



Improving People's Lives

# Contract Standing Orders

**Effective: 1<sup>st</sup> July 2025**

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## OVERVIEW

Bath & North East Somerset Council's Contract Standing Orders ("CSOs") form part of the Council's Constitution and, as such, they are publicly available. Whilst the CSOs direct how the Council procures goods, services and works<sup>1</sup>, they also provide any supplier with a roadmap of how the Council undertakes our procurement activities.

**Note: the term 'supplier' in this document relates to a bidder in a procurement process, in line with the terminology of the Procurement Act 2023 and government guidance.**

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<sup>1</sup> See definitions of goods, works and services in Appendix 1 – Glossary

## **A Statement of Principles**

### ***Mandatory Compliance***

Council Officers must comply with these CSOs in all instances when buying goods, services and works on behalf of the Council and failure to comply may result in disciplinary procedures.

### **1. General Principles**

1.1 These CSOs provide the framework that governs the Council's commissioning and procurement of Contracts for goods, services and works. Following these CSOs ensures the Council can demonstrate:

- 1.1.1 good internal governance and effective decision making
- 1.1.2 stewardship and the proper spending of public monies
- 1.1.3 Value for Money in the Council's Contracts
- 1.1.4 transparency around the Council's procurement decisions
- 1.1.5 integrity and fairness
- 1.1.6 compliance with relevant law

1.2 The purpose of all contracting activity is to:

- 1.2.1 seek continuous improvement of the Council's functions having regard to the optimum combination of economy, efficiency and effectiveness in keeping with the Council's duty to seek Best Value (and Value for Money)
- 1.2.2 achieve Value for Money for the Council and the Residents, with reference to the economic, social and environmental value of each Contract
- 1.2.3 promote the well-being of the Council's Residents and Area through the effective functioning of the Council, the efficient use of the Council's resources

1.3 Every Contract and official order made by the Council (or any part of it) shall be for the purpose of achieving fulfilment of the Council's statutory functions or the furtherance of the Council's strategic or policy goals.

- 1.4 The Appendices to these CSOs provide further detail and form part of these CSOs as if they were drafted as one document. The CSOs can only be altered by agreement of Council as they are part of the Council's constitution. Any questions about the application of these CSOs should be directed to the Head of Legal and Democratic Services and/or the Head of Procurement.
- 1.5 All figures in these CSOs are ***inclusive*** of VAT unless stated otherwise.
- 1.6 Directors will:
- 1.6.1 ensure that the appropriate member, Cabinet or full Council (as appropriate given the Financial Scheme Financial Delegation) is engaged on procurement activity, including relevant decision notices and Key Decisions
  - 1.6.2 ensure that audit trails are in place for all procurement activity in accordance with these CSOs
  - 1.6.3 ensure that procurement and contract management activity is sufficiently and appropriately resourced
- 1.7 Council Members will:
- 1.7.1 approve Key Decisions where relevant
  - 1.7.2 sign-off pre-procurement approvals where relevant
  - 1.7.3 not be permitted to form part of the process once the procurement exercise is active
  - 1.7.4 ensure that their actions do not compromise or impact on the due process
- 1.8 The Council must have regard to four specific objectives when conducting a procurement activity<sup>2</sup>.
- 1.8.1 The importance of delivering value for money
  - 1.8.2 Maximising public benefit
  - 1.8.3 Sharing information, and
  - 1.8.4 Acting (and being seen to act) with integrity

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<sup>2</sup> Section 12 of the Procurement Act 2023

## 2. What these CSOs Cover

### 2.1 These CSOs apply:

- 2.1.1 whenever the Council intends to spend money (or provide other payments in kind) under Contracts for goods, services or works
- 2.1.2 to expenditure from either capital or revenue sources
- 2.1.3 to concessions
- 2.1.4 to Officers, Members and any person or organisation conducting procurement or contract management activity on behalf of the Council
- 2.1.5 to all bodies where the Council acts as the Lead Authority
- 2.1.6 regardless of the original funding source the Council is using for the Contract (note however that grant funding received by the Council may have additional procurement stipulations that must be adhered to)

### 2.2 These CSOs **do not** apply:

- 2.2.1 to contracts of employment
- 2.2.2 to acquisitions and disposals of land or buildings (these are covered by the **Financial Regulations**) – unless related to a Contract for goods, services or works
- 2.2.3 to the seeking of offers in relation to financial services in connection with the issue, purchase, sale or transfer of securities or other financial instruments, in particular transactions by the Council to raise money or capital
- 2.2.4 to internal Service Level Agreements between departments within the Council
- 2.2.5 in the case of individual investments which are not deemed as the purchase of goods or services for the purposes of the Council's CSOs
- 2.2.6 to grants given by the Council to another organisation
- 2.2.7 to goods for re-sale

### 2.3 The following entities have their own rules and are not bound by these CSOs, except where they participate in joint purchasing with the Council:

- 2.3.1 maintained schools within the Area

- 2.3.2 companies in which the Council has an interest **except for** Local Housing Development Vehicles and situations where there is a Local Authority Trading Company
- 2.4 In exceptional circumstances only, certain exemptions can be approved by following the process set out at **Appendix 2 - CSO Exemptions**. Seeking an exemption from these CSOs *does not* exempt the Council from complying with the General Principles or with general law and a Contract must always be put in place.

### **3. Relevant Procurement Law and Policies**

- 3.1 When procuring and managing Contracts the Council must comply with all relevant law, which may include, but is not limited to:
  - 3.1.1 Procurement Act 2023 (PA23)
  - 3.1.2 Procurement Regulations 2024 (PR24)
  - 3.1.3 The Health Care Services (Provider Selection Regime) Regulations 2023 (PSR)
  - 3.1.4 Public Contracts Regulations 2015 (PCR)
  - 3.1.5 Concession Contracts Regulations 2016 (CCR)
  - 3.1.6 Equality Act 2010
- 3.2 **Note:** The Procurement Act 2023 (and associated secondary legislation) came into force on 24 February 2025. All procurements (or procurements in process) prior to 24 February 2025 will be subject to the rules of the Public Contracts Regulations 2015, *including* the post-award requirements. All procurements being undertaken from 24 February 2025 will follow the Procurement Act 2023 rules in all aspects.
- 3.3 Officers must have regard to all relevant Council policies and strategies when procuring and managing Contracts, including:
  - 3.3.1 The Council's Constitution
  - 3.3.2 The Financial Regulations
  - 3.3.3 Corporate Strategy
  - 3.3.4 Employee and Member Codes of Conduct
  - 3.3.5 Procurement Strategy
  - 3.3.6 Social Value Policy

- 3.4 Should there be a conflict between relevant legislation and these CSOs, the legislation will take priority over the CSOs.

#### **4. Contracts Pipeline**

- 4.1 Under the Procurement Act 2023 there is a requirement to publish a pipeline of contracts due to be let over the following eighteen-month period from the 1<sup>st</sup> April in any given year. This publication must be made within 56 days of the end of the financial year. This requirement relates to contracts with a value of £2,000,000 and above; this threshold includes VAT.
- 4.2 To enable the Council to keep track of budgets and plan for future expenditure, and for suppliers and the local community to be aware of upcoming procurement activity, all procurements over £100,000 must be entered on the enhanced Contracts Pipeline which is published on the Council's public website. Applications to make an entry on the Contracts Pipeline must be made via the Strategic Procurement Team.

