



# **Contract Procedure Rules**

## **2025**

## Contents

<b>1</b>	<b>Introduction, purpose and scope</b> .....	<b>4</b>
<b>2</b>	<b>Definitions and Interpretation</b> .....	<b>5</b>
<b>3</b>	<b>Legal Status and Compliance</b> .....	<b>5</b>
<b>4</b>	<b>Exemptions</b> .....	<b>6</b>
<b>5</b>	<b>Conflicts of Interest and standards of conduct</b> .....	<b>7</b>
<b>6</b>	<b>Confidentiality</b> .....	<b>8</b>
<b>7</b>	<b>Roles and Responsibilities</b> .....	<b>8</b>
<b>8</b>	<b>Authority, Delegations and Reports</b> .....	<b>10</b>
<b>9</b>	<b>Procurement Review Group</b> .....	<b>13</b>
<b>10</b>	<b>Internal Notifications</b> .....	<b>13</b>
<b>11</b>	<b>Calculating Contract Values</b> .....	<b>14</b>
<b>12</b>	<b>Corporate Contracts including contracts for temporary labour and Consultants</b> .....	<b>15</b>
<b>13</b>	<b>Competition Requirements and Procurement Routes</b> .....	<b>16</b>
<b>14</b>	<b>Electronic Procurement Systems</b> .....	<b>17</b>
<b>15</b>	<b>Frameworks, Dynamic Markets and DPSs</b> .....	<b>18</b>
<b>16</b>	<b>Award criteria</b> .....	<b>18</b>
<b>17</b>	<b>Social Value</b> .....	<b>19</b>
<b>18</b>	<b>Policies</b> .....	<b>20</b>
<b>19</b>	<b>eAuction</b> .....	<b>21</b>
<b>20</b>	<b>Grant funded expenditure</b> .....	<b>21</b>
<b>21</b>	<b>Insurance, Bonds, Warranties and Guarantees</b> .....	<b>22</b>
<b>22</b>	<b>Standard Terms and Conditions of Contract</b> .....	<b>22</b>
<b>23</b>	<b>Timely Payments to Suppliers and the Supply Chain</b> .....	<b>23</b>
<b>24</b>	<b>Business Continuity</b> .....	<b>23</b>
<b>25</b>	<b>TUPE</b> .....	<b>23</b>
<b>26</b>	<b>Leaseholder Consultation</b> .....	<b>23</b>
<b>27</b>	<b>Embedded Leases</b> .....	<b>24</b>
<b>28</b>	<b>Execution of Contracts including Sealing Requirements</b> .....	<b>24</b>

<b>29</b>	<b>Early Authorisation Approval</b> .....	25
<b>30</b>	<b>Notifying successful and unsuccessful bidders</b> .....	25
<b>31</b>	<b>Record Keeping</b> .....	25
<b>32</b>	<b>Procurement Pipeline and Contracts Register</b> .....	27
<b>33</b>	<b>Transparency and Notices</b> .....	28
<b>34</b>	<b>Contract Management</b> .....	28
<b>35</b>	<b>Modifications and Extensions to Existing Contracts</b> .....	29
<b>36</b>	<b>Suspension or Termination of Contracts</b> .....	31
<b>37</b>	<b>Waivers and Exceptions</b> .....	31
Schedule 1	.....	35
<b>Definitions</b>	.....	35
Schedule 2	.....	43
<b>2.1 Contracts for goods or services</b>	.....	43
<b>2.2 Contracts for Light Touch services</b>	.....	45
<b>2.3 Contracts for works</b>	.....	48
<b>2.4 Contracts for concessions</b> .....	.....	51
<b>2.5 Contracts for health services under the PSR</b> .....	.....	54

## **1 Introduction, purpose and scope**

1.1 The purpose of these Contract Procedure Rules (CPR) is to ensure that all Council contracts are awarded demonstrating:

1.1.1 compliance with all relevant United Kingdom legislation ;

1.1.2 probity;

1.1.3 value for money is obtained;

1.1.4 efficient processes are in place;

1.1.5 maximisation of competition wherever possible;

1.1.6 best practice;

1.1.7 a fair and transparent process, and

1.1.8 an auditable procedure has been followed.

### **1.2 Status**

1.2.1 This CPR provides the framework for the procuring of goods, services and works for the Council.

1.2.2 This CPR ensures there are rules to govern how Officers procure goods, services and works to make the most effective and efficient use of resources to deliver best value for the Council and the local community.

1.2.3 This CPR identifies what route to take when procuring goods, services and works for the Council and compliance with these rules is a requirement for all Officers and external agents when conducting procurement activity on behalf of the Council.

### **1.3 Scope**

1.3.1 A contract covered by this CPR is

- 1.3.1.1 any order or purchase of goods, supplies, services or works, for the Council;
  - 1.3.1.2 the grant of a Concession by the Council, and
  - 1.3.1.3 any Framework or Dynamic Market created by the Council
- except for any of the contracts or arrangements listed in CPR 4.

## 2 Definitions and Interpretation

- 2.1 Definitions of capitalised terms used in this CPR are as set out generally in the Constitution or more specifically as set out in Schedule 1 to this CPR.
- 2.2 References to legislation will include reference to subsequent amendments or replacements to that legislation.
- 2.3 References to posts held or teams created within the Council will include successors to those functions if that post or team no longer exists.
- 2.4 Nothing in this CPR is designed to conflict with any applicable external law; in the case of any conflict the external law shall prevail.

## 3 Legal Status and Compliance

- 3.1 These CPR are created under section 135 of the Local Government Act 1972. It is a mandatory requirement for anyone who purchases on behalf of the Council to follow this CPR and its accompanying guidance and procedures. The relevant guidance and procedures are maintained by the Central Procurement Team and can be found on the 'procurement' section of the Council's intranet. **Failure to ensure compliance in procurement activities may result in disciplinary action being taken in line with Council policies and/or Council audit functions.**

3.2 Where any changes in law, national procurement policy impact this CPR, its accompanying guidance and/or procedures, the Head of Procurement is duly authorised to issue a bulletin and amend or update relevant guidance and procedures. Any arising changes must be duly observed.

