

Appendix 2**Contract Procedure Rules Proposed Changes**

Nb : Recommended Changes will need to be discussed with local Chief Officers of service areas, Audit, Finance and the Monitoring Officer as well as a political scrutiny group.

| | Area | CCC CPR Issued 2014 | Proposal |
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| 1 | Layout | Layout split between <ol style="list-style-type: none"> 1. Introduction 2. Behaviours 3. Tendering & Contract Management 4. 5. Appendix definitions 6. Appendix summarising spend levels | Look to beef up contract management and make procurement sections simpler. Below EU and EU procurement. Part 1 Introduction, Scope & Responsibilities Part 2 Pre-Procurement Part 3 Procurement up to EU Threshold (split from Tendering) Part 4 Procurement over EU Threshold Part 5 Contract Management (separated from Tendering) <ol style="list-style-type: none"> 1. Appendix definitions 2 Appendix summarising spend levels 3 Appendix Waivers (New) |
| 2 | Internal arrangements between departments/ In-house/partnering | Nothing | Propose wording on partnership and delegated authority. PCC and CCC Also other shared service workings. LGSS Greater Cambridgeshire Partnership. |
| 3 | Section 75 | Section 75 agreements common but not mentioned | Propose clear position on section 75 agreement and include as an exception. |
| 4 | Grants | Grants are ruled on under “exceptions” as grants which the Council may receive or make except where the grant is the form of payment for a contract for services where the Council specifies the output or outcomes to be delivered; | Propose that unless the terms of the grant stipulate otherwise, best value for money and these CPRs should be followed should a supplier be sought? |

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| 5 | Specific Care Placements | <p>The Officer may secure a care placement without calling for competition providing he/she has ensured best value for the Council and the placement satisfies all of the four criteria below:</p> <ol style="list-style-type: none"> 1) The care requirement is not more than one care provider in a reasonable proximity to meet the individual's needs. 2) The care requirement is both complex and unique to the individual. 3) There is no accessible framework for placing the care requirement. 4) The requirement has been approved by the Chief Officer of the relevant directorate and the 151 Officer. <p>It is the Officer's responsibility to ensure that such all care placements in the Officer's remit are reviewed regularly for continued value for money.</p> | <p>Propose more distinguishing on social care purchasing identifying differences in care purchasing and differentiate when a full procurement is needed and when a requirement needs to happen quickly and flexibility.</p> <p>The need to ensure careful spending balanced with the need to get on with placing care.</p> <p>Also propose recognising the use of Light Touch Regime of PCR 2015 and many benefits which are more flexible than CPR.</p> |
| 6 | Exemptions | <p>A lot of different approvals for exemptions depending on amounts</p> <p>No exemptions over Key Decision limit allowed.</p> <p>Nothing on retrospective exemptions.</p> | <p>Propose including a flow diagram and better written explanation of the process as was originally a paper process when the rules were first written.</p> <p>Need to be clear more on planning, repeat exemptions and retrospective exemptions and some lessons learned.</p> |
| 7 | Advertising | <p>Must advertise at £10k or higher. Adverts must be placed at least on Council's Advertising Portal. Definitions explain this to be Contracts Finder</p> | <p>CCC is below the national requirement of £25k to publish on Contracts Finder choosing to mandate a £10k threshold.</p> <p>Compliance at £10k is not good.</p> <p>Other similar sized authorities advertise at £25k therefore recommend same for CCC.</p> <p>Legislation requires we issue <u>award</u> notices at £25k regardless of OJEU or framework or procurement means.</p> |
| 8 | EU Rules and tendering | <p>Current rules distinguish procurement between tendering at £100k and quotes and EU tendering.</p> | <p>The reality is there is only below EU procurements and above EU procurements. Tendering below EU is practically the same as Quoting. Important to recognise this better in rules.</p> |

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| 9 | Contract management | Little on this. Kept in same section as tendering. Point to Legal for support | Propose adding some more on this area as many in contract manager role but with no rules to follow. |
| 10 | Termination | Point to Legal for support | Same as previous note. |
| 11 | Contracts Register | Procurement enter on register from £25k (officers) or Procurement when involved (over £100k). | Update to reflect compliance with transparency code eg must be added on contract register if over £5k and more points in other areas to recognise this. Also who is updating |
| 12 | Bonds | <p>The Officer must consult the Section 151 Officer: When a Candidate is not a subsidiary of a parent company the following conditions must be satisfied as to whether a Bond is needed:</p> <ul style="list-style-type: none"> • where the Total Value exceeds £500,000, or • where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the Contract, or • where there is concern about the stability of the supplier regardless of value. <p>15.2 The Council must never give a Bond or other sureties.</p> | <p>Propose more detail will be added on this area.</p> <p>Recommend SIBs should also be mentioned in both as becoming more common in the care space.</p> |
| 13 | FOI GDPR | Wording on GDPR and FOI. | Propose Updating legislation GDPR |
| 14 | Bribery and Corruption | Section on this. | Update this following recent legislation. |
| 15 | Mutuals | Nothing | Mutuals could be expanded on more. |
| 16 | GPC cards | | Need GPC at the front with exceptions as GPC is for purposes outside of these rules. Much lower value of spend etc. |
| 17 | Spend Thresholds | <p><£2k 1 quote £2k to £25k 3 Quotes £25k to £50k Formal quotes. £100k to EU threshold (Goods and Services) Tender for 3 bids. Eu threshold to £500k – EU tender £500k> EU tender – Key Decision.</p> | <p>Recommend <£5k 1 quote – Some criticism on £2k being too low. £5k to £25k 3 Quotes £25k to EU Formal quotes. (See point about EU. EU threshold (Goods and Services) Tender for 3 bids. £500k> EU tender – Key Decision.</p> <p>Procurement still support at £100k or higher</p> |

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| 18 | Electronic tendering and e-portals | Over £100k must use portal. Non electronic tendering process explained | Remove explanation for non electronic tendering process. |
| 19 | Route for tackling a breach of CPR | Where an Officer becomes aware of any non-compliance with these rules and which cannot be remedied, they must notify the Monitoring Officer at the earliest opportunity. | Consequence of a breach to be identified |
| 20 | Responsibilities | Officer responsibilities, use of corporate contracts and frameworks | Following various audits there are some tightening of words surrounding exceptions and officer responsibilities that can perhaps improve officer behaviour with regards to compliance of the rules. |
| 21 | Commissioning Boards/Commercial Boards | Not mentioned | Propose including without constraining their purposes. |