Appendix 2

Appendix 1 – policies and guidance relevant to these Orders

All Officers must follow the Council's policies, in particular those relevant to these Orders, which are listed below.

Financial Procedure Rules (part 4 of the Constitution)

Scheme of Delegation (see part 3 Table 6 of the Constitution)

Code of Conduct (see part 5 of the Constitution)

Ethical Procurement Statement

Guidance for Agency workers and consultants

Guidance for Grants and External Funding

Procurement in the UK is regulated by:

The Public Contracts Regulations 2015

The Concession Contracts Regulations 2016

The Public Services (Social Value) Act 2012

Appendix 1 – policies and guidance relevant to these Orders

All Officers must follow the Council's policies, in particular those relevant to these Orders, which are listed below.

Other useful links to guidance and related material are provided below.

Guidance Docs / Policies - Appendix 1	Notes/Links	Description and/or section/s of PCSOs
Procurement Act 2023	Procurement Act 2023 (legislation.gov.uk)	External link to Procurement Act 2023 Legislation
		In PCSOs: 1.2. Governing Legislation 1.6. Procurement Type 1.7. Exempted Contracts 2.3. Convertible Contracts

Draguramant	The Dresument Degulations 2004	External link to Draw month
Procurement	The Procurement Regulations 2024	External link to Procurement
Regulations 2024	(legislation.gov.uk)	Regulations 2024
		In PCSOs:
		1.2. Governing Legislation
		1.6. Procurement Type
The Public Contract	The Public Contracts Regulations 2015	External link to Public Contracts
Regulations 2015		Regulations 2015
		In PCSOs:
		1.2. Governing Legislation
		1.6. Procurement Type
The Concession	The Concession Contracts Regulations	External link to The Concession
Contracts Regulations	2016	Contracts Regulations 2016
2016	2010	Contracts regulations 2010
2010		In PCSOs:
		1.6. Procurement Type
The Public Services	The Public Services (Social Value) Act 2012	External link to The Public Services
(Social Value) Act 2012	The Fubilic Services (Social Value) Act 2012	(Social Value) Act 2012
(Social value) Act 2012		(Social value) Act 2012
		In PCSOs:
		1.2. Governing Legislation
		5. Council Requirements /
	F	Obligations – 5.1. Social Value
Financial Procedure	Financial Procedure Rules	External link to ESCC Constitution
Rules (part 4 of the		
Constitution)		In PCSOs:
		1.4 Compliance
		2. Approvals – 2.1. Procurement
		Forward Plan
		4. Contracting with Suppliers – 4.1.
		Purchase Orders
Scheme of Delegation	Scheme of Delegation	External link to ESCC Constitution
(see part 3 Table 6 of		
the Constitution)		In PCSOs:
		1.7. Exempted Contracts
Code of Conduct (see	Code of Conduct	External link to ESCC Constitution
part 5 of the		
Constitution)		In PCSOs:
,		4. Contracting with Suppliers – 4.3.
		Bribery, Corruption, Canvassing
		and Collusion
East Sussex County	ESCC Social Value Policy	External link to ESCC Social Value
Council Social Value		Policy
Policy		
		In PCSOs:
		5. Council Requirements /
		Obligations – 5.4
Orbis Environmentally	Orbis Environmentally Sustainable	External link to referenced Policy
Sustainable	Procurement Policy East Sussex	Zatorial link to referenced Felloy
Procurement Policy,	County Council	In PCSOs (not explicitly
East Sussex County	County Council	referenced):
Council		5. Council Requirements /
Council		
		Obligations - 5.2. Environmental
		Sustainability

