

Procurement and Contract Standing Orders

Rules to be followed when buying on behalf of

East Sussex County Council

Version 2

Version History

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1. Introduction

These Procurement and Contract Standing Orders (“the Orders”) set out how the Council authorises and manages expenditure and resulting commercial contracts with other organisations. The purpose of these Orders is to ensure that prior to any significant expenditure there is proper consideration of whether there is a need to buy or if the need could be serviced internally and that when external expenditure is required, that it is done in a fair, open and transparent way, whilst delivering value and maximising public benefit. Anyone who buys on behalf of the Council, including staff, suppliers and consultants, is responsible for following these Orders and all relevant policies and Statutory Guidance (see Appendix 1) as well as guidance provided by Procurement. Senior Officers (Heads of Service and above) are accountable for all procurement in their respective area of responsibility. Functions delegated to particular officers under these Orders may be carried out by other officers specifically authorised by them for that purpose.

All definitions and interpretations used in these Orders, are set out in the Definitions table at Appendix 2.

1.1. Legal status of these Procurement and Contract Standing Orders (PCSOs)

The Council is required by section 135 of the Local Government Act 1972 to maintain these Orders as part of our Constitution. The Director of Procurement is the custodian of these Orders and is responsible for keeping them under review. If the law is changed in a way that significantly affects these Orders, then the Director of Procurement will recommend an update to the Governance Committee.

The Chief Operating Officer, in consultation with the Deputy Chief Executive and Chief Financial Officer, shall have delegated authority to make the following incidental amendments from time to time to these Orders:

- a. changes to the thresholds set out in the applicable Procurement Legislation to reflect changes made by central government;
- b. changes to job titles, departments and roles of staff;

- c. Links or references to or contained within Appendix 1; and
- d. Changes required to clarify, add or remove definitions.

1.2. Governing Legislation

Procurement Legislation has been updated significantly since the publication of the Public Contracts Regulations 2015 (“PCR”). New procurements undertaken by the Council, apart from those for certain health care services, are regulated by the Procurement Act 2023 (“PA 23”) and the Procurement Regulations 2024.

Procurement of certain health care services is regulated by the Health Care Services (Provider Selection Regime) Regulations 2023 (“PSR”). Schedule 1 of the PSR set out those services that are subject to this regime.

Other legislation may also be applicable, such as the Public Service (Social Value) Act 2012 and the Transparency Code 2015, which also impacts on procurement. It is important that Officers are aware of the wider legislative landscape.

Where a procurement has commenced (i.e. a contract notice has been issued) prior to 24 February 2025, the procurement and management of that contract shall continue to be governed by the PCR rather than the PA 23.

1.3. Key Principles

These Orders are based on the following key principles:

- a. To ensure that the Council meets its statutory duty to deliver **best value** and supports healthy competition and markets for the Goods, Services and Works purchased.
- b. To share information and be **transparent** to our residents and supply chain about the Council's procurement policies and decisions and how it spends its money.
- c. To ensure that public money is spent **legally and fairly**.
- d. To act and be seen to act with **integrity**.

- e. To treat suppliers the same unless a difference between the suppliers justifies different treatment and not put any supplier at an unfair advantage or disadvantage.
- f. To address the environmental impacts of our supply chain in accordance with the Council's Climate and Biodiversity Emergency declaration.
- g. To support **social value** objectives, and our public sector **equality** duty, encouraging local small businesses and maximise public benefit.
- h. To consider how to remove or reduce any barriers to participation for small and medium sized enterprises.

1.4. Compliance

Any breaches of these Orders will be reported to the Statutory Officers Group and may result in disciplinary action in line with the Council's Disciplinary Policy.

Every contract made by, or on behalf of, the Council must comply with Procurement Legislation, all other applicable legislation, these Orders and the Council's Financial Regulations and Standard Financial Procedures. Where there is a difference between Procurement Legislation and these Orders, the Procurement Legislation prevails. Where these Orders appear to conflict with other Council determined rules, the Deputy Chief Executive shall determine which takes precedence.

1.5. Roles and Responsibilities

The Director of Procurement is responsible for all stages of procurement up to and including contract award across all Services and local systems. This responsibility is managed on a day-to-day basis by Procurement, who advise and assist Services in undertaking their procurement activities.

All Officers are responsible for:

- a. Complying with these Orders, all relevant policies and statutory guidance (see Appendix 1).
- b. Complying with Procurement Legislation.

- c. Adopting the Key Principles set out in paragraph 1.3 throughout all procurement activities.

Procurement is responsible for:

- a. Working closely with Commissioners and Chief Officers to agree and deliver the Procurement Forward Plan.
- b. Providing expert procurement advice to secure the right suppliers for the Council.
- c. Maintaining the Contract Management Framework for how contracts are managed. See Appendix 1.
- d. Ensuring transparency of contract spend, contracts and contract opportunities.
- e. Maintaining accurate procurement records as required by internal and external governance.
- f. Ensuring agreed social value and environmental sustainability requirements are embedded in relevant procurement activities.

All Commissioners and those who buy on behalf of the Council are responsible for:

- a. Purchasing from existing compliant contracts (for example a Framework arrangement) where they are available and appropriate.
- b. Ensuring there is adequate budget available for any purchase.
- c. Ensuring that the requirement and specification takes into account and addresses environmental impacts, wherever possible.
- d. Considering how the Council's social value priorities should be supported by the requirements and the supplier.
- e. Ensuring suppliers act ethically and responsibly in accordance with legislation and Council policies.
- f. Raising a properly completed purchase order and ensuring it is approved *before* the requirements are delivered to the Council, regardless of which system is used.
- g. Ensuring specifications meet a defined need and requirements and properly take into account wider local and national priorities where applicable.

- h. Ensuring that HR is consulted, and the appropriate approval obtained for requirements of temporary workers or consultants outside any agreed corporate contract.
- i. Following the guidance and procedures set out in the Contract Management Framework, according to the value, risk and complexity of the contract.

All Contract Managers and those who manage contracts on behalf of the Council are responsible for:

- a. Following the guidance and procedures set out in the Contract Management Framework, according to the value, risk and complexity of the contract.
- b. Ensuring Contracts are monitored and managed in accordance with procurement legislation requirements as well as individual contractual requirements, including applicable transparency notifications (See Appendix 1).
- c. Ensuring Social Value and, where applicable, Environmental commitments are tracked and delivered.

1.6. Procurement Type

Prior to commencing any procurement activity, you are required to identify which of the below procurement types the activity falls into as this will determine which Procurement Legislation, and subsequently which thresholds, will be applicable.

- a. Goods and Services;
- b. Works;
- c. Light Touch (certain social, health, education, and other public services);
- d. Provider Selection Regime (some Healthcare services); or
- e. Concessions.

There is no flexibility in the application of the Procurement Legislation, so it is crucial the correct provisions are applied.

