of Terms EU Threshold | <p>These are updated bi-annually and the current figures can be found at <a href="https://update.cabinetoffice.gov.uk/resource-library/policy-and-standards-framework-%E2%80%93-Legal-Services-framework">https://update.cabinetoffice.gov.uk/resource-library/policy-and-standards-framework-%E2%80%93-Legal-Services-framework</a></p>   | <p>Deleted – £173,934 for the year 2012/2013 in relation to Goods or Services Contracts and £4,348,350 in relation to Works Contracts.</p> <p><a href="http://www.ogc.gov.uk/procurement-policy-and-application-of-eu-rules-eu-procurement-thresholds.asp">http://www.ogc.gov.uk/procurement-policy-and-application-of-eu-rules-eu-procurement-thresholds.asp</a></p> |
| Page 32<br>Glossary of Terms ITT          |  | <p>Deleted – for higher value procurement.</p> <p>Deleted – and Procurement</p>   |
| Page 33<br>Glossary of Terms              |  | Deleted – their insurance   |

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| PQQ                          |           | Deleted – and Procurement                       |
| Page 33<br>Key<br>Contacts   |           | Updated   |