

| PROPOSED AMENDMENT | RATIONALE | ACTION | PROPOSED AMENDMENT |
|--------------------|-----------|--------|--------------------|
|--------------------|-----------|--------|--------------------|

|   |                               |                    |  |
|---|-------------------------------|--------------------|--|
| <p>Rules 1.3 , 1.4 and 1.5 to be replaced</p> | <p>Streamlining the rules</p> | <p>New Wording</p> | <p>Each of the STAR Authorities have agreed to establish and participate in a joint committee (the “Joint Committee”) and have agreed to delegate their Executive and to the extent that the activities of the Joint Committee are not executive functions the STAR Authorities delegates to the joint committee the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of the Procurement Functions delegated to it.</p> <p>The Rules ensure that Procurement Functions are undertaken in a legally compliant, transparent, fair and competitive manner. These Rules shall apply to all procurement activity where the Council is to procure any Goods, Services or the execution of Works, or enters into a Concessions</p> |
|---|-------------------------------|--------------------|--|

|  |  |  |  |
|--|--|--|--|
|  |  |  | <p>Contract as either a contracting authority or commissioner of such, regardless of the origin of funding (such as external grants, partnership funding, pooled or joint budgets for example).</p> <p>These Rules allow for Joint Procurement activity to be undertaken by STAR Procurement on behalf of some or all of the STAR Authorities and any other Contracting Authorities (together the Participating Authorities) who may, from time to time opt to participate in the Joint Procurement. The Participating Authorities will select one of their number to act as lead in the process (Lead Authority). The Lead Authority will draft a Memorandum of Understanding (MOU) to be agreed and signed by the Participating Authorities. The MOU will set out the commitment of resources, and other considerations that each will dedicate to the Joint Procurement activity. The Participating Authorities and Officers must follow their own governance procedures and these Contract Procedure Rules as appropriate.</p> |
|--|--|--|--|

| PROPOSED AMENDMENT                                    | RATIONALE                             | ACTION                                   | PROPOSED AMENDMENT  |
|---|---------------------------------------|--|---|
|   |                                       |  |   |
| 2.1 Removal of reference to EU Law                    | No longer applicable in this instance | Change to text                           | Change reference from EU Law to English Law                       |
| 2.5 Removal of Definitions from this part of Document | Streamlining the rules                | Create separate schedule for definitions | Deletion of definitions from Rule 2 and place in a new Schedule 2 |

|   |   |   |   |
|---|---|---|---|
| <p>3. Insertion of 3 new Rules at the start of section 3.</p> | <p>Additional Clarity as to the basic Principles and Responsibilities</p> | <p>Additional Rules at start changing numbering for the rest of section</p> | <p>New text:</p> <p>3.1 Value for money is fundamental to the procurement activity carried out by the Council. This should be achieved through competition, unless there are compelling reasons to the contrary.</p> <p>3.2 In addition to these Rules, above set financial Regulation Thresholds, procurement undertaken by the Council is subject to a legal framework which encourages free and open competition and value for money, to ensure that the public procurement market is open and competitive and that suppliers are treated equally and fairly. The legislative rules cover aspects such as advertising of contracts, procedures for assessing company credentials, awarding the contracts and remedies (penalties) when these rules are breached.</p> |
|---|---|---|---|

| PROPOSED AMENDMENT                        | RATIONALE  | ACTION                             | PROPOSED AMENDMENT  |
|---|--|------------------------------------|---|
|   |  |                                    | 3.3 When procurement activity is not subject to the Public Contracts Regulations because the estimated value of a contract falls below the relevant financial Regulations Threshold, Officers and elected Members must adhere to these Rules. |
| 3.5 d deleted and replaced with new text. | Inclusion of point regarding social value  | New text                           | 3.5 d will now read as follows:<br><b>The need to procure responsibly</b> by considering how what it is to be procured may improve social, environmental and economic well-being of the Council's relevant area.                              |
| 3.5e amended with additional text.        | To include text from the original 3.5d still necessary but as part of related 3.5e | Amendment to original text of 3.5e | 3.5e will now read as follows<br><b>The need to ensure Value for Money, Best Value</b> and achieve efficiencies by administering procurement processes which are cost effective.  |

