

# PROCUREMENT RULES

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## A – FINANCIAL REGULATIONS

### 1. Introduction and Thresholds

- 1.1 These mandatory rules apply to all spend by officers or agents of the Council and partnerships for which the Council has responsibility, on goods, works and services, including when we are leading in a central purchasing body arrangement. References to the Council in these Procurement Rules should be substituted by any relevant partnership as appropriate. The rules ensure we comply fully with our obligations for [Contract Standing Orders](#) ~~under as governed by Section 135 of~~ the Local Government Act 1972 ~~Section 135~~ [and are the Council's rules for contract](#). It is a disciplinary offence for officers/agents not to follow the Procurement Rules. These rules govern any purchase, lease, rental or combination but exclude employment arrangements or Council land arrangements.
  - 1.3 Any explanation or clarification of these Procurement Rules should come exclusively from the Council's Strategic Procurement ~~Team~~ [and Supply Assurance](#) or Legal Services.
  - 1.4 Where there is conflict between law or Council policy then law then Council policy shall apply in that order of priority. No officer, member or the Executive has any authority to waive any matter which is required under the law.
  - 1.5 These rules ensure competition, provide protection against inappropriate use of Council funds, look at full life costs of any purchase, assist legislative compliance and deliver best value by the Council supported by our policies and codes of practice.
  - 1.6 The procedure to be followed is determined in Value Bands of whole life value (recurring procurements based on four years of value) across the entire Council. The calculation of the whole life value of a procurement shall be based on the total amount payable, net of VAT, as estimated by the Council including any potential renewals or contract extensions. Spend must not be fragmented in any way to circumvent the appropriate procedure. The budget must be appropriately approved by the relevant officer of the Council prior to spending. Where an exact value is not known then the decision should be based on the estimated value.
- 1.7A The procedure is:
- 1.7A.1 Utilise an existing corporate contract wherever available (for more information refer to our website); or
  - 1.7A.2 When no corporate contract is available, follow the procedure set out in [the ~~T~~Tables 4.1 to 2 below](#).

Table 1

All Contracts		
Value Band	Estimated whole life value (excluding VAT)	Required Procedure <a href="#">(Table 1 Notes apply)</a>
i)	£ 0 - £4,999	No formal written quotation required.  Spend should be made by purchase card wherever possible.
ii)	£5,000 to £24,999	One (1) written quotation from a suitable provider with a reason for decision based on value for money recorded in writing.  <del>All contracts within this value band must be notified by email to the Strategic Procurement Team to be recorded on the corporate contracts database register.</del>
iii)	£25,000 and the supplies/services threshold mentioned in 2.2.	A minimum of three (3) competitive written quotations with justification on grounds of value for money for award recorded in writing.  <del>The three (3) quotations must include one (1) quotation from a local (Islington) supplier, as long as a suitable supplier is available.</del>  <del>Where contracts within this Value Band are to be advertised, the agreement of the Head of Strategic Procurement is required. The Head of Strategic Procurement (or their nominated representative) will advise on the wording and content of the advertisement and must additionally arrange for the advertisement to be placed in Contracts Finder.</del>

		All contracts within this value band must be notified by email to the Strategic Procurement Team to be recorded on the corporate contracts database.
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**Table 1 Notes:**

Quotations can be provided by email and/or include published or catalogue pricing.

All contracts within this Value Band ii) or Value Band iii) must be notified to procurement@islington.gov.uk to be recorded on the corporate contracts database register.

Advertising contracts in Value Band i) is not permitted. Where contracts within this Value Band ii) or Value Band iii) are to be advertised, the agreement of the Head of Service, Strategic Procurement and Supply Assurance is required. The Head of Service, Strategic Procurement and Supply Assurance (or their nominated representative) will advise on the wording and content of the advertisement and must additionally arrange for the advertisement to be placed in Contracts Finder. Advertised contracts in Value Band ii) or iii) may be reserved to national, regional (London based), small and medium sized enterprises (SMEs) and/or voluntary and community sector enterprises (VCSEs), when agreed by the Head of Service, Strategic Procurement and Supply Assurance (or their nominated representative) and their guidance is strictly adhered to on what the Council must have regard to.

As a matter of policy, non-advertised quotations in Value Band ii) or iii) must come from local suppliers (Islington and/or boroughs with adjoining boundaries), whenever suitable suppliers are available. If suitable suppliers cannot be identified this must clearly identified within the justification for award.

Table 2(a)

Services and Supplies Contracts other than “Light Touch” (see section 2.2) Services*		
Value Band	Estimated whole life value (excluding VAT)	Required Procedure <a href="#">(Table 2 Notes apply)</a>
iv)	The supplies/services threshold mentioned in 2.2.	<p>Contact <del>Strategic Procurement Team</del> <a href="mailto:procurement@islington.gov.uk">procurement@islington.gov.uk</a> who will look at the availability of an existing suitable consortium or framework arrangement.</p> <p>If one is not available:</p> <p>a formal tender process with a minimum of five (5) written competitive tenders.</p> <p>Where five (5) written competitive tenders are not available or a lower number is desired, the commissioning client officer shall follow the advice of the <del>Head of Strategic Procurement</del> <a href="#">Head of Service, Strategic Procurement and Supply Assurance</a> (or their nominated representative).</p> <p><del>All contracts within this value band must be notified by email to the Strategic Procurement Team and subsequent guidance adopted.</del></p> <p><del>Note: European advertising requirements will have to be complied with for the procurement of most services in this category (see 2.2) in addition to the Council's portal and advertising in Contracts Finder. European advertising requirements will only apply to the procurement of works contracts that have a value that is above the relevant EU threshold for works.</del></p>

[Table 2 Notes](#)

All contracts within this value band must be notified by email to [procurement@islington.gov.uk](mailto:procurement@islington.gov.uk) and subsequent guidance adopted.

National advertising requirements (Find a Tender Service and Contracts Finder) will have to be complied with for the procurement of most services in this category (see 2.2) in addition to the Council's portal and website. National advertising requirements will only apply to the procurement of contracts that have a value that is above the relevant threshold.