The Procurement Legislation contains a list of Common Procurement Vocabulary (CPV) codes which can be used to identify the types of services where the Light Touch and Provider Selection Regime can be applied. Similarly, CPV Codes can be

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used to determine where a requirement will be regarded as 'Works' for the purposes of the Procurement Legislation. A link to the CPV code lists is provided in Appendix 1.

Table 1 below shows the definitions for the types of procurement, the Relevant Thresholds for them and the Procurement Legislation that could apply.

To determine which Relevant Threshold applies, it is necessary to estimate the value of the Contract. Further guidance on how to do this is included in paragraph 1.8.

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Table 1:

Procurement Type	Definition	Thresholds (inc. VAT where applicable)
A: Goods or Services Procurement Act 2023	Goods or Services* (Excluding Light-Touch and Healthcare services – see Type C/D below as applicable)	£207,720
B: Works Procurement Act 2023	Works - A contract is a “works contract” if its main purpose is— (a) the carrying out of works under the contract (whether or not resulting in a complete work), or (b) to facilitate the carrying out of works otherwise than under the contract, where those works are intended to result in a complete work that complies with specifications set out in, or determined under, the contract. “Works” means the activities which fall within the CPV codes listed in Schedule 3 to the Procurement Regulations 2024.	£5,193,000
C: Light Touch Procurement Act 2023	Contracts wholly or mainly for the supply of services of a kind specified in regulations. These “light touch services” are set out in Schedule 1 of the Procurement Regulations 2024 using CPV codes These services include adult and children’s social care, community services and legal services	£663,540
D: Provider Selection Regime (PSR 2023) Health Care Services Regulations 2023	PSR 2023 covers procurement of certain healthcare services in England. The services in scope of PSR 2023 are set out in Schedule 1 of those regulations and describe services delivered to patients and service users, contracted by local authorities and NHS Trusts. Examples include some Public Health services which are aimed at providing healthcare interventions for individuals.	No threshold Purchases of any value
E: Concessions Procurement Act 2023	A contract for the supply, for pecuniary interest, of works or services to a contracting authority 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. NB. For the purposes of this section of the Orders, Concession contracts also include Light Touch Services Concession Contracts.	£5,193,000

***World Trade Organisation (WTO) General Procurement Thresholds change every 2 years. The Thresholds listed here are applicable between 1 January 2026 and 31 December 2028.**

1.7. Exempted Contracts

Apart from the exceptions listed below, these Orders cover all spend with external suppliers, regardless of how they are funded, or which systems are used to place orders with suppliers.

The exceptions listed below are managed by separate legislation, policies and / or procedures as well as the applicable Constitutional requirements and Internal Schemes of Delegation (all of which may be amended, repealed and superseded, from time to time):

Exclusion	Notes
Services exempt under Schedule 2 of Procurement Act 2023	
Contracts for the acquisition or lease of land and/or real estate	Managed via Property Services
Contracts for permanent or fixed term employment	HR/Recruitment Policies
Direct payments to customers following care assessment (for example, payments under Self-Directed Support or Individual Budgets)	Governed under The Care Act 2014
Non-trade mandatory payments to third parties, such as insurance claims, pension payments, payments to public bodies	
A declared emergency authorised by the Emergency Planning Officer / Emergency Planning and Resilience Team	The Civil Contingencies Act 2004 / Council's emergency planning or business continuity procedures

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Awarding of Grants	Managed according to locally agreed Grant process and Corporate Funding Protocol, in consultation with Legal Services
Any contract relating to the engagement of Counsel or other legal specialists	Legal Services are either exempt from Regulations or are subject to the light touch regime, depending on the nature of the advice or representation sought. All instructions of this nature shall need to be referred to and managed by Legal Services
Placement of a child with Special Educational Needs where already directed following statutory assessment including but not limited to, overarching contracts with independent schools	Children and Families Act 2014, Education Act 1996, SEND Code of Practice: 0 to 25 years and/or any guidance issued by the Education and Skills Funding Agency

1.8. Valuation of Contracts

Procurement Legislation defines how Contract values should be estimated, and this must be complied with at all times. Guidance on the financial valuation of Contracts and principles to be applied is included in Appendix 1. Accurately estimating the value of the contract is important because it determines whether the contract is above or below the Relevant Threshold and therefore the legal obligations that must be complied with (and the relevant procedure (as set out in paragraph 1.10).

Contracts must not be artificially underestimated or disaggregated into two or more separate contracts with the intention of avoiding the application of these Orders or Procurement Legislation. Requirements that can reasonably be aggregated for the purposes of their estimation should be included, unless there are good reasons for not doing so.

‘Contract value’ means the estimated total aggregate value payable in pounds sterling **inclusive of Value Added Tax (VAT)** over the entire contract period and must include all of the facts which are material to the estimate and available at the time, including for example any permitted extensions of the contract, any additional options to procure, or fees, commissions, or interest payments.

In the case of Framework Agreements and Dynamic Markets, the contract value must be calculated to include the total estimated value, inclusive of VAT, of all the call-off contracts that could be awarded during the term of the Framework or Dynamic Market (as applicable).

If you are unable to estimate the value of the Contract (or Framework / Dynamic Market), it must be treated as above threshold and the relevant Procurement Legislation applied.

1.9. Procurement Method

Procurement must maintain a proper audit trail of all decisions and record all savings and benefits committed by the successful provider(s).

The Procurement Type Summary tables below detail who is authorised to carry out each of the procurement types, the procurement methods available and the Relevant Thresholds.

If the value of the procurement is below the Relevant Threshold, please follow the guidance set out in paragraph 1.11.

The person responsible for carrying out the procurement (as determined by the Procurement Type Summary Tables in paragraph 1.10) must ensure that all requirements are met, including publishing the required procurement notices within legislative timescales.

Any procurement, including extensions to contracts, set out in Part A of the Procurement Forward Plan (Approval to Procure) and approved by Chief Officers, is

regarded as authorised irrespective of the contract value, and must be awarded and signed/sealed in line with the Procurement Type Summary Tables below (see paragraph 2.1 for further information about the Procurement Forward Plan).