## **4 Exemptions**

4.1 This CPR does not apply to:

- 4.1.1 contracts of employment which make an individual a direct employee of the Council, although contracts for the provision of agency staff services or Consultants are covered by this CPR;
- 4.1.2 contracts solely for the acquisition, disposal, lease or rental of land, existing buildings or other immovable property (unless the transaction means the Council will receive the benefit of tangible facilities or other benefits and public procurement law requires a competitive process<sup>1</sup>);
- 4.1.3 contracts solely for the disposal of assets other than land, buildings or other immovable property <sup>2</sup>;
- 4.1.4 unconditional grants awarded by the Council;
- 4.1.5 specialist professional services necessary for judicial or other dispute resolution proceedings, including, but not necessarily limited to, lawyers representing or advising the Council and notaries;

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<sup>1</sup> By way of example only, where the Council enters into a development agreement whereby the Council specifies certain works to be carried out, this could well be a procurement, notwithstanding the involvement / transfer of land within the transaction

<sup>2</sup> Officers should be aware that whilst CPR may not apply to such disposals, Officers are still obliged to act in accordance with the overarching principles of fairness, transparency and best value.

- 4.1.6 contracts awarded to a wholly owned company established by the Council in accordance with part 1, section 2 of Schedule 2 to the Procurement Act 2023 or similar legislation ('vertical arrangements');
- 4.1.7 contracts between the Council and another public body established for the purpose of achieving objectives they have in common relating to the exercise of their public functions and which are solely in the public interest and where none of the activities covered by the contract are performed on the open market, such as those activities envisaged by Schedule 2 Part 1 paragraph 3 of the Procurement Act 2023 ('horizontal arrangements');
- 4.1.8 non-trade mandatory payments to third parties, such as insurance claims, pension payments, payments to public bodies;
- 4.1.9 any other contracts which are exempt from the scope of UK public procurement legislation.

## **5 Conflicts of Interest and standards of conduct**

- 5.1 Every Officer must maintain unimpeachable standards of integrity when engaged in a procurement (or any other) activity on the Council's behalf and comply with the Council's anti-fraud and corruption policies in force from time to time.
- 5.2 Where an Officer, Consultant or Member involved in a procurement process or contract management has reason to believe a connection exists between themselves and a participant in a procurement exercise they shall disclose in writing to the Head of Procurement any and all potential conflicts of interest<sup>3</sup>. If

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<sup>3</sup>, Members should also consider whether such conflict needs to be notified to the Monitoring Officer.

the Head of Procurement is aware of his or her own conflict of interest, he/she shall disclose full details to the Officer holding the post of Section 151 Officer.

5.3 Where a conflict arises, appropriate measures, such as withdrawing from the procurement, shall be taken and recorded within the procurement project records to mitigate the conflict.

5.4 All persons involved in the award of contracts shall comply with Council guidance on conduct of Officers and Members and shall not invite or accept any gift or reward or inducement which could influence them in any way in relation to the award or monitoring of any Council contract. High standards of ethical conduct are mandatory. Officers shall take steps to ensure that their behaviour could not lead to accusations of corruption. Corrupt behaviour is a criminal offence and will lead to criminal investigation and if proven, dismissal and a criminal record.

## **6 Confidentiality**

6.1 It is important to maintain fairness and integrity in the Council's procurement activities. All Officers and Members engaged in any procurement process are duty bound to ensure there is no unauthorised disclosure of protected information relating to bids and associated activities including evaluation procedures. There are limited circumstances where disclosure is permitted in law and the relevant procedure with the guidance of the Information Governance Team should be followed, where relevant.

## **7 Roles and Responsibilities**

7.1 The Strategic Directors are responsible for ensuring compliance with this CPR within their directorates.

7.2 The Head of Procurement is responsible for overseeing and strategically delivering resources, systems, processes, procedures, tools, the

Procurement Toolkit, and training to support Council services in meeting their procurement and commissioning requirements.

7.3 Officers responsible for purchasing must comply with this CPR, the Council's Financial Regulations, the Council's Staff Code of Conduct, the Council's Anti-Bribery policy, arrangements for declaring conflicts of interest and with all relevant UK legal requirements. Officers must ensure that any agents, consultants and contractual partners acting on their behalf also comply.

7.4 Officers must:

7.4.1 have proper regard for all necessary legal, financial and professional advice;

7.4.2 declare any personal financial interest in a contract;

7.4.3 report any offers of bribes or inducements;

7.4.4 conduct any relevant value for money review;

7.4.5 ensure that there is adequate budget provision for the procurement and throughout the lifecycle of that contract;

7.4.6 check whether there is an existing contract listed on the Contract Register that can be used before undergoing a competitive process

7.4.7 allow sufficient time for the submission of bids;

7.4.8 keep all supplier bids confidential;

- 7.4.9 keep records of all dealings with suppliers;
- 7.4.10 obtain all required approvals and complete a written contract (and sealed, as required) before placing an order or raising a purchase order for any supplies, services or works;
- 7.4.11 where appropriate, not award a contract until the standstill period is over;
- 7.4.12 enter all purchase order information onto the Council's designated electronic procurement systems;
- 7.4.13 identify a senior manager who is the designated contract owner responsible for the relationship with the supplier where the contract is valued at £30,000 or more;
- 7.4.14 ensure that contracts are legally, financially and technically capable of delivery to the Council;
- 7.4.15 ensure the safe keeping of contract documentation in line with the Council's document retention policy <sup>4</sup>.

## **8 Authority, Delegations and Reports**

8.1 No procurement shall proceed unless a budget has been agreed by the relevant Strategic Director (or Nominated Delegate) and expenditure has been fully considered. For the avoidance of doubt, no order will be placed or other commitment made (orally or in writing) unless the authority to spend is in place and there are sufficient funds to cover the commitment.

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<sup>4</sup> With an electronic copy supplied to Legal Services.

8.2 The persons who have delegated authority to authorise the start of a procurement process or the award of a contract in relation to this CPR are as follows:

<b>Maximum contract value (inclusive of VAT)</b>	<b>Decision Maker</b>
£0 - £1million	Strategic Director
£1,000,001 - £1,999,999	Cabinet Member
£2million or more	Cabinet

8.3 Where the decision maker indicated in the table has a Nominated Delegate, the decision may be taken by that delegate, provided such power is explicitly within that delegation, the delegation is recorded in writing, and it is lodged with the Monitoring Officer.