Table 3(a) ~~2(b)~~

"Light Touch" Services (see section 2.2), Concessions (see section 2.3) and Works Contracts		
Value Band	Estimated whole life value (excluding VAT)	Required Procedure (Table 3(a) Notes apply)
iv) <del>a</del>	The supplies/services threshold mentioned in 2.2. - Up to £500k revenue or £1m Capital	<p>A minimum of four (4) competitive written quotations (or 5 in the case of contracts exceeding £250k revenue of £500k capital) with justification on grounds of value for money for award recorded in writing.</p> <p><del>The e</del>Quotations must include one (1) quotation from a local (Islington) supplier, as long as a suitable supplier is available and be obtained through the council's e-tendering system, unless agreed otherwise by the <del>Head of Strategic Procurement</del>Head of Service, Strategic Procurement and Supply Assurance.</p> <p><del>Where contracts within this Value Band are to be advertised, the agreement of the Head of Strategic Procurement is required. The Head of Strategic Procurement (or their nominated representative) will advise on the wording and content of the advertisement and must additionally arrange for the advertisement to be placed in Contracts Finder.</del></p> <p>Where four (4) written competitive tenders are not available or a lower number is desired, the commissioning client officer shall follow the advice of the <del>Head of Strategic Procurement</del>Head of</p>

		<p><a href="#">Service, Strategic Procurement and Supply Assurance</a> (or their nominated representative).</p> <p><del>All contracts within this value band must be notified by email to the Strategic Procurement Team to be recorded on the corporate contracts database.</del></p>
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Table 3(a) Notes:

All contracts within this value band must be notified to [procurement@islington.gov.uk](mailto:procurement@islington.gov.uk) to be recorded on the corporate contracts database and any subsequent guidance adopted.

Where contracts within this Value Band are to be advertised, the agreement of the Head of Service, Strategic Procurement and Supply Assurance is required. The Head of Service, Strategic Procurement and Supply Assurance (or their nominated representative) will advise on the wording and content of the advertisement and must additionally arrange for the advertisement to be placed in Contracts Finder.

Advertised contracts in Value Band iv) up to the applicable threshold in Rule 2.2 or 2.3, may be reserved to national, regional (London based), small and medium sized enterprises (SMEs) and/or voluntary and community sector enterprises (VCSEs), when agreed by the Head of Service, Strategic Procurement and Supply Assurance (or their nominated representative) and their guidance is strictly adhered to on what the Council must have regard to.

As a matter of policy, non-advertised quotations must come from local suppliers (Islington and/or boroughs with adjoining boundaries), whenever suitable suppliers are available. If suitable suppliers cannot be identified this must clearly identified within the justification for award. If no local supplier can be identified then the written permission of the Head of Service, Strategic Procurement and Supply Assurance is required.

Table 3 (b)

<u>“Light Touch” Services (see section 2.2), Concessions (see section 2.3) and Works Contracts</u>		
<u>Value Band</u>	<u>Estimated whole life value (excluding VAT)</u>	<u>Required Procedure (Table 3(b) Notes apply)</u>
iv) - b	£500k revenue or £1m Capital	<p>Contact <del>Strategic Procurement Team</del> <a href="mailto:procurement@islington.gov.uk">procurement@islington.gov.uk</a> who will look at the availability of an existing suitable consortium or framework arrangement.</p> <p>If one is not available:</p> <p>a formal tender process with a minimum of five (5) written competitive tenders.</p> <p>Where five (5) written competitive tenders are not available or a lower number is desired, the commissioning client officer shall follow the advice of the <del>Head of Strategic Procurement</del> <a href="#">Head of Service, Strategic Procurement and Supply Assurance</a> (or their nominated representative).</p> <p><del>All contracts within this value band must be notified by email to the Strategic Procurement Team and subsequent guidance adopted.</del></p>

All contracts within this value band must be notified to [procurement@islington.gov.uk](mailto:procurement@islington.gov.uk) to be recorded on the corporate contracts database and any subsequent guidance adopted.

The [Head of Service, Strategic Procurement and Supply Assurance](#) (or their nominated representative) will advise on the wording and content of the advertisement.

1.7B Engagement of consultants requires the completion of a business case in line with the online guidelines provided by the Strategic Procurement and Supply Assurance service. Consultants shall:

1.7B.1 include any independent self-insured third party person or organisation (i.e. not an employee of the Council), who provides professional independent advice

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and recommendations in the form of a written report on which business decisions are made for and by the Council, as opposed to an individual service user.

- 1.7B.2 be engaged for their professional advice and recommendations on contract for services with appropriate control over how, when and by whom work is completed, dependent on the circumstances, rectifying any errors at the Consultant's expense, risking their money and providing the majority of their own equipment for the work.
- 1.7B.3 have a business case completed by the client commissioning officer i.e. the person in the Council responsible for identifying and specifying the need(s) for the contract. One business case may set out a need for a period of time or multiple needs under one overall project.
- 1.7B.4 require initial approval of the business case from the Chief Executive or the client commissioning officer's Corporate Director (or their nominated representative on a Chief Officer grade).
- 1.7B.5 be quality assured by Corporate Management Board **or** an independent panel consisting of Strategic Procurement and Supply Assurance, Finance and an independent departmental representative, as outlined on the business case template. The client commissioning officer will then be informed whether or not they can procure their consultant or whether more information is needed for a decision to be reached. Normal decision making governance such as Recordable Decisions or Key Decisions shall still apply, as applicable.
- 1.7B.6 also include interim appointments to the Council's establishment and/or temporary agency workers outside of the Council's managed service provider.
- 1.7B.7 undergo relevant vetting requirements and have established the appropriate obligations for taxation by the client commissioning officer prior to their appointment
- 1.7B.8 be determined by the Head of Service, Strategic Procurement and Supply Assurance (or their nominated officer).

~~1.7 Engagement of consultants requires the completion of a business case in line with the online guidelines provided by the Strategic Procurement Team. The business case should be completed by the client commissioning officer. The client commissioning officer is the person in the Council responsible for identifying and specifying the need(s) for the contract. Initial approval of the business case is required from the client commissioning officer's Corporate Director (or their nominated representative). A panel consisting of the Strategic Procurement Team, Finance and an independent departmental representative will assess the business case. The client commissioning officer will then be informed whether or not they can procure their consultant or whether more information is needed for a decision to be reached.~~

- 1.8 Concession agreements are agreements under which the consideration given by the council consists of or includes the grant of a right to exploit the work or services to be carried out under the contract. For the purposes of the Procurement Rules, the Value Bands requirements in Table 1 will apply based on the estimated value to be received

over the whole life of the agreement. The value of a concession is calculated on the basis of the total turnover of the concessionaire generated over the duration of the contract, net of VAT, as estimated by the Council, in consideration for the works and services that are the object of the concession as well as for the supplies required for such works and services.

## 2. Value Based Procedures

2.1 All contracts with an estimated value in value band iv) must be advertised on the Islington Council website, the Council's online e-tendering portal and Contracts Finder, unless otherwise agreed by the ~~Head of Strategic Procurement~~Head of Service, Strategic Procurement and Supply Assurance. The advertisement must include unless otherwise authorised by the ~~Head of Strategic Procurement~~Head of Service, Strategic Procurement and Supply Assurance (or their authorised representative):

2.1.1 the price/quality breakdown of award criteria;

2.1.2 the time by which an interested party must respond to be considered;

2.1.3 how, to whom and in which way to respond;

2.1.4 any other relevant requirements for participating in the procurement.

