



**CAMBRIDGESHIRE  
& PETERBOROUGH**  
COMBINED AUTHORITY

# **CAMBRIDGESHIRE & PETERBOROUGH COMBINED AUTHORITY**

## **PROCUREMENT POLICY**

**November 2022**

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## 1. Introduction

This document sets out the procurement approach to be applied by any person purchasing Goods, Services or Works on behalf of the Cambridgeshire and Peterborough Combined Authority (CPCA). It is complementary to Chapter 9 – Contract Procedure Rules of CPCA's Constitution and it is designed to detail the overarching approach to public spending and the strategy by which best value and compliance is to be achieved. In the event of any conflict between the Contract Procedure Rules and this document, the Contract Procedure rules will prevail'

## 2. Organisation Classification

The Cambridgeshire and Peterborough Combined Authority is classified as a Contracting Authority as defined in Regulation 2(1) of the Public Contract Regulations 2015.

## 3. Applicable Legislation & Policy

The CPCA is required to operate under a legislative and policy framework which includes the following:

- The Local Government Act 1972
- Public Contract Regulations 2015 (PCR2015) as amended from time to time including by The Public Procurement (Agreement on Government Procurement) (Thresholds) (Amendment) Regulations 2021
- Concession Contracts Regulation 2016
- Bribery Act 2010
- Equalities Act 2010
- Localism Act 2011
- Social Value Act 2012
- Modern Slavery Act 2015
- General Data Protection Regulation 2018
- Transparency Code 2015
- Public Procurement Policy Notes

The first item in the above list requires the authority to publish its Standing Orders on how it manages its contracting requirements (Chapter 9 - Contract Procedure Rules) as part of its Constitution; this being available at the following link – [\(Link to follow\)](#) The CPCA, as part of this section of the Constitution, sets out a basic workflow and series of decisions regarding; budget, conventional route to market options, practical processes, approval requirements and final

award, and is based on the minimum and most commonly applied requirements, as directed by the PCR2015.

The remainder of how the above requirements in legislation and Policy are to be achieved are detailed below.

## **4. Policy Requirements**

This Policy document must be read in conjunction with the Constitution and strictly applied to ensure both:

- 1) the application of the following Procurement Principles;
  - a) equality of treatment
  - b) transparency
  - c) non discrimination
  - d) proportionality
- 2) evidence of compliance with the Public Contract Regulation 2015 and the Concession Contract Regulations 2016;
- 3) an efficient, effective and economic outcome from every procurement;
- 4) a proportionate procurement process that balances procurement costs, delivery requirements and delivery savings;
- 5) support and push for the socio-economic commitments of the area, Authority and its members where possible and to the largest extent permitted by law, including:
  - Net Zero policies and outcomes by all contractors, suppliers and in works contracts, promoting
  - Real Living Wage to all directly employed staff, (individuals) contractors and contractors' staff working for the Authority for more than two hours per week for eight consecutive weeks.
- 6) The above are to be achieved through the adherence to the following processes, decisions, actions and documentation.

## **5. Reasons for Compliance**

Officers are required to comply with the Contract Procedure Rules and this Policy

- To ensure that the Authority obtains best value when it buys works, goods or services
- To demonstrate true and fair competition and public accountability
- To ensure consistency
- To prevent bribery and corruption, whilst ensuring probity
- To ensure a full audit trail and transparency

- To protect the interests of the Authority, its officers, elected Members, taxpayer funds and the public.
- To abide by legislation, government guidance and policy and the Authority's socio-economic commitments.
- To minimise the risk of challenge, protect a project from delay and prevent the likelihood of incurring additional costs or paying damages

## 6. Procurement Planning

Officers need to plan ahead for their required purchases, this to include the following stages

- Financial Approvals – this to include the initial budget allocation and any delegated authorities to award
- Project team – who will support the process from a financial, procurement, legal and a sponsor perspective
- Documentation requirements – internal or external templates
- Process approvals – internal or external panels or boards or funding requirements
- Process durations (excluding any approvals)
  - Single quote - approximately two weeks
  - Three quotes - approximately six weeks
  - Below threshold tender - approximately 10 weeks
  - Above threshold tenders - OPEN procedure – approximately 14 weeks
  - Negotiated Procurement - at least 26 weeks
- Award requirements – this to include the completion of the Officer Decision Notice, approval by the Chief Executive and the (CA Board or Mayoral Decision) if over £500,000 and any Standstill requirements where applicable (The above requirement includes contracts of the same value being novated or assigned).