8.4 Each Strategic Director has the ability to sub-delegate their powers under the Constitution. No Officer shall initiate or undertake any procurement activity pursuant to this CPR unless they are in possession of a current and duly authorised sub-delegation of authority.

8.5 As set out in the Constitution, powers to be exercised by a Strategic Director in this CPR may also be exercised by the Council's Chief Executive.

8.6 Powers to be exercised by the Head of Procurement in this CPR may be exercised by a Strategic Procurement Manager if the Head of Procurement is on leave or that post is vacant.

8.7 Authorisations granted in accordance with this CPR 8 shall be recorded as follows:

<b>Maximum contract value (inclusive of VAT)</b>	<b>Report format</b>
£0 - £29,999	As directed by the budget holder
£30,000 – £214,903 (or the value equivalent to just below the Statutory Threshold for goods and services, if different)	Pre-tender stage: strategy document, setting out procurement route and reasons for choosing that route, approved by a Strategic Director.  Pre-award stage: formal Executive Decision, signed by a Strategic Director.
£214,903 (or the value equivalent to the Statutory Threshold for goods and services, if different) - £1million	Pre-tender and pre-award stages: Formal Executive Decision at each stage, signed by the Strategic Director
£1,000,001 - £1,999,999	Pre-tender and pre-award stages: Formal Cabinet Member report at each stage
£2million or more	Pre-tender stage and pre-award stage: Formal Cabinet report at each stage

8.8 Statutory Thresholds will vary from time to time. The Head of Procurement will publish on the Council’s intranet the current Statutory Thresholds.

8.9 The Pension Committee may authorise the invitation of tenders and award of contracts for investment and advisory matters within their terms of reference.

## **9 Procurement Review Group**

9.1 All procurements for contracts valued at or above the Statutory Threshold for goods and services (regardless of what will actually be bought under that contract) must be referred to the Procurement Review Group for clearance at the following stages:

9.1.1 before seeking tenders, and

9.1.2 before awarding the contract.

## **10 Internal Notifications**

10.1 At the start of a procurement project, Officers leading that project must inform the following teams about that procurement:

10.1.1 the Central Procurement Team (for all types of procurements, including grant expenditure, equivalent to or greater than £30,000 including VAT);

10.1.2 The relevant Business Partner (for all types of procurements, including grant expenditure, equivalent to or greater than £30,000 including VAT);

10.1.3 IT (for all procurements with an IT element or implications);

10.1.4 Legal Services (for all procurements equivalent to or greater than the Statutory Threshold for goods or services, regardless of what is being procured);

10.1.5 HR and Pensions team (for all procurements which may result in Council or contractor staff being affected – for example, by possible

redundancy, relocation or transfer to the successful bidder);

10.1.6 the Information Governance team for any procurement where the contractor will be handling personal data relating to Officers, service users or members of the public.

## **11 Calculating Contract Values**

11.1 In calculating the value of the contract for the purposes of the competition requirement:

11.1.1 values are total lifetime contract values not annual values;

11.1.2 values include VAT;

11.1.3 values are to be aggregated – for example, if there is a recurring need on an annual basis for goods or services.

11.2 An estimate shall be made of the total purchasing requirement/whole life costing/financial implications, for example, including ongoing maintenance and support costs. If there are variables which result in the estimate being a range of figures rather than a single figure, then the highest figure in the range will be the value of the contract for the purposes of this CPR.

11.3 The valuation shall include the value of possible contract extensions and possible additional options.

11.4 For contracts of indefinite length, the value should be assessed based on the maximum anticipated duration.

11.5 Where a contract is for a number of organisations and the Council is the lead authority, then the value of the contract shall be the total value of the contract for all the organisations. If the Council is not the lead authority, then the value

of the contract for the purposes of this CPR shall be the value of just the Council's proportion of the contract.

11.6 The estimated value of a Concession contract is the estimated total amount the contractor could expect to receive under or in connection with that Concession contract.

11.7 It is a breach of this CPR to deliberately divide up contracts to evade the need to follow a more complex/lengthy procurement procedure or evade the requirements of UK legislation.

## **12 Corporate Contracts including contracts for temporary labour and Consultants**

12.1 Where an appropriate Corporate Contract for the required goods, services or works is in place this shall be used wherever appropriate.

12.2 Details of the Council's Corporate Contracts can be found on the procurement section of the Council's intranet.

12.3 In particular, unless the Head of Procurement agrees otherwise, any order for temporary labour must be arranged through the Council's Corporate Contract for those services in force from time to time.

12.4 All contracts with a Consultant should be procured through the Council's Corporate Contract for those services in force from time to time. A Consultant's contract for services will have the following characteristics:

12.4.1 it is to provide advice to fill a knowledge gap; this can be to identify options and recommendations, or advice to assist with implementing solutions; it will usually be related to business change or transformation, so will be time-limited;

- 12.4.2 the Consultants delivering the service will operate outside of the Council's structure and staffing establishment;
- 12.4.3 payment is based on the delivery of a defined service or output (the fee will be calculated either based upon the time taken to deliver the output or by a fixed milestone payment based on the resources and knowledge required to deliver the project and paid upon completion);
- 12.4.4 it should not involve the Consultants working in a 'business as usual' environment (e.g. advising on legal risk or technical matters, even if it is only in relation to a one-off project). Such contracts should usually be categorised as professional services, rather than consultancy services.

### **13 Competition Requirements and Procurement Routes**

13.1 The table in Schedule 2 shows the procedures, competition requirements and authorisation levels for the Council's tendering activities depending on the nature of the contract and its value.