The price/quality breakdown of award criteria including any weighting cannot be amended during the tender process once published.

2.2 The Public Contract Regulations 2015 (the Regulations) apply to all contracts although which specific rules apply will depend on the value and subject matter of the contract. Specific advertising and tender process requirements apply to the procurement of some contracts with a value estimated to exceed thresholds of **£189,330** whole life value for supplies/services and **£4,733,252** whole life value for works. The Strategic Procurement ~~Team~~and Supply Assurance shall advise whether a contract is supplies, services or works in accordance with the Regulations and the definitions below:

2.2.1 a supplies contract is an agreement which has at its object the purchase, lease, rental or hire-purchase, with or without the option to buy, a physical product or piece of software, including any incidental matter, siting or installation;

2.2.2 a service contract is an agreement which has at its object the action of performing an activity or operation for or on behalf of the Council without a physical product;

2.2.3 a works contract is an agreement which has as its object a mixture of service or labour and transfer of goods, leading to the realisation or improvement of a physical asset, for example a building contract.

The Strategic Procurement ~~team~~and Supply Assurance shall provide the appropriate Common Procurement Vocabulary (CPV) code(s) for any required ~~Contract Notice~~advertisement.

- 2.3 In the case of services contracts, the Strategic Procurement ~~Team and Supply Assurance~~ shall determine whether the service is covered by the “light touch” regime under the Regulations. Light touch contracts are for services which tend to be of lower interest to cross-border competition and include certain social, health and education services, defined by CPV codes. The list of services to which the Light Touch Regime applies is set out in Schedule 3 of the Public Contracts Regulations 2015 (Annex A). Light-touch regime services which exceed a whole life value of **£663,540** also will be subject to advertising within the [Find a Tender Service \(FTS\)](#) ~~Official Journal of the European Union (OJEU)~~.
- 2.4 Concessions (or contracts for income) are subject to the advertising requirements of Procurement Rule 1.8 and additionally to advertising within ~~OJEU-FTS~~ when they exceed whole contract life value of £4,733,252 in terms of income and/or monies received.
- 2.5 When executing new or amendment existing agreements:
- 2.5.1 ~~C~~contracts exceeding £500,000 or where directed by the Director of Law and Governance, must be signed as a deed by Director of Law and Governance or their authorised representative;
- 2.5.2 ~~(contracts below this threshold £500,000 where no alternative instruction has been provided shall be signed by two Authorised Officers of the Council)~~ in line with the Scheme of Authorisation;
- 2.5.3 electronic signatures of Authorised Officers from all parties are permitted;
- 2.5.4 ~~C~~contracts must be signed prior to works commencing, services starting or goods being delivered, unless otherwise agreed in writing by the Director of Law and Governance and recorded in the contract file. The Legal Services Contracts Team will supply the wording for any Letter of Intent. Letters of intent represent a risk to the Council and should only be used where absolutely unavoidable.
- 2.6 Proposed Ccontracts that:
- 2.6.1 will or could connected to the Council IT infrastructure network or could reasonably be determined a digital, technology or telephony device, including hardware, software, cloud services and storage, as well as data systems, services, electronic business applications, digital consultancy or agreements requiring data transfer need the prior agreement of the Director of Digital Services (or their nominated representative);
- 2.6.2 will directly impact or change the fabric of a corporate building asset need the prior agreement of the Director of Corporate Landlord (or their nominated representative) in addition to relevant permissions such as building control or planning;
- 2.6.3 ~~-exceeding~~ £500,000 need to be ~~approved-agreed~~ in advance by any applicable board, as determined by the ~~Head of Strategic Procurement~~ Head of Service, Strategic Procurement and Supply Assurance (or their nominated representative).

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- 2.7 In relation to contracts with an estimated value (to the Council) which exceeds the delegated authority of the Corporate Director as set out in Procurement Rule 18 (as applicable for the type of spend in question), approval of the Procurement Strategy is required from the Executive. ~~This is not required in the case of Capital Spend under contract for works approved as part of the capital programme which are to be provided under a framework agreement (established by the council on its own or in partnership with any other organisation). Revenue and Capital Spend are more particularly defined within the Financial Regulations.~~[\[Removed\]](#)
- 2.8 Where Procurement Strategy approval is required, a report (complying with the Access to Information Rules in Part 4 of the Constitution) must be provided to the Executive pre tender setting out the following relevant information:
- 2.8.1 Nature of the service;
  - 2.8.2 Estimated value and volumes, [referring to potential savings](#);
  - 2.8.3 Timetable;
  - 2.8.4 Options appraisal for tender procedure including consideration of collaboration, [category management and insourcing](#) opportunities;
  - 2.8.5 Consideration of: social [value including community](#) benefit clauses, London Living Wage, best value, TUPE, pensions and other staffing implications;
  - 2.8.6 ~~Price and quality~~ [Award criteria, including 20% minimum for social value in quality criteria unless by exception there is a significant reason not to do so agreed with the Head of Service, Strategic Procurement and Supply Assurance](#);
  - 2.8.7 Any business risks associated with entering the contract;
  - 2.8.8 Any other relevant financial, legal or other considerations.

### 3. Exceptions to the Procurement Procedure

- 3.1 When procuring goods and services from an approved central purchasing body such as ~~the London Contracts and Supplies Group (LCSG) or~~ Crown Commercial Services (CCS) the financial thresholds in table 1 of the Procurement Rules do not apply. In these instances the procedures laid out in the existing contract or framework prevail which may require a mini competition (or quotation exercise) to be completed. The Council's rules in respect of Recordable and Key Decisions will always apply.
- 3.2 Exceptions to the Procurement Rules (including in the case of any collaborative arrangement between the Council and any other body under which the other body undertakes a procurement process with or on behalf of the Council) will only be considered on the basis of a written report ("waiver request") produced in advance of procurement activity. The waiver request should set out good operational and financial reasons and be based on value for money principles. Examples of exceptions, such as an emergency where serious financial loss or loss of life may be

concerned, or when the goods, works or services are of an exclusive proprietary nature should be outlined in the waiver request.