The Find a Tender Service ("FTS") threshold is currently at - £213,477 including VAT and - £5,336,937 including VAT for services and works, respectively. And £5,336,937 including VAT for Concession Contracts.

## 7. Procurement Documents

The CPCA standard templates and requirements would be used except where otherwise specifically agreed by procurement. All procurements must include the following information, where practical:

- Either a **Request for Quotations** (“RFQ”) or **Invitation to Tender** (“ITT”) document that details the process to be followed, the rules of participation and the method by which the procurement will be managed, evaluated and awarded.
- A **Contract Specification** or set of **Employers Requirements– Included in the ITT**
- A **Standard Selection Questionnaire (“SSQ”)** document (only to be used on below threshold processes on the advice of procurement) used to assess mandatory and discretionary disqualifications and a supplier’s overall suitability to contract with the CPCA. – Included in the ITT for open procurement process only or a separate document for other processes.
- A **Due Diligence Information Document** that enables the CPCA to assess the stability and commercial suitability of the organisation to deliver the contract – Included in the ITT
- A Set of **Method Statement Questions** that direct the supplier to specify and explain how they will deliver the specifics of the project’s requirements. – Included in the ITT
- A **Pricing Document** to be completed – To be attached to the ITT as part of the tender documents
- The **Contract Terms and Conditions**– To be attached to the ITT as part of the tender documents
- Any additional, supporting; charts, drawings, data sheets, explanatory notes etc.

## 8. Tender Specifications (law & CPCA requirements)

The tender specification needs to adequately define the CPCAs requirements; this could be as an input, output or outcome spec.

When using an input specification, officers cannot name a manufacturer, brand, model or part number; the requirement needs to be defined by its functionality and performance. Where it is impossible to define a requirement without naming a product; the specification must state, ‘or equivalent’.

The specifications must be relevant to the subject matter of the procurement, and they must not be drafted so as to narrow competition artificially.

Officers defining the contract requirements must therefore be suitably experienced (and for an input specification; up to date with current standards, technology and trends) such that the tender documentation will facilitate a suitable offering and a manageable contract.

## 9. Procurement Route Decisions

Officers are required to consider their route to market based on the nature of the purchase, whether the total contract value exceeds a requirement to advertise and the FTS threshold, and under which of the following categories that spend falls;

- **Category 1 - Public Contracts** - Works, Goods or Services contracts but excluding those which fall within the definition of a concession contract under the Concession Contracts Regulations 2016
- **Category 2 - Concession Contracts** – either a works concession contract or a services concession contract which falls within the definition of concession contracts under the Concession Contracts Regulations 2016 – generally involving the right to exploit the service or work, the transfer of operating risk to the contractor and no guarantee that the contractor will recoup its investment; e.g. café services
- **Category 3 - Light Touch Regime Contracts** – contracts which fall within schedule 3 of PCR 2015 – generally they are where the cross-border markets are limited as suppliers are usually required to be locally based and/or knowledgeable; e.g. legal services, education, catering

Each of these Categories are treated differently by procurement legislation and have different FTS thresholds for advertising and as such different strategies by which to engage with the market. The Current FTS thresholds are available at the following link - [Public Procurement thresholds 2022 – Tenders Direct Blog](#)

In selecting the optimal route to market, officers are required to demonstrate that their selected route achieves primarily value for money and secondly promotes the Authority's commitments; generally, this will require evidence of the supplier having been selected through a competitive procedure be that in the establishment of a competitively procured corporate contract or framework (by the CPCA or another approved organisation), or through a project specific competition. The level of competition required is set out below.

When awarding/signing Contracts following a procurement route, the officers are required to fill in the relevant form to each route (as described in the [Decision Matrix spreadsheet](#)) and obtain necessary approvals as indicated within the relevant form used. Templates of the relevant forms can be found [HERE](#).

### 9.1. Below threshold – all categories

(Supplemental to paragraph 9.14.1 of Chapter 9 of the CPCA's Constitution)

- under £50,000 officers are required to seek three local quotes where available as a preference unless the technicality of the requirement is so specialist that this overrides



the socio-economic commitments of the CPCA (in which case an advert may be required to seek interest from appropriately qualified organisations) and subject always to the requirements of legislation.