| PROPOSED AMENDMENT   | RATIONALE  | ACTION                | PROPOSED AMENDMENT  |
|--|--|-----------------------|---|
| Deletion of existing 3.5g,h,i and l and creation of new 3.5g   | Streamlining the rules   | Deletion and new text | Existing 3.5g, h, l and L will be deleted with a new 3.5 g reading as follows:<br><b>The need to ensure legislative compliance</b> in procurement processes and award of contracts.   |
| Addition of new 3.5j   | Streamlining the rules   | New text              | New 3.5j to read as<br>“ <b>The need to Social Value</b> by considering and evaluating Social Value as part of the procurement process including the use of the Social Value Portal for all over £50,000 contracts.”  |
| Deletion of existing 4.2 e and insertion of new 4.2 e, f and g | Additional Clarity on Contracts which these rules do not apply | Deletion and new text | Existing 4.2 e will be deleted and replaced with new 4.2 e, f and g as follows:<br>4.2e Grant funding Agreements<br>4.2f Certain Qualifying Contracts between entities within the public sector<br>4.2g Any contracts specifically excluded by relevant legislation |

|  |                                   |                              |   |
|--|-----------------------------------|------------------------------|---|
| <p>Deletion of existing 5.2.1 and replaced with new text</p> | <p>Streamlining the new rules</p> | <p>Deletion and new text</p> | <p>Existing 5.2.1 to be deleted and replaced as follows:</p> <p>Once the PID has been received, the ASO, together with the APO, must conduct an options appraisal of the procurement options and will determine, as a minimum:</p> <ul style="list-style-type: none"> <li>Contract value;</li> <li>the most viable route to market;</li> <li>procurement process requirements and associated documentation;</li> <li>market research, engagement and consultation requirements;</li> <li>associated implications;</li> <li>key actions;</li> <li>procurement timescales against approval requirements;</li> <li>Specification or Quotation Specification as appropriate;</li> <li>Social Value and the economic, social and environmental wellbeing of the borough and the benefit which the</li> </ul> |
|--|-----------------------------------|------------------------------|---|



| PROPOSED AMENDMENT | RATIONALE | ACTION | PROPOSED AMENDMENT  |
|--------------------|-----------|--------|---|
|                    |           |        | <p>procurement process can bring to the community and have regard to the duty to secure continuous improvement in accordance with Best Value.</p> <p>Further information on the above can be found in the Procurement Handbook.</p> |

| PROPOSED AMENDMENT  | RATIONALE                  | ACTION                        | PROPOSED AMENDMENT  |
|---|----------------------------|-------------------------------|---|
| 5.2.3 and 5.2.4 to be deleted and replaced with new 5.2.3 and 5.2.4 | Streamlining the new rules | Deletion and new text         | <p>Delete existing 5.2.3 and 5.2.4 and replaced with following</p> <p>5.2.3 The ASO and APO will seek advice and guidance from STAR Legal and/or from colleagues on a wider basis where necessary or desirable.</p> <p>5.2.4 The ASO will liaise with STAR to develop either a Specification or a quotation request commensurate to the scope of the Goods, Services, execution of Works or Concessions Contract.</p> |
| Rules 5.3.2 and 5.3.3 from originals CPRS to be deleted             | Streamlining of rules      | Deletions of Rules referenced | Rules 5.3.2 and 5.3.3 from originals CPRS to be deleted   |

| PROPOSED AMENDMENT   | RATIONALE   | ACTION                             | PROPOSED AMENDMENT   |
|--|---|------------------------------------|--|
| <p>New Rule to be inserted at start of section 5.3 leading to change in numbering with existing 5.3.1 now becoming 5.3.2 and so on</p> | <p>Additional Clarity to Framework Agreements and DPS</p> | <p>Insertion of new Rule 5.3.1</p> | <p>New Rule 5.3.1 to be inserted and to read as follows:</p> <p>For the avoidance of doubt, a Framework Agreement or DPS is generally considered suitable where it has either been entered into by:</p> <p>a)the Council in compliance with these Rules; or</p> <p>b)another local authority, a local authority purchasing consortium or central government where the Framework Agreement or DPS has been tendered and awarded in accordance with procurement legislation, and the Council is identified as a contracting authority.</p> |

| PROPOSED AMENDMENT                                | RATIONALE  | ACTION                             | PROPOSED AMENDMENT   |
|---|--|------------------------------------|--|
| A 5.3.2 c to be added to new 5.3.2                | Additional Clarity to Framework Agreements and DPS | Insertion of new text to new 5.3.2 | 5.3.2 c to be added to new 5.3.2 and to read as follows:<br>The correct contractual documentation is entered into in accordance with approval requirements.                            |
| A new 5.3.3 to be inserted                        | Additional Clarity to Framework Agreements and DPS | Insertion of new Rule              | 5.3.3 to be added and to read as follows:<br>Framework Agreements must not be for more than four years (including options to extend) unless otherwise authorised by the SRO for Legal. |
| Rule 5.5.4 under original numbering to be deleted | Streamlining of rules                              | Deletion of existing Rule          | Rule 5.5.4 under original numbering to be deleted  |