## **B Commissioning and Procurement Planning**

### **5. Planning**

- 5.1 Directors and service managers must consider the appropriate Procurement Gateway (section 13) as well as the potential procurement and contract management implications through the service planning process. Potential future procurement activities must be added to the Council's Contracts Pipeline (see paragraph 4) and officers must engage with the Strategic Procurement Team and with the approvals and Key Decision process (where appropriate) as soon as the need is identified, in order to ensure sufficient time to complete the required processes.

### **6. Budgetary approval**

- 6.1 Before starting the procurement, you must have budgetary approval. You must establish the aggregated monetary value of your requirement early, as this identifies the process that you follow and the relevant Public Procurement Law that you need to follow, in addition to influencing the level of interest that will be generated.

### **7. Key stakeholders**

- 7.1 You must identify the key stakeholders for the project including anyone impacted by the requirement. You should consider doing a Communications Plan for larger projects. You must be mindful of any Conflict of Interest and take necessary precautions to ensure that if there is a conflict, it is mitigated and/or managed. See guidance on Conflicts of Interest available on the Procurement Intranet pages.

### **8. Proportionality**

- 8.1 You must conduct a process that is proportionate to the nature, complexity, value and risks of the requirement. This includes actions that we can take to make our processes more accessible to SMEs by having regard to barriers facing SMEs and considering what can be done to overcome them.



## 9. Preliminary Market Engagement

9.1 The Procurement Act 2023 explicitly permits preliminary market engagement, particularly for the purposes of:

- Developing the Council's requirements and approach to a procurement
- Designing a procedure, conditions of participation or award criteria
- Preparing the tender notice and associated tender documents
- Identifying suppliers that may be able to supply the goods, services or works required
- Identifying likely contractual terms
- Building capacity among suppliers in relation to the contract being awarded

9.2 See guidance available on the Procurement Intranet pages regarding Preliminary Market Engagement.

9.3 You must keep adequate records of market engagement carried out.

## 10. Value

10.1 You must carefully estimate the value of the Contract in order to determine which procurement procedures can be used and to ensure that the relevant elements of Public Procurement Law are applied.

10.2 The contract value is calculated as follows: the estimated annual value x the length of the contract (years) *including* any proposed extension periods<sup>3</sup>.

10.3 Contract values must include VAT where this is payable.

10.4 If you are unsure of the contract value or length, the value must be assumed to be over the relevant legislative threshold and a fully compliant procurement process run. Note however that where PSR applies to your procurement, this will apply at all values as there are no PSR thresholds.

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<sup>3</sup> *Concessions contract values are calculated differently, as the best estimate of the financial value to the Contractor that shall be made over the life of the arrangement. [See Schedule 3, Paragraph 3 of PA23 for details.](#)*

## 11. Category of Procurement

11.1 It is essential to determine the nature of the goods, services or works being procured as this ensures that the relevant Contract Standing Orders are applied and that the correct Public Procurement Law is applied to procure the Contract.

11.2 Officers need to determine which of the following categories their procurement activity falls into<sup>4</sup>:

- a) Goods and Services
- b) Light Touch Services (as defined in [Schedule 1 of the PR24](#))
- c) Healthcare services covered by the Provider Selection Regime (as defined in [Schedule 1 of PSR](#))
- d) Works
- e) Concession Contracts

## 12. Frameworks

12.1 Officers must establish whether there is an existing Council Framework, Dynamic Market or Dynamic Purchasing System or Contract that may be used to procure the requirement. Where such an agreement exists that is appropriate for the requirement this should be used, rather than commencing a new procurement process.

12.2 Frameworks, Dynamic Markets and Dynamic Purchasing Systems established by other Contracting Authorities may be considered, where it can be evidenced that they will provide best value for money. Such external tools must only be utilised where it can be evidenced that:

- Your requirements are covered by the scope of the arrangement
- The arrangement is current
- The arrangements have been established by a Contracting Authority
- The arrangements allow for access by B&NES Council
- The terms and conditions are appropriate and acceptable

Use of external Frameworks, Dynamic Markets and Dynamic Purchasing Systems must be in line with the rules of the Framework, Dynamic Market or Dynamic Purchasing System being used, as set out by the establishing Contracting Authority.

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<sup>4</sup> Officers should note that there are some exemptions to Public Procurement Law e.g. research and development, some contracts with other authorities and with some Local Authority Trading Companies – advice around these exemptions must be sought from the Strategic Procurement Team

## **13. Gateways**

13.1 Officers must comply with and plan for the following Procurement Gateways:

### **PROCUREMENT GATEWAY 1 – PIPELINE:**

13.2 An entry must be made in the Council's Contracts Pipeline, where the estimated value of the Contract exceeds £100,000. Upcoming procurement activity should be listed on the pipeline where it is anticipated to commence within the next 18 months.

13.3 The Contracts Pipeline is published on the Council's website and contains the following information about contracting activity anticipated over the next 18 months:

- Contract Title
- Description
- Anticipated Contract Start Date
- Anticipated Contract End Date
- Estimated Contract Value
- Estimated Procurement Start Date
- Responsible Directorate
- Details of any current contract

Note an entry on the pipeline does not commit you to conducting the procurement.

### **PROCUREMENT GATEWAY 2 – COMMISSIONING PLAN APPROVAL:**

13.4 Where the estimated value of a services Contract exceeds £10,000,000 Commissioning Plan approval must be obtained from the relevant Cabinet Member.

13.5 Directors & Heads of Service must also share and discuss upcoming contracts on the Contracts Pipeline, contract extensions and potential contract terminations with the relevant Cabinet Member on a periodic basis. Where it is agreed that certain services contracts below £10,000,000 in value or goods or

works contracts require additional Cabinet Member oversight, these will also be subject to Commissioning Plan approval by the Cabinet Member.

13.6 This approval must be sought *before* any Tender or procurement process is commenced.

13.7 Where the Contract is for goods or works, or where the estimated value of a services Contract is less than £10,000,000 Officers will adhere to the officer procurement gateways process and ensure that a Commissioning Plan is produced and signed off accordingly, in accordance with the Financial Scheme of Delegation.

13.8 Details regarding the officer procurement gateways process can be obtained from the Strategic Procurement Team (along with relevant templates) and must be followed over £500,000 for goods and services Contracts, and over £5,000,000 for works Contracts.

13.9 Below these thresholds Officers are encouraged to apply the gateway process, developing a Commissioning Plan.

### **PROCUREMENT GATEWAY 3 – PROCUREMENT PLAN APPROVAL:**

13.10 Where the estimated value of a goods or services Contract exceeds £500,000 or where the estimated value of a works Contract exceeds £5,000,000 Officers will adhere to the officer procurement gateways process and ensure that a Procurement Plan is produced and signed off accordingly, in accordance with the Financial Scheme of Delegation.

13.11 Details regarding the officer procurement gateways process can be obtained from the Strategic Procurement Team (along with relevant templates) and must be followed over £500,000 for goods and services Contracts, and over £5,000,000 for works Contracts.

