

Revised Contract Procedure Rules – effective 1st July 2018

Summary of changes

Section 3.2 Responsibilities of Officers and Members

- 3.2.2** Failure to comply with any of these rules may be considered a **breach of the Officers' Code of Conduct and may result in disciplinary action.**
- 3.2.3** Where it becomes apparent that a Service has failed to comply with the CPRs a Breach Notice, as set out in a Procedure Rules Approval Document (PRAD 6), should be completed and submitted to the Head of Procurement and Internal Audit. Internal Audit will, if the breach exceeds £50,000 in value, submit a report to the Head of Procurement and the Director: Governance and Assurance (Monitoring Officer) (with appropriate recommendations) before reporting to Audit and Risk Management Committee and / or the Corporate Governance Group. Breaches up to £50,000 will be reported to the Corporate Governance Group by Corporate Procurement in consultation with Internal Audit.

Section 6 Corporate Contracts

- 6.1** If a Council contract exists which covers the subject matter of the proposed procurement (a Corporate Contract) it must be used unless one of the following conditions applies:
- The corporate contractor has confirmed that the goods or services are not available within the required timescale.
 - The corporate contractor has confirmed that they are unable to fulfil the requirement.
 - The corporate contract is subject to an unresolved dispute or an exit plan has been exercised.
 - The corporate contractor's financial position has altered and a status of administration or liquidation has been applied.
 - The corporate contractor is in breach of contract and a termination notice has been issued.
 - The Corporate Contract is no longer value for money and the Council is entitled in law to procure the goods or services elsewhere.
- 6.2** Where an officer seeks to no longer use a corporate contract, they will arrange for consent to be obtained in writing from the Head of Procurement. Such consent will be evidenced on a Procedure Rules Approval Document (PRAD 5), in advance of any commitment to proceed with a supplier or provider.

Previous Section 6 to follow now becomes Section 7 and so on.

Section 7 (previously 6) Pre Procurement Process

7.2.1 j The economic, social and environmental wellbeing of the borough and the benefit which the procurement process can bring to the community and have regard to the duty to secure continuous improvement in accordance with Best Value, ***the Council's Social Value Policy 2017, Social Value Guidance and Social Value Framework.***

7.2.5 The Authorising Officer, together with Corporate Procurement, in all Supplier / Contractor sectors and areas identified as vulnerable to serious and organised crime include within the **quotation / tender** documentation the following statement:

“Wirral Council has identified that the scope of this procurement falls within a business sector which may be attractive to infiltration by organised crime groups. Wirral Council therefore reserves the right to include enhanced probity checks / requirements at both the selection and award stages of the procurement.” as set out in the invitation to tender.

Section 10 (previously 9) Tenders

Section 10.6 Evaluation of Tenders

10.6.5 During the evaluation process, the evaluation of quality should be separate from that of price to ensure so that one cannot influence the other before the final scoring of bids is completed. ***Unless agreed with the Head of Procurement all evaluation criteria should be based upon 70% price / 30% quality.***

10.7 Financial Evaluations

10.7.1 Corporate Procurement shall obtain financial profile reports of bidders for all appropriate procurements of £5k and above.

10.7.2 Financial profile reports for procurements up to £100k shall be considered jointly by the commissioning service and Corporate Procurement for the purposes of deciding to include the bid in the evaluation stage. Financial profile reports for procurements of £100k and above shall be submitted to the Director of Finance & Investment (Chief Finance Officer) for the approval or rejection of the bidder to proceed to the evaluation stage in accordance with the following principles.

10.7.3 No tender shall be rejected on the grounds of lack of financial standing unless the criteria for rejection is clearly stated in the published pre-tender documentation and the tender can be rejected in accordance with those criteria.

10.7.4 The financial standing criteria must comply with Regulation 58 of the Public

Contracts Regulations 2015 as being related to and proportionate to the subject matter of the contract and compliant with the requirements on minimum yearly turnovers and ratios between assets and liabilities set out in the Regulation.

10.7.5 Where the Director of Finance & Investment (Chief Finance Officer) considers it to be necessary, annual accounts shall be obtained from bidders for appraisal.

10.7.6 The appraisal of financial profile reports for procurements of £100k and above shall be supported by the completion of a Procedure Rules Approval Document (PRAD 7) by Corporate Procurement and issued to the Director of Finance & Investment (Chief Finance Officer) for approval or rejection in accordance with the above requirements.

Previous Section 10.7 to follow now becomes Section 10.8 and so on

Section 17 (previous 16) Reporting to Members

17.1 Delete from bullet 3 ‘or breach’ (now covered in 3.2.3)

there is a waiver **or breach** of the Contract Procedure Rules in relation to a contract which exceeds £50,000 in value.