- 3.3 Where the collaboration is on-going (e.g. in the case of a shared service arrangement) exceptions may be agreed in respect of all procurements by the other body which are undertaken as part of that arrangement.
- 3.4 The waiver request must include comments from the Legal Services Contracts Team, Strategic Procurement [and Supply Assurance](#); and Finance.
- 3.5 Corporate Directors (and Directors and Heads of Service where appropriately authorised) can agree exceptions for Value Bands i), ii) and iii) contracts up to their delegated authority levels by approving a written waiver request.
- 3.6 Corporate Directors (and Directors where appropriately authorised) can agree exceptions for Value Band iv) contracts up to their delegated authority levels by approving a written waiver request.
- 3.7 A Recordable Decision report must be completed where appropriate. Only the Executive can agree exemptions in the case of Value Band iv) contracts where the value exceeds the Corporate Director delegated authority and it will be necessary for a formal report to be submitted.
- 3.8 The Executive does not have authority to waive or override the requirements of ~~European or~~ national law.
- 3.9 Exceptions to the Procurement Rules, other than use of an approved central purchasing body, will only be approved under exceptional circumstances -where there are significant reasons to justify the request.-

#### 4. Risk and Insurance Financial Management

- 4.1 All Value Band iv) procurements must have a risk assessment completed by the client commissioning officer in line with the Council's standard processes.
- 4.2 All Value Bands procurements should give consideration to financial and legal risks of the proposed procurement. For Value Band iv) this should be recorded in writing.
- 4.3 All contracts where there is direct advice and/or design services provided by a contractor, including all Consultancy arrangements, must include a requirement for Professional Indemnity Insurance.
- 4.4 For Value Band iii) procurements all contractors must have and maintain Public Liability insurance and Employers Liability insurance of £5,000,000 or more in addition to any other insurance recommended by the Insurance Section of the Council. Value Band iv) procurement insurance values should be checked with the Insurance Section. (Note: sole traders with no employees are excluded from Employers Liability.)
- 4.5 Corporate Directors and (where they have appropriate authorisation) Directors and Heads of Service may agree an exception to insurance values for public liability and professional indemnity in respect of contracts up to Value Band iii). A Corporate Director or authorised Director may agree a variation to an insurance value at Value Band iv). All variations to agreed insurance levels must be made in discussion with the Insurance Section and the Director of Law and Governance (or their authorised representative). All variations must be recorded in writing in the contract file.
- 4.6 All potential Contractors to the Council shall have a financial appraisal undertaken prior to being awarded a Value Band iv) contract.
- 4.7 ~~The Strategic Procurement Team and Supply Assurance~~ shall procure independent financial appraisals as required unless otherwise agreed by the ~~Head of Strategic Procurement~~[Head of Service, Strategic Procurement and Supply Assurance](#) (or their nominated representative).
- 4.8 In the event of any doubt as to the Contractor's financial viability, or any non-availability of an external report, the Commissioning officer's finance contact shall provide expert advice. Consideration may still be made of the Contractor if the risk is deemed acceptable by Corporate Directors (or authorised Service Directors) and agreed with the ~~Head of Strategic Procurement~~[Head of Service, Strategic Procurement and Supply Assurance](#) (or their nominated representative).
- 4.9 Financial appraisals are not required when contracting directly with other local authorities, the Police, Crown Prosecution Service, Greater London Authority, Clinical Commissioning Groups, National Health Service, Her Majesty's Prison Service, Fire Brigade or other public sector bodies as agreed by the ~~Head of Strategic Procurement~~[Head of Service, Strategic Procurement and Supply Assurance](#) (or their ~~European~~ equivalents in all cases). Such organisations are underwritten by ~~Central Government(s)~~ and thus are deemed financially viable at all times.

4.10 Where there is doubt as to the financial viability of a contractor but the Council has either no acceptable alternative provider or has decided to accept the level of risk then additional form of security to a level determined between Legal Services Contracts Team and financial services shall be provided such as:

4.10.1 a Parent Company, Ultimate Holding Company or Holding Company guarantee where their finance prove acceptable;

4.10.2 a Director's Guarantee or Personal Guarantee where their finances prove acceptable;

4.10.3 a Performance Bond, retained funds or cash deposit;

4.10.4 any other security as determined by finance and/or legal services.

4.11 A Corporate Director can decide in the case of contracts with a total value up to £5,000,000, that the level of security specified by finance and/or Legal Services Contracts Team need not be provided by the tenderer. A written record by the Corporate Director of this decision and the reason(s) for it must be kept in the contract file.

4.12 A contractor may need to provide security of performance.

4.13 Before a contract is awarded, the Executive must approve the award of a contract where the contractor cannot provide security of performance for contracts with a total contract value of more than £5,000,000. The report seeking approval of the Executive must set out the reason why it is proposed that the contract should be awarded despite the absence of security and what measures are to be taken to manage the risk.

## 5. E-Procurement

5.1 The Council recognises the following e-procurement activities, including sourcing, ordering, receiving goods and making payments to achieve best value in line with the Procurement Rules and Council policies:

5.1.1 Corporate purchase cards;

5.1.2 Electronic tendering;

5.1.3 Electronic auctions;

5.1.4 Purchase-to-pay systems;

5.1.5 Consolidated and electronic invoicing.

5.2 Assistance for using e-auction may be obtained from ~~the~~ Strategic Procurement Team and Supply Assurance. All e-auctions require the authorisation of the ~~Head of Strategic Procurement~~ Head of Service, Strategic Procurement and Supply Assurance (or their nominated representative).

- 5.3 An electronic signature is acceptable to make a contract legally binding [with appropriate back up storage](#).  
~~However contracts must still be printed by the commissioning client officer and appropriately signed or sealed to comply with Council procedures.~~

## **B – POLICY, REGULATIONS, INDIRECT RULES**

### **6. Resident Impact Assessment**

- 6.1 It is mandatory to complete a Resident Impact Assessment (RIA) for all contracts in value band iv) prior to the specification being completed. RIAs have replaced Equality Impact Assessments (EIAs) in Islington. Although there is no legal requirement to carry out EIAs, public bodies still have to demonstrate that they are taking the Public Sector Equality Duty (PSED) into account when making decisions. Local authorities also have obligations in relation to safeguarding and human rights. The main focus of RIAs is on drawing out the equality impacts of proposals with additional sections for highlighting safeguarding risks and potential human rights breaches.
- 6.2 Contract clauses inserted in respect of a Protected Characteristic must be approved by the Legal Services Contracts Team.
- 6.3 Contractors may be encouraged to undertake appropriate equalities training.
- 6.4 Contractors will be required to sign the Fairness and Equality Charter in all procurement in value band iv), Any exception must be approved by the ~~Head of Strategic Procurement~~[Head of Service, Strategic Procurement and Supply Assurance](#) (or their authorised representative).

### **7. Corporate Priorities**

- 7.1 All contracts shall support the priorities set out in the Corporate Plan and/or Strategy.
- 7.2 Corporate priorities may change from time to time. For further information refer to [www.islington.gov.uk](http://www.islington.gov.uk).