13.12 Below these thresholds Officers are encouraged to apply the gateway process, developing a Procurement Plan.

### **PROCUREMENT GATEWAY 4 – AWARD OF CONTRACT:**

13.13 Approval to award the Contract must be secured in accordance with the Financial Scheme of Delegation, prior to communicating with successful and unsuccessful bidders regarding the award of the Contract.

13.14 Officers must produce a Procurement Evaluation and Approval Report for sign off by the relevant Officer, in accordance with the Financial Scheme of Delegation.

13.15 NOTE: The above gateway requirements do not negate the need to comply with democratic decision-making processes, including Key Decisions where the spend meets the Key Decision criteria, as set out in the Council's Constitution. Further details regarding democratic decision-making processes and Key Decisions can be obtained from Democratic Services.

## **C Undertake the Procurement Process**

### **14. Appropriate Process**

- 14.1 The appropriate procurement process will be determined according to the Contract Standing Orders, the value of the proposed contract and the application of the relevant Public Procurement Law.
- 14.2 The following requirements apply to all procurement categories, with the exception of those covered by the Provider Selection Regime. The PSR applies regardless of the contract value.
- 14.3 Officers must understand and apply the principles of the B&NES Council Procurement Strategy and ensure that all procurement activity is aligned with the priorities set out in the strategy.
- 14.4 Where Officers are making a call-off from a Framework the 'process' requirements set out in the table below are not applicable, however the rest of the requirements in the table are applicable. When calling-off from a Framework the rules of the Framework must be adhered to in terms of process (i.e. when a direct award can be made, when a mini-competition process must be run, who must be invited to any mini-competition).

**NOTE: ALL FIGURES IN THE TABLE BELOW ARE INCLUSIVE OF VAT**

**TABLE 1: PROCESS REQUIREMENTS**

**Goods/services (excluding 'Light Touch' services)**

Estimated Contract Value (inc. VAT)	Process <sup>5</sup>	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
Up to £49,999.99	<p><b>- Officers must obtain a single quote, which must be in writing (can be via email)</b></p> <p>- In selecting suppliers to quote, preference should be given to local organisations where they exist, offer value for money and can deliver the goods, services and/or works to be supplied</p>	<p>- Need to retain comprehensive records of all activity, correspondence and decisions</p> <p>- Where the Contract exceeds £5,000 the resulting contract record will need to be added to the Contracts Register to meet the transparency requirements.</p>	In accordance with the Financial Scheme of Delegation – General Expenditure: <b>Up to £50,000 Budget Holder</b>	In accordance with the Financial Scheme of Delegation – General Expenditure: <b>Up to £50,000 Budget Holder</b>

<sup>5</sup> The processes set out in this column are not applicable to framework call-offs – all other requirements set out in the table do apply.

Estimated Contract Value (inc. VAT)	Process <sup>5</sup>	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
	- Officers may choose to run a published process at this value. If they do so it is a requirement to use the e-tendering system to run the process (to meet transparency requirements)	- Where the Contract exceeds £30,000 the relevant award notice will need to be published on the council's e-tendering system – this applies regardless of whether the process was run using the Council's e-tendering system.		
£50,000 to the Goods and Services Threshold	<b>- Officers must invite a minimum of three invited quotes using the Council's e-tendering system.</b>	- Need to retain comprehensive records of all activity, correspondence and decisions	In accordance with the Financial Scheme of Delegation – General Expenditure:	In accordance with the Financial Scheme of Delegation – General Expenditure: <b>£50,000 - £150,000 Head of Service, over</b>



Estimated Contract Value (inc. VAT)	Process <sup>5</sup>	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
	<ul style="list-style-type: none"> <li>- In selecting suppliers to quote, preference should be given to local organisations where they exist and offer value for money and can deliver the goods, services and/or works to be supplied</li> <li>- Officers may choose to run a published processes at this value; if choosing to do so, the process must be run using the e-tendering system.</li> </ul>	<ul style="list-style-type: none"> <li>- The resulting contract record will need to be added to the Contracts Register to meet the transparency requirements.</li> <li>- The relevant award notice will need to be published on the council's e-tendering system.</li> </ul>	<b>£50,000 - £150,000 Head of Service, over £150,000 Director</b>	<b>£150,000 Director</b>

Estimated Contract Value (inc. VAT)	Process <sup>5</sup>	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
Over relevant procurement legislation threshold	<b>- Officers must run a process, as prescribed by the relevant Public Procurement Law</b>	<p>- Need to retain comprehensive records of all activity, correspondence and decisions</p> <p>- The resulting contract record will need to be added to the Contracts Register to meet the transparency requirements.</p> <p>- All relevant PA23 notices will need to be published on the Council's e-tendering system. Please see guidance on the</p>	<p>In accordance with the Financial Scheme of Delegation – General Expenditure: <b>Over £150,000 Director</b></p> <p>Note: a Key Decision may be required where Key Decision criteria are met</p>	<p>In accordance with the Financial Scheme of Delegation – General Expenditure: <b>Over £150,000 Director</b></p> <p>Contracts valued at £500,000 and over must be sealed by Legal Services</p>

Estimated Contract Value (inc. VAT)	Process <sup>5</sup>	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
		Procurement Intranet pages regarding the statutory notices.		

## Works<sup>6</sup>

Where possible an established framework should be used for Works procurement, to ensure that relevant standards have been met. Where a suitable framework is not available the following requirements apply:

Estimated Contract Value (inc. VAT)	Process <sup>7</sup>	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
Up to £49,999.99	- <b>Officers must obtain a single quote, which must be in writing (can be via email)</b>	- Need to retain comprehensive records of all activity, correspondence and	In accordance with the Financial Scheme of Delegation – General	In accordance with the Financial Scheme of Delegation – General Expenditure: <b>Up to £50,000 Budget</b>

<sup>6</sup> These thresholds and processes also apply to all concession contracts, regardless of whether it's a concession for works, services or light touch services.

<sup>7</sup> The processes set out in this column are not applicable to framework call-offs – all other requirements set out in the table do apply.

Estimated Contract Value (inc. VAT)	Process <sup>7</sup>	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
	<ul style="list-style-type: none"> <li>- In selecting suppliers to quote, preference should be given to local organisations where they exist, offer value for money and can deliver the goods, services and/or works to be supplied</li> <li>- Officers may choose to run a published process at this value. If they do so it is a requirement to use the e-tendering system to run the process (to meet transparency requirements)</li> <li>- The Contract must</li> </ul>	<p>decisions</p> <ul style="list-style-type: none"> <li>- Where the Contract exceeds £5,000 the resulting contract record will need to be added to the Contracts Register to meet the transparency requirements.</li> <li>- Where the Contract exceeds £30,000 the relevant award notice will need to be published on the council's e-tendering system – this applies regardless of</li> </ul>	<p>Expenditure: <b>Up to £50,000 Budget Holder</b></p>	<p><b>Holder</b></p>

