

CONTRACT PROCEDURE RULES

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Contract Procedure Rules

1. Compliance

1.1 These rules form part of the Council's Constitution and are the Council's Contract Procedure Rules for buying for the Council. They do not apply to internal purchases or internal service provision, only where you need to buy something from outside the council.

1.2 Every contract entered into by the Council shall be entered into pursuant to or in connection with the Council's functions and shall comply with:

- (a) all relevant statutory provisions;
- (b) the relevant European procurement rules (i.e. the EC Treaty, the general principles of EC law and the EC public procurement directives implemented by the UK Regulations);
- (c) the Council's Constitution including these Contract Procedure Rules, the Authority's Financial Regulations and Financial Procedure Rules and **Appendix 2-Responsibility for functions; and**
- (d) the Authority's corporate priorities, Corporate Strategy , Corporate Procurement Strategy, Sustainable Procurement Policy and other policies and staff guidance.

1.3 The highest standards of probity are required of all officers and members involved in the procurement, award and management of Council contracts. It is essential to maintain effective audit trails at all stages throughout the procurement procedure particularly where approval or agreement is required.

1.4 As a general rule members and officers must not accept from contractors or potential contractors or from any firm or organisation with whom the Council has had, is having or may have any dealings of any kind –

(a) any gift (other than an inexpensive seasonal gift such as a calendar or diary for use in the office); or

(b) any hospitality without the written authorisation of a Service Head.

Members and officers should comply with the Council's Code of Conduct in this respect.

1.5 Service Heads must immediately enter in a register kept for this purpose by the Council particulars of –

(a) any gift (including how it has been returned to the giver or otherwise disposed of e.g. donated to the Mayor for charitable purposes) ;and

(b) any hospitality.

1.6 Hospitality includes drink, meals, entertainment, overnight accommodation, travel and holidays, but does not include a lift in a private or company car or a taxi or refreshments in the course of office duty (e.g. a working lunch).

1.7 All staff must enter in their own departmental register:

- (a) any gift (including how it has been disposed of); and
- (b) any hospitality.

1.8 Service Heads are responsible for the maintenance of the hospitality register for their service area.

2. Procurement Plan

2.1 For each financial year, the Council shall agree a Procurement Plan setting out its current contracts and contracts to be procured for the forthcoming three financial years.

2.2 At the beginning of each financial year, the Council shall publish a PIN in the OJEU listing the contracts for services and supplies which it expects to procure for that financial year and which are above the EU threshold. EU thresholds are amended bi-annually. Please refer to Corporate Procurement for confirmation of the latest threshold figures.

2.3 To achieve 2.1 and 2.2 above Service Heads must ensure that the Corporate Procurement and Partnerships Manager is notified in writing prior to the end of the financial year of contracts planned for the next three years.

3. Delegated Authority

3.1 Any procurement carried out on behalf of the Council may only be undertaken by officers with the appropriate delegated authority to carry out such tasks as set out in the Council's **Constitution Appendix 2 Responsibility for Functions**. Officers with delegated authority may only delegate to other officers who have the appropriate skills and knowledge appropriate to the task. Officers shall be informed by his/her Service Head, in writing, of the extent of any delegated authority and any applicable financial thresholds for each procurement.

3.2 Within approved budgets and in accordance with the Annual Procurement Plan where applicable, Authorised Officers may authorise members of their staff to place orders against Framework Agreements which have been entered into by the Council.

3.3 Any contracts awards above £75,000 or those which involve any potential transfer of the Council's employees to a Supplier shall be referred to the Executive Cabinet or relevant Executive Cabinet Portfolio Member for a decision.

4. Exempt Contracts

4.1 The following contracts are exempt from the requirements of these Contracts Procedures Rules:

- (a) individual agency contracts for the provision of temporary staff (The arrangements with staffing agencies, however, should be subject to a competitive procurement process in accordance with these Contracts Procedure Rules);
- (b) employment contracts and

(c) contracts relating solely to disposal or acquisition of an interest in land.

