

G Contract Standing Orders

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PART I: GENERAL PRINCIPLES

1. Introduction

- 1.1 These Contract Standing Orders are part of the Council's Constitution and govern the award of all contracts for the supply to the Council of services, goods or materials or for the execution of works.
- 1.2 The purpose of these Contract Standing Orders is to provide a structure that enables the Council to make purchasing decisions that will:
 - (a) ensure compliance with all applicable legislation;
 - (b) further its corporate objectives;
 - (c) use its resources efficiently;
 - (d) procure the supply of quality services, goods and works for the Council that deliver value for money; and
 - (e) safeguards its reputation from any inference of dishonesty or corruption.
- 1.3 Purchasing by the Council, from planning to delivery, shall incorporate (where appropriate) the principles of sustainability, efficiency, whole life costings and cost savings.
- 1.4 These Contract Standing Orders do not provide guidelines on what is the best way to purchase works, supplies (goods) or services. They set out the minimum requirements that must be followed. Further information and guidance in the form of a Procurement Manual, to which due regard must be given, will be provided by the Procurement Team.

2. Application and Compliance with Contract Standing Orders

- 2.1 These Contract Standing Orders (CSOs) apply to the purchase by or on behalf of the Council of works, supplies (goods) and services.
- 2.2 These CSOs apply to all contracts including all purchase orders, the proposed award of concession contracts and all types of other contractual arrangement of any value entered into by or on behalf of the Council, except for the specific types of contracts and purchasing methods listed in CSO 2.3 and 2.4:
- 2.3 The following types of contracts fall outside of the scope of these CSOs:

- (a) contracts of employment which make an individual a direct employee of the Council.
 - (b) agreements directly associated with the acquisition, disposal, or transfer of assets or land (to which the Financial Regulations shall apply).
 - (c) engagement of barristers (Counsel); and
 - (d) the allocation of grant funding which is governed under Part 3 of the Constitution.
- 2.4 For the avoidance of doubt, contracts between the Council and an entity with which it has a vertical arrangement as defined by Schedule 2, Part 1 of the Procurement Act 2023 (also known as (“Teckal”) companies) for the main purpose of delivering services to the Council, are governed by these CSOs.

2.5 *Financial Parameters and Values*

- 2.5.1 Where monetary figures refer to contract values against which an estimate of contract expenditure is made, the requirements shall not be artificially split to avoid competition, neither shall any other form of disaggregation be accepted for similar purposes.
- 2.5.2 All monetary values referred to within this document are total contract values, including all proposed extensions, not annual values, and exclude Value Added Tax unless otherwise stated.

2.6 *Waivers*

- 2.6.1 No waiver may be authorised to the application of CSO 1 or CSO 2 or compliance with the National Law.
- 2.6.2 The process required to waive the requirement for competitive procurement (direct award) is set out in CSO 22 (Award without Competition) and CSO 22.2 (Route 1: Waivers).

3. *Regulatory Context*

- 3.1 All purchasing shall be conducted in accordance with Regulatory Provisions which are:
 - (a) National Law and all relevant statutory provisions;
 - (b) the relevant and applicable procurement legislation, including:

- (i) the Public Contracts Regulations 2015;
- (ii) the Concession Contracts Regulations 2016;
- (iii) the Procurement Act 2023; and
- (iv) the Health Care Services (Provider Selection Regime) 2023 – otherwise known as the NHS Provider Selection Regime

as amended and updated from time to time; and

- (c) the Council's Constitution including these CSOs, the Council's Financial Regulations and Directorate Scheme of Delegation.

3.2 In the event of conflict between the above, the National Law and other UK legislation will take precedence then the Council's Constitution, the Council's Procurement Manual and guidelines, policies and procedures.

4. Purchasing Responsibilities

4.1 Each Chief Officer shall:

- (a) be responsible for all purchasing undertaken by his/her Directorate;
- (b) be accountable to Cabinet for the performance of his/her duties in relation to purchasing;
- (c) comply with the Council's decision-making processes including, where appropriate, implementing and operating a Scheme of Delegation;
- (d) appoint an Assistant Director with responsibility for overseeing purchasing activity in their specific area and where relevant, acting as an authorised signatory on behalf of their Chief Officer through the Directorate Scheme of Delegation and set out in the Scheme of Management;
- (e) appoint a Responsible Officer to undertake relevant purchasing and contract management activities within the service to which they are assigned; and
- (f) take immediate action in the event of breach of these CSOs by reporting the breach to the Director of Legal Services.

4.2 A Responsible Officer is an Officer with responsibility for conducting purchasing processes or managing contracts for the purchase of works, supplies (goods) or services on behalf of the Council.

4.3 A Responsible Officer's duties in respect of purchasing are to ensure:

- (a) compliance with Regulatory Provisions, these CSOs, and to maintain the integrity of the procurement process;
- (b) compliance with Regulatory Provisions and the Council's obligations relating to declarations of interest (including gifts and hospitality) affecting any purchasing or procurement process;
- (c) that there is an appropriate analysis of the requirement, timescales, procedure and documentation to be used;
- (d) that the purchasing process, from planning to delivery, incorporates (where appropriate) principles of sustainability, efficiency, whole life costings and cost savings;
- (e) compliance with the Council's decision-making processes;
- (f) that all contracts of £25,000 or more are included on the Council's Contract Register which is maintained by the Procurement Team;
- (g) that they maintain records of all contracts and purchases below £25,000.
- (h) that value for money is achieved;
- (i) that appropriate advice is sought from Legal Services, Finance and Procurement and then followed;
- (j) that the Council's document retention policy and any requirements on record keeping as set out in these CSOs are complied with;
- (k) that for tenders above £100,000 a financial evaluation is or has been made of the financial standing of Suppliers as advised by the Director of Finance; and
- (l) that contracts are managed in accordance with CSO 10, and all relevant details required for publication under the Regulatory Provisions including under the Procurement (Transparency) Regulations 2023 and the Provider Selection Regulations 2023 are supplied to the Procurement Team for publication in a timely and compliant fashion.

4.4 It is a disciplinary offence to fail to comply with these CSOs. All employees have a duty to report breaches of the CSOs to their Director.

4.5 Any Officer or Member who suspects any misconduct or corruption in relation to the purchase or procurement by or on behalf of the Council

of works, supplies (goods) and services must immediately report that suspicion to the relevant Director.

- 4.6 Each Chief Officer will send their Directorate Scheme of Delegation to the Director of Finance before the start of each financial year and within 7 days of making any changes to the Scheme of Delegation.

5. Role of the Procurement Team

- 5.1 The Head of Procurement and the Procurement Team will provide advice and guidance to officers within the Council on all aspects of procurement, including routes to market, compliance with legislation and these CSOs and wider strategic ambitions such as achievement of Social Value outcomes.
- 5.2 The Procurement Team will support the Responsible Officer to ensure contracts specify any appropriate quality, performance, safety and other characteristics describing the requirement and meet all Regulatory Provisions.
- 5.3 The Procurement Team will be responsible for issuing and managing the eTendering process for all procurements valued at £25,000 or more unless where expressly permitted further to call-off procedures under Approved Frameworks, Dynamic Markets or Dynamic Purchasing Systems.
- 5.4 All communications the Council has with Suppliers during a tender process, from the commencement of the process until its conclusion, must be managed by the Procurement Team. Any other communication between Suppliers and the Council during a procurement process is not permitted.
- 5.5 The Procurement Team will maintain the corporate contracts register for all contracts awarded valued at £25,000 and above.
- 5.6 The Procurement Team will submit all required Transparency Notices to the dedicated electronic portal/s specified by the Cabinet Office as required by the Regulatory Provisions.

