

APPENDIX B - MAIN CHANGES TO CONTRACT STANDING ORDERS

	Original Paragraph	Revised Paragraph	Reason for change
4.2.1	<p>Suppliers invited to quote within these bands can be sourced from any means, including Constructionline, approved lists (see CSO's 5.2) the Internet or based on previous satisfactory experience with the Council. There is no requirement to issue public notices for contracts or short list within these bands, although this may be appropriate in some instances. However, when inviting quotations in Band 2, Officers should document the reasons for selecting the suppliers (such evidence may be required should the decision be challenged at a later date). If you are sourcing contracts of a similar nature on a regular basis i.e. a procurement for a decorating service as a one off procurement every year it is a requirement to ensure that you are rotating the suppliers you use to guarantee that all suppliers are treated fairly and given the opportunity to quote for the Council's business</p>	<p>Suppliers invited to quote within these bands can be sourced from any means, including <i>Constructionline, the Internet or based on previous satisfactory experience with the Council.</i> . There is no requirement to issue public notices for contracts within these bands, although this may be appropriate in some instances. However, when inviting quotations in Band 2, Officers should document the reasons for selecting the suppliers (such evidence may be required should the decision be challenged at a later date). If you are sourcing contracts of a similar nature on a regular basis i.e. a procurement for a decorating service as a one off procurement every year <i>it is a requirement to ensure that you invite at least one supplier not invited last time to guarantee that all suppliers are treated fairly and given the opportunity to quote for the Council's business.</i></p>	<p>Removal of approved list option. Currently there are none.</p> <p align="center">And</p> <p>To strengthen the requirement to rotate suppliers and cover the statement on the page 5 of the proposed Procurement Strategy 2014-16 " we will encourage competition and challenge wherever possible invite local, SME and Third Sector suppliers to participate in contract opportunities"</p>
4.3.3	<p>Written requests for quotes and quotes themselves can be sent and received in the form of an email, facsimile or letter. Unlike tenders above £75,001 , quotes in this band do not need to be sent to Committee Services; however you should set a return date when requesting quotations and quotations should be opened and witnessed by another officer using a quotation receipt form found on the intranet under Staff Info/Procurement. (although all documentation must be retained as per CSO 4.4.7).</p>	<p>Written requests or quotes themselves can be sent and received in the form of an email <i>or letter or via the In-Tend e tendering system. A return date must be specified and adhered to. Where letter or email is used quotations must be opened and witnessed by another officer using a quotation receipt form found on the intranet under Staff Info/ Procurement. When using In-Tend the receiving officer can open the returns as soon as the system makes them available, no quotation receipt form is needed.</i></p>	<p>To encourage quotes to be done via In-Tend as well as tenders. With a view to amending to just using In-Tend in the next couple of years. To remove the need for a quote opening form where In-tend is used.</p>
5.2.1	<p>Within this contract value banding, the required number of suitable Suppliers for being invited to tender can be selected using the Council's own Approved Lists, a public notice or a purchasing consortium such as the GPS, PFH, ESPO, Pro 5 or CBC.</p> <p>Approved Lists must only be drawn up after an advertisement (Public Notice) inviting applications for inclusion on the list. Suppliers must complete a Pre-Qualification Questionnaire (PQQ) and meet the required criteria before being entered on the Approved List. Approved Lists must detail what work or services an approved supplier is technically competent to provide and a financial limit in terms of the value of contracts to which they can be invited.</p>	<p><i>Within this contract value banding, the required number of suitable Suppliers for being invited to tender can be selected using, a public notice or a purchasing consortium such as the CCS, PFH, ESPO, Fusion 21, YPO or CBC</i></p>	<p>Removal of approved list option</p>