- over £50,000 officer are required to either utilise a corporate contract or an existing framework, wherever possible (as listed below), or to place an advertisement in Contracts Finder and invite tenders using the CPCA standard templates above and procurement process detailed in section 10 below, subject to the requirement of regulation 111 PCR 2015 that a pre-qualification stage is not permissible.

## 9.2. Above threshold – Category 1

Over the FTS threshold, officers are **required to consult with procurement** and to carry out an [options appraisal](#) (using the CPCA standard form) in consideration of the following

- consider and evaluate the use of existing frameworks; specifically
  - Crown Commercial Services Frameworks
  - Eastern Shires Purchasing Organisation Frameworks
  - Homes England Frameworks
  - Highways England Frameworks
  - National LGPS Frameworks
  - Any other framework in which we have been explicitly named and financially accounted for.

Where a framework is used, the officer must comply with the processes as set out in the original procurement. Where there is an option for either direct award or mini competition, officers must consider the following.

- Where the framework only allows for award via a mini competition, a mini competition must be applied
- Where a framework allows for direct awards for such values, the officer may either carry out a mini competition or directly award the contract subject to the advice by the procurement department and:
  - Compliance with the PCR 2015 and framework processes
  - The technical requirements of the contract
  - The suitability of the suppliers on the framework
  - Any conflicts between this appointment and other project related contracts
  - Criticality of timescales

- Historic project knowledge where the initial appointment was suitable procured.

Where a framework is not available or they are deemed unsuitable, and in considerations of the requirements of the category, officers must advertise the opportunity and select the route based on the following options listed below:

#### **Single Supplier Appointment Requirements**

- OPEN tendering (as detailed in Regulation 27, PCR 2015) must be the default option – it requires the disclosure of EVERYTHING up front to EVERYONE and as such best demonstrates an open, fair, inclusive and transparent process; however
- RESTRICTED tendering (as detailed in Regulation 28, PCR 2015) may be used where the market is extensive and the cost to the CPCA and the market against the process is disproportionate to the value of the contract such that a short-listing stage is advantage to all parties. EVERYTHING must still all be disclosed upfront
- COMPETITIVE PROCEDURE WITH NEGOTIATION (as detailed in Regulation 29, PCR 2015) tendering may be used where EVERYTHING is not known upfront as how the outcomes are to be achieved need market involvement and subject to meeting the criteria set out in Regulation 26, PCR 2015.

#### **Multiple Supplier Appointment Requirements**

- FRAMEWORK AGREEMENT - these are procured in accordance with any of the routes above and can include single or multiple requirements (LOTS), single or multiple suppliers and single or multiple awards. It is a closed list once awarded and has a maximum duration of 4 years. The initial process and any subsequent awards must comply with the principles of equal treatment and transparency and comply with both the PCR 2015 and the processes defined in the framework documents.
- DYNAMIC PURCHASING SYSTEMS these are open lists, they are established using the Restricted process with an SSQ and a minimum level of quality and previous experience requirements; suppliers are added to categories if approved and any award under the DPS must be by way of a mini competition which evaluates price and quality.

### **9.3. Above threshold – Category 2**

- OPEN tendering must be applied – it requires the disclosure of EVERYTHING up front to EVERYONE and as such best demonstrates an open, fair, inclusive, and transparent process

#### **9.4. Above threshold – Category 3**

- There are no prescribed routes to market, except a requirement to advertise contracts which are over the FTS threshold. The process must be defined on a project-by-project basis and must comply with Regulations 74-77 PCR 2015 and the Procurement Principles of equal treatment, transparency, non-discrimination and proportionality (Regulation 18 PCR 2015).

### **10. Tender Process & Communication – Category 1 & 2**

All Procurement information and tender requirements **MUST** be shared equally with ALL interested parties; to facilitate this, the following rules regarding information distribution, communications, and storage, must be followed.

ALL information must be shared and managed **ELECTRONICALLY**, and where specified below, **managed through the CPCA e-tendering portal**

#### **10.1. Under £10k – quotes**

Single quotes must be obtained by email and accepted by way of a purchase order which is issued electronically and includes a description of the purchase and the total price to be paid.

#### **10.2. Non-advertised (three) quotes - £10k - £49,999k**

Where three quotes are obtained directly from three local suppliers (where permissible under legislation), these can be requested by email. Once evaluated the selected supplier's quote must be and accepted by way of a purchase order which is issued electronically and includes a description of the purchase and the total price to be paid.