0 " 0 ' '	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	E (1814 (15.8
Supplier Code of	Supplier Code of Conduct 4.0 East	External link to referenced Policy
Conduct	Sussex County Council	1. 5000 (, , , , ; ; ; ;
		In PCSOs (not explicitly
		referenced):
		5. Council Requirements /
The Compressive Double	Co. anarativa Party Charter Against	Obligations External link
The Co-operative Party	Co-operative Party Charter Against	External link
Charter Against Slavery	Modern Slavery – Co-operative Party	In PCSOs (not explicitly
		referenced):
		5. Council Requirements /
		Obligations
Modern Slavery and	Council leaders commit to eradicating	External link
Exploitation	slavery and exploitation The	External link
Exploitation	Newsroom (eastsussex.gov.uk)	In PCSOs (not explicitly
	ivewsroom (eastsussex.gov.uk)	referenced):
		5. Council Requirements /
		Obligations
Environmental Policy	Environmental policy East Sussex	External link to referenced Policy
	County Council	
	Southly Southern	In PCSOs:
		5. Council Requirements /
		Obligations – 5.2. Environmental
		Sustainability
Guidance for Agency	Guidance for Agency workers and	Link to ESCC intranet
workers and consultants	consultants	
		In PCSOs:
		2.6. Temporary Staff, Consultants
		and Professional Services
Guidance for Grants	Guidance for Grants and External Funding	Link to ESCC intranet
and External Funding		
		In PCSOs:
		1.7. Exempted Contracts
Consultants and IR35	Consultants and personal service providers	Link to ESCC intranet
assessment	– ESCC Intranet	
requirements		In PCSOs:
		2.6. Temporary Staff, Consultants
		and Professional Services
HR guidance -	HR guidance temporary workers	Link to ESCC intranet
temporary workers	0.1	L. BOOG
	Orders and assignments – ESCC Intranet	In PCSOs:
	Off contract agains a FCCC Introduct	2.6. Temporary Staff, Consultants
Code of Conduct and	Off-contract agencies – ESCC Intranet	and Professional Services
Code of Conduct and	Section 2 - Code of Conduct and Conflict of	External link to ESCC Constitution
Conflict of Interest	Interest Policy for Employees.pdf	In PCSOs:
Policy for Employees		4. Contracting with Suppliers – 4.3.
		Bribery, Corruption, Canvassing
		and Collusion – Conflict of Interest
Conflict of interest and	Conflict of interest and offers of gifts and	Link to ESCC intranet
offers of gifts and	hospitality – ESCC Intranet	Link to Loop littraffet
hospitality		In PCSOs:
πουριταίτις		3. Contracting with Suppliers –
		4.3. Bribery, Corruption,
		Canvassing and Collusion –
		Conflict of Interest
	<u> </u>	Commot of Interest

Which Cummon toble	T	1.10 Proguroment Time Cumment
Which Summary table decision tree	Cabinet Office decision tree can be found on the DMS here: Document Management System - 16 - 20240215 Which procurement regime should I be following decision tree.pdf - All Documents Transforming Public Procurement Learning Manual - Summary Documents and Learning Aids	1.10. Procurement Type Summary Tables
Thresholds	Link to existing thresholds - Procurement Policy Note 11/23 – New Thresholds (HTML) - GOV.UK	External link to current thresholds In PCSOs thresholds are referenced in the following sections: 1.6. Procurement Type 1.9. Procurement Method 1.13 Evaluation 2. Approvals – 2.1. Procurement Forward Plan
Below Threshold Procurement Guidance	Guidance - Below Threshold FINAL.pdf (publishing.service.gov.uk) Below Threshold Contract Checklist Regulated Below Threshold Process Flow saved on the DMS here: Document Management System - Below threshold - All Documents	In PCSOs: 1.10. Procurement Type Summary Tables 1.11. Below Threshold Procurements 1.12. Direct Award 2.2. Contract Extensions, Novations and Modifications 2.3. Convertible Contracts
Contract management	Contract Management Framework	In PCSOs: 1.5. Roles and Responsibilities 5. Council Requirements / Obligations - 5.1. Social Value, 5.2. Environmental Sustainability, 5.3. Modern Slavery 7. Managing Contracts
Preliminary Market Engagement	https://assets.publishing.service.gov.uk/media/664dc112993111924d9d3980/Guidance-Preliminary_Market_Engagement.pdf Checklist can be found on the DMS here: Document Management System - Preliminary market engagement checklist.pdf - All Documents	In PCOS: 5. Council Requirements / Obligations, 5.2. Environmental Sustainability
NPPS (National Procurement Policy Statement)	*Central Government currently re-drafting – will include link once published*	Will include external link to NPPS once published by the Government In PCSOs: Not explicitly referenced as NPPS – mentioned more generically as national policies in the following sections: 1.5. Roles and Responsibilities 5. Council Requirements / Obligations, 5.1. Social Value, 5.3. Modern Slavery