Estimated Contract Value (inc. VAT)	Process <sup>7</sup>	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
	include a schedule of works, risk assessment and CDM responsibility	whether the process was run using the Council's e-tendering system.		
£50,000 to £499,999.00	<p><b>- Officers must invite a minimum of three invited quotes using the Council's e-tendering system.</b></p> <p>- In selecting suppliers to quote, preference should be given to local organisations where they exist, offer value for money and can deliver the goods, services and/or works to be supplied</p>	<p>- Need to retain comprehensive records of all activity, correspondence and decisions</p> <p>- The relevant award notice will need to be published on the council's e-tendering system</p>	<p>In accordance with the Financial Scheme of Delegation – General Expenditure: <b>£50,000 - £150,000 Head of Service, over £150,000 Director</b></p> <p>Note: a Key Decision may be required where the Key Decision criteria are</p>	<p>In accordance with the Financial Scheme of Delegation – General Expenditure: <b>£50,000 - £150,000 Head of Service, over £150,000 Director</b></p>

Estimated Contract Value (inc. VAT)	Process <sup>7</sup>	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
	<ul style="list-style-type: none"> <li>- Officers may choose to run an advertised process instead; if choosing to do so, the process must be run using the e-tendering system.</li> <li>- The Contract must include a schedule of works, risk assessment and CDM responsibility</li> </ul>		met	
£500,000.00 to the Works Threshold	<ul style="list-style-type: none"> <li>- <b>Officers must run an advertised process using the e-tendering system</b></li> <li>- The Contract must include a schedule of works, risk assessment and CDM responsibility</li> </ul>	<ul style="list-style-type: none"> <li>- Need to retain comprehensive records of all activity, correspondence and decisions</li> <li>- The resulting contract record will need to be added to</li> </ul>	In accordance with the Financial Scheme of Delegation – General Expenditure: <b>Over £150,000 Director</b>	In accordance with the Financial Scheme of Delegation – General Expenditure: <b>Over £150,000 Director</b>  Note: contracts valued at £500,000 and over

Estimated Contract Value (inc. VAT)	Process <sup>7</sup>	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
		<p>the Contracts Register to meet the transparency requirements.</p> <p>- The relevant below threshold notices will need to be published on the council's e-tendering system.</p>	<p>Note: a Key Decision may be required where the Key Decision criteria are met</p>	<p>must be sealed by Legal Services</p>
Above the Works Threshold	<p><b>- Officers must run a process, as prescribed by the relevant Public Procurement Law</b></p> <p>- The Contract must include a schedule of works, risk assessment and CDM responsibility</p>	<p>- Need to retain comprehensive records of all activity, correspondence and decisions</p> <p>- The resulting contract record will need to be added to the Contracts Register to meet the</p>	<p>In accordance with the Financial Scheme of Delegation – General Expenditure: <b>Over £150,000 Director</b></p> <p>Note: a Key Decision may be required</p>	<p>In accordance with the Financial Scheme of Delegation – General Expenditure: <b>Over £150,000 Director</b></p> <p>Note: contracts valued at £500,000 and over must be sealed by Legal Services</p>

Estimated Contract Value (inc. VAT)	Process <sup>7</sup>	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
		<p>transparency requirements.</p> <p>- All relevant PA23 notices will need to be published on the council's e-tendering system. Please see guidance on the Procurement Intranet pages regarding the statutory notices.</p>	<p>where the Key Decision criteria are met</p>	

Note: In cases where the Landlord & Tenant Act applies the obligations of Section 20 of this Act must be complied with. For works & services that will be charged back to the leaseholder, it is necessary to obtain at least 2 quotes to fulfil our duties under the Landlord & Tenant Act (where the leaseholder is going to be charged over £250).

### **Light Touch Services (as defined by PA23)**



Estimated Contract Value (inc. VAT)	Process <sup>8</sup>	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
Up to £49,999.99	<ul style="list-style-type: none"> <li>- <b>Officers must obtain a single quote, which must be in writing (can be via email)</b></li> <li>- In selecting suppliers to quote, preference should be given to local organisations where they exist, offer value for money and can deliver the goods, services and/or works to be supplied</li> <li>- Officers may choose to</li> </ul>	<ul style="list-style-type: none"> <li>- Need to retain comprehensive records of all activity, correspondence and decisions</li> <li>- Where the Contract exceeds £5,000 the resulting contract record will need to be added to the Contracts Register to meet the transparency requirements.</li> <li>- Where the</li> </ul>	In accordance with the Financial Scheme of Delegation – General Expenditure: <b>Up to £50,000 Budget Holder</b>	In accordance with the Financial Scheme of Delegation – General Expenditure: <b>Up to £50,000 Budget Holder</b>

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<sup>8</sup> The processes set out in this column are not applicable to framework call-offs – all other requirements set out in the table do apply.

Estimated Contract Value (inc. VAT)	Process <sup>8</sup>	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
	run a published process at this value. If they do so it is a requirement to use the e-tendering system to run the process (to meet transparency requirements)	Contract exceeds £30,000 the relevant award notice will need to be published on the council's e-tendering system – this applies regardless of whether the process was run using the Council's e-tendering system.		
£50,000.00 to the Light Touch Services Threshold	<b>- Officers must invite a minimum of three invited quotes using the Council's e-tendering system.</b>	- The relevant award notice will need to be published on the council's e-tendering system.	In accordance with the Financial Scheme of Delegation – General Expenditure: <b>£50,000 - £150,000</b>	In accordance with the Financial Scheme of Delegation – General Expenditure: <b>£50,000 - £150,000 Head of</b>

Estimated Contract Value (inc. VAT)	Process <sup>8</sup>	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
	<ul style="list-style-type: none"> <li>- In selecting suppliers to quote, preference should be given to local organisations where they exist, offer value for money and can deliver the goods, services and/or works to be supplied</li> <li>- Officers may choose to run a published processes at this value; if choosing to do so, the process must be run using the e-tendering system.</li> </ul>		<p><b>Head of Service, over £150,000 Director</b></p> <p>Note: a Key Decision may be required where the Key Decision criteria are met</p>	<p><b>Service, over £150,000 Director</b></p> <p>Note: contracts valued at £500,000 and over must be sealed by Legal Services</p>

Estimated Contract Value (inc. VAT)	Process <sup>8</sup>	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
Above the Light Touch Services Threshold	- <b>Officers must run a process, as prescribed by the relevant Public Procurement Law</b>	<ul style="list-style-type: none"> <li>- Need to retain comprehensive records of all activity, correspondence and decisions</li> <li>- The resulting contract record will need to be added to the Contracts Register to meet the transparency requirements.</li> <li>- All relevant PA23 notices will need to be published on the council's e-tendering system. Please see guidance on the</li> </ul>	<p>In accordance with the Financial Scheme of Delegation – General Expenditure: <b>Over £150,000 Director</b></p> <p>Note: a Key Decision may be required where the Key Decision criteria are met</p>	<p>In accordance with the Financial Scheme of Delegation – General Expenditure: <b>Over £150,000 Director</b></p> <p>Note: contracts valued at £500,000 and over must be sealed by Legal Services</p>

<b>Estimated Contract Value (inc. VAT)</b>	<b>Process<sup>8</sup></b>	<b>Noticing / Transparency / Record Keeping Requirements</b>	<b>Approval of Award of Contract</b>	<b>Contract Execution</b>
		Procurement Intranet pages regarding the statutory notices.		