13.2 In the case of a 'mixed' contract

- 13.2.1 where a contract includes multiple elements such as goods, works, or services, and those elements could not be procured separately, the procurement route is determined by the element which is the main purpose of the contract;
- 13.2.2 where a contract includes elements which are subject to different procurement regimes, such as goods, services or works plus Light Touch Services or a Concession, and those elements could not be procured separately, the procurement route is determined by the element which is the main purpose of the contract;

13.2.3 where a contract includes elements of services governed by the PSR plus other elements, and those elements could not be procured separately, the procurement route is determined by the element which has the greater or greatest value;

13.2.4 where a contract contains a mix of elements which could be procured separately, but they will be procured under one contract for reasons of efficiency or achieving value for money, Officers must take advice from the Head of Procurement or a Legal Officer on the appropriate procurement route for that contract.

13.3 Where the procurement process will be using a suitable Framework, DPS or Dynamic Market, then the number of quotes or tenders sought, or award process without re-opening competition, will be according to the rules of that Framework, DPS or Dynamic Market.

13.4 Where the table in Schedule 2 indicates a quotation or Mini Tender process, the contract opportunity may be advertised to the market instead, but the advice of the Head of Procurement must first be sought before any advertisement is published.

## **14 Electronic Procurement Systems**

14.1 Except as set out in CPR 14.2 below, all procurement processes for the award of contracts valued at £30,000 or more shall be undertaken using the Council's designated electronic procurement systems.

14.2 CPR 14.1 above shall not apply where

14.2.1 the procurement process is run on a DPS or Dynamic Market, or

14.2.2 the Head of Procurement agrees in writing to the use of another system prior to quotations or tenders being invited.

## **15 Frameworks, Dynamic Markets and DPSs**

15.1 Officers are permitted to award a contract under a Framework, DPS or Dynamic Market awarded by, or on behalf of, another public body, provided that:

15.1.1 use of the Framework, DPS or Dynamic Market is legally compliant and likely to offer value for money; and

15.1.2 the Council has the right to use the Framework, DPS or Dynamic Market.

15.2 Call-off Contracts shall be awarded strictly in accordance with the procedures specified in the Framework, DPS or Dynamic Market. It is the responsibility of the Officer awarding the Call-Off Contract to ensure the correct procedures are followed, seeking the advice of a Procurement Officer and/or a Legal Officer as necessary.

## **16 Award criteria**

16.1 Award Criteria shall be the criteria used to assess quotations and tenders. These criteria may include one or more sub-criteria.

16.2 All Award Criteria shall be assigned a relative weighting expressed as a percentage.

16.3 Award Criteria, including their relative weightings, shall be established prior to the commencement of a procurement process (or if later, then prior to submission of tenders, where permitted by public procurement law) and must

be stated in full in the Procurement Documents.

16.4 The award of a contract shall be based solely on the Award Criteria specified in the relevant Procurement Documents.

16.5 Award Criteria must be appropriate to the procurement and designed to secure an outcome that will provide Value for Money for the Council, and shall be one or more of:

16.5.1 lowest cost, lowest price or highest return (if payment is to be received by the Council);

16.5.2 quality;

16.5.3 Social Value, if required by CPR 17.

16.6 Officers are required to adhere to the guidelines outlined in the Procurement Toolkit when establishing the Award Criteria, based on the specific nature and value of the contract.

## **17 Social Value**

17.1 All procurements must comply with the Council's Social Value Policy.

17.2 When conducting a procurement valued at £100,000 or more officers must

17.2.1 consider how that procurement may be used to deliver Social Value and

17.2.2 allocate 10% of the contract award criteria to Social Value, unless the Head of Procurement agrees otherwise in writing.

17.3 CPR 17.2.2 shall not apply to contracts

17.3.1 awarded under the User Choice regime, or

17.3.2 called off from a Framework, DPS or Dynamic Market where its application may be in breach of the terms of that Framework, DPS or Dynamic Market.

## **18 Policies**

18.1 All procurements must consider and follow the Council's current policies, provided they relate to the procurement and the contract being arranged. In particular, when conducting procurements, officers must consider the policies listed below in this CPR 18.

### **18.2 Climate Change**

Officers shall identify those procurements that have an opportunity to combat climate change and ensure the Council's requirements are included within the procurement documents.

### **18.3 Small and Medium Sized Enterprises (SMEs)**

SMEs may face barriers when competing for a contract. When planning a procurement, Officers should consider whether and how such barriers could be removed or reduced.

### **18.4 Lots**

For all procurements above the Statutory Threshold, officers should consider whether it would be appropriate to break the contractual requirement into lots for supply under separate contracts.

### **18.5 . Equalities, Diversity and Inclusion**

All procurements must comply with the Council's policies on equalities, diversity and inclusion where relevant and as in force from time to time.

### **18.6 Information Governance and Security**

All procurements where bidders or the contractor will be handling personal data relating to Officers, service users or other members of the public must comply with the Council's policies on information governance and security as in force from time to time.

## **19 eAuction**

19.1 For goods' procurements which are above the Statutory Threshold, consideration must be given as to the suitability of including an eAuction as part of the tendering process.

## **20 Grant funded expenditure**

20.1 Where a proposed contract is to be financed, wholly or partly, by a grant offered by any organisation or person external to the Council, Officers must

20.1.1 comply with any conditions attaching to the grant prior to accepting the grant or commencing any procurement process, and

20.1.2 comply with this CPR when procuring the contract(s) funded by that grant, unless the grant conditions stipulate otherwise.

20.2 Where it is proposed to award a grant of a value exceeding the relevant Statutory Threshold to any organisation or person external to the Council, the written advice of a Legal Officer must be obtained prior to awarding the grant (even where previously approved standard conditions of grant are used) in order to determine whether the grant may be a contract subject to public procurement law.

## **21 Insurance, Bonds, Warranties and Guarantees**

21.1 Officers should seek advice from the Council's Insurance team and the Central Procurement Team to determine the type and levels of insurance required and whether a performance bond, parent company guarantee, or other security will be required from the successful bidder as a condition of the contract being awarded to such bidder. Any such requirement shall be included in the Procurement Documents or otherwise advised to bidders before the deadline for submission of tenders.

## **22 Standard Terms and Conditions of Contract**

22.1 All Council contracts for goods and services with a value in excess of £30,000 (including VAT) shall be on the Council-approved standard terms and conditions for that type of contract unless:

22.1.1 the contract is a Call-off Contract procured under an existing Framework, DPS or Dynamic Market which specifies the terms and conditions under which that Call-off Contract can be let, or

22.1.2 the Deputy Director of Legal and Governance approves otherwise.