6. Conflicts of Interest

- 6.1 In accordance with Regulatory Provisions, all officers must declare any personal interest in a matter they are dealing with, including one which may affect their impartiality in applying these CSOs.
- 6.2 All officers involved in a procurement process must complete a declaration of interest in the prescribed form prior to any involvement in any drafting of tender documents or any involvement in the evaluation of applicants or Suppliers tender submissions. This also applies to external consultants acting on behalf of the Council.
- 6.3 Specifically relating to contracts within the scope of The National Law, the Procurement Team will prepare a Conflicts Assessment in accordance with Section 83 of the Procurement Act 2023 before issuing a relevant Transparency Notice for any Covered Procurement and keep this under review throughout the process, as required.
- 6.4 In the event that:
 - 6.4.1 the Council becomes aware of a conflict of interest during a procurement process; and
 - 6.4.2 the conflict of interest may confer on a potential Supplier an unfair advantage in the procurement process; and
 - 6.4.3 the unfair advantage cannot be removed or otherwise neutralised,

the Council must exclude the Supplier from any further involvement in the relevant procurement process.

7. Community Benefits

7.1 Local Suppliers

- 7.1.1 The Council is committed to Community Wealth Building, and this includes supporting local businesses and services where these can provide best value to the Council and to the borough.
- 7.1.2 Where legally and practically possible, the Responsible Officer shall include local (within the Royal Greenwich Borough boundary) Suppliers in requests for quotations and/or tenders at all values.

- 7.1.3 Details of how local Suppliers will be included in the procurement process shall be evidenced in either the Procurement Strategy Decision or where there is no Procurement Strategy Decision , in the Contract Award Decision.

7.2 Social Value

- 7.2.1 The Public Services (Social Value) Act 2012 requires public bodies to consider the economic, environmental and social benefits of their approaches to commissioning and procurement before the process starts, subject to complying with the Procurement Act 2023.
- 7.2.2 The Responsible Officer shall utilise the Council's Social Value Policy and Social Value Framework, as may be published, to determine suitable outcomes for their procurement exercise in conjunction with support from the Procurement Team.
- 7.2.3 Where the value of the contract is over £100,000 the Responsible Officer shall set out within the Procurement Strategy Decision the Social Value being sought.

7.3 Outcome Reporting

- 7.3.1 Chief Officers shall include within their annual contract management report as set out in CSO 10.3:
- (a) a summary of spend with local Suppliers both directly and through their supply chain;
 - (b) the Social Value outcomes achieved against commitments agreed through the procurement process for all contracts where applicable.

8. Corporate Procurement Board

- 8.1 In order to ensure robust and consistent scrutiny of procurement and contracting processes, the Council has established a Corporate Procurement Board.
- 8.2 The responsibilities of the Corporate Procurement Board are to review and make recommendations to the Chief Officer including, but not limited to, the following matters:
- (a) procurement strategies;

- (b) contract awards; and
- (c) contract modifications;

as are set out in these CSOs and where identified by Responsible Officers for review by the Corporate Procurement Board.

9. Procurement Decisions

- 9.1 The processes for approval of procurement activities are set out in these CSOs. Before approval is given, the Responsible Officer shall ensure that all the relevant information is fully documented and recorded in the decision (“Procurement Decision”).
- 9.2 Responsible Officers should seek advice from the Procurement Team regarding the correct documentation to be used to request and record a Procurement Decision.
- 9.3 For the avoidance of doubt, the Approver is the Chief Officer unless all of the following apply:
 - (a) the Directorate Scheme of Delegation has been published; and
 - (b) the Directorate Scheme of Delegation includes the specified decision relating to the proposed Procurement Decision; and
 - (c) the Directorate Scheme of Delegation has Delegated the officer postholder authorised to make the specified decision(s) relating to the proposed Procurement Decision.

10. Contracts

10.1 General Principles

- 10.1.1 All purchasing decisions, however small the value, shall be made and evidenced in writing.
- 10.1.2 Confirmation of orders below £25,000 must be accompanied by an authorised Council purchase order in advance of the goods or services being delivered, or where the purchase is made in the case of unavoidable urgency, as soon as practicable thereafter.

10.1.3 All contracts of a value of £25,000 or more shall be made in writing in terms approved by the Director of Legal Services, and shall include clauses which set out, as a minimum:

- (a) the nature and extent of, as appropriate, the works, supplies (goods), services, material, matters or things to be carried out or supplied;
- (b) the start date and the time within which the contract is to be performed;
- (c) quality requirements and/or standards which must be met;
- (d) requirements on the Supplier to hold and maintain appropriate insurance;
- (e) what happens in the event that the Supplier fails to comply with its contractual obligations (in whole or in part);
- (f) requirements on the Supplier to comply with all relevant National Law (which includes equalities and health and safety legislation).

10.2 Execution of Contracts

10.2.1 All contract must be in writing and comply with paragraph 10.1 above.

10.2.2 Where the value of a proposed contract:

- (a) is between £25,000 and up to £150,000, the contract must (unless otherwise required to be executed as a deed) be signed under hand by either the Chief Officer or by an Assistant Director where Delegated to do so within the Directorate Scheme of Delegation;
- (b) exceeds £150,000 the contract must be executed as a deed under the Common Seal of the Council attested by at least one officer, or must be signed by two officers nominated by the Director of Legal Services.

10.3 Contract Management and Performance

10.3.1 The Responsible Officer shall manage the contract effectively and with due regard to quality of service and budget in all cases.

10.3.2 The Responsible Officer shall keep records of contract performance in a format or electronic contract management system as may be agreed by

the Director of Finance. Contracts will be measured against the following minimum criteria but may be subject to change:

- (a) Performance and compliance with specification and contract
- (b) Key Performance Indicators
- (c) Cost and any value for money requirements
- (d) User satisfaction and risk management
- (e) Social Value (delivery against targets)
- (f) Equality, Diversity and Inclusion
- (g) Supplier Financial Health Check
- (h) Relevant Due Diligence clarifications including Modern Slavery

10.3.3 Chief Officers shall produce a report on an annual basis summarising the performance against the criteria set out above of their key contracts (over £2M whole life cost) in a format to be agreed and reported to the appropriate Scrutiny Committee.

10.3.4 Specific contract management and reporting requirements that apply individually to the Procurement Act and the NHS Provider Selection Regime are covered in Parts 2 and 3 respectively of these CSOs.

11. Transparency Notices

11.1 Both the Procurement Act and the NHS Provider Selection Regime set out a range of circumstances when it is necessary to publish Transparency Notices relating to the procurement, award and contract management of contracts within the scope of the Procurement Act or the NHS Provider Selection Regime. A list of these notices is included at Appendix I.

11.2 Responsible Officers shall ensure that they maintain records of required transactions including details of contract management performance and contract modifications. The Procurement Team will be responsible for submitting Transparency Notices by the required electronic means.

PART 2: CONTRACTS UNDER THE PROCUREMENT ACT

12. Scope

12.1 The majority of contracts and procurement undertaken by the Council fall within the scope of the Procurement Act. This includes:

- All supplies
- All construction / engineering or works contracts
- Most services with the exception of Health-Related Services within the scope of the NHS Provider Selection Regime¹.

12.2 Part 2 of these Contract Standing Orders relate to contracts and procurement within the scope of the Procurement Act.

12.3 Part 3 of these Contract Standing Orders covers the requirements of the NHS Provider Selection Regime.

13. Pipeline Notices

13.1 The Procurement Act requires the Council to publish an annual procurement forward plan - a Pipeline Notice within 56 days of the beginning of each financial year. Chief Officers will provide the required information to the Procurement Team by the first week of January in each calendar year for all planned procurement activities in their department for the next 18 months from 1 April in that calendar year.