### Healthcare Services (as defined by the Provider Selection Regime)

Estimated Contract Value (inc. VAT)	Process	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
All values	<p><b>- Officers must run a process, as prescribed by the relevant Public Procurement Law</b></p>	<ul style="list-style-type: none"> <li>- Need to retain comprehensive records of all activity, correspondence and decisions</li> <li>- The resulting contract record will need to be added to the Contracts Register to meet the transparency requirements (where it exceeds £5,000).</li> <li>- All relevant PSR notices will need to be published on</li> </ul>	<p>In accordance with the Financial Scheme of Delegation – General Expenditure: <b>Up to £50,000 Budget Holder, £50,000 - £150,000 Head of Service, over £150,000 Director</b></p> <p>Note: a Key Decision may be required where the Key Decision criteria are met</p>	<p>In accordance with the Financial Scheme of Delegation – General Expenditure: <b>Up to £50,000 Budget Holder, £50,000 - £150,000 Head of Service, over £150,000 Director</b></p> <p>Note: contracts valued at £500,000 and over must be sealed by Legal Services</p>

		<p>the council's e-tendering system.</p> <p>Please see guidance on the Procurement Intranet pages regarding the statutory PSR notices.</p>		
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## **15. General Procurement Requirements**

15.1 Officers must ensure that all procurement processes are conducted in accordance with the requirements of these Contract Standing Orders and the relevant Public Procurement Law in respect of the following matters:

15.1.1 Conflicts of Interest

15.1.2 Notices

15.1.3 Specifications

15.1.4 Key Performance Indicators

15.1.5 Contract Management

15.1.6 Record Keeping

15.1.7 E-tendering system usage

15.1.8 Supplier debarment, exclusion grounds and conditions of participation

15.1.9 Evaluation and moderation

15.1.10 Award notification and standstill periods

15.1.11 Publication of contracts

15.2 Further guidance can be obtained from the Procurement Intranet Pages and from the [Cabinet Office](#) or [NHS England](#) (depending on the applicable Public Procurement Law).

## **16. Authorisation to Enter into a Contract**

16.1 Officers must ensure that appropriate authorisation has been granted to enter into a Contract and that the Contract is executed, in accordance with the Financial Scheme of Delegation. This includes all requirements around democratic decision-making processes and the requirement to publish decision notices, including where Key Decisions are required.

16.2 Appropriate authorisation must be obtained before the supply of goods, services or works begin or before the new Contract is otherwise entered into.

16.3 All contracts valued over £500,000 must be sealed, in accordance with Legal Services processes. Below £500,000 contracts can be signed by the relevant Officer, in accordance with the Financial Scheme of Delegation.



## **D Contract Award & Implementation**

### **17. General**

17.1 Prior to contract award you must ensure that all of the objectives stated in the specification are met by the outcome of the Procurement.

### **18. Approval to Award**

18.1 A Procurement Evaluation and Approval Report must be completed, documenting the procurement process undertaken, the decisions taken along the way and explaining how you have come to the decision to award.

18.2 The report must be signed-off by the appropriate delegated officer prior to notifying the supplier(s). See Financial Scheme of Delegation for details.

### **19. Notifying Suppliers**

19.1 There are strict rules for above threshold procurements on how to debrief suppliers including a mandatory eight working day Standstill Period prior to confirming Contract award.

19.2 If the supplier requests a verbal debrief, discuss this with Procurement.

## **E Post Contract Award**

### **20. General**

20.1 Following Contract award, you must put into place the agreed contract management controls and measures. You must review regularly to ensure the Contract achieves its objectives and future benefits.

### **21. Contract Management**

21.1 Officers must ensure that contracts are managed in accordance with relevant Public Procurement Law and with guidance published by the Strategic Procurement Team.

21.2 Contract Management must include (but is not limited to):

- 21.2.1 Appropriate resourcing, including an assigned contract manager to ensure that the contract is managed effectively and appropriately
- 21.2.2 Identification, assessment and management of any potential conflicts of interest
- 21.2.3 Publication of required notices, including KPIs where applicable
- 21.2.4 Contract records are thorough and up to date, with full and auditable records relating to decisions and performance
- 21.2.5 Management of risks throughout the contract period
- 21.2.6 Monitoring delivery against the contract in respect of KPIs and contractual commitments (including Social Value where applicable) and dealing appropriately with any performance issues
- 21.2.7 Robust financial management, ensuring spend is monitored, controlled and reported effectively

### **22. Extending and Modifying Contracts**

22.1 Extending and modifying a Contract can only happen in particular circumstances, in accordance with the relevant Public Procurement Law (**see Appendix 8 - Contract Modifications, Extensions & Termination for details**).

22.2 Contract modifications and extensions can only be made where prior approval has been sought in accordance with the Financial Scheme of Delegation. Note:

it is the value of the modification or extension that is relevant to the approval required.

22.3 Modifications and extensions to Contract must be formally recorded in writing and details must be recorded on the Contract Register.

## Appendix 1 – Glossary

Appendices	The appendices to these CSOs
Area	The administrative area of Bath & North East Somerset
Below Threshold	Contracts that have an estimated value lower than the current PA23 Thresholds
Best Value	The Council's duty to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness in accordance with section 3(1) of the Local Government Act 1999 and associated statutory guidance
Central Digital Platform	The government's central information repository for buyers and suppliers in respect of UK public sector procurement
Contracts Pipeline	The Council's published list of future procurement and commissioning activities above £100,000 found on the B&NES website. The intention is to highlight to suppliers the forthcoming opportunities for tendering. This is a statutory requirement under Localism Act
Compliant Process	A procurement exercise that has been carried out in accordance with the relevant legislation. See <b>Appendix 4 - Procurement Routes</b> for a list of the main types of procurement procedures
Competitive Flexible Procedure	A two – or more – stage competitive procedure; introduced in the PA23
Conflict of Interests	A set of circumstances that creates a risk that an individual's ability to apply judgement or act in one role is or could be, impaired or influenced by a secondary interest
Contract	A legally binding agreement to supply goods/services/works formed when there is an offer by one party and an acceptance of that offer by a second party
Contract Award Notice	A mandatory notice which must be issued to announce the Council's intention to award a contract to the selected supplier
Contracting Authority	A public authority, who must operation in accordance with the PA23