Valuation of Opinion to	Has Cabinat Office and dame:	External link to Oakings Office
Valuation of Contracts	Use Cabinet Office guidance.	External link to Cabinet Office
	Guidance - Valuation of Contracts.pdf	guidance
	(publishing.service.gov.uk)	L. POOC
		In PCSOs:
_		1.8. Valuation of Contracts
Counter Fraud	ESCC: ESCC Counter Fraud Strategy and	Internal and external links to
Strategy/Whistleblowing	Framework 2021 to 2024.pdf	referenced strategy/policy
	Whistleblowing, fraud and corruption –	In PCSOs:
	strategy and policy documents East	4. Contracting with suppliers – 4.3.
	Sussex County Council	Bribery, Corruption, Canvassing
		and Collusion
Conflict of Interest	Use Cabinet Office guidance -	External link to requirements under
Guidance	https://assets.publishing.service.gov.uk/me	the 2023 Act (and associated
	dia/6698dc04fc8e12ac3edaff11/Guidance	regulations) `
	Conflicts_of_Interest_FINAL.pdf	
		In PCSOs:
		4. Contracting with suppliers – 4.3.
		Bribery, Corruption, Canvassing
		and Collusion – Conflict of Interest
Conflict of Interest	Internal COI Declaration template	In PCSOs:
declaration		4. Contracting with suppliers – 4.3.
		Bribery, Corruption, Canvassing
		and Collusion – Conflict of Interest
Conflicts assessment		In PCSOs:
template		4. Contracting with suppliers – 4.3.
template		Bribery, Corruption, Canvassing
		and Collusion – Conflict of Interest
CPV Codes - PSR	https://www.legislation.gov.uk/ukdsi/2023/9	External link to PSR CPV Codes
OF V Codes - FSK	780348252613/schedule/1	LAGITIALITIK TO FOR OF V COURS
	100040202010/50Heuule/1	In PCSOs:
CDV Codes Light	The Presurement Regulations 2004	1.6. Procurement Type External link to Light Touch CPV
CPV Codes - Light Touch	The Procurement Regulations 2024	
TOUCH	(legislation.gov.uk)	Codes
		In DOCO
		In PCSOs:
ODV I W I	The Breeze and Breeze and Const.	1.6. Procurement Type
CPV codes - Works	The Procurement Regulations 2024	External link to Works CPV Codes
		In PCSOs:
		1.6. Procurement Type
PSR - choosing the right	NHS England » Provider Selection Regime:	External link to PSR guidance
procedure flow chart	getting to the right decision	
		In PCSOs:
		This flow chart is not explicitly
		referenced but PSR in general is
		referenced in the following
		sections:
		1.2. Governing Legislation
		1.6. Procurement Type
		1.10. Procurement Type Summary
		Tables
	I	