13.2 The Procurement Team will ensure that the information is collated and supplied in full to each of Finance and Legal Services by the end of January in each calendar year for their respective review and will facilitate its publication in accordance with the requirements.

14. Requirements for Covered Procurements²

14.1 Technical Specifications

14.1.1 Responsible Officers must ensure that when preparing contract documentation, and specifically when designing specifications of requirements, these must refer to performance or functional requirements and do not refer to:

¹ Contracts within the scope of the NHS Provider Selection Regime are set out in Part 3.

² A Covered Procurement is a contract above the relevant National Threshold – see Glossary

- (a) a trademark, trade name, patent, design or type;
- (b) a place of origin, a producer or supplier
- (c) a design, a particular licensing model or a description of characteristics unless a United Kingdom standard applies unless:
 - (i) the standard adopts an internationally recognised equivalent; or
 - (ii) there is no internationally recognised equivalent.

14.1.2 Where there are no other means by which to communicate the requirement accurately, the specification must allow equivalent products or services for which the Responsible Officer can request certification or other evidence that the required standard is met.

14.2 Duty to Consider Lots

14.2.1 For Public Contracts section 18 of the Procurement Act requires the Council to consider:

- (a) whether the goods, services or works to be supplied under the contract could reasonably be supplied under more than one contract; and
- (b) whether such contracts could appropriately be awarded by reference to lots.

14.3 Consideration of Barriers to Small and Medium Enterprises

14.3.1 Section 12 of the Procurement Act requires the Council to have regard to the fact that small and medium-sized enterprises may face particular barriers to participation in procurement processes and consider whether such barriers can be removed or reduced.

14.3.2 Responsible Officers must explain their rationale against the duties set out in CSOs 14.2 and 14.3 in the Procurement Strategy.

15. Financial Thresholds and Procedures

15.1 The table below sets out the rules applying to the choice of purchasing procedure for contracts at the stated threshold values.

15.2 There is a general presumption in favour of competition. The table below sets out the financial thresholds and procedures to be followed

for all procurements within the confines of the Procurement Act³. Nothing in these CSOs prohibits the Responsible Officer seeking a greater number of quotations or following an open tender process if this is believed to be advantageous.

PROCUREMENT THRESHOLDS AND PROCEDURES		
Value	Type of Contract	Procedure
Value Below £100,000		
less than £15,000	All	Seek at least one written quotation in advance
£15,000 to less than £25,000	All	Seek at least two written quotations in advance
£25,000 to less than £100,000	All	Seek at least three written quotations in advance
Value of £100,000 and above to National Threshold⁴		
£100,000 to less than £1,000,000	Works	Any of the four options as applicable: <ul style="list-style-type: none"> • Below Threshold invitation to tender • Mini Competition or Direct Award from an Approved Framework or Dynamic Market <u>or</u> Dynamic Purchasing System awarded under the Public Contracts Regulations 2015 • Seek at least four written quotations (Supplies and Services up to Threshold and Works up to £1,000,000) • Seek at least four written quotations from a construction related Approved List to be advised by the Procurement Team (Works any value up to National Threshold)
£100,000 to less than the National Threshold	Supplies and Services Light Touch Services	
£1,000,000 and above to less than the National Threshold	Works	

³ For procurements that fall within the Provider Selection Regime, see Part 3 of these Contract Standing Orders

⁴ The National Threshold value is published annually by the Cabinet Office. Please refer to the Council's Intranet Page for the current value or seek advice from the Procurement Team. National Threshold amounts are inclusive of VAT.

PROCUREMENT THRESHOLDS AND PROCEDURES		
Value	Type of Contract	Procedure
Above National Threshold		
All values	All Contracts	<p>Either:</p> <ul style="list-style-type: none"> • Open or Competitive Flexible Tender process in accordance with the Procurement Act procedures; or • Mini Competition or Direct Award from an Approved Framework or Dynamic Market or Dynamic Purchasing System awarded under PCR2015

16. Approval to Proceed - Procurement Strategy Decision

16.1 Value Below £100,000

16.1.1 Approval

The process of inviting quotations where the whole life cost of the purchasing requirement is below £100,000 may only be carried out, by the Responsible Officer as authorised by the Chief Officer.

16.1.2 Process

Where the contract value is £25,000 or more, the Procurement Team will manage the process via the Council's selected eTendering system. The Procurement Team will advise and support the Responsible Officer in the choice of procurement procedure, market and required documentation.

16.2 Value of £100,000 and above

16.2.1 All applications for approvals to proceed to seek quotations or invite tenders for procurement valued at £100,000 or above must be the subject of a Procurement Strategy Decision, set out in the approved format, and submitted in advance to the relevant Approver. The Procurement Strategy Decision shall set out as a minimum the following:

- (a) an appropriate and proportionate business case setting out the requirements and costings;

- (b) the high-level specification detailing the quality required that is proportionate to the priorities of the Council;
- (c) the social value outcomes to be sought as part of the procurement process;
- (d) project and contract management arrangements;
- (e) all other key issues such as data governance, strategic implications for other council services etc., and management or risk as may be appropriate;
- (f) confirmation from Legal Services, the Procurement Team and Finance that they have been consulted and endorse the proposed Procurement Strategy Decision insofar as it gives rise to legal, procurement and finance implications

16.2.2 The Responsible Officer must, in addition, complete a risk assessment of the proposed procurement using the Greenwich Risk Assessment Process (GRAP) and then forward the completed assessment to the Procurement Team who will advise on the proposals and confirm the risk rating as either High Risk or Low Risk, as appropriate.

16.2.4 Where the proposed Procurement Strategy Decision is a Key Decision the approval process shall include compliance with the rules relating to Key Decisions in the Constitution included in the Key Decision Appendix found in Part 4 of the Constitution.

- (a) Rules of Procedure; Section D - Access to Information Procedures including publication and call-in requirements; and
- (b) the Key Decision is taken at this stage and provided no Procurement Strategy Decision Deviation arises, any subsequent report relating to the procurement or award of contract will not be a Key Decision.

16.2.5 The Procurement Strategy Decision may encompass a programme of multiple procurement activities of a similar nature over a period of time where this is beneficial and efficient for the Council. Any procurement carried out, and contract award made, following a Procurement Strategy Decision will need to be in accordance with these CSOs. In such cases the Procurement Strategy Decision shall include details of financial impact, procurement process and a date of expiry of the recommended procurement route, which in all circumstances shall be no longer than five (5) years.

16.3 Approval Process – Pre-Quote/Tender

Approval to proceed to quotation or tender for procurements valued £100,000 and above will be a Procurement Strategy Decision in accordance with the process set out in the table below.

PROCUREMENT STRATEGY DECISION APPROVAL ROUTE		
Risk	Value	Approver
Non-Key Decision		
Low Risk	From £100,000 to less than £1,000,000	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
High Risk	From £100,000 to less than £1,000,000	Chief Officer following the recommendations of the Corporate Procurement Board
Key Decision		
Low Risk	£1,000,000 and above	Chief Officer subject to the publication and call-in requirements relating to Key Decisions
High Risk	£1,000,000 and above	Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions
High Risk with Service Policy Change	£1,000,000 and above	Cabinet following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions

17. Approval of Contract Awards

17.1 Competitive Awards below £100,000

17.1 All awards of below £100,000 will require the written approval of the relevant Chief Officer unless otherwise Delegated within the relevant Directorate Scheme of Delegation.

17.2 Award of £100,000 or more where there is an agreed Procurement Strategy Decision

17.2.1 Following the conclusion to the quotation or tendering process, the Contract Award Decision will be made following Award Approval Route A as set out in the table below providing that the procurement is compliant with the relevant Procurement Strategy Decision and is within the Approved Budget.