Contract Register	The Council's repository for all its current Contracts and Frameworks, located on the Council's e-tendering system and accessible publicly
Council Members	The elected councillors who sit on the Council Executive
Council's Constitution	The document setting out how the Council operates, how decisions are made and the procedures which are followed to ensure that the Council's business is efficient, transparent and accountable to local people
CSOs	These Contract Standing Orders (including the Appendices)
Dynamic Market	A procurement tool available under PA23, as described in regulations 34-40 of PA23
Dynamic Purchasing Agreement	A procurement tool that was available under PCR15 and may still be live and in operation now
Financial Regulations	The Council's Financial Regulations, found on the intranet
Financial Scheme of Delegation	The Financial Scheme of Delegation sets out various approved delegations and levels authority in terms of financial decision making. The Financial Scheme of Delegation sits alongside the Council's Financial Regulations and is available on the intranet
Find A Tender	Find a Tender is the repository for the government's Central Digital Platform
Framework	An 'umbrella' agreement that sets out the prices, service levels, and terms and conditions for subsequent call-off orders; a framework can be 'closed' or 'open'
Goods	Items that are usually tangible, such as IT equipment or stationery
Invitation to Tender (ITT)	The invitation to tender is sent at the stage of the procurement process when you invite selected suppliers to present their tenders in response to the stated requirements and evaluation criteria
Key Decision	An executive decision, which is likely— (a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or

	function to which the decision relates; or (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.
Legal Services	The Council's internal legal department
Light Touch Regime	The Light-Touch Regime is a specific set of rules for Contracts for certain services that tend to be of lower interest to cross-border providers. It includes <a href="#">certain social, health and education services</a> which are defined by the PA23
Local Authority Trading Company	A separate legal entity which is wholly owned or controlled by the contracting authority and operates as a commercial entity, providing services to the authority and wider market
Member	Any Councillor appointed to the Council for the time being
Most Advantageous Tender or MAT	Awarding a Contract for goods, services or works based on a combination of overall cost AND service elements, not just cost alone
Objectives	The objectives of procurement as set out in the statement of objectives
Officer	Employee of the Council
Public Procurement Law	The relevant public procurement law will be determined by the category and timing of the procurement exercise. The possible procurement law is itemised in section A, paragraph 3.1
Quote/Quotation	A request for pricing and/or quality bid from a supplier for goods/services/works below £50,000. Similar to a Tender but with less detail required from suppliers
Residents	Residents of Bath & North East Somerset Council
Services	Something intangible, we are paying for a skill to deliver the service
Strategic Procurement Team	The Council's internal procurement team who provide advice, guidance and support on procurement activity
Procurement Specific Questionnaire	A questionnaire used in above the relevant PA23 threshold which allow procurers to assess the suitability of suppliers and/or, in the case of a competitive flexible procedure, to shortlist the number of companies to be invited to Tender. <i>Note: for Works contracts the Common Assessment Standard</i>

	<i>is used instead of the Procurement Specific Questionnaire</i>
Social Value	Described in the Public Services (Social Value) Act 2012 as improvements to the economic, social and/or environmental well-being of the Area. The benefits sought could be in the form of social benefits (for example reducing anti-social behaviour), economic benefits (for example increasing local employment), or environmental benefits (for example reducing local congestion)
Standstill Period	A mandatory eight working day period (which must be applied to above PA23 threshold procurements and PSR procurements) between the notification to suppliers of the decision to award the Contract and the contract details notice publication which, in effect, awards the contract. The period is intended to give unsuccessful tenderers the opportunity to challenge the award if they wish
Supplier	A bidder in a procurement process or a service provider, consultant, contractor or supplier who is contracted to deliver goods, services and/or works to the Council
Tender	Request for pricing and/or quality bid from a supplier for goods/services/works. Similar to a Quote but Tenders require more detailed proposals
Tender Notice	A mandatory notice published to advise interested parties of the intention of the Council to go to market to buy goods/services/works. It gives details of the requirements of the Council
Thresholds	The financial thresholds above which a procurement must adhere to the requirements and processes as set out in the PA23 – the thresholds are set by central government, so current values should be checked in <a href="#">Schedule 1 of PA23</a>
Value for Money (VfM)	The optimum combination of whole-of-life costs and quality (or fitness for purpose) of the goods, services or works to meet the Council's requirement
VAT	Value Added Tax
Works	The activities covered by CPV codes listed in <a href="#">Schedule 3 of The Procurement Regulations 2024</a> , encompassing construction services, building and maintenance of

	infrastructure, and related civil works
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## Appendix 2 - CSO Exemptions

### 1. Contracts below the Thresholds

Specific Officers may approve exemptions to these CSOs (to the extent that it is legally able to do so) and only for the reasons set out below. Where requesting an exemption Officers must:

- give reasons for doing so on the Exemption Request Form, available from the Procurement Intranet pages
- ensure that the exemption is approved by the appropriate Officer
- enter the Contract on the Contract Register and attach a copy of the completed and signed exemption request form

The following reasons only are considered acceptable for seeking an exemption:

- quantifiable and significant cost and efficiency savings can be achieved through seeking an alternative route. Where this is the case the estimated value of savings should be included within the rationale for the exemption
- reasons of extreme urgency mean that normal time limits cannot be met, including as a result of unforeseen emergency or disruption to Council services. Not having sufficient time to tender may not in itself constitute urgency
- the Council would otherwise be exposed to immediate and significant financial, legal or reputational risk that has been identified in the relevant risk register
- only one Supplier is objectively able to provide the works, services or goods in question including, but not limited to, where the provision is specialist, where the supplier has exclusive intellectual property rights, artistic or other rights, has a monopoly or where the goods bought are for re-sale. In such circumstance only that one Supplier may be asked to quote, however the quote must be evaluated for capability and suitability
- additional or new goods, services or works are required which, through unforeseen circumstances, were not included in an existing Council Contract and are necessary for the completion of the Contract and/or cannot be carried out separately. Any Officer wishing to rely on this exemption must first have considered whether including additional or

new goods, services or works would be a permissible contract modification under the relevant Public Procurement Law

- new goods, services or works are required which are a repetition of goods, services or works carried out under the original Contract, provided they are required within one year of the original Contract being awarded
- goods are required as a partial replacement for or addition to existing goods or installations and obtaining them from another source would result in incompatibility or disproportionate technical difficulties in operation or maintenance
- the Council has the benefit of a Local Authority Trading Company, which meets the PA23 exemption, as defined in [Schedule 2](#)

An exemption will not be granted where this means the Council would be in breach of the relevant Public Procurement Law.

## 2. Contracts above the Thresholds

It is unlawful to sign-off an exemption when the value of the Contract is above the PA23 threshold. If you require clarification you should consult with the Strategic Procurement Team.

## 3. Approval of Exemptions

Exemptions can only be approved as follows, in accordance with the Financial Scheme of Delegation and in consultation with your Director or Executive Director:

Value	Exemption Approval Required	In Consultation With
Up to £49,999.99	Budget Holder	Head of Service
£50,000 - £149,999.99	Head of Service	Director
£150,000 – relevant procurement threshold	Director	Executive Director

No exemption can be relied on until it has been approved by the relevant Officer. Contracts must not be entered into before the relevant approval has been secured.

## **Appendix 3 - Business Ethics**

### **1. Code of Conduct**

Officers of the Council must conduct themselves in line with the Council's Employee Code of Conduct including with regards to the receiving of hospitality and gifts and the giving and receiving of sponsorship.

### **2. Conflicts of Interest**

Officers must ensure that potential conflicts of interest are identified, assessed and appropriately managed throughout a procurement process and into management of the Contract. For further guidance on conflicts of interest, see the Procurement Intranet pages.

### **3. Transparency and Fair Treatment**

Procurement processes must be open and transparent, allowing all Suppliers to have a fair chance to compete.

