

CSO Submission March 2020

The CSO document has been widely amended both in structure and minor rewording or editing to ensure that the content is compliant and up to date.

The structure has been amended with the addition of Procedural notes for specific points of interest that we feel need more guidance but not necessary to flood the main constitutional document. These procedural notes will provide support and be approved documents listed within the constitution.

The change in structure is to increase the compliance to the rules and make them more accessible to the service users. By utilising the Procedural Notes it will allow easier access to the specific information the service user is seeking.

The main two changes to the Contract Standing orders are as follows:

Quotation and Tendering Threshold (Table 1)

Currently the rules are unclear to service users and the requirement is for 5 quotations for:

£100,001 - £150,000 (Supplies/Services)

£200,001 - £2,000,000 (Works)

18. Summary Table of procurement routes dependent upon value

Type		Value range	Department	Activity
Low Value/Low Risk	Requisitioner standard RFQ	up to £5000	Self Service within Department	One written quotation
	Requisitioner standard RFQ	between £5,001 and £25,000	Self Service within Department	Three written quotations
Medium Value/Medium Risk	Procurement standard RFQ	£25,001 - £100,000 (goods / services) £25,001 - £200,000 (works)	Procurement Services Function	Three written quotations
	Procurement technical RFQ	£100,001 - £150,000 (goods/services) £200,001 - £2,000,000 (works)	Procurement Services Function	Five written quotations
High Value/High Risk	Below EU Threshold	£150,0001- EU Threshold (goods/services) £2,000,001 – EU Threshold (works)	Procurement Services Function	Tender advertised /Framework used
	Above EU Threshold	See OJEU	Procurement Services Function	Tender advertised /Framework used

The proposed updated CSO proposes changing this to the below:

Key Thresholds Table I – Quotation and Tendering Thresholds

ACTIVITY	Up to £5k	Over £5k to £25k	Over £25k - relevant OJEU Thresholds	Over Relevant OJEU Threshold
Tender process	Minimum: One Tender Quotations (non-verbal) Preferably: From PL Postcode	Minimum: Three Tender Quotations (non-verbal) Preferably: Two from PL Postcodes	Minimum: Three Tender Quotations (non-verbal) Preferably: Two from PL Postcodes	Formal Advertised Tender
Business Case Required?	No	No	Yes	Yes
Formal Advertisement of Opportunity?	Optional	Optional	Optional (If Advertised Contracts Finder utilised)	OJEU & Contracts Finder
Formal Publication of Award?	Optional	Optional	Contracts Finder	OJEU & Contracts Finder
Contract Published on Contract Register?	Not required	Yes	Yes	Yes
Use of Electronic Tendering System?	Optional	Yes	Yes	Yes
Procurement Service Responsible? ⁻¹	Yes (except in case of Self-Serve: Please refer to Self Service Procedure)	Yes (except in case of Self-Serve: Please refer to Self Service Procedure)	Yes	Yes

⁻¹ Procurement Service defined as both the core Procurement Service team and / or Strategic Commissioning

This creates a more streamlined and realistic approach to the thresholds.

Additionally we have added a preferable request that the quotations obtained are from the PL Postcode.

It is our aim that this will assist in increasing the value that is spent locally. Please note that this is not mandatory and only a preferable option to aide in commitment to the local spend.

Exemption Process

As a service we do not think the current Exemption process and statement within the CSO is fit for purpose or allows us to suitably challenge service users of the decisions they have made resulting in the exemption request.

Currently the Exemption point reads:

- 11.2 Exempt contracts: The following contracts are exempt from the requirements to obtain tenders provided that quotations are sought.
- contracts relating solely to disposal or acquisition of an interest in land, provided that the contract is not deemed to be a works contract in which case the contract shall be procured in accordance with these rules as a works contract;
 - contracts for individual personal care services;
 - transactions conducted by the Chief Finance Officer in respect of dealing in the money market or obtaining finance for the council;
 - contracts offered by the Head of Legal Services for the appointment of counsel;
 - contracts where a sole supplier has exclusive rights (e.g. alterations to statutory undertakers apparatus).
- 11.3 Where there is a written waiver: In cases where the EU regulations do not apply, the Head of the relevant service area, Head of Legal Services and the Procurement Services Manager can waive the requirements of any of the contract rules. All waivers and the reasons for them must be recorded using the designated form which can be found on the document library. The waiver form must be approved by the Head of the relevant service area, Head of Legal Services and the Procurement Services Manager.