### **8. Responsible Procurement**

- 8.1 The Council has made a commitment to responsible procurement.
- 8.2 Officers shall consider the effect on the environment of their commissioning when procuring by:
- [8.2.1 supporting tackling climate change and reducing waste, by considering how they can contribute to the Council becoming net zero carbon by 2030;](#)
- [8.2.2 reducing waste, improving resource efficiency and contributing to the move towards a circular economy;](#)

- 8.2.~~3~~<sup>4</sup> not specifying, purchasing or using products that damage the environment when a reasonable alternative is available to promote behaviour that causes the least damage to the environment;
  - 8.2.~~4~~<sup>2</sup> taking into account whole life costs such as energy, maintenance and end of life disposal costs where appropriate in tender evaluations;
  - 8.2.~~5~~<sup>3</sup> identifying, prioritising and recognising that sustainability and buying environmentally friendly goods and services is part of continuous improvement;
  - 8.2.~~6~~<sup>4</sup> completing an environmental impact assessment on all value band iv) contracts and considering any additional environmental benefit like biodiversity.
- 8.3 Officers shall, consistently with the council's Best Value duty and so far as permitted by relevant procurement legislation, consider the effect on others of their commissioning when procuring by:
- 8.3.1 ensuring that the council's Public Sector Equality Duty is complied with in all procurement activity;
  - 8.3.2 leveraging opportunities to create new business, new jobs and new skills, particularly increasing opportunities for entrepreneurship and helping new and/or small businesses to grow, increasing employment opportunities particularly for those who face high barriers to employment or who are located in disadvantaged areas and extending training opportunities, particularly for people in industries with known skills shortages or in high growth sectors;
  - 8.3.~~3~~<sup>2</sup> promoting fair employment practices (also see Rule: London Living Wage);
  - 8.3.~~3~~<sup>4</sup> encouraging and improving supplier diversity, innovation and resilience, in a diverse supplier base in-contract advertisements, welcoming applicants who meet the qualitative selection criteria from voluntary and community sector enterprises (VCSEs), social enterprises, staff mutuals, new start-ups, not for profit enterprises and small to medium enterprises;
  - 8.3.5 promoting innovation and the use of disruptive technologies and business models throughout the supply chain, to deliver lower cost and/or higher quality goods and services, and encourage the wider adoption of innovation that contribute to the development of scalable and future-proofed new methods to modernise delivery and increase productivity;
  - 8.3.~~6~~<sup>4</sup> considering Social Value at each stage of the procurement (also see Rule: Public Services (Social Value) Act 2012), going beyond the Act and adopting a minimum 20% on social value in all tender award criteria as a matter of policy wherever possible-.

## 9A. Freedom of Information Act 2000 and Environmental Information Regulations 2004

9A.1 The Freedom of Information Act 2000 [and Environmental Regulations 2004](#) gives people the right to see information that is held by any public organisation. It is intended to make public authorities more open and responsible for their actions. The Act recognises that there are some valid reasons for withholding information. Contractors must be asked to complete a Freedom of Information Schedule (or equivalent named schedule) identifying any confidential or commercially sensitive information in their tender response. [The Council will use this information when reviewing information for disclosure.](#)

## **9B. Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR)**

9B.1 [Public sector purchasers will be data controllers for most of the contracts they let. The current legislation on data protection requires that data controllers are accountable for how data is handled within the supply chain that processes those data. The UK General Data Protection Regulation \(UK GDPR\) requires that data controllers to appoint data processors which can provide 'sufficient guarantees' that the requirements of GDPR will be met. Processors also must act only on the instructions of the data controller. This means that a public sector purchaser needs to have visibility of how data is being used and be sure that their suppliers \(and their supply chains\) are up to standard. Failure can bring fines of up to £17.5 million for public bodies under the UK GDPR and Data Protection Act 2018.](#)

## **10. Conduct**

10.1 Officers shall conduct themselves in line with the Employee Code of Conduct available on the Council's internet pages. Officers must not accept any gift or reward before, during or after a tender process beyond nominal value. Officers must declare any personal interest(s) in a contract prior to any involvement in a contract the Council is/are considering or a contract that has already commenced.

## **11. Transfer of Undertakings (Protection of Employment) Regulations (TUPE)**

11.1 Whenever a new contractor is appointed to take over an existing service, the employees of the original contractor (or the Council, if the service was previously provided in-house) may be affected by transferring the services to another provider. If so, you must make sure TUPE issues are considered. You must get legal advice from the Legal Services before asking for tenders or quotations. This may also apply where a service is being re-configured and will in future be covered by a number of providers.

## **12. London Living Wage**

12.1 As a matter of policy, London Living Wage (LLW) must be considered on all contracts where the Citizen's UK accreditation criteria for contracts apply. LLW consideration is encouraged on all contracts and shall be considered on all Value Band ii) contracts and above. LLW shall be adopted on all contracts insofar as this is permitted by law. A report shall be produced setting out all relevant considerations. The consideration report must be included within the contract file. The report must be approved by the relevant Director, ~~Head of Strategic Procurement~~ [Head of Service, Strategic Procurement and Supply Assurance](#) and/or appropriate person under delegated authority.

## **13. Public Services (Social Value) Act 2012**

13.1 The Public Services (Social Value) Act 2012 came into force in February 2013. It covers services contracts that are covered by the Regulations but the principles can be applied to other contracts. In planning and conducting a Value Band iv procurement you must consider, and record within the contract file, how the procurement and contract shall:

13.1.1 consult and improve the economic, social and environmental well being of the borough and relevant partners;

13.1.2 secure and achieve any noted economic, social and environmental improvement.

Consideration shall be proportionate, reasonable, relevant and non discriminatory to the procurement and subsequent contract. [The Council has adopted a minimum 20% on social value in all tender award criteria as a matter of policy wherever possible.](#)

## C – RESPONSIBILITIES

### 14. Commissioning and Procurement Board Responsibilities

- 14.1 The Commissioning and Procurement Board shall provide leadership and governance to:
- 14.1.1 challenge the approach and strategy of commissioning officers across the Council for the purposes of improving efficiency including category management and collaboration to ensure proposals are robust and sustainable;
  - 14.1.2 help the Council to challenge costs, then identify and capture savings opportunities;
  - 14.1.3 review third party spend, risk/opportunities, performance and transparency information for the purposes of embedding compliance;
  - 14.1.4 appraise the Council's approach to the Community Right to Challenge and make any initial assessment and comments on expressions of interest prior to Executive decision;
  - 14.1.5 improve the quality of business cases and reports, guiding commissioners on corporate and organisational objectives;
  - 14.1.6 promote social, environmental and economic considerations – social value;
  - 14.1.7 encourage opportunities to help local employment and local economies;
  - 14.1.8 improve organisational knowledge in regard to third party spend and encourage a commercial approach that still focuses on the service user;
  - 14.1.9 modernise the approach to commissioning, procurement and contract management in service delivery;
  - 14.1.10 critically assess changes in the wider environment such as new developments in legislation or technology where additional guidance or support may be required.
- 14.2 The Commissioning and Procurement Board shall provide direction on the best approaches towards commissioning, procurement and contract management including appropriate supply chain related issues.
- 14.3 The Commissioning and Procurement Board will record minutes of their activities and these shall be made available upon request.
- 14.4 All key decision procurement strategies shall be challenged by the Commissioning and Procurement Board to qualitatively improve their content, unless otherwise agreed by the Head of Service, Strategic Procurement and Supply Assurance (or their nominated representative).
- 14.5 All proposed optional contract extensions, where the original procurement strategy was a key decision, shall be reviewed and challenged by the Commissioning and