#### **10.3. Advertised quotes - £25k - £50k**

Where an officer cannot identify 3 local suppliers from whom to obtain quotes or where legislation prevents the contract being reserved to local suppliers, the opportunity must be advertised on Contracts Finder (via the e-tendering portal) and an appropriate set of procurement documents collated so as to clearly and transparently define the project requirements and enable interested parties to submit a compliant and competitive quote. A pre-qualification stage must not be used.

All correspondence regarding the tender process, documentation and requirements must be managed through the portal and all information shared equally with all interested parties by way of the public notification function. The evaluation outcome and award must be noted in the system and any decision reports attached.

#### **10.4. Advertised Tenders – over £50k but below threshold**

Where a contract has a value that exceeds £50k but is less than the relevant threshold and the opportunity cannot be awarded through an existing framework then it must be advertised on Contracts Finder (via the e-tendering portal) and an appropriate set of procurement documents collated so as to clearly and transparently define the project requirements and enable interested parties to submit a compliant and competitive quote. A pre-qualification stage must not be used except for certain works contracts on the advice of procurement. These processes are to be loaded and overseen by procurement.

All correspondence regarding the tender process, documentation and requirements must be managed through the portal and all information shared equally with all interested parties by way of the public notification function. The evaluation outcome and award must be noted in the system and any decision reports attached.

#### **10.5. Regulation compliant Tenders**

Above FTS threshold tenders must be both advertised on Contract Finder and in the Find a tender Service (FTS) (via the e-tendering portal – currently Proactis) and an appropriate set of procurement documents collated so as to clearly and transparently define the procurement process to be followed along with the all project requirements so as to enable interested parties to submit a compliant and competitive quote.

All correspondence regarding the tender process, documentation and requirements must be managed through the portal and all information shared equally with all interested parties by way of the public notification function. The evaluation outcome and award must be noted in the system and any decision reports attached.

#### **10.6. Mini Competition from a Framework**

Where the CPCA are utilising an existing Framework under which they intend to carry out a further competition to obtain a competitive quote from interested parties, the process and all the tender documentation and correspondence must be managed through the CPCA e-tendering portal. The project officer must utilise the framework templates where stipulated (ours where not) to clearly and transparently communicate all of the project requirements so as to enable interested parties to submit a compliant and competitive quote.

All correspondence regarding the tender process, documentation and requirements must be managed through the portal and all information shared equally with all interested parties by way of the public notification function. The evaluation outcome and award must be noted in the system and any decision reports attached.

### **10.7. Direct Award from a Framework**

Where a framework includes an option to award directly the officer must first identify which supplier best matches their requirements in consideration of performance ability, delivery timescales, cost, experience, ability to resource, conflicts of interest and any other requirements that are particular to the project that demonstrate a justifiable reason for using that supplier over another – this decision making process must be agreed with procurement and documented by way of an email that can be attached to the contract register when the contract is added.

### **10.8. Direct Award without advertisement**

In some circumstances there may be a justification to award without advertisement or competition; in either and/ or both cases a [Direct Award Template.docx \(sharepoint.com\)](#) must be completed to document and justify this decision and this must be signed in accordance with the requirements of the form. Examples of the circumstances in which an award without advertisement may be justified include:

- Direct Award instead of seeking three quotes for below FTS Threshold
- Direct award without advertisement or competition for above FTS Threshold this is covered in Regulation 32 of the Public Contract Regulations 2015 for which exemptions there are certain criteria
  - Monopoly – this must be demonstrated through a single response to an expression of interest published on Contracts Finder (Below threshold) or on the FTS
  - Urgency – This is where the requirement must be addressed sooner than the time required for Threshold procurement – however – the urgency must not be of the CPCA's making e.g. poor planning.
  - In response to a procurement having been completed in a compliant manner and the outcome not achieving the requirement of the tender documents – in this case a single supplier can be selected to negotiate with.

All decisions regarding this must be agreed with legal and procurement and recorded in the Direct Award Template. Such agreement will only be forthcoming where the direct award is permissible under the CPCA Contract Procedure Rules, the Public Contract Regulations 2015 or the Concession Contracts Regulations 2016 as appropriate. In addition, where required under CPCA Contract Procedure Rules, the appropriate waiver shall be obtained.