	<p>Approved lists can be either:</p> <ul style="list-style-type: none"> a) 'closed' - only those who respond to the original public notice and meet the required criteria are on the list. No new Suppliers are added to the list until it is re-advertised; or b) 'open' - new Suppliers are added to the approved list if, at any time, they express an interest and meet the required criteria. <p>It is the responsibility of the relevant Head of Service to maintain the Approved List. Details of approved lists must be forwarded to Corporate Procurement for information purposes.</p> <p>The approved list and short listing criteria must be re-advertised at least every four years. On re-advertisement, a copy of the advertisement must be sent to each person on the list, inviting them to reapply.</p> <p>It must be made clear to all interested parties how work will be divided. For example, whether all on the approved list will be invited to tender for each procurement exercise or whether a rotation system will be applied.</p> <p>Suppliers can be removed from the list following on from poor performance or consecutively high quotes. Suppliers must be advised of this at the start of the process by explaining how this will be enforced.</p>		
<p>5.2.2</p>	<p>If the chosen method is a public notice, officers may follow either of these procedures:</p> <p>Open procedure – all Suppliers expressing an interest are sent an Invitation to Tender (ITT) and all responses are evaluated.</p> <p>Restricted procedure – all Suppliers expressing an interest are sent a PQQ to enable short listing. Only short listed Suppliers are then sent the Invitation to Tender.</p> <p>The public notice would normally be placed via the Corporate Procurement Team in the Councils Buyer Profile, the government website www.contractsfinder.businesslink.gov</p>	<p>If the chosen method is a public notice, officers must follow the: <i>Open procedure – all Suppliers expressing an interest are sent an Invitation to Tender (ITT) and all responses are evaluated.</i></p> <p><i>The Public notice will be placed via the Corporate procurement Team on the Councils E procurement system In-Tend and on the government website "Contracts Finder" and additionally may be placed via OJEU in order to maximize competition, and must state how to register on the In-Tend system. It must also state the scope of the requirement and the deadline for expressions of interest</i></p>	<p>To remove Restricted procedure in line with PCR2015</p>

	.uk a trade journal (if necessary) and/or via OJEU (Official Journal of the European Union) in order to maximise competition ¹ . The public notice must state the scope of the requirement and the deadline for expressions of interest to be received.		
5.3	Shortlisting	Clause removed	
5.5	<p>All Tenders received will be through the E-tendering system and will remain secure and unopened until the time and day they are due to be opened and downloaded by the Tender Opening Panel. The Tender Opening Panel will consist of at least one member of Committee Services and the officer inviting the tenders (or his representative). An audit log on the E-tendering system can verify if the tenderbox has been opened without prior permission.</p> <p>Tenders must be recorded as appropriate on the "Opening of Tenders" form. An unpriced tender form which is not supported by documents from which a price or basis of pricing, may be ascertained or deduced (e.g. covering letter, Summary of Tender, etc.) is not to be regarded as a Tender. The tender form should be returned to the supplier so endorsed.</p> <p>Each page upon which prices or other information has been entered by the tenderer should be printed off and signed by the authorised member of Committee Services and the officer inviting the tenders (or his representative). No other written insertions must be made by officers. Each tender is then recorded on the "Opening of Tenders" form, which is signed and dated by Tender Opening Panel members.</p> <p>In the event of a Tender being received after the closing date and time, clarification must be sought from either the Strategic Director (Resources), The Borough Solicitor or the Corporate Procurement Manager as to whether the Tender should be included with the others. Late tenders are not able to be received through the E-tendering System as the tender box is automatically locked at the deadline time and date. A late tender will normally only be allowed if it is proven that a third party is at fault.</p>	<p><i>Tenders shall be submitted through the Council's E-tendering System – In-Tend. Instructions on how to register on the e-tendering system must be provided in the public notice The system sends full guidance documents on how to use the system to respondents when they register and has on line guidance at every stage. Within the Invitation to Tender documents Respondents must be provided with a contact point in case they experience any problems in using the E-Tendering system Respondents must also be advised that failure to advise the Council of the problem before the deadline for return of tenders will mean they have lost their opportunity to tender. Where a sending problem is received in time, consideration should be given to extending the deadline for submission and all tenderers should be advised accordingly of any extension of time.</i></p> <p>5.6 – Clause removed</p>	<p>To comply in advance of the transition deadline in The Public Contracts Regulations 2015 for electronic tenders and to enable a full audit trail of all communications in regard to a tender process. As the e-tendering system can be accessed via the internet from anywhere should either SBC or the Suppliers have a catastrophic IT failure the documentation can still be accessed/ system used from another internet connection (e.g. public library)</p> <p>AND</p> <p>To remove the need for Tender Opening processes - In-Tend provides the level of security needed and a full audit trail. The system will not allow tenders to be opened early and a copy of the suppliers bid will be securely held on the system and can be referred back to the case of dispute over the figures.</p>