5. Pre-Procurement Procedure

5.1 Before commencing a procurement, it is essential that the Authorised Officer leading the procurement has identified the business need and fully assessed any options for meeting those needs, including the completion of an Equality Impact Assessment, where any change in service provision is proposed. Consideration shall be given to the Council's Corporate Procurement Policy, Strategy and Guidance and Sustainable Procurement Policy and Guidance, as appropriate.

5.2 Before undertaking a procurement the Authorised Officer shall:

- (a) consider all other means of satisfying the need (including recycling and reuse where appropriate);
- (b) prepare an estimate of expenditure in accordance with Rule 6;
- (c) establish a business case for the procurement;
- (d) complete an Equality Impact Assessment as appropriate and ensure that equality and diversity principles are considered and incorporated throughout the procurement process in accordance with the Council's Guidance for Procurement Officers published on the Loop (Appendix E to the Staff Guide to Procurement)
- (d) for high value, complex, service procurements complete the Council's Options Appraisal Model in accordance with Appendix B of the Council's Staff Guide to Procurement.
- (e) for high value, complex procurements complete a Procurement Risk Register;
- (f)) consider whether there is an appropriate Framework Agreement that should be used;

The level of resource and detail deployed in carrying out the requirements of 5.1 and 5.2 shall be appropriate to the nature and the value of the Procurement.

6. Estimating the Contract Value /Aggregation

6.1 Contract values should be calculated exclusive of VAT in accordance with the Regulations, even when the Regulations are not applicable for consistency. Where contracts are of a regular nature, 12 months expenditure of the commodity should be aggregated to identify which procedure should be followed. For a period (specified term) contract, the value of the contract shall be the value of the full contract period, or, where the contract is for an indefinite period, or where it's term cannot be defined, the monthly value multiplied by 48. The Council should make the best use of its purchasing power by aggregating purchases wherever possible. Particular supplies, services or works shall not be split in an attempt to avoid the applicability of these Contract Procedure Rules or the Regulations.

6.2 If, following calculation of the estimated value, the intermediate route (below £75,000) is selected, and, after evaluating in accordance with the evaluation criteria, the preferred offer is valued at over £75,000, then the matter shall be referred to the Corporate Director

(Governance) for further advice. The Corporate Director (Governance) shall be given full details including how the estimated value was calculated, the amount of the estimated value, the value of all quotations received and the evaluation model applied leading to selection of the preferred offer.

- 6.3 If, after following the intermediate route, some of the quotations received are valued at over £75,000, but the preferred quotation is less than £75,000, then the preferred quotation may be accepted in accordance with these Contracts Procedure Rules.

7. Low Value Procurement: Below £10,000

- 7.1 Officers with appropriate delegated authority shall, on behalf of the Council, procure works goods and services with an estimated value of below £10,000. Service Heads are responsible for ensuring that best value is achieved and that the arrangements made secure the best available terms to the Council. A written or electronic quotation shall be obtained from the Supplier before a formal purchase order can be issued. The purchase order form shall specify the services, supplies or works to be provided and set out the price and terms of payments. Any appropriate Council Framework Agreements in place shall be used regardless of value, provided the standing order requirements in relation to delegated authority are met. An effective audit trail shall be maintained in compliance with Rule 1.3.

8. Intermediate Value Procurement: £10,000 to £75,000 (Quotations)

- 8.1 For procurements valued over £10,000 but at or below £75,000 at least 3 written Request for Quotations shall be invited before a formal purchase order is issued specifying the supplies, services or works to be provided. Quotations shall be received and opened in accordance with Rule 16.
- 8.2. Unless considered inappropriate, the contract shall be advertised and quotation documentation shall be made available on the Council's Website (Current Contract Opportunities) and on the Supply2.gov.uk procurement portal. This can be arranged through Corporate Procurement
- 8.3 The Authorised Officer must notify the Corporate Procurement and Partnerships Manager of the eventual outcome of the procurement exercise for entry into the Contracts Register.
- 8.4 Where the risk in a specific procurement is perceived to be high, then that procurement shall be treated as a High Value Procurement.
- 8.5 Any procurement that may involve a transfer of staff shall be treated as a High Value Procurement.