AWARD APPROVAL ROUTE A	
Compliant with the relevant Procurement Strategy Decision and within budget	
Risk	Approver
Low Risk	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
High Risk	Chief Officer

17.2.2 In certain cases the outcome of the procurement process may deliver the most advantageous or only solution at a cost higher than the agreed budget, or there has been a Procurement Strategy Deviation. In either of these cases, the Contract Award Decision will be made in accordance with Award Approval Route B as set out in the following table:

AWARD APPROVAL ROUTE B		
Deviation from Procurement Strategy Decision and/or above budget		
Risk	Key Decision Status⁵	Approver
Low Risk	Either Key or Non-Key	Chief Officer
High Risk		Chief Officer following the recommendations of the Corporate Procurement Board.
All Risks	Where the original Procurement Strategy Decision was not a Key Decision but the revised value of the proposed contract award results in the award becoming a Key Decision.	Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions.

18. Procurement Routes

18.1 Choice of Routes

18.1.1 The Procurement Act allows for different procurement routes for Covered Procurements and Below Threshold procurements. Responsible Officers shall seek guidance from the Procurement Team as to the appropriate process to use in each circumstance, using the Procurement Thresholds and Processes table set out in CSO 15 as a guide to the minimum requirements.

18.2 Below Threshold Routes

The threshold requirements set out in the table at Section 7 of the Procurement Act sets out the minimum competitive procedures for procurements below the relevant National Thresholds for the purchasing need. In all cases the Responsible Officer may select an enhanced procedure if this is felt to be advantageous.

⁵ Where a procurement exercise is a Non-Key Decision at Procurement Strategy Stage it will normally be estimated to be below the Key Decision Value Threshold – “the Value Threshold” (£1,000,000 at March 2024). If the resulting recommended bid value remains below the Value Threshold, then the decision is still Non-Key. However, if the value of the recommended bidder is now above the Value Threshold, the award of the contract becomes a Key Decision. Where the estimate at Procurement Strategy Stage was above the Value Threshold, the Key Decision has already been made.

18.3 Above Threshold Routes

18.3.1 Where procurement is an Above Threshold procurement, the choice of procedures is limited by the Procurement Act to:

- (a) Open Procedure
- (b) Competitive Flexible Procedure
- (c) Competition or Direct Award through an Approved Framework
- (d) Use of Dynamic Markets or an existing Dynamic Purchasing System procured in accordance with the Public Contracts Regulations 2015
- (e) Direct Award in accordance with Chapter 3 of the Procurement Act (CSO 22.3)

18.3.2 The Procurement Team will advise Responsible Officers on the best choice of procedure to be selected for the need.

18.4 Pre-Selection Criteria - Above-Threshold Contracts

For contracts valued above the relevant National Threshold, the Responsible Officer will implement the prescribed selection criteria set out within the Procurement Act as Mandatory or Discretionary Exclusion Grounds in Schedules 6 and 7. The Procurement Team will advise on suitable formats and electronic means of applying these criteria.

18.5 Exclusion and Debarment

18.5.1 Chapter 6 of the Procurement Act sets out the conditions against which a supplier may be excluded or debarred from a procurement process or contract award.

18.5.2 Suppliers to whom the mandatory exclusion grounds apply shall be automatically excluded and those to whom discretionary exclusion grounds apply shall be excludable if in both cases the Council considers the circumstances could arise again.

18.5.3 The Council may also exclude a supplier for improper behaviour if it is felt that this Supplier has:

- (a) failed to provide information requested by the Contracting Authority,

- (b) provided information that is incomplete, inaccurate or misleading,
- (c) accessed confidential information,
- (d) unduly influenced the Contracting Authority's decision-making.

18.5.4 In the case of exclusion for improper behaviour, the Council must allow reasonable opportunity for the supplier to make representations and/or provide relevant evidence to support their application.

19. Submission and Opening of Tenders

19.1 All competitive procurements valued at or above £25,000, whether requests for quotation or invitation to tender shall be submitted and received by the Procurement Team utilising the Council's eTendering system.

19.2 The procurement of apprenticeship placement contracts is excluded from the requirement to use of the Council's eTendering system.

19.3 No tender received after the closing time and date specified for receipt of tenders shall be accepted unless the Council's Head of Procurement is satisfied that there is sufficient evidence of the tender having been dispatched in time for it to have arrived before the closing date and time, or other exceptional circumstances apply, and the other tenders have not yet been opened.

19.4 If it is necessary that the period of time for submitting tenders be extended, this should be communicated to all Suppliers in writing in a fair and equal manner.

20. Evaluation of Quotes and Tenders

20.1 All quotes and tenders shall be evaluated in accordance with evaluation criteria notified in the tender or quotation documentation, in advance.

20.2 Save in exceptional circumstances and subject to approval in advance by the Director of Finance, all Covered Procurements shall be awarded on the basis of Most Advantageous Tender and not the lowest price.

21. Standstill Period and Assessment Summaries

21.1 Where the contract is a Covered Procurement; after award approval in accordance with CSO 17 has been completed and before the Council enters into the contract, the process below must be followed:

1. Assessment Summaries⁶ must be issued to all participants in the tender process. These will set out full details of scoring and comments against all scoring criteria included in the evaluation process. For unsuccessful suppliers this must include the scores and comments achieved by the most advantageous tender.
2. A Contract Award Notice must be published
3. A Mandatory Standstill period of eight (8) Working Days beginning on the day the Contract Award Notice is published

21.2 A contract may not be entered into until all of the above has been completed.

22. Award of Contract without Competition

22.1 Principles of Direct Award

22.1.1 Whilst competitive procurement is the preferred route in the majority of cases, there are circumstances where a single source (one quote only) award is the most suitable or the only viable option.

22.1.2 Direct Awards are only permissible where:

- | | |
|----------|--|
| Route 1: | a waiver is obtained from the requirements to comply with the competition requirements as set out in the table at CSO 15.2. This only applies to Below Threshold contract awards; or |
| Route 2: | a contract award complies with the requirements of Chapter 3 of the Procurement Act; or |
| Route 3: | a Direct Award is permitted under the terms of an Approved Framework |

OR

⁶ Assessment Summaries are provided to suppliers to set out their scores against the published criteria, and in case of unsuccessful bidders, why they were not awarded the contract.

Part 3 of these CSOs applies and the Direct Award relates to contracts awarded in accordance with the provisions of the NHS Provider Selection Regime.

- 22.1.3 For avoidance of doubt, where invitations to tender are advertised on the open market but only one tender submission is received it is permissible, subject to meeting the necessary criteria, to award the contract to the sole tenderer. For the avoidance of doubt, there is no requirement to follow the Direct Award procurement route process because that process only applies if the original invitation to tender had not been advertised on the open market.

22.2 Route 1: Waiver (Direct Awards - Below Threshold)

- 22.2.1 Responsible Officers must fully document the rationale for the request in the Procurement Decision.
- 22.2.2 All Procurement Decisions seeking a waiver must include reference to the approval of the use of the waiver on behalf of the Procurement Team, Finance and Legal Services. If approval of the use of the waiver is not given the waiver may only be authorised by Cabinet.
- 22.2.3 A waiver from having to apply the competitive procurement routes set out in CSO 15 may be granted subject to one or more of the following conditions having been met:
- (a) a competitive exercise produced no tenders or inappropriate tenders;
 - (b) a competitive process is inappropriate because there is no market or because there are legal or technical reasons that rule it out;
 - (c) the urgency of the procurement justifies a direct award;
 - (d) the need to protect the personal welfare of service users justifies a direct award;
 - (e) additional deliveries (supplies or services) by the original supplier are required and the total spend remains Below Threshold.