22.2 All Council contracts for construction works with a total value of more than £100,000 shall be awarded on the basis of a written specification of the Council's requirements and the current conditions of:

22.2.1 the relevant standard form of Joint Contracts Tribunal (JCT), or

22.2.2 the standard form of Institute of Civil Engineering (ICE), or

22.2.3 the standard form of Project Partnering Contracts (PPC) 2000, or

22.2.4 the relevant form of New Engineering Contracts (NEC), or

22.2.5 the relevant Framework, DPS or Dynamic Market

whichever is appropriate or another standard form of contract approved by the Deputy Director of Legal and Governance.

## **23 Timely Payments to Suppliers and the Supply Chain**

23.1 The Council's payment terms to its contractors are 30 days from the invoice date, although payment terms may be shorter if it is demonstrated to be in the Council's best interest.

23.2 Where payments in advance to a contractor are required, an appropriate review of the contractor's financial stability and standing and due regard for risk in the event of contractor failure must be undertaken and agreed by the relevant decision maker on permission to tender or the award of contract.

## **24 Business Continuity**

24.1 For each contract at or above the Statutory Threshold, the Contract Manager must ensure that the contractor has an appropriate business continuity programme in place to assure continued delivery of the goods, services or works to the Council as required under the contract.

## **25 TUPE**

25.1 Where a contract award for services may result in Council or contractor staff being affected, for example, by possible redundancy, relocation or transfer to the successful bidder, the advice of the Pensions Projects and Contracts Manager, Head of HR and the Deputy Director of Legal and Governance must be obtained before commencement of the tender process.

## **26 Leaseholder Consultation**

26.1 In any procurement where the Council's residential leaseholders may be required to contribute to the cost of the proposed services or works, due consultation must take place with the affected leaseholders in accordance with The Commonhold and Leasehold Reform Act 2002 (often referred to as 'Section 20') and sufficient time built into the procurement timetable to allow this consultation to take place.

## **27 Embedded Leases**

27.1 An embedded lease is a lease arrangement within a larger contract. A lease arrangement will give the Council the right to control the use of a specified asset, eg vehicles, machinery or property owned by someone else. The Contract Manager must inform the relevant Business Partner within the Council's finance team if any contract contains an embedded lease.

## **28 Execution of Contracts including Sealing Requirements**

### **28.1 Contracts over £150,000 to be sealed**

Contracts with a total value equal to or more than £150,000 (excluding VAT for the purposes of this CPR 28) will be executed under seal in unless the Deputy Director of Legal and Governance approves otherwise.

### **28.2 Contracts under £150,000**

Unless the Deputy Director of Legal and Governance approves otherwise, contracts with a total value of less than £150,000 (excluding VAT for the purposes of this CPR 28) will be executed by the signature of Chief Executive or the appropriate Strategic Director or their Nominated Delegate

28.3 Contracts with a total value of less than £150,000 (excluding VAT for the purposes of this CPR 28) may be executed under seal where the Deputy Director of Legal and Governance deems this appropriate, for example, where the Council may wish to enforce the contract for more than six years after its

termination.

#### **28.4 Care Contracts**

Regardless of value, contracts for the provision of personal social services to an individual (eg residential care) and educational placements may be signed by the relevant officer duly authorised to do so by a Strategic Director.

### **29 Early Authorisation Approval**

29.1 If there is a need for a contract to commence prior to the completion of the formal contract documentation then a Statutory Director, after consultation with the Deputy Director of Legal and Governance, may authorise the issuing of an early authorisation approval to the contractor. This early authorisation approval shall include the following:

29.1.1 the work to be undertaken;

29.1.2 its terms & conditions (this can be by reference to other documents),  
and

29.1.3 it is subject to completion of formal contract.

### **30 Notifying successful and unsuccessful bidders**

30.1 Following the award of a contract, all bidders that formally participated in its procurement shall be notified in writing of the outcome of that procurement process. This shall not include any bidders that have already been excluded from that procurement process and informed of that exclusion in writing.

### **31 Record Keeping**

31.1 Where the total value of a contract is less than £100,000, the following records must be kept:

31.1.1 invitations to quote and quotations;

31.1.2 a record of any waivers to the procurement process and the reasons for them;

31.1.3 a record of the reason why the winning quote was chosen;

31.1.4 written records of communications with the successful contractor;

31.1.5 copies of the quotes received.

31.2 Where the total value of a contract is or exceeds £100,000, the following records must be kept:

31.2.1 pre-tender research, benchmarking and consultation information;

31.2.2 the calculation of the estimated contract value;

31.2.3 a record of any waivers to the procurement process and the reasons for them;

31.2.4 tender documents sent to and received from bidders, including all subsequent amendments and additions;

31.2.5 all tender evaluation documentation, including the scoring assessment sheet for each of the tender evaluators, the final moderated assessment and agreed minutes to the moderation meeting;

31.2.6 conflict of interest declarations;

31.2.7 the contract documents;

31.2.8 contract due diligence checks, implementation and mobilisation plan and any monitoring and management information;

31.2.9 records of any other significant decision taken during the procurement process and the reasons for that decision;

31.2.10 all notices placed on public media;

31.2.11 communications with all bidders throughout the tendering exercise and with the successful bidder(s)/contractor(s) throughout the period of the contract;

31.2.12 contract monitoring records including performance against any key performance indicators set out in the contract.

31.3 Records relating to the quotation / tendering and contract award stages of a procurement process must be kept for at least three years after the award of the contract.

31.4 Contract documents and contract monitoring records must be retained for the following periods

31.4.1 the full contract duration plus 12 years for contracts executed under seal or as a deed;

31.4.2 the full contract duration plus six years for contracts not executed under seal or as a deed.

## **32 Procurement Pipeline and Contracts Register**

32.1 All contracts valued at £30,000 or more should be entered on to the Council's Contract Register. Any variations, extensions to these contracts and waivers must also be entered on the Contract Register.

32.2 Statutory Directors must notify the Head of Procurement as soon as possible of any procurements above the Statutory Threshold that are likely to start within their directorate within the forthcoming 18-month period.