9. High Value Procurements: Above £75,000 (Tenders)

- 9.1 All high value procurements shall be advertised (and tender documents made available as portable document files (pdf) on the Council's website (Current Contract Opportunities) , the Supply2.gov.uk procurement portal (for below EU threshold procurements of typically up to £100,000 -this can be arranged through Corporate Procurement), a trade journal and where considered appropriate, the local press. Tenders shall be received and opened in accordance with Rule 16.

9.2 For all procurements valued at above £75,000 prior approval of the proposed contract award procedure including the evaluation criteria to be applied, shall be sought from the relevant Executive Cabinet Portfolio Member

10. Contracts Subject to the Regulations: Above the EU Threshold

10.1 Where the estimated value of a contract exceeds the current EU threshold then the contract shall be tendered in accordance with the Regulations. EU Thresholds are amended bi-annually. Please refer to Corporate Procurement for confirmation of the current threshold figures.

Under the Regulations, the contract may be tendered under the Open, Restricted, Competitive Dialogue (for particularly complex contracts) or, in exceptional circumstances exhaustively set out in the Regulations, the Negotiated procedure. For each contract tendered in accordance with the Regulations, a contract notice shall be published in the Supplement to the Official Journal to the European Union (OJEU). Advertisements published in addition to this must not appear in any form before a contract notice is submitted to OJEU and must not contain any information additional to that contained in the contract notice.

10.2 The Regulations set out the minimum timescales for receipt of expressions of interest and tenders. Where the Council has published a Prior Information Notice announcing its forthcoming contracts for the year ahead, then the Council may rely on reduced timescales if appropriate.

10.3 The EU Directives and UK Regulations are long and complex, and only the principal requirements can be given here. Officers are advised to refer to the guidance on the Loop and to consult the Corporate Procurement and Legal Services departments prior to commencing any procurement which is subject to the Regulations.

11. Open Procedure

The Council publishes a contract notice in the OJEU. The tender will be open to all companies who express an interest by the published deadline.

12. Restricted Procedure

The Council publishes a notice in the OJEU. Organisations which express an interest will be required to complete and submit a Pre-Qualification Questionnaire (PQQ) by the deadline in the notice. The Council will evaluate the PQQ's in accordance with the criteria published in the notice and produce a shortlist of suitable organisations to be invited to tender.

13. Competitive Dialogue and the Negotiated Procedures

13.1 Under EU Directives, the Competitive Dialogue Procedure may be used for contracts valued at or over EU thresholds in certain circumstances where:

13.1.1 we wish to award a particularly complex contract and think that the use of the open or restricted procedures will not allow the award of that contract; or

13.1.2 the contract is for a service and the precise nature of the service required cannot be clearly specified or accurately priced (e.g. some PFI or PPP contracts, bespoke software applications, insurance services, intellectual and artistic services).

13.2 The Negotiated Procedure should not now be used (except in very specific circumstances) for the procurement of particularly complex projects.

14. Pre-qualification

14.1 The Council shall only enter into a contract with a Supplier if it is satisfied as to the Suppliers –

- (a) eligibility;
- (b) financial standing.
- (c) technical capacity.

14.2 Technical capacity includes the Supplier's quality management systems including human resources, health and safety and environmental management systems where relevant to the performance of the contract.