| PROPOSED AMENDMENT  | RATIONALE  | ACTION                      | PROPOSED AMENDMENT   |
|---|--|-----------------------------|--|
| New Rule to be inserted at start of section 5.5 leading to change in numbering with existing 5.5.1 now becoming 5.5.2 and so on | Additional Clarity to estimating the total value of a contract | Insertion of new Rule       | Insertion of new Rule 5.5.1:<br>Rule 5.5 is applicable to the procurement of all contracts where an existing Framework Agreement or DPS is not being used to make an award of contract.. |
| 5.5.2 removal of reference to Frameworks or DPS   | Streamlining of rules  | Deletion of words from Rule | 5.5.2 removal of reference to Frameworks or DPS  |

| PROPOSED AMENDMENT        | RATIONALE             | ACTION                 | PROPOSED AMENDMENT  |
|---------------------------|-----------------------|------------------------|---|
| 5.5.3 text to be replaced | Streamlining of rules | Original text replaced | <p>5.5.3 to now read as follows:</p> <p>The Council must not split Contracts in order to avoid public procurement rules or calculate the value of the Contract in such a way as to deliberately avoid exceeding the Regulation Thresholds or any threshold identified in these Rules. The value of a Contract should be calculated as follows and applies to the aggregate value of the Contract Agreement:</p> <p><b>Yearly potential contract value X</b></p> <p><b>Contract period in years (including any option to extend) = total value</b></p> |

| PROPOSED AMENDMENT        | RATIONALE             | ACTION                 | PROPOSED AMENDMENT   |
|---------------------------|-----------------------|------------------------|--|
| 5.5.4 text to be replaced | Streamlining of rules | Original text replaced | <p>Amended 5.54 to read as follows</p> <p>The value of a Framework Agreement or DPS means the maximum estimated amount payable by the users of the Framework Agreement or DPS for the Goods, Services or execution of Works (excluding VAT) under Call-off Contracts entered into over the entire possible duration of the Framework Agreement or DPS.</p> |

| PROPOSED AMENDMENT   | RATIONALE   | ACTION  | PROPOSED AMENDMENT   |
|--|---|---|--|
| <p>Section 5.5 Table 1 Value Bands A and B for Goods, Services and Concessions to be amended. The Word Chest be deleted and replaced by Electronic Procurement Portal</p>        | <p>Potential Decision to be taken to amend Value bands for Goods, Services and Concessions</p>    | <p>Value Band A and Band B Value in table 1 to be changed</p> | <p>Original value band A of £0- 4999.99 to be changed to value band of £0 - £9999.99</p> <p>Original value Band B of £5000 up to £24999.999 to be changed to £10000 up to £24999.99</p> <p>“Chest” to be replaced by Electronic Procurement Portal</p> |
| <p>Section 5.5 Table for Works, and Public Works Concession Value Bands A and B to be amended</p> <p>The Word Chest be deleted and replaced by Electronic Procurement Portal</p> | <p>Potential Decision to be taken to amend Value bands for Works, and Public Works Concession</p> | <p>Value Band A and B to be amended</p>                       | <p>Original value band A to be changed to value band of £0 - £9999.99.</p> <p>Original value Band B to be changed to £10000 to £24,999.99</p> <p>The Word Chest be deleted and replaced by Electronic Procurement Portal</p>                           |



| PROPOSED AMENDMENT  | RATIONALE                 | ACTION                  | PROPOSED AMENDMENT   |
|---|---------------------------|-------------------------|--|
| 5.5.6 Amend which bands require ASO determination of procurement activity | Streamlining of the rules | Amend Text in Rule 5.56 | Change the values B and C for B and D for Goods, Services and Concession Contracts and Change the Value bands from B and C to C and E for Works and Public Works Concession Contracts. |
| 5.5.9 to be deleted   | Streamlining of the rules | Delete Text             | Delete Rule 5.59   |
| 5.6.1 to be deleted   | Streamlining of the rules | Delete Text             | Delete Rule 5.6.1  |
| New 5.61 to be amended with removal of reference to EU Directives         | Streamlining of the rules | Delete relevant text    | Deleted “with the EU Directives and” from last sentence of new 5.6.1   |
| Delete 6.1.1  | Streamlining of the rules | Delete Text             | Delete Rule 6.1.1  |
| 6.2.4 to be amended   | Streamlining of the rules | Amend Text              | Delete the word ‘chest’ and replace with the words ‘electronic procurement portal’.  |