[Procurement Board, unless otherwise agreed by the Head of Service, Strategic Procurement and Supply Assurance \(or their nominated representative\).](#)

## **15. Supply Chain Practitioners Group Responsibilities**

15.1 The Supply Chain Practitioners Group shall:

- 15.1.1 keep an awareness of what supply chain activity is happening within departments;
- 15.1.2 act as a conduit of best practice for supply chain;
- 15.1.3 provide information for reports and input for newsletters;
- 15.1.4 maintain or liaise with the departmental person(s) responsible for maintaining the procurement forward plans for respective departments;
- 15.1.5 provide a first line information source on where to find supply chain information.

## **16. The Executive Responsibilities**

16.1 The Executive shall:

- 16.1.1 approve the award or variation of contracts where the value of the contract or variation (to the Council) is estimated to exceed officers delegated authority (in the case of Revenue Spend or Capital Spend) unless, in the case of Capital Spend the contract is for works approved as part of the capital programme which are to be provided under a framework agreement (established by the council on its own or in partnership with any other organisation) in which case, Corporate Directors and the Chief Finance Officer shall be authorised to approve such award. Revenue and Capital Spend are more particularly defined within the main Financial Regulations.
- 16.1.2 approve awards without performance security where the contract exceeds £5,000,000.

16.2 The Executive may delegate its responsibilities under this Rule 16 to Corporate Directors or the Chief Finance Officer.

## **17. Chief Executive Responsibilities**

- 17.1 The Chief Executive is responsible for making sure that Corporate Directors carry out their responsibilities under these rules and for acting or appropriately delegating where a Corporate Director is not able to carry out these responsibilities.
- 17.2 The Chief Executive has all the powers of the Corporate Director set out in Rules 18 and 19 below.

## 18. Corporate Director and Chief Finance Officer Responsibilities

18.1 Corporate Director and Chief Finance Officer responsibilities include:

- 18.1.1 awarding contracts paid for using revenue money of up to £2,000,000 of Islington Council spend and contracts paid for using capital money of up to £5,000,000 of Islington Council spend
- 18.1.2 agreeing an amendment to a contract where the value of the amendment is up to £2,000,000 in the case of a revenue contract or £5,000,000 in the case of capital expenditure;
- 18.1.3 awarding contracts paid for using revenue money over £2,000,000 of Islington Council spend where authorised to do so under the constitution or by a specific Executive decision
- 18.1.4 awarding contracts paid for using capital money over £5,000,000 of Islington Council spend where authorised to do so under the constitution or by a specific Executive decision;
- 18.1.5 awarding contracts over £5,000,000 under a framework agreement (established by the Council on its own or in partnership with any other organisation) using capital money where the spend is part of the approved capital programme.

## 19. Corporate Director Responsibilities

19.1 Corporate Director responsibilities include:

- 19.1.1 making sure that the Procurement Rules, Key Decision procedures and Access to Information rules are followed;
- 19.1.2 making sure the Council achieves value for money;
- 19.1.3 taking immediate action if someone breaks the Procurement Rules;
- 19.1.4 making sure proper and detailed records of all contracts are kept;
- 19.1.5 making sure a record is kept when it is decided that these Procurement Rules do not have to be followed;
- 19.1.6 making sure arrangements are in place for opening tenders (where not conducted through the Council's e-tendering portal under the responsibility of the ~~Head of Strategic Procurement~~ [Head of Service, Strategic Procurement and Supply Assurance](#)) and keeping departmental copies of tenders (in electronic soft copy or physical hard copy) safe;
- 19.1.7 making sure that the Council's corporate seal is placed on any document that needs to be 'sealed and executed' as a deed, and that where a document does not need to be sealed, it is signed by two authorised officers;
- 19.1.8 agreeing to waive security of performance on a contract up to £5,000,000 of Islington Council spend;

- 19.1.9 deciding to accept a contract with lower levels of insurance cover and to accept a contract without professional indemnity insurance;
- 19.1.10 deciding, with advice from the ~~Head of Strategic Procurement~~[Head of Service, Strategic Procurement and Supply Assurance](#) (or their nominated representative) and the Legal Services Contracts Team (subject to rule 28.6) on whether to apply a competitive procedure with negotiation or a competitive dialogue where in response to an open or a restricted procedure only irregular or unacceptable tenders are submitted
- 19.1.11 in cases where the Public Contract Regulations do not require a specified process to be followed in respect of the procurement, agreeing to negotiate a contract direct with a completed waiver form; and
- 19.1.12 keeping a register of all contracts for their service and having all contracts duplicated on the corporate contracts database register with an official number [and having mechanisms in place for those entries to be kept up-to-date.](#)

[19.2 The Director of Public Health and the Partnership Director of Fairer Together have the equivalent status as Corporate Directors in regard to the responsibilities of the Procurement Rules.](#)

## **20. Finance Responsibilities**

20.1 The finance department shall:

- 20.1.1 provide guidance to client commissioning officers on procurement implications to associated budgets where multiple departments could be affected;
- 20.1.2 commit the budget to being available for any procurement activity; and
- 20.1.3 comment on all reports for the Corporate Management Board and Executive Reports.

## **21. Legal Services Contracts Team Responsibilities**

21.1 The Legal Services Contracts Team shall:

- 21.1.1 provide advice on the Public Contract Regulations, the Procurement Rules and responsibilities to client commissioning officers;
- 21.1.2 prepare conditions of contract and associated documents- to include in the tender documents in a timely manner;
- 21.1.3 advise on any legal issues arising in relation to the contract and the procurement process;
- 21.1.4 review any proposed Contractor terms and conditions at the request of the commissioning officer;

21.1.5 advise on and where required negotiate on behalf of the commissioning officer, amendments to the conditions of contract.

## **22. Commissioning officer Responsibilities**

22.1 Commissioning officers (officers leading on procurement) shall:

22.1.1 follow the Procurement Rules, decision making procedures and Access to Information rules;

22.1.2 in planning and conducting a Value Band iv) procurement consider, and record within the contract file, how the procurement and contract will:

22.1.2.1 consult on and improve the economic, social and environmental well being of the borough and relevant partners;

22.1.2.2 secure and achieve any noted economic, social and environmental improvement.