All Suppliers should be treated equally and fairly throughout the procurement process

### **4. Confidentiality**

The Council has a responsibility to ensure that information provided to Suppliers and provided by Suppliers is treated confidentially. This is not only good practice but also gives the Suppliers confidence that they are being treated fairly and without discrimination. Information provided by the Council is given to Suppliers in confidence and only to those whom they need to consult for the purpose of preparing the Tender, such as professional advisors.

Suppliers have the right to state what elements of their Tender response they consider confidential and/or commercially sensitive. However, under the Freedom of Information Act the Council must provide information requested with some exceptions such as commercially confidential items (pricing, intellectual property etc.) which can be redacted from the version published in the public domain. Suppliers' co-operation may be needed to ensure the Council complies with such requests for information.

### **5. Corruption**

Council Members and Officers must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made, it is for the individual to demonstrate that any such rewards have not been corruptly obtained. For further guidance, see the B&NES Gifts and Hospitality policy on the intranet.

## **6. Use of Financial Resources**

Council Members and Officers must ensure that they use public funds entrusted to them in a responsible and lawful manner and in accordance with the Council's Financial Regulations. They should strive to ensure Value for Money and to avoid legal challenge to the Council.

## **7. Lobbying**

It is recognised that lobbying is a normal and perfectly legitimate element of the process of local governance; however, it is important that Members protect their impartiality and integrity when dealing with Suppliers.

Members must not breach the B&NES Members Code of Conduct by listening to or receiving viewpoints from Suppliers or other interested parties during a procurement exercise. Indicating a bias toward a particular product or Supplier would prejudice impartiality and could lead to a legal challenge against the Council.

## Appendix 4 - Procurement Routes

The most appropriate procurement route will be determined according to the Contract Standing Orders, the value of the proposed contract and the application of the relevant Public Procurement Law (dependent on the procurement category).

Advice on the most appropriate procurement route should be taken from the Strategic Procurement Team.

The main procurement routes are detailed below.

### **Below PA23 Thresholds (not relevant for Healthcare Services procured under PSR)**

- Single Quote – via email, use of local suppliers should be prioritised
- Invited Quotes – a minimum of 3 quotes are invited using the Council's e-tendering system, use of local suppliers should be prioritised<sup>9</sup>
- Advertised Tender – a tender is published using the Council's e-tendering system
- Below threshold direct awards – in some limited circumstances it is possible to make a direct award and apply a Contract Standing Order exemption (**see Appendix 2 – CSO Exemptions**).

### **Above PA23 Thresholds (not relevant for Healthcare Services procured under PSR)**

PA23 compliant procedures are as follows:

- Framework Call-offs - mini-competition or direct award (where permissible) from a compliant framework which have been set up by the Council or other contracting authorities (see Section B, para 12).
- Dynamic markets – a list of qualified suppliers who have met the conditions of membership of the dynamic market and are eligible to participate in specific future procurements. Only suppliers who are part of a dynamic market are eligible to participate in a subsequent procurement.
- Legacy PCR Dynamic Purchasing Agreements – use of a Dynamic Purchasing Agreement established under PCR.

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<sup>9</sup> Local suppliers should be invited to quote and will be evaluated alongside other submissions

- Open Procedure – a one stage procedure where all tender and associated documentation is published with the tender notice and there is no shortlisting stage to restrict who can submit a tender.
- Competitive Flexible Procedure - multi-stage procurement route that allows the Council to design its own procedures as long as it follows all the transparency requirements. A flexible competitive procedure can be used to restrict the number of suppliers, if required. It can also include stages of dialogue, site visits, demonstrations, where appropriate.
- Above-threshold direct awards – only permissible in limited circumstances as set out in PA23 (sections 41, 42 and 43).

Detailed information on the available PA23 procurement processes and tools is available from the [Cabinet Office](#) published guidance.

### **Provider Selection Regime**

The PSR sets out a number of available procedures and the circumstances in which each can (or in some cases, must) be used:

- Direct Award Process A
- Direct Award Process B
- Direct Award Process C
- Most Suitable Provider Process
- Competitive Process

Note there are no thresholds associated with PSR procurements; the PSR regulations apply at all values of spend.

Detailed information on the available PSR procurement processes is available from the [NHS England published statutory guidance and tools](#).

## **Appendix 5 - Debarment, Exclusion Grounds and Conditions of Participation**

### **Debarment**

PA23 introduces a Debarment List which is managed by the Cabinet Office. Officers must check the Debarment List to ascertain whether suppliers are on this list. If they are, then this supplier must be excluded from the procurement process. The Debarment List is accessed through the Central Digital Platform.

### **Exclusion Grounds**

PA23 and PSR apply the same set of exclusion grounds to procurement activity. These exclusion grounds are set out in PA23 (but also apply to PSR) and are split into mandatory and discretionary exclusion grounds.

Officers must establish whether any of the exclusion grounds apply and whether the Council can contract with the supplier if they do.

All suppliers will need to register on the government's Central Digital Platform which will capture organisation information as well as grounds for mandatory and discretionary exclusions for the organisation, as well as for connected persons.

### **Conditions of Participation**

Officers must ensure that any supplier interested in doing business with the Council has both the technical capability and the financial capacity to be able to perform the Contract. For above threshold contracts, this should be assessed using the Procurement Specific Questionnaire and the supplier's organisation information stored on the government's Central Digital Platform. Note: for Works contracts the Common Assessment Standard is used instead of the Procurement Specific Questionnaire.

The Procurement Specific Questionnaire will be used to assess the Conditions of Participation.



### Conditions of participation:

- can only be related to a supplier's legal and financial capacity, and technical ability to deliver the contract
- must be proportionate taking into account the nature, complexity and cost of the contract
- must allow for equivalents – e.g. qualifications or memberships
- must allow for international equivalents to UK standards
- must only focus on the supplier's credentials
- must not require submission of a supplier's audited accounts (unless that organisation is required to under Companies Act 2006)
- must not require suppliers to have relevant insurances in place prior to the award of a contract (but can ask a supplier to confirm they will have the relevant insurances in place if awarded the contract)
- must not break any rules on technical specifications

In an open process, conditions of participation must not be used to shortlist suppliers that can submit a tender. In a competitive flexible procedure, they can be used to limit the number of suppliers that can progress to the next round, where set out in the tender notice. In a competitive flexible procedure, the parameters of how the limiting of suppliers must be set out in the procurement documents.

Conditions of participation cannot be used in a process that is below the goods and services Threshold, in order to shortlist suppliers and reduce the number of suppliers that can submit a Tender. However, you can ask "suitability assessment questions" that are relevant to the subject matter of the contract and are proportionate. These can relate to minimum standards of suitability and capability.

Further information regarding Debarment, Exclusion Grounds and Conditions of Participation is available in the guidance section of the Procurement Intranet pages.

## **Appendix 6 - Transparency, Notices and Publications**

### **Notices and Publications**

A range of procurement notices must be published when conducting procurements under PA23 and PSR and when conducting procurements that fall below the PA23 thresholds. PA23 also introduces a range of new notices throughout the contract management lifecycle.

Notices will be published via the Council's e-tendering system and will appear on the Central Digital Platform.

Under the PA23, a copy of all contracts over £5,000,000 (and any subsequent contract modifications) and performance against key performance indicators for contracts over £2,000,000, must be published on the Central Digital Platform.