We have suggested that this is suitably tightened up and made more robust and providing acceptable categories in which an exemption can be granted. In doing so this provides guidance to the service users as to what must be done in order to acquire an approved exemption.

Contract Standing Orders – Track Change

1. When do these standing orders apply?
Included; this is now CSO.7
2. Other relevant guidance, rules and law
Included; this is now CSO.4
3. Responsibility to follow these standing orders and relevant law
Included; this is now CSO.4
4. Interests of councillors and officers in contracts
Changed and reworded; now CSO.21 and PN.Breach of CSOs
5. Gifts and hospitality
Changed and reworded; now CSO.48
6. Procurement advertisements
Changed and reworded; now CSO.57/58 & 19 & Table 1
7. Before a contract is procured
Changed and reworded; now Section 2 and Table 1 & 2
8. Estimating the total contract value
Included; now Section 3
9. Format of contracts
Changed and reworded; now Table 1 & Table 2
10. Contract terms and conditions
Included; now CSO.74
11. When is there no need to seek quotes or tenders?
Changed and reworded; now CSO.9-14 and PN.Exemptions
12. Purchasing Card Procurement

- Removed; this is covered by the financial regulations with Part H and a Purchasing Card Policy**
13. Table of purchase card limits
Removed; this is covered by the financial regulations with Part H and a Purchasing Card Policy
14. Lodge Cards
Removed; this is covered by the financial regulations with Part H and a Purchasing Card Policy
15. Fuel Cards
Removed; this is covered by the financial regulations with Part H and a Purchasing Card Policy
16. Contract Procurement - existing and corporate contracts
Changed and reworded; now Section 3 and 4
17. General Principles of Procurement
Changed and reworded; now Section 3 and 4
18. Summary table of Procurement Routes Dependent upon value
Changed and reworded; now Table 1 & 2
19. Procurements below £25,000
Included; now Section 4
20. Procurements £25,000 and above
Changed and reworded; now section 3 & 4 and Table 1 & 2
21. Who can authorise contracts?
Changed and reworded; now Table 1 & 2
22. High Value/High Risk Procurement process
Included; now Section 2
23. Application of the Regulations
Removed; we state that we comply with the regulations. All processes are based on this but not a requirement to list within this document
24. Restricted Procedure
Removed; definition. Stated method in Section 2
25. Open Procedure
Removed; definition. Stated method in Section 2
26. Competitive Procedure with Negotiation
Removed; definition. Stated method in Section 2
27. Competitive Dialogue
Removed; definition. Stated method in Section 2
28. Innovation Partnership
Removed; definition. Stated method in Section 2
29. Negotiated procedure without prior publication
Removed; definition. Stated method in Section 2
30. Predetermined Framework Agreements
Included; now CSO.37
31. Concession Contracts
Included; now CSO.43 and PN.Concessions
32. Pre-selection
Removed: This is within the Terms and Conditions
33. The Invitation to Tender
Removed: This is a process based upon the regulations and the CSO

34. Submission and Opening of Tenders
Changed and reworded; now CSO.63 and PN.Late Submissions and PN.Missing or Omitted information
35. Electronic Tendering
Included; now CSO.56
36. Tender Evaluation
Included; now CSO.61 & 62
37. Evaluation Team
Included; now CSO.61 & 62
38. Bonds, Guarantees and Insurance
Included; now CSO.61 & 62
39. Award of Contract
Included; now CSO.67
40. Debriefing
41. Contract Award Notice
Included; now CSO.67
42. Contract Management
Included; now CSO.83 &84 and Table I & 2 also within the Contract Management Procedure
43. Copies of tenders and contracts and register of contracts
Included; now CSO.82 and the overarching Regulations
44. Keeping a register of contracts
Included; now CSO.82 and the overarching Regulations
45. What will the register record?
Included; now CSO.82 and the overarching Regulations
46. Joint Procurement
Covered by Table I & Table 2
47. Consultants
Removed
48. Statistical Returns
Removed; regulations bound to perform this action
49. Contract Extension and Variation
Removed; contradicts update to the exemption process
50. Termination of Contracts
Removed; covered by Table I and Table 2
51. Review and Amendment of Contract Standing Orders
Removed
52. Interpreting Contract Standing Orders
Removed