14.3 Any procurements subject to the Regulations shall be in full compliance with those Regulations.

15. The Invitation to Tender

15.1 The ITT or ITN shall include details of the Authority's requirements for the particular contract including:

- (a) a description of the services, supplies or works being procured;
- (b) the procurement timetable including the tender return date and time, which shall allow a reasonable period for the applicants to prepare their tenders;
- (c) instructions for completing and returning the tender documentation
- (d) notification that tenders received after the closing date and time will not be considered
- (e) a specification and instructions on whether any variants are permissible;
- (f) the Council's terms and conditions of contract
- (g) the evaluation criteria including any weightings as considered appropriate;
- (h) in procurement processes for partnerships, a requirement on bidders to submit optional priced proposals for the delivery of specified community benefits which are relevant to the contract and can add value to the Community Plan
- (i) pricing mechanism and instructions for completion;
- (j) whether the Council is of the view that TUPE may apply;
- (k) form and content of method statements to be provided
- (l) in procurement processes for partnerships, inviting bidders to demonstrate their track record in achieving value for money through effective use of their supply chain, including the use of small firms; this should continue to be examined as part of contract management.

- (m) rules for submitting of tenders and whether tenders may be submitted electronically;
- (n) any further information which will inform or assist tenderers in preparing tenders.

16. Submission, Receiving and Opening of Tenders/Quotations

16.1 Every response to an invitation to tender/quote for a transaction valued over £10,000 should be delivered:

- (i) no later than the time and date specified for submission of tenders/quotations in the invitation to tender/quotation document and should be addressed to the Corporate Procurement and Partnerships Manager, Civic Offices, Union Street, Chorley, PR7 1AL.
- (ii) The response envelope should not contain any labelling or mark indicating the identity of the sender.
- (iii) The envelope should be clearly marked in large bold letters with the subject matter to which the tender/quotation relates.

16.2 Tenders/Quotations shall be recorded on the Record of Tenders/Quotes received form, which records the date and time the submission was received. The Tenders/Quotations will then be stored in a secure, locked cupboard until the time and date specified for their opening. No tenders/quotations received after the specified date and time for submission, shall be accepted or considered by the Council.

16.3 A member of the Corporate Procurement Team and a representative from the procuring unit shall open tenders for high value procurements. Upon opening a summary of the main terms of the submission received shall be recorded in the permanent register of tenders, together with the name of the Tenderer and the date and time of tender opening.

16.4 Quotations for intermediate value procurements will be opened using the above criteria except that a member of the procuring unit is not required to attend the opening, (unless they express a wish to do so). In this event a second officer from the admin team or other office will witness the opening.

16.5 The closing date for the receipt of tenders/quotations may be extended, in appropriate circumstances, at the discretion of the Corporate Director of Governance.

16.6 Quotations and tenders may be received and recorded electronically by the Corporate Procurement and Partnerships Manager where a separate, secure folder with appropriate controls, or e-tendering facility specifically set up for this purpose, is used.

16.7 Tenders and Quotations shall not be opened until the deadline has passed for their receipt

17. Electronic Tendering

- 17.1 Electronic or e-procurement systems, where implemented, should always be used in preference to paper transactions.
- 17.2 Where appropriate, and unless the restricted procedure is used, RFQ's and ITT's shall be posted on the Council's website to allow electronic downloading of the documents by prospective bidders.

18. Tender Evaluation

- 18.1 Where written quotations are invited for low to intermediate value contracts then the bidder submitting the lowest cost compliant bid must be awarded any resulting contract, unless alternative pre-determined criteria are detailed in the document used to invite bids awarded on that basis.
- 18.2. For high value contracts and for all contracts governed by EU Directives, a more complex Best Value tender evaluation procedure based on the identification of the Most Economically Advantageous Tender ("MEAT") should be used (other than for very standard procurements (e.g. Stationery) where cost may be the only discerning factor)
- 18.3 MEAT evaluation involves scoring tenders objectively by a panel of officers and/or independent experts using criteria which should:
 - 18.3.1 be pre-determined and listed in the invitation to tender documentation in order of importance;
 - 18.3.2 be strictly observed at all times throughout the tender process;
 - 18.3.3 reflect the principles of Best Value;
 - 18.3.4 include price;
 - 18.3.5 adopt whole-life costing where appropriate, particularly in the case of capital equipment where the full cost of maintenance, decommissioning and disposal should be taken into account. Additionally the use of energy efficient products or the use of sustainable materials with a longer life span may impact on the whole life cost.
 - 18.3.6 be capable of objective assessment;
 - 18.3.7 be weighted according to their respective importance;
 - 18.3.8 include, where applicable, the quality of the tenderers' proposals to accept a transfer of staff under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE); and
 - 18.3.9 avoid discrimination or perceived discrimination on the basis of nationality, or other cause contrary to any of the Council's policies.