1.10. Procurement Type Summary Tables:

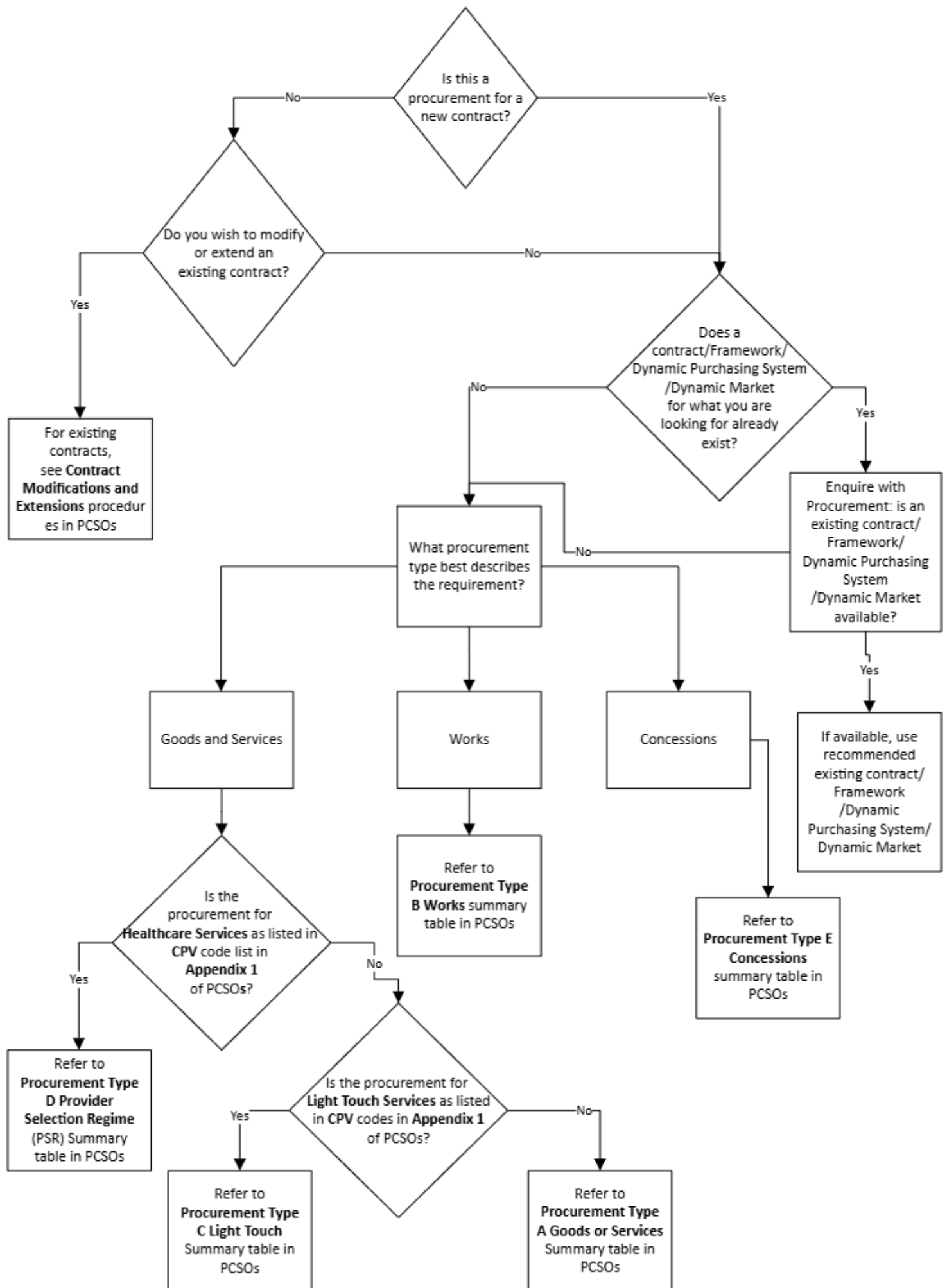
Step 1 Identify which Procurement Type applies to your procurement using **Table 1** located in paragraph 1.6.

Step 2 Identify which Procurement Legislation applies (this will depend on when the procurement commenced and the Procurement type).

Step 3 Once you have identified the **Procurement Type and Procurement Legislation that applies**, undertake the procurement accordingly.

The decision tree below can be used to help you identify which Summary table applies— if you are unsure, contact Procurement for support/advice.

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Procurement Type A: Goods or Services

Procurements Below the Relevant Threshold must also meet specific Procurement Legislation obligations, and you should familiarise yourself with the requirements of Below the Relevant Threshold procurements set out in Appendix 1.

Estimated Contract Value Inc VAT (see paragraph 1.8)	Procurement Method	Teams authorised to undertake the Procurement	Type of Contract Required	Who must approve Contract Award prior to commencement	Who signs the contract on the Council's behalf
£0 - £29,999	Use available Frameworks or Dynamic Purchasing Systems where they offer best value; or One written quote or commercial negotiation with supplier.	All Council Officers	Council's Standard Terms & Conditions (see the Council's Website) or the established Framework or DPS Terms	Budget Holder	Not Required if Council's standard terms apply – Budget Holder's approval of the Purchase Order is sufficient. If Framework or DPS: Budget holder to sign both Access Agreements and subsequent Call-Off Contracts.
£30,000 – £207,719 Below Regulatory Threshold	Use available Frameworks or Dynamic Purchasing Systems where they offer best value. Alternatively, seek a minimum of 3 quotes.	Procurement, unless agreed otherwise by Head of Procurement (or delegate)	Council's Standard Terms & Conditions (see the Council's website) or the established Framework or DPS Terms	Assistant Director for the Service or delegated manager	Under £100k: Assistant Director or delegated manager Over £100k: 2 Authorised Signatories via Legal Services

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£207,720 and above (Equal to or above regulatory threshold)	This may be through a new procurement process in accordance with PA 2023 or via existing compliant Frameworks, DPS's or Dynamic Markets.	Procurement	Council's Standard Terms & Conditions, bespoke Contract terms agreed by Legal Services or established Framework, DPS or Dynamic Market Terms	Chief Officer for the Service Lead Member for the Service at Chief Officer's discretion	Under £500k: 2 Authorised Signatories in Legal Services Over £500k: Sealed as a Deed via Legal Services
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Procurement Type B: Works

Procurements Below the Relevant Threshold must also meet specific Procurement Legislation obligations, and you should familiarise yourself with the requirements for Below the Relevant Threshold procurements set out in Appendix 1.

Estimated Contract Value Inc VAT (see paragraph 1.8)	Procurement Method	Teams authorised to undertake the Procurement	Type of Contract Required	Who must approve Contract Award prior to commencement	Who signs the contract on the Council's behalf
£0 - £29,999	Use available frameworks, or DPS's where they offer best value; or One written quote or commercial negotiation with supplier.	All Council Officers	Industry standard form of contract with Council amendments	Budget Holder	Not Required if Council's standard terms apply – (Approval of Purchase Order) If Framework or DPS: Budget holder to sign
£30,000 – £207,719	Use available Frameworks, or DPS's where they offer best value. Alternatively, seek a minimum of 3 quotes.	Procurement, unless agreed otherwise by Head of Procurement (or delegate)	Industry standard form of contract with Council amendments, bespoke Contract terms agreed by Legal Services or established Framework Terms, DPS Terms or JCT / NEC Model Forms.	Assistant Director for the Service or delegated manager	Under £100k: Assistant Director or delegated manager Over £100k: 2 Authorised Signatories via Legal Services JCT and NEC works contracts must be sealed as a Deed via Legal Services for contracts of any value.

