

APPENDIX A – EXTRACT OF CONTRACT PROCEDURE RULES UPDATED OCTOBER 2014

CPR 2 SCOPE AND APPLICATION

- 2.1 These Procedure Rules shall apply to any Contract, with the exceptions listed in CPR 2.2, and also to the nomination of sub-contracts under any such Contract (whether in each case the Council is contracting or nominating on its own behalf or wholly or partly on behalf of others).
- 2.2 These Procedure Rules do not apply to transactions of the following types save for CPR3 which applies to (d) and (i).
- a) Purchases or sales by auction or at public fairs or markets;
 - b) Contracts for the sale or purchase of land;
 - c) Contracts for the engagement of Counsel, or for the engagement of external Solicitors to represent the Council in specified legal proceedings;
 - d) Orders placed under a corporate contract arranged by a central purchasing unit or department (where applicable);
 - e) Contracts with statutory undertaking(s) for work which only they can carry out;
 - f) Contracts of employment;
 - g) Orders placed with such consortia as may be approved by the Council provided it is satisfied that the purchasing arrangements of the consortia in question comply with EU and UK legislation and provide value for money;
 - h) Contracts formalising the funding of particular voluntary sector bodies where the purpose of the contract is to establish the general conditions whereby the body may be funded by the Council.
 - i) Contracts entered into through collaboration with other local authorities or other public bodies, where a competitive process has been followed that complies with the contract procedure rules of the Lead Authority. However, advice must be obtained from the Strategic Manager Legal and Democratic Services or the Chief Financial Officer as appropriate.
- 2.3. All employees of the Council and firms/advisors employed to act in any capacity to manage or supervise a Contract must comply with these Procedure Rules and with the Council's Financial Procedure Rules and Chief Officers and the Responsible Officer must ensure such compliance in the contracting area for which he/she is responsible.
- 2.4 Officers must consult the Legal Services Manager or Chief Financial Officer as appropriate for legal and financial advice.
- 2.5 These rules will apply equally where the supply of works, goods or services is provided by Consultants/Contractors and on completion of the relevant contract the Consultant/Contractor will promptly deliver all appropriate documents and records to the Responsible Officer

CPR 3 COLLABORATIVE ARRANGMENTS AND USE OF FRAMEWORK AGREEMENTS

- 3.1 In order to secure value for money, the Council may enter into collaborative procurement arrangements. Where appropriate before the invitation of tenders and quotations, the Responsible Officer must first consider whether it is possible to use a partnership contract or a framework agreement for purchasing the time and costs of undertaking a competitive process can be significant. Where the estimated value of the proposed contract is above the relevant EU financial threshold, officers must ensure that the requirements of the EU Procurement Regime have been met by the Lead Authority.
- 3.2 The term of a framework agreement should normally not exceed four years. However, a longer term may be granted in exceptional circumstances. The framework can be a single provider or multi provider. In the case of multi provider there must be an intention to appoint at least three suppliers.
- 3.3 Contracts based on Framework Agreements may be awarded by either:
- Applying the terms laid down in the Framework Agreement (where such terms are sufficiently precise to cover the particular call-off) without re-opening competition, or
 - Where the terms laid down in the Framework Agreement are not precise enough or complete for the particular call-off, by holding a mini competition in accordance with the following procedure:
 - Inviting the organisations within the Framework Agreement, that are capable of executing the subject of the contract, to submit written tenders in accordance with these Contract Procedure Rules
 - Fixing a time limit which is sufficiently long to allow tenders for each specific contract to be submitted, taking into account factors such as the complexity of the subject matter
 - awarding each contract to the tenderer who has submitted the best tender On the basis of the award criteria set out in the specifications of the Framework Agreement