### **33 Transparency and Notices**

33.1 There are a range of transparency and notice requirements relating to the Council's procurement activities which the Council has to publish. The relevant guidance and procedures under each type of activity contained in the Procurement Toolkit sets out the respective reporting and notice requirements that Officers must follow.

### **34 Contract Management**

34.1 For each contract awarded which is valued at £30,000 or more the Strategic Director must nominate a Contract Manager to manage and monitor performance of that contract and ensure that details of that contract are recorded on the Council's eProcurement System.

34.2 For all contracts with a value of £100,000 and greater, the Contract Manager must:

34.2.1 maintain a risk register during the contract period;

34.2.2 undertake appropriate risk assessments and for identified risks;

34.2.3 ensure contingency measures and business continuity plans are in place;

34.2.4 conduct regular formal reviews with the contractor (an initial review should be done at the first three months of a contract start date and on-going reviews should then be conducted on a regular schedule);

34.2.5 monitor performance and compliance with the specification and other contract requirements.

34.3 The Council is legally obliged to publish notices relating to the conduct of most contracts at or above the Statutory Threshold, for example relating to the contractor's performance, or the termination of or variation to the contract. Full details will be set out in the Procurement Toolkit and the Contract Manager must advise the Central Procurement Team and liaise with them to ensure that the appropriate notices are published in a timely manner.

34.4 Officers are required to adhere to the general contract management guidance and procedures outlined in the Procurement Toolkit.

### **35 Modifications and Extensions to Existing Contracts**

35.1 Except where set out in CPR 35.3 below, contracts may be varied without the need to undertake a new procurement process so as to allow the procurement of additional goods, services or works from the original contractor, or for a longer duration ('Contract Variations'), where all of the following conditions are fulfilled:

35.1.1 a budget has been allocated for any additional expenditure;

35.1.2 the Contract Variation does not alter the overall nature of the contract;

35.1.3 the Contract Variation provides Value for Money;

35.1.4 the Contract Variation does not entail any material variations to the contract conditions;

35.1.5 either

35.1.5.1 the Contract Variation has been explicitly provided for in the contract documents, or

35.1.5.2 the value of the additional goods, services or works does not exceed 50% of the value of the original contract; or

35.1.5.3 where it is proposed to extend the duration of a contract, the length of the extension is for a period no greater than 12 months.

35.2 Where a contract is subject to successive Contract Variations:

35.2.1 the cumulative value of the additional goods, services or works to be procured shall not exceed 50% of the value of the original contract;

35.2.2 the cumulative duration of any extensions to the duration of the contract does not exceed 12 months.

35.3 CPR 35.1 and CPR 35.2 do not apply to contracts with a value above the Statutory Threshold or where the Contract Variation increases the new total contract value to above the Statutory Threshold. Prior to implementing Contract Variations in relation to such contracts, an Officer must

35.3.1 seek the written advice of the Head of Procurement and/or a Legal Officer as to whether the proposed Contract Variation is permitted under public procurement law, and

35.3.2 gain clearance from the Procurement Review Group for the Contract Variation requested.

35.4 Contract Variations must be authorised as follows:

<b>Value of Contract Variation</b>	<b>Authoriser</b>
£0 - £29,999	Budget holder
£30,000 - £1million	Strategic Director, via a formal Executive Decision
£1,000,001 - £1,999,999	Cabinet Member via a formal Executive Decision
£2million or more	Cabinet, via a Cabinet report

### **36 Suspension or Termination of Contracts**

36.1 No contract with a value at or exceeding the relevant Statutory Threshold shall be suspended or terminated before its expiry without obtaining the prior written advice of the Head of Procurement or the Deputy Director of Legal and Governance.

### **37 Waivers and Exceptions**

#### **37.1 General Exceptions to Rules**

No exceptions to this CPR shall be permitted except upon approval by a Cabinet Member using an Executive Decision, or by some other provision in this CPR. The Executive Decision shall set out the background, the rule being waived, the reasons the waiver is required, how value for money will be demonstrated, any legal or financial risks or implications and shall be approved by the Deputy Director of Legal and Governance.

#### **37.2 Exceptions to competitive requirements**

37.2.1 Exceptions to the competition requirements set out in Schedule 2 may be made only if all relevant law is complied with and one of the following circumstances applies:

37.2.1.1 the contract falls within one of the exceptions listed below in CPR 37.2.2, the person awarding the contract can demonstrate that the contract represents the best value that can be obtained in the circumstances, and a Strategic Director has authorised the award of the contract via an Executive Decision;

37.2.1.2 joint purchasing with or through another public body (eg via a Framework, DPS or Dynamic Market) provided that all relevant rules set out within that Framework, DPS or Dynamic Market are followed and the public body can demonstrate that the Framework, DPS or Dynamic Market was procured in accordance all applicable legislation and all relevant ;

37.2.1.3 contracts procured under the PSR;

37.2.1.4 User Choice services where the Council is required under legislation to have regard to the views of the individual receiving the services (or their carer) in relation to whom should supply those services;

37.2.1.5 they are allowed by some other specific provision in this CPR.

37.2.2 The exceptions referred to in CPR 37.2.1.1 above are:

- 37.2.2.1 genuine emergency;
- 37.2.2.2 unforeseen events likely to cause immediate danger to people or property such as bombing or flooding;
- 37.2.2.3 available only from one supplier in the UK – for example, specialist niche consultants or supplies;
- 37.2.2.4 for reasons of compatibility with existing services/products – for example, equipment that needs parts from its own manufacturer;
- 37.2.2.5 urgency NOT of the Council's own making; the urgency must be unforeseen – for example, a current supplier ceases to operate, or a contract is terminated for poor performance. Urgency caused by previous delay by the Council or a requirement to implement a strategy or project urgently will not justify an exception under this exception;
- 37.2.2.6 exceptions permitted under UK procurement law;
- 37.2.2.7 best Interests of the Council (where it is in the best interests of the Council or the Borough of Havering for a provision in this CPR to be waived to enable a contract procurement to be rapidly progressed while still complying with UK procurement rules).