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£207,720 - £999,999	Use available Frameworks, DPS's or Dynamic Markets where they offer best value; Alternatively, seek a minimum of 3 quotes.	Procurement, unless agreed otherwise by Head of Procurement (or delegate)	Industry standard form of contract with Council amendments, bespoke Contract terms agreed by Legal Services or established Framework Terms, DPS Terms, Dynamic Market Terms or JCT / NEC Model Forms.	Chief Officer for the Service Lead Member for the Service at Chief Officer's discretion	Under £500k: 2 Authorised Signatories in Legal Services Over £500k: Sealed as a Deed via Legal Services. JCT and NEC works contracts, must be sealed as a Deed via Legal Services for contracts of any value.
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<p>£1m and over</p>	<p>If below £5,193,000 (inc VAT): Use available Frameworks, Dynamic Purchasing System's or Dynamic Markets where they offer best value. Alternatively, seek a minimum of 3 quotes.</p> <p>If equal to or over £5,193,000 (inc VAT): This may be through a new procurement process in accordance with the PA 23, or via existing compliant Frameworks, DPS's or Dynamic Markets.</p>	<p>Procurement</p>	<p>Industry standard form of contract with Council amendments, bespoke Contract terms agreed by Legal Services or established Framework Terms, DPS Terms, Dynamic Market Terms or JCT / NEC Model Forms.</p>	<p>Chief Officer for the Service</p> <p>Lead Member for the Service at Chief Officer's discretion</p>	<p>Sealed as a deed via Legal Services</p>
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Procurement Type C: Light Touch

Procurements Below the Relevant Threshold must also meet specific Procurement Legislation obligations, and you should familiarise yourself with the requirements for Below the Relevant Threshold procurements set out in Appendix 1.

Estimated Contract Value Inc VAT (see paragraph 1.8)	Procurement Method	Teams authorised to undertake the Procurement	Type of Contract Required	Who must approve Contract Award (prior to commencement)	Who signs the contract on the Council's behalf
£0 - £29,999	Use available Frameworks, existing Approved Lists or DPS's where they offer best value; or One written quote or commercial negotiation with supplier	All Council Officers	Council's Standard Terms & Conditions (see the Council's Website)	Budget Holder	Not Required if Council's standard terms apply. Budget Holder's approval of the Purchase Order is sufficient. If Framework, Existing Approved Lists or DPS: Budget holder to sign subsequent Call-Off Contracts.

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£30,000 – £663,539 Below Light Touch regulatory threshold	In consultation with Procurement, determine the best and most proportionate route to market for below threshold. This may include use of available Frameworks, existing Approved Lists or DPS's where they offer best value.	Procurement, unless agreed otherwise by Head of Procurement (or delegate)	Council's Standard Terms & Conditions, bespoke Contract terms agreed by Legal Services or established Framework or DPS Terms.	Assistant Director for the Service or delegated manager	Under £100k: Assistant Director or delegated manager Over £100k: 2 Authorised Signatories via Legal Services Over £500k: Sealed as a Deed via Legal Services
£663,540 and over Above Light Touch regulatory threshold	This may be through a new procurement process in accordance with the PA 23, or via existing compliant Frameworks, DPS's or Dynamic Market	Procurement	Council's Standard Terms & Conditions, bespoke Contract terms agreed by Legal Services or established Framework, DPS or Dynamic Market Terms.	Chief Officer for the Service Lead Member for the Service at Chief Officer's discretion	Sealed as a Deed via Legal Services

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Procurement Type D: Provider Selection Regime (PSR)

Healthcare and Public Health Services that are in-scope of PSR have no minimum threshold.

Estimated Contract Value *Inc VAT (see paragraph 1.8)	Procurement Method	Teams authorised to undertake the Procurement	Type of Contract Required	Who must approve Contract Award prior to commencement	Who signs the contract on the Council's behalf
£0 - £663,539 Below Light Touch regulatory threshold	One of the following PSR procedures: <ul style="list-style-type: none"> • Direct Award A • Direct Award B • Direct Award C • Most Suitable Provider • Competitive Process 	Procurement, unless agreed otherwise by Head of Procurement (or delegate) Procurement	Council's Standard Terms & Conditions or bespoke Contract terms agreed by Legal Services	Assistant Director for the Service or delegated manager	Under £100k: Assistant Director or delegated manager Over £100k: 2 Authorised Signatories via Legal Services Over £500k: Sealed as a Deed via Legal Services
£663,540 and over Above Light Touch regulatory threshold	One of the following PSR procedures: <ul style="list-style-type: none"> • Direct Award A • Direct Award B • Direct Award C • Most Suitable Provider • Competitive Process 	Procurement	Council's Standard Terms & Conditions or bespoke Contract terms agreed by Legal Services	Chief Officer for the Service Lead Member for the Service at Chief Officer's discretion	Sealed as a deed via Legal Services

Procurement Type E: Concessions

Procurements below regulatory threshold must also meet specific procurement legislation obligations, and you should familiarise yourself with the requirements of below threshold requirements in Appendix 1.

Estimated Contract Value *Inc VAT (see paragraph 1.8)	Procurement Method	Teams authorised to undertake the Procurement	Type of Contract Required	Who must approve Contract Award prior to commencement	Who signs the contract on the Council's behalf
£0 - £207,719	Seek a minimum of 3 quotes.	Procurement, unless agreed otherwise by Head of Procurement (or delegate)	Council's Standard Terms & Conditions, bespoke Contract terms agreed by Legal Services.	Assistant Director for the Service or delegated manager	Under £100k: Assistant Director or delegated manager Over £100k: 2 Authorised Signatories via Legal Services
£207,720 - £1m	Seek a minimum of 3 quotes.	Procurement	Council's Standard Terms & Conditions, bespoke Contract terms agreed by Legal Services.	Chief Officer for the Service Lead Member for the Service at Chief Officer's discretion	Under £500k: Authorised Signatories in Legal Services Over £500k: Sealed as a deed via Legal Services

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£1m and over	<p>If below £5,193,000 (*inc VAT): Seek a minimum of 3 quotes.</p> <p>If equal to or over £5,193,000 (*inc VAT): Procure in compliance with the relevant Procurement Legislation.</p>	Procurement	Council's Standard Terms & Conditions, bespoke Contract terms agreed by Legal Services.	<p>Chief Officer for the Service</p> <p>Lead Member for the Service at Chief Officer's discretion</p>	Sealed as a deed via Legal Services
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*For details on which goods and services attract VAT and the current VAT rates, please speak to your Finance Business Partner.

1.11. Below Threshold Procurements

Below threshold procurements must also meet Procurement Legislation obligations and you should familiarise yourself with the requirements of the Below Relevant Threshold requirements in Appendix 1.

Any existing below threshold contracts which, when modified, exceed the Relevant Threshold should be brought to Procurement for review and consideration if it can become a Convertible Contract (see paragraphs 2.2 and 2.3.)

1.12. Direct award

Contracts below and above the Regulatory Threshold may be awarded directly as long as at least one direct award justification in the Procurement Legislation can be applied (See Appendix 1).