22.3 Route 2 - Direct Award - Above Threshold

22.3.1 Chapter 3 of the Procurement Act sets out certain specific circumstances that an Above Threshold contract may be awarded as a Direct Award.

22.3.2 A Direct Award may be made to Suppliers that are “not excluded” (CSO 18.5) where there is either a need to:

- (a) protect human, animal or plant life or health;

OR

- (b) protect public order or safety

in accordance with regulations as may be made under Section 42 of the Procurement Act.

OR

- (c) no suitable tenders have been received because one of the following applies:

- (i) tender/s would be disregarded in an assessment or do not satisfy the Council’s requirements or the award criteria when assessed by reference to the assessment methodology and the relative importance of the published criteria;
- (ii) there is evidence of corruption or collusion between Suppliers or between Suppliers and contracting authorities;
- (iii) it materially breaches a procedural requirement in the tender notice or associated tender documents;

OR

- (d) one or more of the conditions set out in Schedule 5⁷ of the Procurement Act is met.

⁷ Direct Award Justifications are set out in Appendix 3

22.4 Route 3 - Direct Award under an Approved Framework

Where an Approved Framework satisfies the conditions for award of contract without competition between suppliers as set out in Chapter 4 of the Procurement Act, the Responsible Officer may recommend a Direct Award for approval, ensuring that the rationale for this is clearly set out in the Contract Award Decision and demonstrates best value for the Council.

22.5 Direct Award Approval Route

22.5.1 Where a Direct Award is as a result of an approved Procurement Strategy Decision for one or more of a proposed programme of procurement activities, the approval route is in accordance with CSO 17.

22.5.2 In all other cases the table below sets out the approval routes for requests to make direct award of contract. The Responsible Officer will undertake the risk assessment (GRAP) for Direct Awards over £100,000. Direct Awards Above Threshold are all considered to be High Risk and therefore approval must be sought from the Corporate Procurement Board.

DIRECT AWARD APPROVALS			
Decision / Risk	Contract Type	Value	Approver
Low Value Direct Award	All	£15,000 or more and less than £25,000	Chief Officer, unless otherwise Delegated in the Scheme of Delegation
NON-KEY DECISION			
Direct Award Route 1 - Waiver Below Threshold			
Direct Award above £25K	All	£25,000 or more and less than £100,000	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
Low Risk	Supplies or Services	£100,000 or more and less than the National Threshold	Chief Officer

DIRECT AWARD APPROVALS			
Decision / Risk	Contract Type	Value	Approver
	Works	£100,000 or more and less than £1,000,000	Chief Officer
High Risk	Supplies or Services	£100,000 or more and less than the National Threshold	Chief Officer following the recommendations of the Corporate Procurement Board
	Works	£100,000 or more and less than £1,000,000	Chief Officer following the recommendations of the Corporate Procurement Board
Direct Award Route 2 – Over National Threshold			
High Risk	Supplies or Services	The National Threshold and above to less than £1,000,000	Chief Officer following the recommendations of the Corporate Procurement Board
Direct Award Route 3 – Approved Framework			
Low Risk ⁸	All	£25,000 or more and less than £1,000,000	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
KEY DECISION			
Direct Award Route 1 – Waiver Below Threshold			
Low Risk	Works	£1,000,000 and above to less than the Works National Threshold	Chief Officer subject to the publication and call-in requirements relating to Key Decisions
High Risk			Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication

⁸ Approved Framework Direct Awards below the Key Decision threshold will be Low Risk unless there are exceptional circumstances, in which case the approval route will be as Route 2.

DIRECT AWARD APPROVALS			
Decision / Risk	Contract Type	Value	Approver
			and call-in requirements relating to Key Decisions
Direct Award Route 2 – Above National Threshold			
High Risk	Supplies or Services	£1,000,000 and above	Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions
High Risk	Works	The Works National Threshold and above	Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions
Direct Award Route 3 – Approved Framework			
Low Risk	All	£1,000,000 and above	Chief Officer subject to the publication and call-in requirements relating to Key Decisions
High Risk	All	£1,000,000 and above	Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions

22.6 Direct Awards Register

The Procurement Team will maintain a register of Direct Awards valued at £100,000 or above.

23. Procurement of Personal Social Care and SEND Placements

- 23.1 The Chief Officer having responsibility for the provision of personal social care services to individual adults or children and or Special Educational Needs and Disabilities (SEND) placements to children, shall be able to directly award contracts without the requirement for a formal award report where the following conditions are met:
- (a) the services fall within the definition of “User Choice Contracts” as set out in Schedule 5 of the Procurement Act; and
 - (b) where the purchase is required in order that the Council may meet its statutory obligations and the application of these CSOs would prevent or delay the discharge of those statutory obligations.
- 23.2 The Chief Officer shall, however, maintain written records of decisions made in the award of social care or placement services and make arrangements to ensure that evidence exists to show that all such purchases are systematically reviewed to ensure that they appropriately meet the needs of the user and that they provide value for money in relation to national and local cost indicators.
- 23.3 All social care or placement services contracts (including the provision of nursing care, residential care, supported living) shall be made in writing, or, where this has not been possible due to urgency, confirmed in writing at the earliest opportunity and in any event within one calendar month of contract commencement. Any subsequent amendment of the contracted services shall similarly be made or confirmed in writing within one calendar month of the change.
- 23.4 This exemption shall not apply to block, Framework or term contracts for social care or to contracts for other types of goods, services or works; these shall be let in accordance with the general provisions of these Contract Standing Orders. The Chief Officer shall also take all reasonable steps to ensure that the use of collaborative procurement arrangements and the use of block, Approved Framework and term contracts for social care are maximised.

24. Contract Management under the Procurement Act

- 24.1 For Public Contracts within the scope of the Procurement Act; with the total value over its lifespan of £5,000,000 (including VAT)⁹ or more, the Responsible Officer must publish at least three Key Performance Indicators (KPIs) in respect of this contract.
- 24.2 Performance against the KPIs specified in the contract shall be reported via the Central Digital Platform at least once every 12 months. Additionally, if in the case performance has not been satisfactory, a Contract Performance Notice shall be published including details of the breach, the action taken to resolve the breach or details of the termination, within 30 days of the breach occurring.
- 24.3 The Responsible Officer shall ensure that full details of contract modification, early termination and general performance are recorded centrally and notified to the Procurement Team who will be responsible for issuing all Transparency Notices required by the Procurement Act.
- 24.4 Where a Contract Performance Notice indicates serious failure or termination details, the notice shall be approved in writing by the Chief Officer responsible for the service prior to publication.

25. Modifications (Variations and Extensions) to existing contracts

- 25.1 Where Modifications to existing contracts are made, these must be determined in accordance with the contract terms or agreement of the parties, for a specified period and made in accordance with the principles set out in the relevant legislation.
- 25.2 All Modifications must be fully documented and approved in advance of the execution of the Modification in accordance with the approvals in the table below.
- 25.3 Modifications to existing contracts will only constitute a Key Decision in circumstances where:
- (1) the initial procurement process and/or award of contract was not a Key Decision; and
 - (2) the financial value of the proposed modification (of if more than one modification has been made the cumulative total

⁹ Approximately £4,170,000 excluding VAT

- value to date of all modification made added to the proposed modification) when added to the unmodified contract value results in the value of the contract following modification meeting the Key Decision threshold; and/or
- (3) the modified contract would meet the first Key Decision criteria

25.4 The table below sets out the requirements for Modifications together with the approvals route. Further guidance on Modifications will be available from the Procurement Team and set out in the Procurement Manual.