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Direct Award	Cabinet Office decision tree and guidance.	External and internal links to
	Guidance - Direct_Award_FINAL.pdf	Cabinet Office guidance these are
	(publishing.service.gov.uk)	also available on the gov.uk
		website (Transforming Public
	Decision tree can be found here: <u>Document</u>	Procurement pages and E-learning
	Management System - 26 - 20231208	manual)
	Direct award decision tree (section 41).pdf -	
	All Documents	In PCSOs:
		1.12 Direct Award
Light Touch	See Cabinet Office exemptions cheat sheet	External and internal links to
	in training manual and guidance stored	Cabinet Office guidance these are
	here:	also available on the gov.uk
	Document Management System -	website (Transforming Public
	Exemptions cheat sheet - light touch	Procurement pages and E-learning
	contracts .pdf - All Documents	manual)
	Guidance	In PCSOs:
	Light_Touch_Contracts_FINAL.pdf	Light Touch is referenced in the
	(publishing.service.gov.uk)	following sections:
		1.6. Procurement Type
		1.7. Exempted Contracts
		1.10. Procurement Type Summary
		Tables
Publishing Notices	*FTS / Proactis / Intend - instructions /	Internal guidance to be created on
(procedure)	guidance on this to be created*	how to publish notices.
Publishing Notices	Cabinet Office summary/cheat sheet which	Internal link to Cabinet Office
(legislative	can be found here:	guidance these are also available
requirements)	Document Management System - 18 -	on the gov.uk website
	20240209 Table of transparency notices -	(Transforming Public Procurement
	fact sheet.pdf - All Documents	pages and E-learning manual)
		In PCSOs:
		1.9. Procurement Method
		1.18 Procurement Notices
		7.1. Notices required during the life
		of the Contract
Assessment & Award	Use Cabinet Office guidance	External links to Cabinet Office
	Guidance	guidance
	Conditions_of_Participation_FINAL1p	
	<u>df</u>	In PCSOs:
		1.13 Evaluation
	Guidance-Assessing-Competitive-Tenders-	1.9. Procurement Method
	FINAL.pdf (publishing.service.gov.uk)	1.18 Procurement Notices
		6.4. Document Retention periods
	https://assets.publishing.service.gov.uk/me	7.1. Notices required during the life
	dia/66aa2b50ce1fd0da7b5930c9/Guidance	of the Contract
	Assessment_Summaries_FINAL.pdf	
	https://assets.publishing.service.gov.uk/me	
	dia/66aa2d7efc8e12ac3edb0875/Guidance	
	<u></u>	
	Contract_Award_Notices_and_Standstill	
	<u>pdf</u>	
	Guidance on Contract Details Notices FI	
	NAL_v2.0.pdf (publishing.service.gov.uk)	

Charifications	Has Cobinet Office avidence University 41 (1)	External link to Oakingt Office
Specifications	Use Cabinet Office guidance linked to this	External link to Cabinet Office
	Procurement Act 2023 guidance documents	Guidance
	- Define phase - GOV.UK (www.gov.uk)	In PCSOs:
		Specifications are referenced in the
		following sections:
		1.5. Roles and Responsibilities
		1.6. Procurement Type
		5. Council Requirements /
		Obligations - 5.1. Social Value,
		5.2. Environmental Sustainability,
		5.3. Modern Slavery
Selecting a Procedure	Cabinet Office Selecting a procedure cheat	Internal link to Cabinet Office
	sheet can be found here:	guidance this is also available on
	Document Management System - 25 -	the gov.uk website (Transforming
	20231205 Choosing a procedure.pdf - All	Public Procurement pages and E-
	<u>Documents</u>	learning manual)
		In PCSOc
		In PCSOs: 1.6. Procurement Type
		1.9. Procurement Method
		1.10. Procurement Type Summary
		Tables
Timescales	Cabinet Office decision tree/Tendering time	Internal link to Cabinet Office
	limits cheat sheet can be found here:	guidance this is also available on
	Document Management System - 22 -	the gov.uk website (Transforming
	20231212 Tendering time limits cheat sheet	Public Procurement pages and E-
	_ decision tree.pdf - All Documents	learning manual)
		In PCSOs:
		Timescales are referenced in the
		following section:
PA2023 - choosing the	Cabinet Office decision tree on Choosing a	1.9. Procurement Method Internal link to Cabinet Office
right procedure	procedure can be found here: Document	guidance this is also available on
right procedure	Management System - 25 - 20231205	the gov.uk website (Transforming
	Choosing a procedure.pdf - All Documents	Public Procurement pages and E-
	<u></u>	learning manual)
		In PCSOs:
		1.6. Procurement Type
		1.9. Procurement Method
		1.10. Procurement Type Summary
Framowarks	Con Cobinet Office quidence	Tables
Frameworks	See Cabinet Office guidance - Guidance - Frameworks FINAL.pdf	Internal and external links to
	(publishing.service.gov.uk)	Cabinet Office guidance these are also available on the gov.uk
	(Papilatility.service.yov.uk)	website (Transforming Public
	Framework Cabinet Office cheat sheets can	Procurement pages and E-learning
	be found here: Document Management	manual)
	System - Frameworks and Dynamic	,
	Markets - All Documents	In PCSOs:
		1.10. Procurement Type Summary
		Tables
		1.15. Framework agreements,
		Dynamic Purchasing Systems
		(DPS) and Dynamic Markets