You must contact Procurement prior to undertaking a direct award to ensure one or more of the direct award criteria are met.

1.13. Evaluation

Tenders over Regulatory Thresholds are evaluated in accordance with Procurement Legislation.

1.14. Collaboration with other public bodies and Private Entities

The Council may enter into collaborative agreements for the procurement of goods and services with other public bodies or Central Purchasing Bodies and / or partnership agreements with private entities where this offers value for money for residents. Where this is proposed, you must seek advice from Procurement in the first instance.

1.15. Framework agreements, Dynamic Purchasing Systems (DPS) and Dynamic Markets

All proposals to establish or use existing Frameworks, DPS' or Dynamic Markets, must be referred to Procurement, who will make appropriate arrangements in consultation with Legal Services as required. There are strict legislative requirements for the use of Frameworks, DPS' and Dynamic Markets, and additional guidance for their appropriate use can be found in Appendix 1.

1.16. Access Agreements

Where a contracting authority requires the Council to sign an Access Agreement relating to a Framework, Dynamic Purchasing System, or Dynamic Market, and there is no commitment to call-off, the signing of the Access Agreement must be authorised by the Head of Procurement. Access Agreements that are executed as a simple contract may be signed by the Head of Procurement and those executed as a deed shall be referred to Legal Services for sealing.

1.17. Concession Contracts

Concession Contracts are contracts under which the Council outsources works or services to a contractor or provider, who then has the right to commercially exploit those works or services in order to recoup its investment and make a return. The key feature is that the contractor/provider bears the operating risk of the arrangement and so has no guarantee of recouping its investment or operating costs. Concession Contracts must meet certain requirements, and advice must be sought from Procurement in the first instance if a concession contract is required.

1.18. Procurement Notices

All procurement processes must follow publication requirements as set out in the Procurement Legislation. (Guidance in Appendix 1).

2. Approvals

2.1. Procurement Forward Plan

Chief Officers have a general delegation to manage the services for which they are responsible. This includes authorising the procurement of goods, works and services, where they deem this appropriate, provided they do so in accordance with these Orders and the Council's Financial Procedure Regulations and Financial Procedure Rules.

To enable the Council to maintain an accurate oversight of procurement activity across the full range of its Council services, the Director of Procurement is responsible for the development of a Procurement Forward Plan (PFP). This PFP will be in two parts, as follows:

PART A: Approval to Procure

A 12-month detailed forward plan shall be developed to identify, for each directorate, all contracts over the Goods/Services Regulatory Threshold which are due for extension, renewal, replacement or is a new requirement in the coming financial year.

The PFP: Part A must be developed and agreed with the Directors of the relevant services and submitted to the Corporate Management Team for information and monitoring purposes during the business planning cycle each year.

If a need arises during the year for procurement activity on contracts over the Regulatory Thresholds which have not been reported through the PFP: Part A, then an Approval to Procure form must be raised by the service and approved by the Head of Procurement and the relevant Chief Officer before resource can be assigned to this procurement. Where the procurement includes IT & Digital, the Approval to Procure requires additional approval from the Chief Digital Information Officer.

Planned procurements for the financial year ahead with a value of £1m or more will be set out in the Portfolio Plans for transparency purposes.

PART B: Procurement Pipeline

Under Procurement Legislation, the Council is required to publish a 'Pipeline Notice', which consists of a list of procurement activity proposed to take place in the forthcoming 24 month period. In addition to Part A, the PFP will include (as Part B) procurements proposed to take place in the financial year which follows on from PFP Part A: Approval to Procure. For the avoidance of doubt, appearance on Part B alone does not constitute an approval to procure.

The Procurement Pipeline will be published on the Central Digital Platform (and/or any related platform as required by Procurement Legislation from time to time).

2.2. Contract Modifications and Extensions

Procurement Legislation sets out that above threshold contracts that have been advertised with extension and / or modification options already set out in the contract can be extended and / or modified (as applicable) in accordance with the terms set out in the contract.

Where the option for an extension and / or modification has not been included in the original public notice or the contract itself, an extension and / or modification may still be permissible without triggering a requirement for a new Procurement exercise, provided one of the grounds set out in the Procurement Legislation are satisfied.

In all cases you must contact Procurement for advice to determine if any of the circumstances under which contract modifications or extensions are permitted apply to your extension and / or modification.

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The approvals required for an Extension or Modification are as follows:

Total Value of Original Contract	Approvals where contract has been advertised with extension and/or modification options (permitted)	Approvals where extensions and/or modification options were not included in the contract or notice
Below relevant Regulatory Threshold (see Procurement type summary tables)	Assistant Director for relevant service in consultation with the Head of Procurement (or delegate).	Chief Officer for relevant service in consultation with the Head of Procurement (or delegate).
Above relevant Regulatory Threshold including Convertible Contracts (see Procurement type summary tables and section 2.3)	Chief Officer for relevant Service in Consultation with Head of Procurement.	Chief Officer for relevant service in consultation with the Head of Procurement and the Deputy Chief Executive

2.3. Convertible Contracts

S.74 of the Procurement Act 2023 introduces the concept of a “convertible contract”.

This is a contract which, at the point of being awarded, is below the Regulatory Threshold (and therefore not a public contract) but which, if modified, would then exceed the Regulatory Threshold and become a public contract.

Where a modification or extension of a below Regulatory Threshold may cause the total value of the contract to increase above the Regulatory Threshold, these should be referred to Procurement for review to determine if it should be regarded as a Convertible Contract.

If Procurement determine that a below Regulatory Threshold contract has become a convertible contract, the modification and / or extension of the contract must be approved by the Chief Officer for the relevant Service in consultation with the Head of Procurement.

2.4. Key Decisions

Any procurement/contract decision that:

- a. involves expenditure/savings of £500,000 or more per year; or
- b. will be significant in its effects on communities in 2 or more electoral divisions,

is a **key decision** and will require a formal Officer or Member decision.

This includes the advertising/award of contracts as well as contract extensions and modifications (whether or not provided for in the original contract documents).

Any such decision must be included on the Council's Forward Plan (which is different from the Procurement Forward Plan) at least 28 days before the decision is taken. It is the responsibility of the Service Lead to ensure their procurement/contract decisions are on the Council's Forward Plan in the timescales required.

For decisions taken by Cabinet or Lead Member, and key decisions taken by Officers, a record of the decision must be published, and the decision shall not be implemented until four working days after publication, to allow for call-in.

Officers should contact Member Services for further information regarding key decisions. See Appendix 1 for link to Member Services intranet page.

2.5. Technology, Digital Services and Software

Procurement works closely with IT & Digital to manage the Council's technology and digital needs and the security of the Council's data and network. This applies to any provision of technology, digital services and software that is used by the Council. No technology, digital services or software, including Software as a Service (SaaS), may be procured by the Council without prior approval from Chief Digital Information Officer.