25.5 Where the modification is to a contract for works (construction) through an approved Construction Form of Contract that allows for change controls and where the overall value does not exceed the initial budget (including contingency) for the works, no formal report is required.

Description	Contract Type	Conditions	Approver
Modification Category 1: Permitted Variation or Extension			
Contract Extension or scope increase	Services and Supplies	The extension or scope change (e.g. optional service) is clearly set out in the terms and conditions of contract.	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
Modification Category 2: Simple Modification			
Modification of a contract awarded under PCR2015 or PA23 valued below the National Thresholds	All	Increase in cost results in the revised contract value still being below the "National Threshold"	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
Modification of a contract awarded under PCR2015 or	Supplies or Services	Change in value up to 10% or threshold value of whole life cost or contract term.	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation

Description	Contract Type	Conditions	Approver
PA23 valued above the National Thresholds	Works	Change in value up to 15% or threshold value of whole project cost	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
Modification of Light Touch Contract	Light Touch Services	Provided no material change in scope or transfer of economic balance in favour of the Supplier	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
Modification Category 3: Complex Modifications			
Modification of a contract awarded under PCR2015 valued above the National Thresholds	All	Change in value more than 10% for services or supplies or more than 15% for works but less than 50% in accordance with PCR2015 Regulation 72	Chief Officer following the recommendations of the Corporate Procurement Board
	All	Modifications that would result in an increase of 50% or more of the initial contract value	Not permitted. A new award process is required.
Modification to a Public Contract awarded under PA23	All	In accordance with permitted modifications within Section 74 and Schedule 8 of the Procurement Act	Chief Officer following the recommendations of the Corporate Procurement Board
Any Modification	All	Where the modification is a Key Decision in accordance with CSO 25.3	Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions

25.6 No Modification to increase scope and/or cost may be made until funding has been identified in accordance with the Council's Financial Regulations.

25.8 *Modifications Register*

The Procurement Team will maintain a register of all Category 3 and Key Decision contract modifications as set out in the table above.

26. Record Keeping

26.1 In accordance with Section 98 of the Procurement Act, the Council must keep sufficient records to justify the rationale for awarding or entering into a public contract as defined by section 3 of the Procurement Act.

26.2 This will include all Procurement Decisions and all correspondence between the supplier and the Council prior to the contract being entered into.

26.4 These records shall be maintained for a period of three years post contract award or until the point that a notice is published that there will be no award.

PART 3: NHS PROVIDER SELECTION REGIME

27. Scope

27.1 The NHS Provider Selection Regime (“PSR”) came into force on 1 January 2024 and applies to specific contracts relating to the delivery of health services to individuals as set out below:

CPV ¹⁰ Code	Description
85323000-9	Community health services, but only in respect of community health services which are delivered to individuals
85312330-1	Family-planning services, but only insofar as such services are provided to individuals to support sexual and reproductive health
85312500-4	Rehabilitation services, but only insofar as such services are provided to individuals to tackle substance misuse or for the rehabilitation of the mental or physical health of individuals

27.2 Contracts and procurement processes falling within the scope of the PSR will follow different routes to procurements under the Procurement Act. For example, there are no thresholds against which to test the services, and therefore the standard Council Procurement thresholds in CSO 15 do not apply.

27.3 In all cases the Responsible Officer shall engage with the Procurement Team and Legal Services on the suitability and application of the appropriate process to use.

¹⁰ CPV = Common Procurement Vocabulary. Method of categorising procurement requirements.

28. Direct Award Procedure

28.1 The PSR is positive towards the potential for Direct Awards at all levels of contracting. The three Direct Award Procedures are set out in the table below:

PROVIDER SELECTION REGIME DIRECT AWARD PROCESSES		
Process	Value	Criteria for Award
Direct Award Process A	All Values	There is an existing provider for the services and that provider is the only provider
Direct Award Process B		Where patients have a choice of provider and the number of providers is not restricted by the relevant authority
Direct Award Process C		Where the existing provider is satisfying the contract and is likely to satisfy the new contract and the proposed contracting arrangements are not changing considerably from the existing contract

28.2 The Responsible Officer shall seek advice from the Procurement Team on the selection and application of the Direct Award Process.

28.3 Where one of the Direct Award Processes is chosen as the most appropriate, there will be no need for a business case report, however the rationale for the choice of process and award of provider shall be fully documented in the relevant form or report as set out in the request for approval below.

PSR DIRECT AWARD APPROVAL (A, B OR C)		
Risk	Value	Approver
NON-KEY DECISION		
Low Risk	Less than £1,000,000	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
High Risk		Chief Officer following the recommendations of the Corporate Procurement Board

PSR DIRECT AWARD APPROVAL (A, B OR C)		
Risk	Value	Approver
KEY DECISION		
Low Risk	£1,000,000 and above	Chief Officer subject to the publication and call-in requirements relating to Key Decisions
High Risk		Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions.

28.4 The PSR is specific about certain information that shall be retained regarding the process for audit purposes. This information must be included within the report requesting approval.

29. Most Suitable Provider and Competitive Processes

29.1 The PSR also includes provision for a “Most Suitable Provider” and “Competitive” Process which accommodate different levels of comparison and competition.

29.2 The table below sets out the pre-tender and post-tender approvals route for these processes. A Procurement Strategy Decision is required in this case.

MOST SUITABLE PROVIDER AND COMPETITIVE PROCESSES		
PRE-TENDER – NON-KEY DECISION		
Risk	Value	Approver
Low Risk	less than £1,000,000	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
High Risk		Chief Officer following the recommendations of the Corporate Procurement Board
PRE-TENDER – KEY DECISION		
Low Risk	£1,000,000 and above	Chief Officer subject to the publication and call-in requirements relating to Key Decisions
High Risk		Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions
CONTRACT AWARD		
Competitive Award Approval Route A		
Compliant with budget and Procurement Strategy	All values	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
Competitive Award Approval Route B		
Above budget and / or deviant from procurement strategy	All values	Chief Officer following the recommendations of the Corporate Procurement Board

30. Modifications of Contracts within the PSR

30.1 The following table sets out the conditions and approvals process for modifications within the PSR.

PERMITTED MODIFICATIONS OF PSR CONTRACT	
Condition¹¹	Approver
Type 1 Modification: Contracts Awarded Under Direct Award Process A or B	
Where the modification does not materially alter the character of the contract	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
Type 2 Modification: Contracts Awarded Under <ul style="list-style-type: none"> • Direct Award Process C; or • the Most Suitable Provider Process or the Competitive Process; or • to contracts originally awarded under the Public Contracts Regulations 2015 	
Where the modification meets one or more of the following conditions: <ul style="list-style-type: none"> (a) It is clearly and unambiguously provided for in the original contract; (b) Optional additional service provision (such as pilot activities or projects) which are covered in the original contract; or (c) It is solely a change in the identity of the provider 	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
Type 3 Modifications: Contracts Awarded Under <ul style="list-style-type: none"> • Direct Award Process C; or • the Most Suitable Provider Process or the Competitive Process; or • to contracts originally awarded under the Public Contracts Regulations 2015 	
Where the modification meets one or more of the following conditions: <ul style="list-style-type: none"> (a) It is made in response to factors outside of the control of the Council as long as the contract is not rendered materially different. 	Chief Officer following the recommendations of the Corporate Procurement Board

¹¹ The Conditions for modification approval are set out in detail in Regulation 13 of the Provider Selection Regime.

PERMITTED MODIFICATIONS OF PSR CONTRACT

Condition ¹¹	Approver
(b) It is attributable to a decision of the Council as long as it does not materially alter the character of the contract and the cumulative change in the lifetime value is below £500K or below 25%.	