## **11. Tender Process & Communication – Category 3**

### **11.1. Below Light touch regime FTS threshold**

There are no requirements to advertise below Light Touch Regime threshold – however, the CPCA are still required to ensure that the expenditure demonstrates value for money. Officers are also required to ensure they have approval to spend the funds and this and the choice of suppliers should be agreed by the budget holder and the email evidencing this attached to the relative entry on the contract register.

This specifically applies to contentious legal, education, training, catering services procurement processes for the CPCA and others which are included under Section 3 or the PCR2015.

### **11.2. Above Light touch regime FTS threshold**

The practical process for this type of procedure must follow 10.5 above and the details of the process as set out in the Invitation to Tender.

## **12. Advertising Opportunities and Awards**

- Framework Award Notices –
  - Over the FTS threshold, an award notice should be published in the FTS and on Contracts Finder within 30 days from award of contract.
  - Under the FTS threshold - and over £30k an award notice must be published on Contracts Finder within 30 days from award of contract.
- Advertised Opportunities & their Award Notices –
  - Above FTS Level - Any contract that exceeds the FTS threshold must have both the opportunity published in the FTS in accordance with the selected route to market and then, also published on Contracts Finder within 30 days from award of contract.
  - Below the FTS threshold – where the opportunity has been advertised an award notice must also be published using the same mechanisms
- Not-advertised Opportunities & their Award Notices –
  - Three Quotes – where the value exceeds £30k an award notice must be published on Contracts Finder
  - Single Source – where the value exceeds £30k an award notice must be published on contracts finder and where the value exceeds the FTS threshold and is awarded subject to Regulation 32 and VEAT notice must be published, and a 10 day stand still period applied.

- Light Touch Regime below FTS procurements do not need the opportunity advertised but where over £30k, the award must be notified on Contracts Finder

## **13. Tender Evaluation Approach**

### **13.1. Single quote**

Purchases made using a single quote are only evaluated for compliance with request and budget.

### **13.2. Three Quotes**

Purchase made after seeking three quotes (that have not been advertised) should be made to the lowest priced suppliers.

### **13.3. Advertised Tender Processes**

Tenders that are advertised must be evaluated on the basis of the Most Economically Advantageous Tender ('MEAT') where both quality and price are considered.

The default split for evaluation is 60% quality and 40% price but this can be adjusted to a split of 70:30 or 80:20 to reflect the requirements of the contract.

### **13.4. Mini Competition FW**

Mini competitions must be evaluated using the process detailed in the framework documents.

### **13.5. Direct Award FW**

Where a framework enables a direct award process to be applied then procuring officer must document the rationale for how MEAT has been applied in accordance with the framework evaluation criteria and/or how the direct award process has been applied and this should be agreed with procurement before the award is made.

### **13.6. Direct Award without Competition**

The process of selecting the supplier to whom the CPCA will direct award will need to provide evidence of some form of evaluation criteria (such as size, experience, references, previous experience by the CPCA or another known Local Authority) as the requirements and pricing that establish the contract will be part of a negotiation process post selection.

## **14. Tender Evaluation Process**

The Procurement Principles are paramount during this stage of the process – failure to apply the specified criteria exactly or fairly is the greatest risk of process failure and Challenge.

The scoring allocation for each section of the criteria must be evaluated from an absolute perspective using a predefined scale and must not include comparison of one supplier against another such that, in theory, a supplier can calculate their own score before they submit their tender.

The recommended approach is set out in the CPCA standard Invitation to Tender (ITT) and should only be amended with agreement from procurement.

The Evaluation Process should address the following three main headings with recommended sub-headings as listed below

#### **14.1. Price**

- A Schedule of Rates or Basket Price
- A Lump sum fixed price
- A sufficiency Ratio

#### **14.2. Quality**

- Contract delivery processes and Mechanisms
- Resources and technical ability required to deliver the contract
- Timescales and critical path
- Risks & mitigations
- Quality Control
- Health & Safety including Safeguarding, environmental protection,

#### **14.3. Social, economic, and environmental requirements**

To the extent permissible by procurement legislation:

- Putting the Mayor's values at the heart of public procurement, namely
  - Compassion
  - Co-operation
  - Community

as described in more detail in the [Combined Authority's Sustainable Growth Statement](#).

