

## CONTRACT PROCUREMENT RULES UPDATE

### Summary of Main Changes:

Page number and reference	New entry	Previous entry or clarification of amendment
255 2.7	<p>Added These rules will be reviewed regularly. Responsibility for this lies with the Strategic Director of Finance, Policy &amp; Governance and the Corporate Legal Manager in consultation with the Contracts and Procurement Group</p> <p>Deleted Responsibility for this lies with the Contracts and Procurement Group in consultation with the Strategic Director of Finance, Policy &amp; Governance and the Corporate Legal Manager</p>	In line with Constitution.
255 2.8	<p>Added These rules do not apply to Concession Contracts (see Glossary of Terms in section 34) For Concession contracts equal to or greter than the sum specified in Article 8(1) of the Concessions Directive, please follow the processes set out in the Concession Contracts Regulations 2016. Seek advice from Legal Services and Procurement.</p>	New Regulations
259 Table A	New more detailed table which includes list of requirements at each level of procurement for goods and services and works.	Provides 1 page guide with all requirements, which can be used as handout.
259 Table A	Use of E-Tendering to be made mandatory for all procurements over £10k for goods/ services	
265	Below £10k	Added
265 6.2	The Council has adopted a Go Local Policy for all procurements below £50k. Officers should always seek to obtain local quotes where available. A record should be kept of the decision making process	Added

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265 7	<b>Quotation (Goods and Services £10k to £100k / Works £10k to £250k)</b>	Values added
265 7.1	All Quotations should take place using the Council's E – Tendering system. Contact Procurement for assistance	Added
265 7.2	Although please keep Procurement Services informed of progress.	Deleted
265 7.4.1	For all procurements which require Executive Member (e.g. Goods & Services procurements above £100,000 and Works procurements over £250k) input, you must agree the specification with the Executive Member prior to going out to quotation or tender	Deleted Not relevant to quotations
266 7.7	<p>1.1 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. Responses must be opened at one time in the presence of the Procurement Officer (or their Line Manager) and the Project Manager (or nominated officer) with the results recorded on a quotation record sheet. Both officers are to sign and date the appropriate pages of the quotation document and the record sheet. A copy to be kept by Procurement Services and Legal Services.</p> <p>1.2 The Strategic Director shall keep a record of:</p> <ul style="list-style-type: none"> <li>(a) all those contractors or suppliers who were interested in the advertisement; and</li> <li>(b) all those contractors or suppliers who were invited to provide a quotation; and</li> <li>(c) the reasons why those particular contractors or suppliers were selected to provide a quotation; and</li> <li>(d) quotations opened; and</li> <li>(e) evaluation record sheets.</li> </ul>	Deleted – not required as e-tendering system used.
266 7.8	<p>You must follow the procedures outlined in:</p> <ul style="list-style-type: none"> <li>(a) Rule 15 (Receipt of Tenders) and</li> <li>(b) Rule 16 (Opening Tenders) and</li> </ul> <p>Rule 20 Contracts.</p>	Added

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266 7.9	1.3 The Council has adopted a Go Local Policy for all procurements below £50k. Officers should always seek to obtain local quotes where available. A record should be kept of the decision making process., as this may be required for audit purposes	Added
267 7.10	For contracts above £50k you must publish an official NHDC Decision Notice on the Councils' website. Templates are available on the Procurement resource pages on the Intranet. <a href="http://intranet.north-herts.gov.uk/home/finance-and-procurement/procurement/standard-procurement-templates">http://intranet.north-herts.gov.uk/home/finance-and-procurement/procurement/standard-procurement-templates</a>	Added
267 8	(Goods and Services above £100k and Works above £250k)	Added for clarification
267 8.2.1	It is highly recommended  It is important	Deleted  Added
267 8.2.3	Deleted wording "the Request for Quote (RFQ) and	RFQ not applicable in over £100k section
267 8.3.2	Deleted RFQ's	RFQ not applicable in over £100k section.
268 Part D	Deleted wording  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 the Project Manager and Legal Services, although please keep Procurement Services informed of progress.	Duplication – same wording in 9 – Open Tender and 10 – Restricted Tender
269 9.4	Rule 19 (Standstill Period ) - it is highly recommended that this is observed for all tenders unless timescales are prohibitive..	Added

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	For procurements over the EU Threshold Rule 19 (Standstill Period)	Deleted
270 10.2	<b>above the OJEU threshold for services.</b>	Added
	Above Ojeu	Deleted
271 10.12	Wording changed to include Quotations as well as Tenders	
271 10.12	Rule 19 (Standstill Period) - it is highly recommended that this is observed for all tenders unless timescales are prohibitive..	Added
	For procurements over the EU Threshold Rule 19 (Standstill Period)	Deleted
271 11A	<p><b>11A Dynamic Purchasing System</b></p> <p>11A.1 The tendering procedures within the Rules will not apply to a contract for which the Strategic Director responsible, in consultation with the Strategic Director of Finance, Policy &amp; Governance, agrees it is appropriate to purchase from suppliers through a Dynamic Purchasing System.</p> <p>11A.2 See Rule 34 (Glossary of Terms) for the meaning of “Dynamic Purchasing System”</p> <p>11A.3 Dynamic Purchasing Systems (“DPS”) can provide all the benefits of a Framework Agreement but are more flexible. The key benefits compared to a Framework Agreement are no limits on duration and suppliers can join and leave at any time.</p> <p>11A.4 A DPS is generally appropriate for purchasing simple and commoditised goods. Please seek advice from Procurement and Legal Services.</p>	Added