30.2 Contracts that do not meet the above criteria may not be modified.

31. Urgency

31.1 There are limited occasions where the Council may need to act urgently and award or modify contracts to address immediate risks to patient or public safety. In these circumstances the Responsible Officer may seek approval for award or modification of contracts as set out in the table below:

PSR Urgency Provisions		
Condition	Additional Requirements	Approver
Where one or more of the following circumstances occur, the Council may award or modify a contract without full application of the PSR procedures: (a) An unforeseen emergency (b) Urgent quality or safety concerns (c) An existing provider can no longer deliver the service	The modification or award must be long enough ONLY to manage the emergency and then apply the PSR requirements in full An urgent award notice must be issued	Chief Officer Submitted to the Corporate Procurement Board for noting

32. PSR Standstill Period and Representations

32.1 All contracts awarded under the Provider Selection Regime are subject to a mandatory eight (8) Working Day standstill period.

32.2 The PSR allows for a process of “Representations” to be followed should any provider who might otherwise have been able to deliver the process

believes that the Council has failed to apply the regime correctly and is able to set out reasonable grounds to support its belief and the representation is submitted in writing (which includes electronically) within eight working days of the start of the standstill period.

- 32.3 The Procurement Team and Legal Services will provide advice on the process to follow should a Representation be received under the PSR. This will include extension of the Standstill Period, the potential for further review by an external “Independent Patient Choice and Provider” panel at the provider’s request and must include maintenance of a full audit trail.

33. PSR Transparency Notices and Contract Management

- 33.1 Responsible Officers must provide to the Procurement Team all relevant information as required to meet the Transparency Notices requirements relating to procurement and contract award. Transparency Notices relating to the PSR are listed at Appendix 2.
- 33.2 Whilst contract management reporting is not required under the PSR, Responsible Officers must keep records of contract management details for the annual performance report as set out in CSO 10.

Appendix I: Transparency Notices

AI.1 Procurement Act

Notice	Details	Mandatory?
Planning Stage		
Pipeline Notice	Publish information on potential future procurements they expect to conduct that year (where the estimated contract value exceeds £2 million for the particular contract)	Yes
Planned Procurement Notice	Similar to the current Prior Information Notice (PIN), may be published to inform the market that a public body intends to publish a Tender Notice at a future date.	No
Preliminary Market Engagement	Published when a public body chooses to carry out preliminary market engagement. Under the current regime, details of a preliminary market engagement would typically be included in a PIN but the new regime splits this into two separate notices.	Yes
Procurement Stage		
Tender Notice	Renamed “contract notice” which must be published to commence a competitive procurement and invite tenders.	Yes
Transparency Notice	Required when a Direct Award is made	Yes
Below Threshold Tender Notice	Published prior to advertising a 'notifiable' below-threshold contract, which, in the case of central government is a contract with a value of £30,000 (inc VAT) or more and less than - £213,477 (inc VAT)	Yes
Contract Award and Execution		
Contract Award Notice	Published when a public body intends to make a contract award (i.e. following conclusion of the procurement but before the contract has been executed).	Yes
Procurement Termination Notice	Published if the Council wishes to abandon a procurement which has been initiated.	Yes if applicable

Notice	Details	Mandatory?
Contract Details Notice	Published within 30 days of contract execution (30 days following publication of the Contract Award Notice or 120 days for Light Touch Contracts) Where the contract has a value exceeding £2M a copy of the contract must also be published.	Yes
Below Threshold Contract Details Notice	As above, as soon as reasonably practicable.	Yes for notifiable awards
Contract Performance		
Contract Change Notice	Published when an above-threshold modification is made to a contract. No publication is required if the intended modification neither increases nor decreases the value of the contract by 10% or less (in the case of goods or services contracts), or 15% or less (in the case of works contracts).	If applicable
Contract Performance Notice	Publish information relating to achievement against KPIs, performance in general including poor performance. Also includes any breaches of contract.	Yes for contracts of £2,000,000 or more
Payments Compliance Notice	Published when a public body makes a payment under a contract, or when a payment becomes payable. These notices must be published within 30 days of the last day of the reporting period (quarterly)	Yes
Contract Termination Notice	Published within 30 days of contract termination (natural expiry or otherwise)	Yes

AI.2 NHS Provider Selection Regime

Notice Type	Direct award process A	Direct award process B	Direct award process C	Most suitable provider process	Competitive process
Clear intentions: Publish the intended approach in advance				Yes	
Clear intentions: Publish a notice for a competitive tender					Yes
Communicating decisions: Publish the intention to award notice			Yes	Yes	Yes
Confirming decisions: Publish a confirmation of award notice	Yes	Yes	Yes	Yes	Yes
Contract modification: Publish a notice for contract modifications	Yes	Yes	Yes	Yes	Yes

Appendix 2: Schedule 5: Above Threshold Justifications Direct Awards

1. Prototypes and development

The public contract concerns the production of a prototype, or supply of other novel goods or services, for the purpose of

- (a) testing the suitability of the goods or services,
- (b) researching the viability of producing or supplying the goods or services at scale and developing them for that purpose, or
- (c) other research, experiment, study or development.

2. Single suppliers

- (a) The public contract concerns the creation or acquisition of a unique work of art or artistic performance;

OR:

- (b)(i) due to a particular supplier having intellectual property rights or other exclusive rights, only that supplier can supply the goods, services or works required, and
- (b)(ii) there are no reasonable alternatives to those goods, services or works.

OR:

- (c)(i) due to an absence of competition for technical reasons, only a particular supplier can supply the goods, services or works required, and
- (c)(ii) there are no reasonable alternatives to those goods, services or works.

3. Additional or repeat goods, services or works

The public contract concerns the supply of goods, services or works by the existing supplier which are intended as an extension to, or partial replacement of, existing goods, services or works in circumstances where:

- (a)(i) a change in supplier would result in the Contracting Authority receiving goods, services or works that are different from, or incompatible with, the existing goods, services or works, and

- (a)(ii) the difference or incompatibility would result in disproportionate technical difficulties in operation or maintenance.

OR

- (b)(i) the existing goods, services or works were supplied under a public contract that was awarded in accordance with a competitive tendering procedure within the period of five years ending with the day on which the transparency notice is published, and
- (b)(ii) the tender notice or any tender document in respect of that earlier contract set out:
 - (1) the Contracting Authority's intention to carry out a subsequent procurement of similar goods, services or works in reliance on this direct award justification, and
 - (2) any other information specified in regulations under section 95.

4. Commodities

The public contract concerns goods purchased on a commodity market.

5. Advantageous terms on insolvency

The award of the public contract to a particular supplier will ensure terms particularly advantageous to the Contracting Authority due to the fact that a supplier, whether or not the one to whom the contract is to be awarded, is undergoing insolvency proceedings – ie. if the supplier has:

- (a) become bankrupt or, in Scotland, the estate of the supplier has been sequestrated,
- (b) become subject to insolvency or winding-up proceedings,
- (c) had its assets subject to administration or receivership, including by a liquidator or court,
- (d) entered into an arrangement with its creditors,
- (e) become subject to a petition or application for any such procedures or arrangements, or
- (f) in any jurisdiction, been subject to a procedure or an application that corresponds to any procedure or application mentioned in this section.

6. Urgency

Where the goods, services or works to be supplied under the public contract are strictly necessary for reasons of extreme and unavoidable urgency, and as a result the public contract cannot be awarded on the basis of a competitive tendering procedure.

Note that urgency is unavoidable if it is not attributable to any act or omission of the Contracting Authority and could not have been foreseen by the Contracting Authority.