Where this evaluation methodology is used, any resulting contract must be awarded to the

tenderer which submits the most economically advantageous tender, ie the tender that achieves the highest score in the objective assessment.

18.4 The evaluation criteria shall be strictly observed at all times through the contract award procedure by any officer involved in the tender evaluation process. The Authorised Officer shall keep comprehensive records of the evaluation exercise and the lead officers of the evaluation team shall sign the final selection record.

Guidance on tender evaluation can be found in the Tender Evaluation Guide published on the Loop, or, from the Corporate Procurement Team.

19. Post Tender Negotiation

19.1 Where a procurement is conducted pursuant to the Regulations through either the open or restricted procedures no post tender negotiations are permitted. The Council may seek clarification from Suppliers where appropriate.

19.2 At all times during the procurement (whether subject to the Regulations or not), the Council shall consider and implement the principles of non-discrimination, equal treatment and transparency.

20. Evaluation Team

20.1 For each contract subject to the Regulations or above £75,000, the Authorised Officer shall form an Evaluation Team with responsibility for evaluating tenders. The Authorised Officer shall keep comprehensive records of the evaluation exercise and the lead officers of the evaluation team shall sign the final selection record.

21. Bonds, Guarantees and Insurance

21.1 For high value procurements, the Evaluation Team shall consider as part of its pre-qualification assessment and evaluation process whether a performance bond and/or a parent company guarantee (if applicable) shall be required from the preferred Supplier.

21.2 The Evaluation Team shall consider the appropriate type (employee liability, public liability, professional indemnity, etc.) and level of insurance requirements for each contract.

22. Awarding Contracts / 10 day Standstill Period

22.1 The Council shall only award a contract where this is the Best Value for Money.

22.2 The results of the tender evaluation process must be recorded in writing.

22.3 A contract must only be awarded and signed by a person authorised to do so, who must ensure that the appropriate budget holder has the funds in place to sustain the contract prior to award.

22.4 Unit Directors should ensure that proper records of all procurement activity are retained in electronic or hard copy format as appropriate.

- 22.5 For all transactions valued at £10,000 to £75,000, the Record of Tenders/Quotes Received Form should be completed and returned to the Corporate Procurement and Partnerships Manager when a successful bidder has been chosen.
- 22.6 For all transactions valued at £75,000 and above the decision to award a contract shall be made by the Executive Cabinet or relevant Executive Cabinet Portfolio Member. A tender acceptance proforma (which can be found on the Loop under My Briefcase/Procurement) should be completed with a copy being sent to the Corporate Procurement and Partnerships Manager.
- 22.7 The highest standards of probity are required of all officers and members involved in the procurement, award and management of Council contracts. It is essential to maintain effective audit trails at all stages throughout the procurement procedure particularly where approval or agreement is required.
- 22.8 For all contracts tendered under EU Directives, a ten-day 'standstill period' must be observed between the decision to award and contract conclusion. Once the decision to award a contract is made, each tenderer must be notified in writing on the outcome of the tender process. This notification must include:
- (i) details of the contract award criteria;
 - (ii) where practicable the score the tenderer obtained against those award criteria;
 - (iii) where practicable the score the winning tenderer obtained; and the name of the winning tenderer.