| PROPOSED AMENDMENT  | RATIONALE                 | ACTION                                       | PROPOSED AMENDMENT  |
|---|---------------------------|--|---|
| Delete existing wording from 6.3.2 and replace with new wording | Streamlining of the rules | Deletion and Addition of new text            | <p>Replace all of the existing text for 6.3.2 with the following :</p> <p>Approval for any amendments (whether to submissions by bidders or to requirements by the Council) must be sought from the Director of Procurement (STAR) in consultation with STAR Legal. An example of this may be a Quote may be amended after the closing date for submission if the amendment is made only in order to correct an arithmetical error.</p> |
| Amend rule 6.4. 1   | Streamlining of the rules | Deletion of some text from end of rule 6.4.1 | <p>Delete following text from Rule 6.4.1:</p> <p>If arithmetical errors are found they should be notified to the Bidder, who should be requested to confirm or withdraw their Quote. Alternatively, if the rates in the Quote prevail over the overall price, an amended Quote may be requested to accord with the rates given by the Tenderer.</p>   |

| PROPOSED AMENDMENT                                   | RATIONALE                 | ACTION                                 | PROPOSED AMENDMENT  |
|--|---------------------------|--|---|
| Delete Rules 6.4.3 and 6.4.4                         | Streamlining of the rules | Deletion of Text                       | Delete Rules 6.4.3 and 6.4.4  |
| Amend Text in 6.4.2                                  | Streamlining of the rules | Amend Text                             | Delete the word 'chest' and replace with 'electronic procurement portal'  |
| 6.5.1 Delete original text and replace with new Text | Streamlining of the rules | Deletion of Text and new Text inserted | Delete all original text and replace with the following :<br><br>All Quotes, including those in mini-competitions under Framework Agreements, must be confirmed in writing before a decision to award can be made and all Quotes must be stored on The electronic procurement portal. |
|  |                           |  |   |
| 7.1.1 Amend Text                                     | Streamlining the rules    | Amend text                             | Delete the word 'chest' and replace with the words 'electronic procurement portal'  |

| PROPOSED AMENDMENT   | RATIONALE   | ACTION  | PROPOSED AMENDMENT  |
|--|---|---|---|
| 7.1.4 Delete original text and replace with new text   | Streamlining the rules  | New wording   | Delete original text for 7.1.4 and replace with the following :<br><br>'All communications relating to Tenders must be via the electronic procurement portal for reasons of transparency and in order that a record can be maintained.  |
| 7.1.5 (becomes 7.1.4)<br>All communications relating to Tenders must be recorded via The Chest | Additional clarity as to the reason for communicating via the Chest | Additional wording  | All communications relating to Tenders must be recorded on electronic procurement portal' for reasons of transparency and in order that a record can be maintained.   |
| 7.2<br>Pre- and Post- Tender Clarification Procedures  | Streamlining the rules  | Amend 7.2.1 to direct the ASO to seek guidance from STAR and procedure in the Handbook to be followed | 7.2.2 – 7.2.5 deleted   |
| 7.3.4<br>Delete original text and replace  | Streamlining the rules  | Deletion and Amendment  | Delete original text and replace with the following:<br><br>If less than three Tenders are received then advice must be sought from the Director of Procurement (STAR) on how to proceed. Any decision must be recorded in writing and stored on the electronic procurement portal. |

| PROPOSED AMENDMENT  | RATIONALE   | ACTION                           | PROPOSED AMENDMENT   |
|---|---|----------------------------------|--|
| Delete existing 7.4.1 and 7.4.2 and insert new 7.4.1                                  | Streamlining the rules  | Deletion and Amendment           | Delete existing 7.4.1 and 7.4.2 and insert new 7.4.1 as follows:<br>Tenders are to be verified and opened in accordance with the procedures set out in the Procurement Handbook.                               |
| 7.6.5<br>Officers must ensure transparency and fairness during the evaluation process | Duplication of fundamental principles and theme throughout the CPRs | Remove                           | Deleted  |
| 7.6.2<br>Abnormally low quotes.   | Clarification of process  | Amendment                        | STAR and the ASO will together identify whether any of the Quotes received are abnormally low and where it is determined that a Quote is abnormally low, the ASO must take advice from STAR on how to proceed. |
| 7.6.4 Delete original text and replace  | Streamlining the rules  | Deletion and Amendment           | Delete the word 'chest' and replace with the words 'electronic procurement portal'   |
| 7.6.5 new rule to be added  | Streamlining the rules  | New text for new rule            | Add in new 7.6.5 to read as follows:<br>In accordance with the Council's risk-based sourcing policy, the APO may require a best and final offer from more than one Tenderer.                                   |
| 7.7.6 Amend text  | Streamlining the rules  | Deletion and replacement of text | Delete the word 'chest' and replace with the words 'electronic procurement portal'   |