Dynamic Markets	See Cabinet Office guidance - Guidance - Dynamic markets FINAL.pdf (publishing.service.gov.uk) Various Cabinet Office cheat sheets can be found here: Document Management System - Frameworks and Dynamic Markets - All Documents	Internal and external links to Cabinet Office guidance these are also available on the gov.uk website (Transforming Public Procurement pages and E-learning manual) In PCSOs: 1.10. Procurement Type Summary Tables
Record Keeping of key	*Template currently in draft* -	1.15. Framework agreements, Dynamic Purchasing Systems (DPS) and Dynamic Markets Once document is created it will be
decisions	Cabinet office template can be found on the DMS here: <u>Document Management System</u> - <u>Record keeping.pdf - All Documents</u>	available on internal Procurement SharePoint site.
		In PCSOs, record keeping is referenced in the following sections: 1.5. Roles and Responsibilities
		1.9. Procurement Method 2.4 Key Decisions 4.4. Audit Requirements
		5. Council Requirements / Obligations - 5.1. Social Value 6.4. Document Retention periods 7. Managing Contracts
Supplier exclusion and debarment	Use Cabinet Office guidance <u>Guidance - Exclusions FINAL v.2.pdf</u>	External Cabinet Office Guidance.
	Guidance - Debarment_FINAL.pdf Guidance -	In PCSOs this is referenced in the following section: 6.2. Supplier Exclusion
	Conditions of Participation FINAL 1 .p df	
Member Services	Member Services	Internal link to ESCC intranet Member Services page. Contains information and templates.
		In PCSOs: 2.4 Key Decisions

Annex A - Definitions

ESCC PCSO definitions

"Below Threshold"	Contracts below the Regulatory Thresholds specified in the applicable Procurement Legislation. E.g. for Goods and Services, currently procurements below £214,903 and for Light Touch Services, currently procurements below £663,540.
"Breach"	Failure to comply with the Procurement Legislation or failure to fulfil contractual obligations.
"Budget Holder"	A Council Employee who is accountable for a defined budget, and is responsible for committing expenditure against that budget in accordance with the Council's Financial Standing Orders and Regulations
"Chief Officers"	The Chief Executive, the Deputy Chief Executive, Chief Operating Officer, Director of Adult Social Care and Health, Director of Communities, Economy and Transport and / or the Director of Children's Services (as the same may be renamed from time to time). A list of Chief Officers and information on their responsibilities can be found on the East Sussex website. Chief officers East Sussex County Council
"Commissioners"	Council employees that are involved in designing, securing, and monitoring services in response to identified local needs.
"Conflict of Interest"	An actual or potential conflict between the interests of a person acting in relation to a procurement and those of the procurement itself.
"Contract Management Framework"	The guidance set out by the Council to enable Contract Managers to apply an effective, proportionate and consistent approach to contract management.
"Contract Manager"	Any Officer with contract management responsibilities including contract administration, performance management or delivery of any activities necessary to ensure a supplier delivers the goods, works and / or services as defined in the contract.
"Convertible Contract"	A contract which when modified moves from a Below Threshold contract to one which is over the applicable Regulatory Threshold.
"Council's Corporate Contract"	The Council's contract with a managed service for temporary agency workers. Dependent on the current model procured, this contract will either: provide temporary agency workers from their own pool of workers and a supply chain of specialist and local agencies OR manage a supply chain, or tiers of agencies to provide temporary agency workers.
"Council"	East Sussex County Council of County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE

"CPV Codes"	Common Procurement Vocabulary codes - a classification
Ci v Codes	system for public procurement aimed at standardising the
	references used by contracting authorities and entities to
	describe procurement contracts.
"ERP system"	Enterprise Resource Planning system
"Grant"	A sum of money awarded to an individual or organisation in
	anticipation of it being applied for an agreed purpose.
	Conditions may apply to the award of the grant but
	generally the only remedy in the event it is not applied for the agreed purpose is claw-back of the monies provided.
"Level 1 Contract"	A strategic contract that is typically high value, high
	complexity and high risk as defined by the Contract
	Management Framework.
"Level 2 Contract"	A contract that is critical to the delivery of statutory service,
	typically high in value, risk and complexity as defined by the
"Material Decisions"	Contract Management Framework. A decision is "material" if, under the Procurement Act 2023, a
ואומנטומו שכטוטוטווט	contracting authority is required to:
	(a) to publish or provide a notice, document or other
	information in relation to the decision, or
	(b) to make the decision.
"Mixed Procurement"	Tendering of contracts that involve elements of a different
	nature (works, services or supplies) or contracts covered by different sets of rules, and where one or more elements of
	the requirement could be supplied under a special regime
	contract.
"National Procurement	The National Procurement Policy Statement, as provided for
Policy Statement (NPPS)"	at Section 12 of the PA23. The NPPS sets out a statutory
	statement which allows the Government to set and
	communicate the wider policy objectives to which it expects public procurement to contribute.
"Officers"	Anyone who works for the Council (including permanent,
	temporary and /seconded employees as well as external
	/contractors and consultants) who is responsible for buying
"Ordoro"	goods works and / or services on behalf of the Council.
"Orders"	Procurement and Contract Standing Orders. The Procurement Act 2023.
"PA23"	
"PCSO Thresholds"	The PCSO Thresholds defined in the Procurement Type Tables (a-e) in paragraph 1.10.
"Pipeline Notice"	A notice setting out specified information about any public
	contract with an estimated value of more than £2 million in
	respect of which the contracting authority intends to publish
	a tender notice or transparency notice during the reporting
"Procurement Forward	period.
Plan"	A plan (up to 24 months) of contracts over the Goods/Services/Works Regulatory Thresholds which are due
T Idii	for renewal, replacement or is a new requirement during the
	plan term.
"Procurement Legislation"	Means:
	- The Public Contracts Regulations 2015;
	the PA23;the Procurement Regulations 2024 and / or
	 the Procurement Regulations 2024 and 7 or the Provider Selection Regime,
	the i rovider delection regime,

	as the context so requires.
"Provider Selection Regime"	The set of rules for procuring health care services in England set out in the Health Care Services (Provider Selection Regime) Regulations 2023, which are accompanied by Statutory Guidance, to which relevant authorities must have regard.
"Purchase Order"	The purchase order generated (where applicable) by the Council for the goods, works or services.
"Regulatory Threshold"	The statutory threshold above which a procurement must comply with Procurement Legislation (as determined by reference to the relevant Procurement Legislation).
"Senior Officers"	Heads of Service and above.
"Service Lead"	The lead Officer in the service that will work with Procurement to procure a contract for Goods / Works / Services.
"Statutory Officers Group"	The Council's Statutory Officers Group (SOG), which is made up as follows: - the Head of Paid Service (Chief Executive); - the Monitoring Officer (Deputy Chief Executive); - the Section 151 Officer (Chief Finance Officer); - the Chief Operating Officer; - the Assistant Director, Head of Human Resources & Organisational Development; - the Chief Internal Auditor and/or the Audit Manager. The primary role of the SOG is to provide a dynamic and real time forum for considering current strategic risks and issues
	facing the organisation and ensuring appropriate actions are taken in response.
"Supplier"	A person, company, or organisation that supplies goods, services or works.