22.1.3 complete an Health and Safety Impact Assessment (other than where the purchase consists of system software to operate computer hardware), and London Living Wage consideration report for a Value Band ii) contract or above;

22.1.4 complete an Environmental Impact Assessment, and Risk Assessment for a Value Band iv) contract;

22.1.5 get a corporate contract database register number from the Strategic Procurement Team for all Value Band ii) contract or above;

22.1.6 instruct the Legal Services Contracts Team in good time to prepare, or give advice on, all terms and conditions;

22.1.7 notify Democratic Services and write appropriate reports needed by the Executive and to submit these in time to meet deadlines in both the committee schedules and procurement timetable;

22.1.8 ensure resources are in place to manage the let contract;

22.1.9 ensure there is sufficient budget for the contract;

22.1.10 seek legal advice when terminating a contract and/or withholding payments;  
~~and~~

22.1.11 ensure a minimum of one contract review per annum. ~~This is~~ to ensure the quality of the service and to promote continuous improvement;

[22.1.12 consider Data Protection and Cyber Security risks of the proposed procurement and following applicable advice from Digital Services, Information Governance and Legal Services on how personal data is appropriate, accessed and adequately secured;](#)

22.1.13 undertake a Data Protection Impact Assessment when required, informing their Information Asset Owner and Information Leads of any procurement that will require processing of personal data.

### **23. Strategic Procurement ~~Team~~ and Supply Assurance Responsibilities**

23.1 ~~The~~ Strategic Procurement ~~Team~~ and Supply Assurance shall:

23.1.1 review the Procurement Rules and associated policies and documentation;

23.1.2 maintain a repository of skills and expertise to provide procurement and supply advice;

23.1.3 support commissioning officers when going out to tender with an appropriate level of advisory support, examining options available to the commissioning officer in light of procurement best practice and legislation and to advise commissioning officers to liaise with Democratic Services regarding the council's decision making processes;

23.1.4 liaise with the Legal Services Contracts Team to assist in ensuring that all the advice provided and procedures being followed are legally compliant;

23.1.5 provide procurement and spend information for statistical purposes and return for the governmental organisations.

## D – Procurement Administrative Process

### 24. Quotations

- 24.1 All quotations for Value Band ii) and iii) must be received in a written format of formal letter quotation, facsimile, email or catalogue and based on a written statement of needs and have a written justification under value for money for selection of provider;
- 24.2 All quotations for Value Band ii) and above should have formal terms and conditions as prepared or agreed by the Legal Services Contracts Team, unless the Legal Services Contracts Team provides exemption to those conditions.

### 25. Selection Criteria

- 25.1 In accordance with the Regulations and with guidance from the Strategic Procurement ~~Team~~ and [Supply Assurance](#), selection criteria may only relate to:
- 25.1.1 Exclusion grounds;
  - 25.1.2 Suitability to pursue a professional activity;
  - 25.1.3 economic and financial standing;
  - 25.1.4 technical and professional ability.
- 25.2 The Council operates a selection questionnaire to ensure contractors meet these conditions where permitted by the Public Contract Regulations.
- 25.3 Any deviation from the council's standard selection questionnaire must be reported to the ~~Head of Strategic Procurement~~ [Head of Service, Strategic Procurement and Supply Assurance](#) for approval and subsequent reporting by the ~~Head of Strategic Procurement~~ [Head of Service, Strategic Procurement and Supply Assurance](#) to the Crown Commercial Service.
- 25.4 Organisations found guilty of conducting fraud, such as 'cover pricing', will not normally be considered. Organisations shall be required to make declarations in regards to professional and business conduct, including Blacklisting, to the satisfaction of the Council before being invited to tender or tenders assessed.

### 26. Award Criteria

- 26.1 All award criteria must be linked to the subject matter of the contract, ensure the possibility of effective competition and be accompanied by specifications. The award conditions should be documented in the procurement documents including any weighting to be applied. Contractors assessed against these criteria are entitled to have access to their results and feedback, records must be kept of these results in line with retention procedures held by Strategic Procurement for matters in relations to procurement.

- 26.2 Tenders can only be awarded against ~~the following criteria: most economically advantageous tender~~, in accordance with the Public Contract Regulations.
- 26.3 All award criteria should be published in the tender advert, unless otherwise specifically agreed by the ~~Head of Strategic Procurement~~[Head of Service, Strategic Procurement and Supply Assurance](#). In all cases the award criteria shall be included within the procurement documents in accordance with the Regulations.

## 27. Invitations to Tender

27.1 All invitations to tender must include:

- 27.1.1 a description of the requirements with enough detail to allow the tenderer to make a competitive offer (a specification or term brief);
- 27.1.2 a requirement for tenderers to declare that they have not given the tender content and price to any other organisation (unless if necessary in confidence, such as the tenders' subcontractors, with prior authorisation);
- 27.1.3 a requirement for tenderers to fill in fully and sign all tender documents (electronically signed by return for e-tenders);
- 27.1.4 a statement that tenders are put forward at the tenderer's expense;
- 27.1.5 a list of the award criteria and the scoring/weighting system;
- 27.1.6 if the tender is being returned by post this must be agreed by the ~~Head of Strategic Procurement~~[Head of Service, Strategic Procurement and Supply Assurance](#) and a statement that no tender will be considered unless it is enclosed in a sealed envelope or container which has the word 'tender' followed by the contract name, but no other name or mark showing who sent it;
- 27.1.7 a statement that tenders sent by post, ~~fax~~ or e-mail will only be considered and accepted by the Council with the authority of the ~~Head of Strategic Procurement~~[Head of Service, Strategic Procurement and Supply Assurance](#) (or their representative);
- 27.1.8 how any pricing mistakes discovered in the tender will be dealt with;
- 27.1.9 statement that the Council can recover costs from the cancellation of any contract in the event the Contractor should offer, agree to offer or provide an officer, member or person associated with the Council, partner or its agent an inducement or reward in respect of a contract;
- 27.1.10 a statement that we do not have to accept the lowest tender, or indeed any tender.

## 28. Putting Tenders Forward

- 28.1 Officers should sufficiently prepare in advance for procurement processes to allow for ~~European Directive~~ [advertising](#) and ~~council Key Decision or~~ other decision making timescales.
- 28.2 Tenders should normally be received through the Council's e-tendering portal. ~~Posted, and~~ emailed ~~and fax~~ tenders may only be used with the express consent of the ~~Head of Strategic Procurement~~ [Head of Service, Strategic Procurement and Supply Assurance](#) (or their representative). [Faxed tenders will no longer be permitted.](#)
- 28.3 All intentions to seek tenders must be notified to ~~the Strategic Procurement Team and~~ [Supply Assurance](#) in writing including title, estimated annual value, contract length and commissioning officer (or responsible officer if different).
- 28.4 Mini-competitions from framework agreements are not tenders, but should be notified to Strategic Procurement [and Supply Assurance](#) whenever these are value band iv).
- 28.5 Mini-competitions in value band iv) from framework agreements should conducted through the Council's e-tendering portal unless otherwise agreed by the ~~Head of Strategic Procurement~~ [Head of Service, Strategic Procurement and Supply Assurance](#) (or their nominated representative).
- 28.6 All procurement activity where a third party provider is running the process, regardless of value, should be notified to the ~~Head of Strategic Procurement~~ [Head of Service, Strategic Procurement and Supply Assurance](#) (or their nominated representative) to determine the appropriateness of the procurement process.
- 28.6 All mini-competitions from framework agreements where a third party provider is running the quotation process, regardless of value, should be notified to the ~~Head of Strategic Procurement~~ [Head of Service, Strategic Procurement and Supply Assurance](#) (or their nominated representative) to determine the appropriateness of the procurement process.
- 28.7 Copies of the assessment will be required to be supplied to the Council whenever a third party has conducted procurement on the Council's behalf.