23. Debriefing

- 23.1 The Authorised Officer responsible for each procurement shall provide a debriefing to unsuccessful tenderers on written request. Where the Procurement is subject to the Regulations, the Council must, within 15 days of a written request, inform any contractor who was unsuccessful, of the reasons why they were unsuccessful, and, if an admissible tender was submitted, the characteristics and relative advantages of the successful tender. The name of the person awarded the contract must also be provided.
- 23.2 A supplier can receive an accelerated debrief (a debrief within the standstill period) if they request it by midnight of the second day of the standstill. A contracting authority has to provide this, allowing three full working days between dispatch of the debrief and the end of the standstill period. If a request is received outside this time limit, normal rules apply and a contracting authority must provide debriefing within 15 days of request.

24. Contract Award Notice

All contracts awarded under the Regulations must be announced by means of a Contract Award Notice in OJEU transmitted no later than 48 calendar days after the date of the award.

25. Letters of Intent

Letters of intent shall only be used in exceptional circumstances and, by prior agreement with the Corporate Director of Governance, as follows:

- (a) Where a Supplier is required to provide services, supplies or works prior to formal written acceptance by the Council; or
- (b) Where the Council's form of tender does not include a statement that until such time as a formal contract is executed, the Council's written acceptance of a tender shall bind the parties into a contractual relationship

26. Contract Terms and Conditions

26.1 Contracts shall be entered into on the Council's terms and conditions, which shall be included with each purchase order and invitation to tender or negotiate. Exceptions to this rule must be approved by the Corporate Director (Governance).

26.2 Where contracts are subject to the Regulations, the rules relating to technical specifications shall be followed and any reference to a technical standard, make or type shall be prefaced with the words "or equivalent". This requirement applies to both Part A and Part B Services.

27. Execution of Contracts

27.1 Any contracts valued at above £75,000 shall be executed as a deed unless otherwise agreed with the Corporate Director of Governance. All other contracts may be signed by an officer with appropriate delegated authority.

27.2 Electronic signatures may be used in accordance with the Electronic Signature Regulations 2002 provided the sufficiency of security arrangements has been approved by the Corporate Director (Governance).

28. Records of Tenders and Contracts/ Contracts Register

28.1 The Authorised Officer with delegated authority in respect of a particular procurement shall maintain a list of all tenders received.

28.2 Each Chief Officer shall maintain his/her own register of all other contracts entered into by his/her department.

28.3 A Contracts Register of all contracts awarded above £75,000 shall be maintained by the Corporate Procurement & Partnership Manager. Additionally, a record of all intermediate and high value procurements will be maintained by Corporate Procurement together with the Tender/Quotation Register. These Contracts Registers may be maintained electronically.

28.4 For every individual contract the Authorised Officer shall maintain a contract file.

28.5 Authorised Officers shall notify the Corporate Procurement & Partnerships Manager of all intermediate and high value contract awards using the appropriate forms, for entry into the Contracts Register and /or Tender/Quotation Register ..

29. Approved Lists

The Council may maintain approved lists of Suppliers that meet its pre-qualification requirements. Quotations and tenders for contracts that are not subject to the Regulations may be invited from Suppliers included on an approved list. Where the Authority intends to use an approved list for services, supplies or works contracts, the Approved List should be reviewed and advertised on a regular basis.

30. Nominated and Named Sub-contractors

If a sub-contractor, supplier or sub-consultant is to be nominated or named to a main contractor, quotations or tenders must be invited in accordance with these Contracts Procedure Rules and the terms of the invitation shall be compatible with the main contract.

31. Framework Agreements

31.1 Initially tendered in accordance with the Regulations and /or Contracts Procedure Rules as appropriate, framework agreements allow the Council to make specific purchases (call-offs) throughout the term of the agreement, without the need to conduct further tendering exercises.

31.2 Where the Council has entered in to a framework agreement through procurement or is able to call off from existing framework agreements procured by public sector consortia or central government agencies including OGC Buying Solutions, then the Council may benefit from using those agreements without entering into a separate procurement.

32. Joint Procurement

32.1 Any joint procurement arrangements with other local authorities or public bodies shall be approved by the Assistant Chief Executive (Business Transformation) and the Corporate Director (Governance) prior to the commencement of any procurement on behalf of the Council.