- Real Living Wage to all self-employed, contractors and contractors' staff working for the Authority for more than two hours per week for eight consecutive weeks.
- Local jobs, staff training, apprenticeships and work experience etc.
- Volunteering to support local projects
- Net Zero carbon footprint policies and outcomes by all contractors, suppliers and in works contracts, promoting



- Other Environmental protection matters such as; protection of wildlife, product specification, whole life costing, recycling and waste minimisation etc.
- Local spend, local supply chain, local investment

Subject to all requirements in Chapter 9, paragraph 13 of the CPCA Constitution and relevant procurement legislation, and in the spirit of recent drive of the UK government for environmental protection as an increasingly important criterion for public procurements, all CPCA procurements shall always include forthwith as of the date of this policy version (November 2022):

- a) a criterion regarding Net Zero compliance and this criterion shall receive the maximum weighting permitted by current legislation, to the reasonable assessment of the procurement and legal teams.

Additionally, and in line with the Authority's commitments for accreditation as a Living Wage Employer by the Living Wage Foundation, all CPCA procurements, to the extent permissible by procurement legislation, shall always include forthwith as of the date of this policy version (November 2022):

- b) a criterion regarding Real Living Wage compliance and this criterion shall receive the maximum weighting permitted by current legislation, to the reasonable assessment of the procurement and legal teams.

The content of this paragraph 14.3 will be reviewed and updated to increase the weighting received by Net Zero considerations, subject to and in accordance with new impending legislation.

#### **Definitions:**

"Net Zero" above means a policy and all the practical measures taken by a potential bidder in a procurement by which this bidder ensures and achieves zero balance between the amount of greenhouse gas produced and the amount removed from the atmosphere in its operations.

"Real Living Wage" is the hourly rate payable by organisations to their employees and contractors as this is set by the Living Wage Foundation, which corresponds to the hourly rate working people need to afford a minimum 'decent' standard of living.

#### **14.4. Other Considerations**

- Business Continuity Plans
- ISO accreditations
- GDPR processes
- Policies and commitments

## **15. Post Tender Clarifications**

Where, as part of the evaluation process, there are areas of uncertainty, these may be clarified by way of the Q&A process available through the portal.

Any Information received via the Q&A process can only be used to ensure an accurate understanding of the submission and that a fair score has being applied. No new or additional information can be considered or used to re-determine the scores.

Where the intended clarification process is to be managed by way of a meeting, the process for how the responses to questions are to be evaluated and contribute to the final score must be clearly defined within the tender documents and must represent a fair and transparent process. Where such information results in the scores being adjusted, this must be clearly documented on the tender score sheets and in the Tender Report.

Where the clarification relates to price, officers may seek an explanation regarding any anomalies or omissions, but the prices CANNOT be changed. If an item has not been priced individually it is assumed to be provided at no extra costs; if this principle would make the overall contract delivery unsustainable as per above, then the tender may need to be discounted. This can only happen following a clarification process and MUST be reviewed by Procurement before such a decision is made.

Where an arithmetical error is identified, this can be corrected by the CPCA, but the error must be confirmed by an independent party (ideally Internal Audit) and confirmed as acceptable by the Tenderer before any further consideration is given to the tender. If the corrected price is considered undeliverable by either the Tenderer or the CPCA then the submission may need to be discounted.

## **16. Abnormally Low Tenders**

Where the evaluator identifies a concern as to the accuracy or deliverability of the submitted prices or a conflict between the pricing and the commitment in the method statements, or there is concern that they have be calculated to distort or manipulate the evaluation process, Officers are advised to liaise with Procurement to carry out a review (in accordance with the PCR2015) to ascertain if the submission is sustainable or if it should be dismissed from further evaluation. Any decision must be agreed by Procurement and the Project Sponsor and be appropriately documented.

## **17. Tender Report**

Following any competitive procurement being completed and the Most Economically Advantageous Tender identified, over the value of £25,000, the responsible officer must

complete a Regulation 84 compliant Tender report [Tender Award Report Template.docx \(sharepoint.com\)](#) (as per CPCA template) which must be signed by the person with authority to agree the expenditure and sign the contract.

A copy of the completed Report (and any supporting documents) must be stored against the project on the Contract register as a private attachment and made available to Central Government upon request.

## **18. Tender Award & Standstill**

Once approval to award has been received, ALL suppliers must be notified at the same time with their correspondence being issued to them through the e-tendering portal.