Where your procurement falls below the relevant PA23 Threshold<sup>10</sup> there are some specific noticing obligations:

- Opportunities below £30,000 (including VAT) do not need to be advertised on the Central Digital Platform.
- Opportunities above £30,000 (including VAT) only need to be advertised on the Central Digital Platform, where the intention is to advertise the opportunity elsewhere. In this case, the opportunity must be published on the CDP prior to advertising elsewhere. A quote process whereby only invited suppliers are able to quote is not an advertised opportunity and therefore it does not need to be advertised on the Central Digital Platform. A notice confirming the contract award is required for all Contracts above £30,000 even where the opportunity was not advertised.

Further details regarding noticing requirements is available on the Procurement Intranet pages and on the e-tendering system.

### **The Contract Register**

The Council's Contract Register is available through the Council's e-tendering system and records and stores information regarding the Council's Contracts. It provides:

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<sup>10</sup> Note these requirements do not apply to procurement run under PSR, where separate noticing requirements exist.

- key information to Council Members and Officers on current and expired Contracts
- limited information to the general public (including start and end dates, contract description, value, and key contact details)
- information on Contracts to allow Officers to retender in good time, where the requirement is recurring

### **When should I put something on the Contract Register?**

Recording of Contracts on the Contract Register is mandatory for all Contracts valued above **£5,000** regardless of the procurement route used to procure the Contract. Publication on the Contract Register ensures that the Council complies with its obligations under the Local Government Transparency Code.

You must also keep the information on Contract Register up to date, for example if:

- a Contract is extended
- where a contract is modified, resulting in a change to the contract value
- the key contact for a Contract changes (e.g. if an Officer leaves)

### **Before you Purchase Anything**

You should check the Contract Register before you start any procurement activity, to establish whether there is an existing Council Contract which covers your need. Saving time and expense by using an existing Contract will almost always represent Value for Money.

## **Appendix 7 - Digital Platforms**

### **The Council's e-tendering system**

The Council's e-tendering system is mandatory in certain circumstances (see Section C). This ensures transparency through advertising the opportunity, running the tender process, awarding the Contract to successful supplier/s, and recording the Contract on the Contract Register. All notices required under the PA23 and PSR will be issued through the Council's e-tendering system and will be automatically pushed through to the Central Digital Platform (see below).

Once the tender notice has been issued, all communication with suppliers needs to be conducted through the e-tendering system. This includes, but is not limited to, receiving and answering clarification questions in the time period specified. No communication outside of the e-tendering system should be entered into.

### **Central Digital Platform**

The government's Central Digital Platform serves as a central repository for public sector procurement activity and provides a central point for all interested parties to view opportunities, awarded contracts, modifications to contracts etc. All procurement notices required by the relevant legislation and which are issued through the council's e-tendering system will automatically flow through to the Central Digital Platform.

### **Supplier Information System**

The Central Digital Platform will host the supplier information system on which suppliers will need to register prior to bidding for an opportunity. This system will capture organisation information as well as grounds for mandatory and discretionary exclusions, details of connected persons, etc. Suppliers will be required to share with the Council the organisation information they have submitted on the Central Digital Platform.

## **Debarment List**

The Central Digital Platform hosts the central Debarment List; officers running a procurement will need to check this list to ascertain whether a particular supplier is registered on it. If they are, then this supplier must be excluded from the procurement process.

## **Appendix 8 - Contract Modifications, Extensions & Termination**

### **Contract Extensions**

When you award a Contract/Framework, you must state the start and end dates and whether there is an option to extend beyond the initial term. If an extension clause has been included in the Contract, then it is permissible to extend but this should only be done if it represents value for money to extend and if the performance of the supplier warrants it.

A Contract cannot be simply extended where a contractual extension provision wasn't built into the Contract at the outset. It may be possible to modify an existing Contract to extend the term, but only in limited circumstances. Officers must seek advice from the Strategic Procurement Team in this case.

### **Contract Modifications**

Contract modifications (also known as variations) can be risky and can trigger the need for a new procurement exercise. The PA23 and PSR sets out the modifications that can be made to a Contract or Framework and the circumstances under which this is permissible.

Contract modifications can only be made where they are justifiable and in accordance with the relevant Public Procurement Law.

Officers must seek advice from the Strategic Procurement Team when making modifications to above Threshold Contracts and where a modification might take the value of a below Threshold Contract over the relevant Threshold.

### **Contract Termination**

Where officers believe there are grounds for early termination this must be discussed with Legal Services. Contracts may be terminated early by agreement prior to the expiry date of the Contract, only in accordance with the termination provisions set out in the Contract.

PA23 also introduces implied terms to contracts which allow for termination of the contract in certain circumstances, particularly around material breaches of the act and where the supplier or sub-contractor becomes excluded or excludable.

Noticing requirements must be met at the end of contracts – whether the contract ends naturally at its term or by early termination due to performance or other reason.

## **Appendix 9 - Contract Terms & Conditions**

### **General**

The Council is required to make its procurement documents available electronically from the published date of the Tender Notice.

Procurement documents include the proposed Terms and Conditions of Contract (T&Cs) as well as the Procurement Specific Questionnaire and Invitation to Tender. This means that all documents, including the Terms & Conditions, for any procurement process must be finalised before the Tender Notice is issued.

Terms and Conditions issued by the Council (or in accordance with the Framework, Dynamic Market or Dynamic Purchasing System) must be used. Only in exceptional circumstances, and as agreed by Legal Services, shall Contracts use Terms and Conditions provided by the Supplier.

Where Suppliers seek to make amendments to the published Terms and Conditions, Officers must engage with Legal Services. Proposing amendments to the Terms and Conditions could in some circumstances result in a Tender being rejected.

### **Contracts below the Thresholds**

For the majority of Contracts below £50,000 the Council's standard Purchase Order terms and conditions will be appropriate. A copy of the Purchase Order must be sent to the Supplier, to ensure that they have been provided with a copy of the relevant terms and conditions.

Officers should satisfy themselves that the purchase order terms and conditions are suitable for their purchase; in some cases, it may be more appropriate to issue a bespoke contract to ensure that specific risks e.g. safeguarding are adequately addressed.

### **Contracts above the Thresholds**

For Contracts above the Thresholds you should use the Council's standard terms and conditions which are available on the Procurement intranet pages.

It may be more appropriate to use an industry standard form of Contract, or a bespoke Contract drafted for the particular Contract in question.

When considering which type of Contract to use discuss with the Strategic Procurement Team and Legal Services.



## **Purchase Orders**

Officers shall observe the requirements of the Financial Regulations in respect of Purchase Orders.

Officers must issue official Purchase Orders for all goods, services and works unless there is a specific exemption agreed by the Council's Section 151 Officer prior to the commencement of the works/services or delivery of goods and prior to the receipt of an invoice.

All Purchase Orders must (unless specifically exempted) be raised through the Council's Financial Management System.

The Purchase Order must refer to the Council's standard purchase order terms and conditions of contract, except for where the complexity of the Contract requires more bespoke terms, for example a specific stand-alone contract in which case the Purchase Order shall make specific reference to the agreed contract.