### **37.3 Emergency Arrangements**

A Strategic Director personally may authorise a waiver of any of this CPR if they consider that the circumstances are such that such a waiver is necessary and desirable where the Council is required to procure goods, services or works in order to protect life or property or prevent serious disruption to services to the public. Such a waiver and the reasons for it shall be fully documented and, if reasonably possible, before giving the authorisation the Strategic Director shall consult with the Deputy Director of Legal and Governance and may consult with the relevant Cabinet Member.

## Schedule 1

### Definitions

Award Criteria	The criteria, which may include one or more sub criteria, used to assess tenders or quotations.
Business Partner	An Officer holding the post of Business Partner or Strategic Business Partner within the Council's finance team.
Cabinet	The Cabinet of the Council as set up under the Constitution.
Cabinet Member	A member of the Cabinet.
Call-off Contract	A Contract awarded under a Framework, a Dynamic Market or a DPS.

Central Procurement Team	The team of Officers led by the Head of Procurement
Concession	A contract for the supply, for pecuniary interest, of works or services to the Council where (a) at least part of the consideration for that supply is a right for the supplier to exploit the works or services, and (b) under the contract the supplier is exposed to a real operating risk.
Constitution	The Constitution of the Council.
Consultant	An individual or an organisation providing the consultancy services as defined in CPR 12.
Contract Manager	An Officer assigned by the Strategic Director to undertake the management of a specific contract.
Contract Register	A register, maintained by the Head of Procurement, listing all the Council's current contracts for goods, services or works which are each valued at £30,000 or more.

Contract Variation	A variation to a contract as permitted by CPR 35.
Corporate Contract	A contract for goods, services or works which are used by several or more teams throughout the Council.
Council	Havering London Borough Council.
CPR	These Contract Procedure Rules.
Dynamic Market	a 'Dynamic Market' set up in accordance with the Procurement Act 2023.
DPS	A dynamic purchasing system set up under the Public Contracts Regulations 2015, ie an electronic procurement system where buyers can purchase goods, services, or works, allowing suppliers to join at any time.
eAuction	An electronic reverse auction.
eProcurement System	An electronic system for (i) inviting and receiving tenders or quotations and (ii) contract management, approved for

	use by the Head of Procurement.
Executive Decision	A formal decision made by an Officer or a Cabinet Member, recorded with, and in a format designed by, the Council's Legal and Governance Team.
Financial Regulations	The Financial Regulations set out in the Constitution.
Framework	An agreement between the Council or another public body, and one or more contractors, which establishes the terms under which the contractors may enter into one or more contracts with the Council in the period during which the Framework operates.
Head of Procurement	The Officer leading the Council's Central Procurement Team.
HR	The Council's human resources team.

Information Governance Team	The Council's information governance team.
IT	The Council's information technology team.
Legal Officer	A representative of the Deputy Director of Legal and Governance.
Light Touch Services	Those social, health, education and other public services defined as 'Light Touch' in section 9 of the Procurement Act 2023 and Schedule 1 to the Procurement Regulations 2024.
Member	Elected councillors of the Council
Mini Tender	A tendering process where the contract opportunity is not advertised to the market.
Nominated Delegate	The person to whom a specific power has been delegated and where that delegation is recorded in writing and it is lodged with the Council's Monitoring Officer.

Officer	An employee of the Council.
Pension Committee	The Council's committee set up to consider and agree various matters in relation to the Council's pension fund including the invitation and award of contracts for actuaries, advisers, fund managers and similar services.
Procurement Documents	The invitation to quote or the invitation to tender plus all documents accompanying them (whether issued at the same time as the invitation or subsequently)
Procurement Review Group	A group of Officers led by the Head of Procurement whose function is to review higher-value procurements and any other matters within its terms of reference from time to time.
Procurement Officer	A representative of the Head of Procurement.
Central Procurement Team	The team of Officers led by the Head of Procurement

Procurement Toolkit	The set of guidance notes and templates relating to the Council's procurement activities, maintained on the Council's intranet and which is called the 'Procurement Toolkit'.
PSR	The provider selection regime, as set out in the Health Care Services (Provider Selection) Regulations 2023.
SMEs	Small and medium-sized enterprises.
Social Value	Improvement to the economic and/or social and/or environmental conditions in the borough of Havering, achieved in addition to the direct benefits to be delivered by the contract.
Social Value Policy	The Council's policy for achieving and recording Social Value as in force from time to time.
Statutory Threshold	The threshold amounts applicable in turn to contracts for goods, services, works or Concessions, as specified in

	the Procurement Act 2023 and as varied from time to time by a Minister of the Crown.
Strategic Director	The Strategic Director of Resources, or the Strategic Director of Place, or the Strategic Director of People.
TUPE	The Transfer of Undertakings (Protection of Employment) Regulations.
User Choice	The regime set out in Schedule 5 of the Procurement Act 2023 where the Council may directly award contracts for services where the views of service users or their carers are considered in respect of which supplier should provide services.
Value for Money	The optimum balance of cost, quality and risk and, where appropriate, Social Value.
VAT	Value Added Tax

## Schedule 2

<b>2.1 Contracts for goods or services</b>					
(except Light Touch Services or services covered by the PSR; see table 2.2 and 2.5 below for services covered by those regimes)					
<b>Total contract value (inclusive of VAT)</b>	<b>Procedure / competition requirements</b>	<b>Internal approval pre-procurement</b>	<b>Internal approval pre-award of contract</b>	<b>Other requirements (see the relevant CPR for details)</b>	
£0 up to £4,999	One or more quotes sought	Budget holder	Budget holder		
£5,000 up to £29,999	Two or more quotes sought	Budget holder	Budget holder		
£30,000 up to £99,999	Three or more quotes sought	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving quotes or tenders.	
£100,000 up to	Mini Tender, seeking at least five tenders	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving	