	The Tender Record Book should record the decision made and reasons. Rejected late tenders should be returned by the Officer to the Supplier concerned with a letter explaining it was received late and cannot be considered as a result. A copy of the letter should be retained for a period of three months as evidence in case of a subsequent challenge by the Supplier concerned.		
5.8.9	New Clause	<i>It is essential that the ANF form is completed and passed to Corporate Procurement within 10 working days of award where the value is over £25,000 as it is a legal obligation of the Public Contracts Regulations 2015 to publish award notices of this value and above on Contracts Finder.</i>	To comply with PCR2015
6.5.10	New Clause	<i>The officer must consider if the requirement could be split into lots, if the decision is not to lot that must be explained in the Invitation to Tender</i>	To comply with PCR2015
6.5.11	New Clause	<i>The Social Value Act requires commissioners to consider securing economic, social, or environmental benefits when buying services above the OJEU threshold. To comply with the Act, commissioners must think about how what they are going to buy, or how they are going to buy it, could add these benefits, and must also consider whether they should consult on these issues., This consideration need to be documented and retained in line with CSO 5.8.10</i>	To remind officers to take this Act into consideration as part of their procurement process
6.7.8	The contract with the successful supplier must not commence until 15 calendar days after letters have been sent , (10 days if sent by electronic means through the Delta E-tendering system) allowing unsuccessful suppliers time to dispute any decision made.	The contract with the successful supplier must not commence until 10 calendar days after the date on which the letters were sent , if the 10 th day is a weekend or bank holiday the last day must be the following working day (15 days if sent by post) allowing unsuccessful suppliers time to dispute any decision made.	To clarify the standstill period
6.8.8	New Clause	<i>A written report must be compiled that satisfies regulation 84 of the Public Contracts Regulations 2015. The report must be kept with the signed contractual documents for a minimum of 3 years from the date of award of the contract.</i>	To comply with PCR2015
6.8.9	Contract award notices must be published in the Official Journal of the European Union (OJEU) within 48 days of contract award via the Council's E-tendering system - Delta	Contract award notices must be published by the Corporate Procurement team in the Official Journal of the European Union (OJEU) and Contracts Finder within 30 days of contract award via the Council's E-tendering system – In-Tend.	To reduce the timescales for publication from 48 days to 30 days and reflect Contracts Finder requirements in line with PCR 2015

<p>7.3.4</p>	<p>In all cases where the extension of a contract has been approved, the Legal section shall be requested by the client department to undertake formalising the contract extension. Where the total contract value (including the original contract value) exceeds £75,001, details of the contract extension must be provided to Corporate Procurement for recording on the Central Contracts Database</p>	<p>In all cases where the extension of a contract has been approved, the Legal section shall be requested by the client department to undertake formalising the contract extension. Where the total contract value (including the original contract value) <i>exceeds</i> £5,001, details of the contract extension must be provided to Corporate Procurement for recording on the Central Contracts Database.</p>	<p>Reduce the threshold for notifying Corporate Procurement of extensions in line with the Transparency Act</p>
<p>7.8.1 (Band 3)</p>	<p>At least four bidders by invitation to tender (a minimum of two responses received)</p>	<p><i>Public Notice</i></p>	<p>To make income generating contracts subject to Public Notice when over £75,000</p>