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273 15	<b>Receipt of Quotations / Tenders</b>	Updated to include quotations.
273 15.1	All quotations and tenders should be received electronically via the Councils E-tendering system.	Updated to include quotations.
273 15.2	Where the circumstances so warrant, a Strategic Director may postpone for a reasonable period the closing time and date for the receipt of quotations and tenders, provided that all persons from whom tenders have been invited are notified by the same method, and given the same information and that no quotations or tenders have been opened. Bidders must be notified in reasonable time through the E-Tendering System.	Updated to include quotations
273 15.3	Contact Procurement and Legal Services for advice if there are any problems with receiving quotations or tenders.	Updated to include quotations
273 16.1	Quotations and Tenders must be submitted through the Councils' e-tendering system. It will automatically record the receipt of the quotation or tender for audit purposes. Each document submitted will be deposited securely in the system to which only the project team, Procurement and Legal Services will have access. Once the quotation or tender has been awarded, the documents will be kept securely until the expiry of the retention period	Updated to include quotations
274 17.5	"that" replaced by the	
275 18.5	An official NHDC Decision notice must be prepared by the Project Manager and sent to Member services to be published on the Council's website. Templates are available on the Procurement Resource Pages of the Intranet at the following link.  <a href="http://intranet.north-herts.gov.uk/home/finance-and-procurement/procurement/standard-procurement-templates">http://intranet.north-herts.gov.uk/home/finance-and-procurement/procurement/standard-procurement-templates</a> .	Added

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275 18.6	A standard template which captures contract details can be found on the Procurement resource pages of the intranet at the link below.  <a href="http://intranet.north-herts.gov.uk/home/finance-and-procurement/procurement/standard-procurement-templates">http://intranet.north-herts.gov.uk/home/finance-and-procurement/procurement/standard-procurement-templates</a>	Added
276 20.1.1	Contracts under £10,000 must, as a minimum, be in the form of an official order, issued and approved by an authorised officer in accordance with the Council's Financial Regulations.	"Signed" replaced by approved as orders are electronically approved.
277 21.6	Crown Commercial Service (CCS),	Added
277 21.6	Government Procurement Service (GPS)	Deleted - No longer exists
280 28.5	Any variation under this section does not require reassessment of the original procurement process as a result of a change in the overall value of the contract.	New
280 28.7(c)	or services or purchase of goods;	Added
280 28.7 (c) i	for works and £100,000 for services or goods	Added
280 28.7 c ii	(i) a maximum value of £50k in respect of the variation; or	Added
280 28.7 c iii	That any additional cost is less than the EU threshold	Deleted

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280 28.7 d	and, if relevant, that the variation is within the scope of the original contract notice or any applicable limits as set out in the Public Contracts Regulations 2015 or the overall value of the contract remains below the applicable OJEU threshold.	Added
280 28.8 b	adds more than 10% to the estimated value of the contract for contracts above £250,000 subject to a maximum value of £50k in respect of the variation; or	Added
280 28.8 c	Increases the estimated value of the contract from below £60k to £72k or more , or	Deleted
281 28.8d	results in minor changes to the contract specification	Added
281 28.8 d	in each case provided that any additional cost does not take the total costs of the contract over the limits permissible by the Public Contracts Regulations 2015or, if relevant, that the variation is within the scope of the original contract notice.	Added
281 29.5	Any extension under this section does not require reassessment of the original procurement process as a result of a change in the overall value of the extended contract if such overall value:  (i) does not exceed any applicable limits as set out in the Public Contracts Regulations 2015; or  (ii) is within the limits as set out in the original contract notice; or  (iii) is below the applicable OJEU threshold	Added
281 30.3	Contracts identified as Core contracts should be set up with Creditsafe and /or Google Alerts in order to monitor the financial status of the Company. Please contact Accountancy to set up Creditsafe alerts once the contract has been awarded	Added

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283 31.9	<a href="http://intranet.north-herts.gov.uk/home/finance-and-procurement/corporate-governance/project-management">http://intranet.north-herts.gov.uk/home/finance-and-procurement/corporate-governance/project-management</a>	Link updated
285	<p><u>Definition of Concession Contract</u></p> <p><u>Definition of Concessions Directive</u></p> <p><u>Definition of Dynamic purchasing system.</u></p>	Glossary of Terms updated
285	<a href="http://www.ojeu.eu/usefullinks.aspx">http://www.ojeu.eu/usefullinks.aspx</a>	EU threshold link updated.
286	Risk & Insurance Manager 01438 843565	Contact details updated