Standstill is a 10-calendar day waiting period between the notification of an intention to award and the actual award; it is there to enable disappointed or disgruntled suppliers to question or challenge the decision before the contracts are practically awarded and once past, the process protects the CPCA from a claim of ineffectiveness

Although the requirement for Standstill is only mandatory on above FTS threshold advertised procurements, the CPCA policy is to apply a standstill period of 10 days in the following situations, except where procurement agrees otherwise:

- Above FTS threshold competitions
- Below FTS threshold procurements that have been advertised on Contracts Finder
- All contracts awarded from a framework using a mini competition over £25k and where an award notice is published
- All Direct Awards without Competition where a VEAT notice is published.

The use of a standstill period will protect the CPCA from an awarded contract being made ineffective but cannot protect against damages.

## **19. Tender Feedback**

ALL participants in a procurement process are entitled to receive feedback on their tender submission and their performance compared to the successful supplier.

Officers are required to record the justification for their scores as part of the evaluation process and it the collated and moderated comments that must be provided to the supplier as part of the notification correspondence

Officers are advised to agree this feedback with procurement before issuing to ensure it is both sufficient to comply with the PCR2015 and does not breach the requirement to protect

commercially sensitive information or personal data which would be a breach of other Public Sector obligations.

## **20. Contract Documents**

All contracts must be in writing, must be collated and signed in accordance with the constitution and must clearly specify the goods, works or services to be provided, including a programme of delivery, the specification and the tender response (including pricing and method statements), terms of payment, and any other terms and conditions agreed, together with exit procedures for when the contract either comes to its natural end or is terminated early, perhaps because the contractor has not fulfilled his contractual obligations, as a minimum and then an electronic copy stored on the contract register.

## **21. Contract Register**

All contracts over £5,000 in value MUST be included on the e-tendering contract register. Where the procurement process has been managed through the e-tendering portal all of the required information can be migrated to the register as part of the procurement workflow within the system.

Where a contract has been awarded through either a waiver, quotes process or a direct award mechanism, these MUST be manually added, and all the supporting documentation appended to ensure a full audit trail of the decision processes. The Waiver and Direct Award forms all include a section at the end of each form labelled 'Contract Register Information' which will need to be completed by the instructing officer and sent to the Procurement inbox, along with the signed contract.

This list of contracts held must be available to the public and the supporting documents must be available on request by Central Government or to facilitate a response to an FOI if received.

## **22. Other Governance Requirements**

### **22.1. Freedom of Information**

In addition to suppliers being entitled to be advised on the outcome and administration of a procurement process, other interested parties may also wish to have access to that information.

Officers should seek guidance from the Governance team and Procurement before disclosing any information to ensure confidential personal data and commercially sensitive financial constructs, trade secrets and intellectual property are suitably redacted before any documents are shared.

## **22.2. Conflicts of Interest**

The Public Contract Regulations and overarching legislation is designed to prevent corrupt practices and any preferential treatment or discrimination of any supplier. As such the following rules apply:

All members, officers, senior managers or organisations procuring on behalf of the CPCA must avoid any potential conflict between their own interests and the interests of the CPCA as detailed in the CPCA's Code of Conduct.

Where an interest (financial or personal) is identified this must be reported to the relevant Head of Service (as this is defined in the Constitution) and Procurement such that any identified risks can be minimized. Where such a conflict is identified that person may not participate in the procurement or evaluation process. Where this is not practical, mitigation steps must be agreed with Procurement and the Monitoring Officer.

## **22.3. Prevention of Bribery and Corruption**

Officers, members and consultants working on behalf of the CPCA are not permitted to request or accept any form of gratuity from any suppliers.

Where evidence suggests inappropriate action or events have occurred, a contract may be terminated immediately, and any losses to the CPCA arising from the termination recovered from the supplier.

Any elected Member of the CPCA, member of staff or consultant who becomes aware or has reason to believe that a supplier or potential supplier has committed one of the improper acts must report that to the Monitoring Officer.

## **22.4. Prevention of Organised Crime & Modern Slavery (law)**

Organised crime includes involvement in: illegal drugs, fire arms, fraud and financial crimes, money laundering, child sexual exploitations, organised immigration and human trafficking, cyber-crime and organised acquisitive crime.

Officers are required to complete a due diligence process, before awarding a contract, to ensure that the CPCA is not party to any such illegal or immoral behaviour. This must continue to be monitored throughout the life of the contract.