2.6. Temporary Staff, Consultants and Professional Services

No temporary worker, agency or consultant may be procured or engaged outside of existing contract or framework arrangements without prior approval from HR. See Appendix 1 for link to HR guidance.

A consultant is a person (not an employee), agency or firm engaged for a limited period of time on a project or requirement specific basis to carry out a specific task or tasks which meet a desired set of outputs or outcomes. A consultant provides subject matter expertise, support and/or experience to the Council either because the Council does not possess the skills or resources in-house, or because an independent evaluation/assessment is required.

This definition excludes:

- a. Agency staff, interim or role specific duties which should be sourced through the Council's Corporate Contract;
- b. Routine services e.g. maintenance, cleaning and security; and
- c. Professional services e.g. Architects, structural engineers, forensic archaeologists, specialist social care support, training etc.

Refer to the guidance available on the Intranet for agency workers and consultants.

Temporary and agency staff, and other consultants or suppliers, must abide by the terms of their contract with the Council and follow all applicable Council Policies (see Appendix 1 for link to guidance).

3. Waivers and Emergencies

3.1. Waivers

A waiver is required for any proposed procurement or contractual action which is not compliant with these Orders. A waiver cannot be given if it would contravene Procurement Legislation or any other applicable legislation. You must obtain approval for a waiver in writing specifically identifying the Order that is being waived and the reason why the waiver is sought, including justification and risk. When a waiver is required, advice from Procurement should be sought at the earliest opportunity. A waiver should not be granted retrospectively; undertaking a procurement exercise or any other action that is contrary to or not in accordance with the requirements of these Orders without a waiver constitutes non-compliance with these Orders.

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Procurement must maintain a log of all waivers, and store documentation to provide an audit trail of how the Council has ensured value for money and accountability and, where appropriate, to facilitate 'lessons learned'.

The approval required for a waiver is as follows:

Contract Value (for waivers in relation to existing contracts this refers to the value of the original contract)	Approval
Up to Regulatory Thresholds	Chief Officer in consultation with Head of Procurement (ESCC) and review by Legal Services.
Over Regulatory Thresholds	Chief Officer in consultation with the Head of Procurement (ESCC) and the Deputy Chief Executive.

3.2. Emergency Purchases

An emergency purchase is only allowed for purchasing outside the hours 9am to 5pm on Monday to Friday (excluding public holidays) where there is an imminent risk to life or property.

An emergency purchase can also apply in situations within these hours where there is a need to arrange for emergency care where an adult or child is at risk of physical harm, or to secure Council property or assets e.g. when there has been a break in or equipment failure, such as flood.

You can use a Purchasing Card, within your allocated limits, to pay for an emergency purchase. If the supplier does not accept Purchasing Cards, then you may give a verbal order and raise a formal Purchase Order the following working day.

You must inform Business Operations of any emergency purchases on the following working day.

Issues arising with contracts leading to a requirement for urgent mitigation action are not necessarily considered emergency purchases. This will be dealt with as part of business continuity within the contract management process.

4. Contracting with suppliers

4.1. Purchase Orders

Once you have identified the right supplier in compliance with these Orders, you must not make verbal commitments but must raise a Purchase Order (via the Council's ERP System). This must be approved in accordance with the Council's Financial Regulations and Financial Procedure Rules before it is sent to the supplier, and before any goods or services have been ordered. Details of financial approval levels are included in the summary tables in paragraph 1.10.

4.2. Using Purchasing Cards

The Council makes use of general Purchasing Cards (P Cards) to make small purchases in a wide range of situations. You must use purchasing cards only as set out in the 'ESCC Purchasing Card Policy' and in the guidance available on the Intranet (see Appendix 1 for link to guidance) unless otherwise agreed in writing by Procurement, or in emergency circumstances (see also paragraph 3.2).

4.3. Bribery, Corruption, Canvassing and Collusion

Bribery and Corruption

You must comply with the Council's Code of Conduct and the Anti-Fraud and Corruption Strategy and Framework (see Appendix 1 for link). You must not invite or accept any gift or reward in respect of the award or management of any contract. It will be for you, the Officer, to prove that anything received was not received corruptly. Gifts and Hospitality must be declared (See Appendix 1 for link).

Canvassing and Collusion

All Invitations to Tender must include a requirement for bidders to complete fully and sign a 'form of tender' including certificates relating to canvassing and non-collusion.

Every contract must contain a clause entitling the Council to cancel the contract and to recover from the supplier the amount of any loss resulting from such cancellation if the supplier or his representative has practiced collusion in tendering for the contract or any other contract with the Council. See the Anti-Fraud and Corruption Strategy and Framework.

Conflict of Interest

All officers with influence or involvement in a procurement should comply with Procurement Legislation and must declare any actual, potential or perceived conflict of interest related to a specific procurement/contract and comply with any mitigating actions agreed. This may include the requirement to complete a Conflict of Interest Assessment at the start of the procurement process that is proportionate to the procurement being undertaken. This must be updated at key points during the procurement, or when new information becomes available. Guidance on the Conflict of Interest Assessment and how to comply can be found in Appendix 1. All Officers must also comply with the Council's Declarations of Interest Policy and any declarations required as part of a specific procurement.

4.4. Audit Requirements

The procurement process must be documented throughout and a record of all material decisions must be kept.

5. Council Requirements / Obligations

5.1. Social Value

The Public Services (Social Value) Act 2012 places an obligation on the Council to consider the economic, social and environmental well-being of our County when we award contracts. All Officers should review the requirements and procurement strategies prior to carrying out procurement activity to ensure that opportunities for maximising public benefit in relation to the use of Social Value are utilised. The factors to consider include but are not limited to:

- a. Requirements and specifications should be designed to enable suppliers to contribute to wider local and national social outcomes, such as local business, skills and employment, community needs, when performing the requirement;
- b. Bidders should be provided with relevant and targeted information in order to enable more effective Social Value commitments;
- c. As part of the tendering process, an assessment of relevant Social Value must be carried out and procurement record the results in the statutory procurement reports and relevant systems as identified;
- d. Appropriate weighting, criteria or other mechanisms should be included in the procurement strategy to secure Social Value; and
- e. Appropriate measures should be included to ensure that Social Value requirements and commitments are monitored, delivered and, where required, reported on during performance of the requirement.

Contract Managers are responsible for tracking and reporting Social Value delivery in line with the Contract Management Framework and applicable legislation.

5.2. Environmental Sustainability

The Council is committed to ensuring their operations (including the goods, works and services purchased) are environmentally sustainable and resilient to future climate change, promote a circular economy and protect and enhance the natural environment.

Officers are required to support the implementation of the Council's environmental priorities and policies through inclusion of considerations into market engagement, specifications, questions and contract management.