## 29. Receiving and Opening tenders

- 29.1 [Tender should normally be received via the Council's e-tendering portal. Tenders via other portals may be required when using professional buying organisations, but only when agreed by the Head of Service, Strategic Procurement and Supply Assurance \(or their nominated representative\).](#) Each tender received must be:
- 29.1.1 recorded with the date and time it was received;
- 29.1.2 kept in a safe place; and
- 29.1.3 reported to ~~the Strategic Procurement Team and~~ [Supply Assurance.](#)
- 29.2 All tenders not conducted through the Council's e-tendering portal must be by agreement of the ~~Head of Strategic Procurement~~ [Head of Service, Strategic](#)

[Procurement and Supply Assurance](#) and be opened in the presence of a Tender Opening Panel (TOP). The TOP must be made up of at least two officers, one of whom should be the commissioning client officer.

- 29.3 Contracts estimated over the thresholds mentioned in 2.2 must have a member of the Strategic Procurement ~~Team~~ [and Supply Assurance](#) on the TOP, [unless specifically agreed by the Head of Service, Strategic Procurement and Supply Assurance \(or their nominated representative\)](#).
- 29.4 Tenders should be through the electronic e-tendering portal managed by Strategic Procurement [and Supply Assurance](#) when/wherever possible. When opening electronic tenders, all tenders must be opened at the same time.
- 29.5 Tenders received after the set time for receiving them, but before the TOP has begun opening them, may be opened and then considered only if agreed by the ~~Head of Strategic Procurement~~ [Head of Service, Strategic Procurement and Supply Assurance](#) (or ~~his~~ [their](#) nominated representative) agree that it is appropriate to do so.
- 29.6 Tenders received after the TOP has begun opening tenders “late tenders” will not be considered unless specifically agreed by the ~~Head of Strategic Procurement~~ [Head of Service, Strategic Procurement and Supply Assurance](#) (or ~~his~~ [their](#) representative) or are for land/building property purchases. This applies equally to tenders received through the Council’s e-tendering portal. Tenders received late and not to be considered will be returned or the relevant bidder written to as indicated by the ~~Head of Strategic Procurement~~ [Head of Service, Strategic Procurement and Supply Assurance](#) (or ~~his~~ [their](#) representative).
- 29.7 All tenders opened by the TOP will be evaluated in a timely manner against the advertised award conditions.
- 29.8 All extensions to tender return dates must be authorised by the ~~Head of Strategic Procurement~~ [Head of Service, Strategic Procurement and Supply Assurance](#) (or ~~his~~ [their](#) representative).
- 29.9 Errors or matters of ambiguity in tenders should be highlighted to the ~~Head of Strategic Procurement~~ [Head of Service, Strategic Procurement and Supply Assurance](#) (or ~~his~~ [their](#) representative) to decide whether an extension is appropriate for satisfactory return of bids.

### 30. Negotiation

- 30.1 The negotiated procedure, either with or without competition, may ~~be~~ used in accordance with the provisions of the Regulations and only where agreed by the ~~Head of Strategic Procurement~~ [Head of Service, Strategic Procurement and Supply Assurance](#) (or their representative) and Legal Services Contracts Team to ensure compliance with the Regulations.
- 30.2 A Corporate Director can decide in consultation with the ~~Head of Strategic Procurement~~ [Head of Service, Strategic Procurement and Supply Assurance](#) (or their nominated representative) that a contract should be awarded by post-tender

negotiation (discussions after tenders have been received), subject to the Regulations.

30.3 Negotiations must be carried out by at least two (2) senior officers, at least one of whom is a Corporate Director nominated representative. Corporate Directors are responsible for the actions of the people they have nominated.

30.4 Negotiations must be fully minuted and the actions agreed by both parties.

### **31. Awarding Tenders**

31.1 The commissioning officer must prepare a contract award report for any every contract which is in value band ii) or above and keep that report on the contract file. More guidance is available from Strategic Procurement [and Supply Assurance](#) but the report must normally include:

31.1.1 an introduction and summary of the requirement;

31.1.2 outcomes, efficiencies and savings as a consequence of award;

31.1.3 chosen procurement route and justified options discounted;

31.1.4 length of arrangement including any extension options;

31.1.5 criteria against which the contractor was selected and subsequently awarded;

31.1.6 the make up of the project team, noting any Member involvement;

31.1.7 the estimated value/actual value for the life of the contract;

31.1.8 dates and information regarding previous tendering in the case of a recurring procurement;

31.1.9 pre tender assessment information;

31.1.10 copies of any documentation required under Commissioning Officer Responsibilities within these Procurement Rules.

31.2 The Commissioning officer must write to the successful bidder telling them that the Council has accepted their offer and to the unsuccessful bidders telling them that the Council has not accepted their offers including in both cases their evaluation scores and the score of the winning tender(s) at the same time, published through the Council's e-tendering portal unless agreed by the ~~Head of Strategic Procurement~~[Head of Service, Strategic Procurement and Supply Assurance](#);

31.3 Tenders awarded in line with the Regulations must be notified that the Council will accept the successful tender as long as no objections are raised by any of the unsuccessful bidders during the ten (10) day appeal period where applicable;

31.4 The Contract must not be signed until the ten (10) day standstill period has passed without objection where applicable;

31.5 The successful Contractor must not commence work until the contract has been signed in line with Section A above.

### **32. Keeping records**

32.1 The Commissioning officer's department must keep:

32.1.1 successful contract files for twelve (12) years after the end of the contract for all sealed contracts;

32.1.2 successful contract files for six (6) years after the end of the contract for all other contracts;

32.1.3 unsuccessful contract files for two (2) years.

### **33. Contract Management**

33.1 A record of all contract amendments and variation orders (orders to amend contracts) must be issued in writing and sent electronically to Strategic Procurement [and Supply Assurance](#);

33.2 Commissioning officers must file a copy of every variation order in the contract file highlighting any risk to their relevant manager and any other affected department.