## **22.5. Late Tenders**

Late tenders can only be accepted as follows

- There has only been one return
- It is less than 5 minutes late

- The other tenders have not been issued to the project officer
- The Project Manager has agreed their inclusion to facilitate competition (under £100,000)
- The relevant Director has agreed their inclusion to facilitate competition (over £100,000)

#### **22.6. Letters of Intent**

Letters of intent give the contractor the authority to proceed prior to the execution and dating of the contract. However, they should only be used where there is a genuine need and benefit to the CPCA such as to:

- facilitating the ordering of goods where there are long lead times
- enable design work to commence immediately where not doing so would have an adverse effect on the overall project deadlines and planning requirements
- Other project constraints that put the delivery at risk

All letters that fall under the points above must be agreed with legal and signed by the relevant Director. Where a letter of intent is required for any other reason, it must be agreed by the relevant Director prior to issue.

Where a letter of intent is issued it must specify its intent and include a maximum liability, which cannot exceed £100,000 unless otherwise agreed by the Monitoring Officer.

#### **22.7. Extensions or Variations to a Contract**

A Contract should only be extended or varied in accordance with any such options included in the original procurement and contract.

Where no such provision exists; a contract can only be extended or varied as permissible under procurement legislation and subject always to approval from legal and procurement.

The application of any extension or variation

- must be in the Authority's best interest ;
- must demonstrate value for money;
- must be after a new Due Diligence Check has been completed.

The approval must be in consideration of the Authority's requirements above and be based on the total of both the original and all extension values.

#### **22.8. Contract Management**

The CPCA is committed to ensuring that in addition to procuring its contracts effectively and economically, that they will be efficiently managed to ensure the benefits promised are delivered.

In addition, any documents appertaining to amendments or additions to the contract must be added to the contract register and any duration there listed amended accordingly.

22.8.1 All contracts must have a nominated officer to act as contract manager for the whole contract.

22.8.2 All contracts which exceed the threshold values, or which are high-risk, must be subject to regular, formal review with the contractor.

22.8.3 Officers must not terminate a contract prior to its expiry date without obtaining legal advice. Early termination requires the approval of the Chief Finance Officer.

22.8.4 If payments to a contractor are to be withheld or if there is a problem with a contract which may result in early termination, then legal advice must be sought.

22.8.5 Value for money reviews must take place as a minimum on an annual basis and before any contract extension.

## **23. Urgent decisions outside the budget or policy framework**

Officers discharging executive functions may need to take a decision which is contrary to the Authority's policy framework or contrary to or not in accordance with the budget approved by the CA Board if the decision is a matter of urgency. This may include a situation where services are stopped abruptly and if not re-procured as soon as possible, will cause disruption to services to residents and/or functions of the CA. However, such a decision may only be taken: -

23.1 If it is not practical to convene a quorate meeting of the CA Board urgently; and

23.2 If the Chair of overview and scrutiny committee agrees that the decision is a matter of urgency.

23.3 If the Mayor and/or the relevant lead members agrees that it is urgent.

23.4 If the approval of the Chief Executive officer, Chief Finance Officer and Monitoring Officer is obtained.

23.5 If the reasons why it is not practical to convene a quorate meeting of the CA Board and the consent of the Chair of Overview and Scrutiny and Mayor's consent to the decision being taken as a matter of urgency must be noted on the record of the decision.

23.6 In the absence of the Chair of the Overview and scrutiny committee, the consent of the Vice-Chair of the overview and scrutiny committee will be obtained.

23.7 In the absence of the Mayor, the consent of the Deputy Mayor will be obtained.

23.8 In the absence of both the Chair and Vice Chair of the Overview and Scrutiny committee, the consent of the Mayor or Deputy Mayor will be sufficient.

23.9 Following the decision, the decision taker will provide a full report to the next available CA Board explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

23.10 The decision maker will have regard to the decision-making principles and the CA's Financial management Procedure rules in the constitution.

23.11 Steps taken by the Executive, a committee of the Executive, an individual member of the Executive or officers discharging executive functions to implement the CA's policy will not exceed budgets allocated and grants available.

## **24. Responsibilities**

24.1 Responsibility of Directors - Directors have a duty to ensure that officers dealing with contracts have written authority to do so and comply with all appropriate rules.

24.2 Responsibilities of Officers- Officers dealing with contracts must have written authority to do so. Officers must ensure that procurement projects have policy approval and budgetary provision, and the sources of funding must be agreed and stated.