	Statutory Threshold for goods and services,				tenders; Social Value must be included in evaluation; contracts valued at £150,000 or more must be executed under seal.
	At or above Statutory Threshold for goods and services but less than £1m	Procurement process in accordance with Procurement Act 2023 requirements	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social value must be included in evaluation; contracts must be executed under seal.
	£1m up to £1,999,999	Procurement process in accordance with Procurement Act 2023 requirements	Cabinet Member	Cabinet Member	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social value

					must be included in evaluation; contracts must be executed under seal.
	£2m or more	Procurement process in accordance with Procurement Act 2023 requirements	Cabinet	Cabinet	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation; contracts must be executed under seal.
<b>2.2 Contracts for Light Touch services</b>					
	<b>Total contract value (inclusive of VAT)</b>	<b>Procedure / competition requirements</b>	<b>Internal approval pre-procurement</b>	<b>Internal approval pre-award of contract</b>	<b>Other requirements (see the relevant CPR for details)</b>
	£0 up to £4,999	One or more quotes sought	Budget holder	Budget holder	

	£5,000 up to £29,999	Two or more quotes sought	Budget holder	Budget holder	
	£30,000 up to £99,999	Three or more quotes sought	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving quotes or tenders.
	£100,000 up to Statutory Threshold for Light Touch Regime,	Mini Tender, seeking at least five tenders	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving tenders; Social value must be included in evaluation; contracts valued at £150,000 or more must be executed under seal.
	At or above Statutory Threshold for Light Touch Regime but less than £1m	Procurement process in accordance with Procurement Act 2023 requirements	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation;

					contracts must be executed under seal.
	£1m up to £1,999,999	Procurement process in accordance with Procurement Act 2023 requirements	Cabinet Member	Cabinet Member	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation; contracts must be executed under seal.
	£2m or more	Procurement process in accordance with Procurement Act 2023 requirements	Cabinet	Cabinet	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation; contracts must be executed under seal.

<b>2.3 Contracts for works</b>					
<b>Total contract value (inclusive of VAT)</b>	<b>Procedure / competition requirements</b>	<b>Internal approval pre-procurement</b>	<b>Internal approval pre-award of contract</b>	<b>Other requirements (see the relevant CPR for details)</b>	
£0 up to £4,999	One or more quotes sought	Budget holder	Budget holder		
£5,000 up to £29,999	Two or more quotes sought	Budget holder	Budget holder		
£30,000 up to £99,999	Three or more quotes sought	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving tenders.	
£100,000 up to Statutory Threshold for	Mini Tender, seeking at least five tenders	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving	

	goods and services,				tenders; Social Value must be included in evaluation. Contracts valued at £150,000 or more must be executed under seal.
	At or above Statutory Threshold for goods and services but less than £500,000	Mini Tender, seeking at least five tenders	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation; contracts must be executed under seal.
	£500,000 up to £999,999	Mini Tender, seeking at least seven tenders	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value

					must be included in evaluation; contracts must be executed under seal.
	£1m up to £1,999,999	Mini Tender, seeking at least seven tenders	Cabinet Member	Cabinet Member	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation; contracts must be executed under seal.
	£2m up to Statutory Threshold for works	Mini Tender, seeking at least seven tenders	Cabinet	Cabinet	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation;

					contracts must be executed under seal.
	Statutory Threshold for Works or greater	Procurement process in accordance with Procurement Act 2023 requirements	Cabinet	Cabinet	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation; contracts must be executed under seal.

	<b>2.4 Contracts for concessions</b>				
	<b>Total contract value</b>	<b>Procedure / competition requirements</b>	<b>Internal approval pre-procurement</b>	<b>Internal approval pre-</b>	<b>Other requirements (see the relevant CPR for details)</b>

	<b>(inclusive of VAT)</b>			<b>award of contract</b>	
	£0 up to £4,999	One or more quotes sought	Budget holder	Budget holder	
	£5,000 up to £29,999	Two or more quotes sought	Budget holder	Budget holder	
	£30,000 up to £99,999	Three or more quotes sought	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving tenders.
	£100,000 up to Statutory Threshold for goods and services,	Mini Tender, seeking at least five tenders	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving tenders; Social value must be included in evaluation; contracts valued at £150,000 or more must be executed under seal.
	At or above Statutory Threshold for goods and	Mini Tender, seeking at least seven tenders	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be

	services but less than £1m				sought before seeking pre-procurement approval and pre-award approval; Social value must be included in evaluation. Contracts must be executed under seal.
	£1m up to £1,999,999	Mini Tender, seeking at least seven tenders	Cabinet Member	Cabinet Member	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation; contracts must be executed under seal.
	£2m up to Statutory Threshold for Concessions	Mini Tender, seeking at least seven tenders	Cabinet	Cabinet	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-

					award approval; Social Value must be included in evaluation; contracts must be executed under seal.
	Statutory Threshold for Concessions or greater	Procurement process in accordance with Procurement Act 2023 requirements	Cabinet	Cabinet	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation; contracts must be executed under seal.

	<b>2.5 Contracts for health services under the PSR</b>				
	<b>Total contract value</b>	<b>Procedure / competition requirements</b>	<b>Internal approval pre-procurement</b>	<b>Internal approval pre-</b>	<b>Other requirements (see the relevant CPR for details)</b>

	<b>(inclusive of VAT)</b>			<b>award of contract</b>	
	£0 to £29,999	Procurement process in accordance with the PSR	Budget holder	Budget holder	
	£30,000 up to £99,999	Procurement process in accordance with the PSR	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving competitive tenders.
	£100,000 up to Statutory Threshold for goods and services,	Procurement process in accordance with the PSR	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving competitive tenders; Social Value must be included in evaluation; contracts valued at £150,000 or more must be executed under seal.
	At or above Statutory Threshold for goods and	Procurement process in accordance with the PSR	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving competitive tenders; Procurement Review Group clearance must be sought

	services but less than £1m				before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation; contracts must be executed under seal.
	£1m up to £1,999,999	Procurement process in accordance with the PSR	Cabinet Member	Cabinet Member	eProcurement System must be used for seeking and receiving competitive tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation; contracts must be executed under seal.
	£2m or more	Procurement process in accordance with the PSR	Cabinet	Cabinet	eProcurement System must be used for seeking and receiving competitive tenders; Procurement Review Group clearance must be sought before seeking pre-procurement

					approval and pre-award approval; Social Value must be included in evaluation; contracts must be executed under seal.
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