| PROPOSED AMENDMENT  | RATIONALE  | ACTION                          | PROPOSED AMENDMENT   |
|---|--|---------------------------------|--|
| 7.7.8<br>A STAR Legal Officer will, where necessary, advise on the formalities for completion of the contract by parties other than the Council and how to ensure that the Contract is legally binding. | For clarity and streamlining<br>Covered by 7.7.9               | Remove                          | Delete 7.7.8<br><br>Amend 7.7.9 to:<br>Contract award letters, feedback to Tenderers, including any incidental documentation must be approved by the APO prior to sending and STAR Legal will advise on the contract Terms and Conditions where the value of the Contract is over the Regulation Thresholds. |
| 8.1.2 Additional text   | Clarification of process                                       | Amendment                       | Add at end 8.1.2 as follows:<br>f. Standards of Performance<br>g. Limitations of liability   |
| 8.4.1 Transfer of Contracts<br>To carve out contractor group restructures   | Such restructures are referred to under rule 9 (modifications) | Cross reference to rule 9       | 8.4.1 Unless Rule 9.3.1(d) applies....   |
| 9.1.2 additional text   | Clarification of process                                       | Amend text                      | Amend Rule 9.1.2 to read as follows:<br>An exemption is an exemption to the requirements under these CPRS only and cannot be considered where the contract value is above threshold.   |
| 9.2.1 Delete existing text and replaced with new text   | Streamlining the rules   | Delete text and Insert new text | Delete existing text and replace as follows:<br>To apply for an exemption the ASO must fill in the Exemption Form and follow the process as set out in the Procurement Handbook  |

| PROPOSED AMENDMENT                                    | RATIONALE              | ACTION                          | PROPOSED AMENDMENT   |
|---|------------------------|---------------------------------|--|
| 9.2.2 Delete existing text and replaced with new text | Streamlining the rules | Delete text and Insert new text | Delete existing text and replace as follows:<br>For avoidance of doubt where either Rule 6.2.4 or Rule 7.3.4 applies then an Exemption Form should not be completed. |
| Delete Rules 9.2.3, 9.2.6 and 9.2.7                   | Streamlining the rules | Delete Text                     | Delete Rules 9.2.3, 9.2.6 and 9.2.7  |

|  |  |   |  |
|--|--|---|--|
| <p>9.3 Modifications<br/>Streamlining of the rules</p> | <p>In certain circumstances, where a contract allows for an extension of its term, there should be a streamlined approval process.</p> | <p>Provide a process whereby there is a streamlined approval process – SRO for the service and the Director of Procurement (STAR). In practice the existing form can be adapted and/or individual authority directorates may decide to delegate this authority.</p> | <p>Delete 9.3.6 and replace with:<br/>Where 9.3.1(a) applies, and the Framework Agreement or Contract provides in writing for an extension to the length of the Framework Agreement or Contract’s term and the following conditions are met:</p> <ul style="list-style-type: none"> <li>a. The extension is for substantially the same works, supplies and/or services provided in the original Framework Agreement or Contract;</li> <li>b. The financial terms for the extension are as agreed in the original Framework Agreement or Contract and deliver Best Value to the Council;</li> <li>c. The OJEU/FTS notice or other advertisements for the Framework Agreement or Contract stated that an extension Contract may be awarded; and</li> <li>d. The estimated value of the Framework Agreement or Contract in the OJEU/FTS notice or other advertisements took account of the potential extension; and</li> <li>e. The length of the extension is no longer than that permitted by the original Framework Agreement or Contract;</li> </ul> <p>the decision to award the extension may be taken by the SRO for the</p> |
|--|--|---|--|



| PROPOSED AMENDMENT  | RATIONALE   | ACTION  | PROPOSED AMENDMENT  |
|---|---|---|---|
|   |   |   | relevant service and the Director of Procurement (STAR).                        |
| 9.4<br>Procedure for Modifications<br>Streamlining of the rules | Many of the provisions in the CPRs relate to process and need not be part of the rules. | Remove some of the provisions from the rules and instead refer to process in the Handbook and completion of the form. | Consequential amendments to 9.4   |
| Definitions<br>Move to an appendix                              | For greater clarity   | Some definitions added/removed as a consequence of the amendments to the rules.                                       | Some definitions added/removed as a consequence of the amendments to the rules. |