If undertaking a procurement, Officers must ensure that environmental sustainability requirements are included in any procurement and contract management activity, including but not limited to:

- a. Ensuring the minimum agreed award criteria weighting for environmental sustainability is included for relevant contracts;
- b. Ensuring all relevant procurements and contracts include the requirement for a supplier Carbon Reduction Plan;
- c. Ensuring specifications and requirements are reviewed in line with current local procedures and objectives, using any relevant systems, and appropriate measures which address environmental impacts; and
- d. Having regard to current related environmental policies and measures adopted by the Council and act to address these in the requirement and procurement activity.

Contract Managers are responsible for tracking and reporting any environmental measures in line with the Contract Management Framework and applicable legislation.

5.3. Modern Slavery

The Council has pledged to tackle modern slavery to support global and national efforts to eradicate slavery and exploitation. This includes a commitment to mitigating risks in our procurement activity and associated supply chains. Officers have a responsibility to have due regard to the risk of modern slavery and unethical labour practices in the supply chains of the goods, services and works that are being procured. Officers should implement appropriate due diligence measures in procurement and contract management activity to ensure that suppliers and their supply chain partners are conducting their business dealings fairly and ethically to mitigate the risk of exploitative practices. This includes, but is not limited to:

- a. Ensuring adherence to Section 54 (transparency in supply chains) of the Modern Slavery Act 2015;
- b. Building modern slavery considerations into specification requirements;
- c. Including modern slavery considerations in conditions of participation and tender stage to assess supplier capability to manage risks; and

- d. Embedding due diligence requirements in contractual terms and conditions.

The Council may also introduce from time to time particular local and national policies which support ethical, environmental and sustainable procurement and support social value priorities, and Officers should include these in relevant procurement documentation and procedures. See Appendix 1.

6. Liability and Security

6.1. Insurance

To protect the Council, insurance is required where we use goods, works or services provided by a supplier (including consultancy).

The standard recommended levels of cover for Public Liability Insurance, Employers' Liability Insurance and Professional Indemnity Insurance are set out below:

- a. Public Liability - £10m
- b. Employers' Liability - £5m depending on the contract used
- c. Professional Indemnity - £1m-5m (undertake a risk assessment and take advice from the Insurance Team)
- d. Product Liability (as appropriate)

In some instances where the contract value, risk or scope may be particularly high, additional cover may be required. Equally some contracts may be suitable for lower levels of insurance. For further information on what level of insurance is appropriate, see guidance in Appendix 1 and / or for advice contact the relevant officer within the Insurance Team. The agreed level of insurance must be recorded in the contract.

During the procurement, bidders do not need to have the required level of insurance in place, but must confirm that such insurance(s) will be in place for the commencement of the contract, and evidence of this should be seen prior to the contract being agreed.

6.2. Supplier Exclusion

Procurement Legislation requires that suppliers are assessed to determine if they are excluded or excludable from the procurement. Refer to guidance in Appendix 1 on how to assess a supplier.

6.3. Financial Security

Procurement and Finance must confirm that suppliers are financially robust through the completion of a financial appraisal, both prior to contract award and during the life of the contract as appropriate. Details of the requirements or potential guarantees a supplier may need to provide must be set out in the procurement documents.

If either the value of the contract exceeds £2m within twelve months, or there is doubt as to the financial credibility of a supplier but the Service has proposed to accept the level of risk, then additional forms of security to a level determined between the Deputy Chief Executive and the Chief Finance Officer are required, for example:

- a. A Parent Company, Ultimate Company or Holding Company guarantee where their financial standing proves acceptable;
- b. A Director's Guarantee or Personal Guarantee where finances prove acceptable;
- c. A Performance Bond, retained funds or cash deposit;
- d. Any other security (such as escrow arrangements) as determined by the Deputy Chief Executive and the Chief Finance Officer.

All documents inviting tenders must contain a statement that the Supplier may be required to provide security for performance as well as the level of security that will be required, any financial checks that will be applied to the tender and how financial suitability will be assessed. In addition, any checks that will be required during the life of the contract should also be set out in the tender documents.

Documentation relating to financial security, where required, should be stored on the relevant systems.

6.4. Document Retention periods

The retention of tenders and contractual documentation is prescribed in the Limitation Act 1980 and the Procurement Legislation and must be followed. In summary:

- a. All received tenders and supporting documentation must be retained for a minimum of eighteen months following the issue of the Contract Award Notice;
- b. All signed contracts (including all tender documentation) must be retained for a minimum of twelve years following contract expiry; and
- c. Records that are significant to explain material decisions throughout the procurement must be kept (including communications with suppliers). Appendix 1 provides guidance on how to record and keep appropriate records, including after contract award.

Procurement must maintain an online record confirming the location of the contract/tender and scheduled date of destruction.

7. Managing Contracts

All purchases must be delivered under a form of contract approved by Legal Services and Procurement. The Council manages the process of awarding contracts via its e-tendering and contract management systems, to ensure that contracts are properly filed and documented.

Heads of Service are responsible for the performance of contracts in their area in line with the Contract Management Framework.

All Contracts must have a designated Contract Manager named on the relevant systems throughout the life of the contract. Contract Management activities are to be delivered either by a dedicated Contract Manager or by someone with that responsibility as part of a wider role.

If the Contract Manager changes, this should be declared to Procurement so that the contract records can be updated.

Contracts should be proportionately managed in line with the Contract Management Framework. See Appendix 1. All Level 1 and 2 contracts must have a written business continuity plan, and a contract management plan.

Where contract funding is received by the Council from a third party (for example, an incoming grant), the contract terms must include a provision for dealing with liabilities under the contract should that funding cease to be available.

7.1. Notices required during the life of the Contract

All contracts must follow publication requirements as set out in the Procurement Legislation, which includes notices relating to contract management during the life of some contracts. See Guidance in Appendix 1.

7.2. Contracts Register

All contracts over £30,000 (inclusive of VAT), including any variations or amendments, must be registered and maintained in the appropriate Contract Management System (CMS). The Council is required by law to publish transparency data. Data regarding contracts may additionally be maintained in other systems for local use.

7.3. Contract Novation

Where a contractor sells, merges or transfers their business to another organisation, the existing contract(s) the Council has with that contractor should be novated if this is acceptable to the Council and permitted by law. A Chief Officer may approve the novation of a contract to a new supplier if they are satisfied as to the financial standing and the technical competence of the proposed supplier. The agreement of the Chief Finance Officer is required and if a novation is agreed, then a formal agreement to record the novation must be completed in collaboration with Procurement who will update the contract register and ensure that the master data is updated on the relevant purchase to pay system.