7. User choice contracts

User choice contracts are specified as “Light Touch” and also are supplied for the benefit of a particular individual where the Contracting Authority would, in awarding a contract for their supply, be required under an enactment to have regard to the views of the individual, or a person providing care to the individual (their “carer”), in relation to who should supply the services.

Direct award can be made when:

- (a) the individual to whom the services are to be supplied or their carer has expressed a preference as to who should supply the services, or the nature of the services to be supplied is such that only one supplier is capable of providing them, and
- (b) the Contracting Authority considers that it is not in the best interests of the individual to carry out a competitive tender

GLOSSARY OF TERMS

Term	Definition
Above Threshold	A procurement for a contract at or above the relevant National Threshold specified for Works, Supplies or Services. This applies only to the Procurement Act.
Approved Budget	The maximum budget available for a competitive procurement exercise as set out within the Procurement Strategy Decision at the Procurement Strategy stage.
Approved Framework	An internal or external Framework for specific services that has been approved by the Head of Procurement and the Director of Legal Services for use within the Royal Borough.
Approved List	A list of suppliers whose basic credentials have been checked. This normally relates to construction contract lists such as Constructionline for works contracts.
Approver	The Chief Officer unless all of the following apply: (a) the Directorate Scheme of Delegation has been published; and (b) the Directorate Scheme of Delegation includes the specified decision relating to procurement; and (c) the Directorate Scheme of Delegation has Delegated the officer postholder authorised to make the specified decision relating to procurement.
Assessment Summaries	Detailed responses provided to Suppliers setting out the results of the procurement process. This only applies to Above Threshold contracts and replaces the “Standstill Letter”
Award without Competition (also known as a Direct Award)	See the Glossary definition of “Direct Award” below
Below Threshold	A procurement process and/or a contract where the whole life cost falls below that specified as the National Threshold for those Services/Supplies/Works. This applies only to the Procurement Act

Term	Definition
Best Value	The Council's duty to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. Set out in section 3 of the Local Government Act 1999
Central Digital Platform	The Central Government online reporting platform for contract and procurement information.
Competitive Flexible Procedure	A Covered Procurement that includes a number of different stages in accordance with Section 20 (2)(b) of the Procurement Act
Construction Form of Contract	Industry standard contract such as JCT or NEC that is commonly used for construction and engineering contracts.
Contracting Authority	A body as defined by section 2 of the Procurement Act
Covered Procurement (also called "Above Threshold" or a "Public Contract")	A procurement where the whole life costs is above the relevant National Threshold for services/supplies/works. This applies only to the Procurement Act.
Contract Award Decision	The decision to award a contract, either as following a competitive process, or as a Direct Award without competition.
Direct Award (also known as Award without Competition)	<p>Award of contract where only one quotation/tender has been sought for the specific requirement. This can be through a Framework where Direct Awards may be permitted, or outside, in accordance with the rules set out.</p> <p>It is not a Direct Award where the requirement was competitively tendered, but only one bid was received.</p>
Delegated	means the Chief Officer has delegated their power to make a decision, seek quotations and tenders, sign contracts, place orders and authorise payments, to an officer or officers as identified in the Directorate Scheme of Delegation.

Term	Definition
Directorate Scheme of Delegation	<p>A scheme setting out the Chief Officer's delegation of authority in relation to Contract Standing Orders which identifies:</p> <ul style="list-style-type: none"> (a) the Assistant Director(s) authorised to sign contracts on the Chief Officer's behalf under CSO 10.2, and (b) which Directorate officer postholders to whom the Chief Officer has Delegated the power to make decisions, seek quotations and tenders, place orders and authorise payments.
Dynamic Market	A form of electronic "Approved List" under the Procurement Act. This replaces the provision for a Dynamic Purchasing System under the Public Contracts Regulations 2015.
Dynamic Purchasing System	An electronic "Approved List" set out in the Public Contracts Regulations 2015. Existing Dynamic Purchasing Systems procured before October 28 th 2024 will remain active for their lifetime.
Framework	A contract between a Contracting Authority and one or more suppliers that provides for the future award of contracts without any guarantee of the volume of supplies by a Contracting Authority (or contracting authorities where they act collectively) being given to the supplier or suppliers.
Greenwich Risk Assessment Process "GRAP"	Format for determining whether a procurement (and its outcome) is "Low Risk" or "High Risk". Must be completed for all procurements valued above £100,000
High Risk	Outcome of the GRAP where applying a range of criteria indicates that the proposed procurement is high risk
Low Risk	Outcome of the GRAP where applying a range of criteria indicates that the proposed procurement is low risk

Term	Definition
Most Advantageous Tender	Award criteria based on consideration of price, quality and wider benefits e.g. social value to the Royal Borough.
Modifications	Variations, extensions or other changes to any Contract.
National Law	The Procurement Act, the NHS Provider Selection Regime and all other legislation and regulatory requirements in force from time to time which apply to public procurement.
National Threshold	The value in pounds sterling above which the contract is a Public Contract. This value includes VAT for the purpose of determining the threshold.
NHS Provider Selection Regime or “PSR”	The NHS Provider Selection Regime 2023 – implemented in accordance with the Health Care Services (Provider Selection Regime) Regulations 2023.
Open Procurement Procedure	A single stage tendering procedure in accordance with Section 20 (2)(a) of the Procurement Act.
Pipeline Notice	A list of annual projects or contracts identified for future procurement exercises. These are also called either the Procurement Forward Plan or Procurement Pipeline
Public Contract	Any contract or Framework for the supply, for pecuniary interest, of goods, services or works to a contracting authority which has an estimated value of not less than the threshold amount for the type of contract - ie. "Above Threshold".
Procurement Act	The Procurement Act 2023.
Procurement Decision	The process for approval of procurement activity, as set out in CSO 9.
Procurement Manual	A procurement guidance manual issued by the Director of Finance that sets out the requirements for procurement and contracting activity by the Council.
Procurement Strategy	The business case for the procurement, setting out what is intending to be purchased, why it is needed, how

Term	Definition
	much (approximately) will be spent and how the procurement will be undertaken.
Procurement Strategy Decision	A document in an approved form seeking approval to a Procurement Strategy allowing the progress to seek quotes or follow a competitive procurement process. A Procurement Strategy Decision only becomes effective when a decision on its content has been formally made in accordance the appropriate Council decision-making process.
Procurement Strategy Deviation	Where a competitive procurement has taken place but it does not meet all the conditions agreed in the Procurement Strategy. For example, use of a different Framework or a change in the evaluation criteria.
Procurement Team	Officers authorised by the Director of Finance to provide advice, support and guidance on procurement within the Council, as set out in CSO 5.
Regulatory Provisions	All current legislation governing the activities set out within these Contract Standing Orders as set out in CSO 3 and as may apply.
Responsible Officer	The Officer authorised by the Chief Officer to be responsible for leading the procurement and or contract management of a particular requirement.
Service Policy Change	Where there is a requirement to agree a new service policy or amendment to an existing service policy, post consultation, that would result in a Key Decision being taken.
Social Value	<p>The obligation on the Council to consider:</p> <ul style="list-style-type: none"> (a) how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area, and (b) how, in conducting the process of procurement, it might act with a view to securing that improvement.

Term	Definition
Social Value Framework	A document setting out the Council's ambition and objectives to be achieved through Social Value
Social Value Policy	The Council's policy to implement its Social Value obligation
Supplier	Procurement Act terminology – means supplier, provider, contractor, bidder and/or tenderer.
Transparency (Notices or Requirements)	Sets of information on procurement and contracting required to be published by electronic methods set out in the Acts for both the Procurement Act and the PSR.
Working Day	A day of the week excluding Saturday, Sunday and public holidays in England and Wales.