32.2 Approval shall only be given where the joint procurement arrangement assures compliance with the Regulations and the Council's Policy Framework for Partnership Working.

33. Procurement by Consultants

Any consultants used by the Council shall be appointed in accordance with these Contracts Procedure Rules. Where the Council uses consultants to act on its behalf in relation to any procurement, then the Authorised Officer shall ensure that the consultants carry out any procurement in accordance with these Contracts Procedure Rules. No consultant shall make any decision on whether to award a contract or who a contract should be awarded to. The Authorised Officer shall ensure that the consultant's performance is monitored.

34. Statistical Returns

34.1 Each year the Council shall make a statistical return to the CLG for onward transmission to the European Commission concerning the contracts awarded during the year under the European rules.

34.2 Corporate Procurement is responsible for this statistical return and will make the necessary arrangements for information to be collected annually. Chief Officers shall comply with these arrangements.

35. Contract Extension

35.1 Any contract may be extended in accordance with its terms. Where the terms do not expressly provide for extension, contracts subject to the Regulations may be extended by negotiation in accordance with the rules set out in the Regulations. Such extension shall be notified to the Executive Cabinet.

35.2 Any extension exceeding £75,000 in value shall require the approval of the Executive Cabinet or relevant Executive Cabinet Portfolio Member.

35.3 The Authorised Officer shall always be satisfied that extension will achieve Best Value for Money and is reasonable in all the relevant circumstances.

36. Termination of Contract

For any contract exceeding £75,000 in value, termination shall be approved by the Executive Cabinet. Contracts of a lesser value may be terminated early by agreement prior to the expiry date or in accordance with the termination provisions set out in the contract. Legal advice should be sought as appropriate.

37. Waivers of Contract Procedure Rules

Waivers of any of these contract Procedure Rules shall only be given in exceptional circumstances and only with the prior written approval of the Director of Corporate Governance and the Assistant Chief Executive (Business Transformation). If this is considered necessary, the appropriate Service Head must notify the Corporate Procurement & Partnerships Manager, in writing, via the Contracts Procedure Rule Waiver Form, located on the Loop, under My Briefcase/Procurement. On receipt of a fully completed form the Corporate Procurement & Partnerships Manager will record the request and seek the approval of the Director of Corporate Governance and the Assistant Chief Executive (Business Transformation). Waivers may not be made retrospectively.

38. Review and Amendment of Contract Procedure Rules

These Contract Procedure Rules shall be reviewed and updated on a regular basis.. Amended Contracts Procedure Rules shall be agreed and adopted by the Council

Definitions

“Annual Procurement Plan”

A plan identifying major projects so that appropriate resources can be identified. It also provides a basis for PINs and other information provided to suppliers to give advance notice of bidding opportunities;

“Authorised Officer”

A person with appropriate delegated authority under Appendix 2 of the Constitution-Responsibility for Functions to act on the Council’s behalf;

“Council”

“Council” means Chorley Borough Council

“Best Value for Money”

The optimum combination of whole life costs and benefits to meet the customer’s requirement. Such term equates to the EU procurement requirement “most economically advantageous offer”;

“Contracts Register”

A register held and maintained by the Corporate Procurement Officer containing details of contracts entered into by the Authority

“Framework Agreement”

An agreement which allows the Council to call off from a supplier to provide supplies, services or works in accordance with the terms of the agreement. The Framework Agreement itself usually constitutes a non binding offer with no obligations on the Authority to call off from the Supplier. If the Council calls off from the Supplier a binding contract comes into being. A Framework Agreement can be a binding agreement where it is executed as a deed;

“ITN”

Invitation to negotiate;

“ITT”

Invitation to tender;

“OJEU”

Official Journal of the European Union;

“PIN”

Prior Information Notice for publication in OJEU;

“Regulations”

The UK regulations implementing the EC public procurement directives;

“RFQ”

Request for quotations;

“Supplier”

Any person or body of persons providing, or seeking to provide, supplies, services or works to the Council.