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	<u>Procurement Act 2023 (legislation.gov.uk)</u>	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
Procurement Regulations 2024	<u>The Procurement Regulations 2024 (legislation.gov.uk)</u>	External link to Procurement Regulations 2024 In PCSOs: 1.2. Governing Legislation 1.6. Procurement Type
The Public Contract Regulations 2015	<u>The Public Contracts Regulations 2015</u>	External link to Public Contracts Regulations 2015 In PCSOs: 1.2. Governing Legislation 1.6. Procurement Type
The Concession Contracts Regulations 2016	<u>The Concession Contracts Regulations 2016</u>	External link to The Concession Contracts Regulations 2016 In PCSOs: 1.6. Procurement Type
The Public Services (Social Value) Act 2012	<u>The Public Services (Social Value) Act 2012</u>	External link to The Public Services (Social Value) Act 2012 In PCSOs: 1.2. Governing Legislation 5. Council Requirements / Obligations – 5.1. Social Value

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Financial Procedure Rules (part 4 of the Constitution)	<u>Financial Procedure Rules</u>	<p>External link to ESCC Constitution</p> <p>In PCSOs: 1.4 Compliance 2. Approvals – 2.1. Procurement Forward Plan 4. Contracting with Suppliers – 4.1. Purchase Orders</p>
Scheme of Delegation (see part 3 Table 6 of the Constitution)	<u>Scheme of Delegation</u>	<p>External link to ESCC Constitution</p> <p>In PCSOs: 1.7. Exempted Contracts</p>
Code of Conduct (see part 5 of the Constitution)	<u>Code of Conduct</u>	<p>External link to ESCC Constitution</p> <p>In PCSOs: 4. Contracting with Suppliers – 4.3. Bribery, Corruption, Canvassing and Collusion</p>
East Sussex County Council Social Value Policy	<u>ESCC Social Value Policy</u>	<p>External link to ESCC Social Value Policy</p> <p>In PCSOs: 5. Council Requirements / Obligations – 5.4</p>
Orbis Environmentally Sustainable Procurement Policy, East Sussex County Council	<u>Orbis Environmentally Sustainable Procurement Policy East Sussex County Council</u>	<p>External link to referenced Policy</p> <p>In PCSOs (not explicitly referenced): 5. Council Requirements / Obligations - 5.2. Environmental Sustainability</p>
Supplier Code of Conduct	<u>Supplier Code of Conduct 4.0 East Sussex County Council</u>	<p>External link to referenced Policy</p> <p>In PCSOs (not explicitly referenced): 5. Council Requirements / Obligations</p>
The Co-operative Party Charter Against Slavery	<u>Co-operative Party Charter Against Modern Slavery – Co-operative Party</u>	<p>External link</p> <p>In PCSOs (not explicitly referenced): 5. Council Requirements / Obligations</p>

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Modern Slavery and Exploitation	<u>Council leaders commit to eradicating slavery and exploitation The Newsroom (eastsussex.gov.uk)</u>	External link In PCSOs (not explicitly referenced): 5. Council Requirements / Obligations
Environmental Policy	<u>Environmental policy East Sussex County Council</u>	External link to referenced Policy In PCSOs: 5. Council Requirements / Obligations – 5.2. Environmental Sustainability
Guidance for Agency workers and consultants	<u>Guidance for Agency workers and consultants</u>	Link to ESCC intranet In PCSOs: 2.6. Temporary Staff, Consultants and Professional Services
Guidance for Grants and External Funding	<u>Guidance for Grants and External Funding</u>	Link to ESCC intranet In PCSOs: 1.7. Exempted Contracts
Consultants and IR35 assessment requirements	<u>Consultants and personal service providers – ESCC Intranet</u>	Link to ESCC intranet In PCSOs: 2.6. Temporary Staff, Consultants and Professional Services
HR guidance - temporary workers	<u>HR guidance temporary workers</u> <u>Orders and assignments – ESCC Intranet</u> <u>Off-contract agencies – ESCC Intranet</u>	Link to ESCC intranet In PCSOs: 2.6. Temporary Staff, Consultants and Professional Services
Code of Conduct and Conflict of Interest Policy for Employees	<u>Section 2 - Code of Conduct and Conflict of Interest Policy for Employees.pdf</u>	External link to ESCC Constitution In PCSOs: 4. Contracting with Suppliers – 4.3. Bribery, Corruption, Canvassing and Collusion – Conflict of Interest

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Conflict of interest and offers of gifts and hospitality	<u>Conflict of interest and offers of gifts and hospitality – ESCC Intranet</u>	Link to ESCC intranet In PCSOs: 3. Contracting with Suppliers – 4.3. Bribery, Corruption, Canvassing and Collusion – Conflict of Interest
Which Summary table decision tree	Cabinet Office decision tree can be found on the DMS here: <u>Document Management System - 16 - 20240215 Which procurement regime should I be following decision tree.pdf - All Documents</u> <u>Transforming Public Procurement Learning Manual - Summary Documents and Learning Aids</u>	1.10. Procurement Type Summary Tables
Thresholds	Link to existing thresholds - <u>PPN 023: 2026 Threshold Amounts (HTML) - GOV.UK</u>	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	<u>Guidance - Below Threshold FINAL.pdf (publishing.service.gov.uk)</u> Below Threshold Contract Checklist Regulated Below Threshold Process Flow saved on the DMS here: <u>Document Management System - Below threshold - All Documents</u>	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	<u>Contract Management Framework</u>	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

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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 Contracts	Use Cabinet Office guidance. Guidance - Valuation of Contracts.pdf (publishing.service.gov.uk)	External link to Cabinet Office guidance In PCSOs: 1.8. Valuation of Contracts
Counter Fraud Strategy/Whistleblowing	ESCC: ESCC Counter Fraud Strategy and Framework 2021 to 2024.pdf Whistleblowing, fraud and corruption – strategy and policy documents East Sussex County Council	Internal and external links to referenced strategy/policy In PCSOs: 4. Contracting with suppliers – 4.3. Bribery, Corruption, Canvassing and Collusion
Conflict of Interest Guidance	Use Cabinet Office guidance - https://assets.publishing.service.gov.uk/media/6698dc04fc8e12ac3edaff11/Guidance - Conflicts of Interest FINAL.pdf	External link to requirements under the 2023 Act (and associated regulations) In PCSOs: 4. Contracting with suppliers – 4.3. Bribery, Corruption, Canvassing and Collusion – Conflict of Interest

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Conflict of Interest declaration	Internal COI Declaration template	In PCSOs: 4. Contracting with suppliers – 4.3. Bribery, Corruption, Canvassing and Collusion – Conflict of Interest
Conflicts assessment template		In PCSOs: 4. Contracting with suppliers – 4.3. Bribery, Corruption, Canvassing and Collusion – Conflict of Interest
CPV Codes - PSR	https://www.legislation.gov.uk/ukdsi/2023/9780348252613/schedule/1	External link to PSR CPV Codes In PCSOs: 1.6. Procurement Type
CPV Codes - Light Touch	The Procurement Regulations 2024 (legislation.gov.uk)	External link to Light Touch CPV Codes In PCSOs: 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 procedure flow chart	NHS England » Provider Selection Regime: getting to the right decision	External link to PSR guidance 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
Direct Award	Cabinet Office decision tree and guidance. Guidance - Direct Award FINAL.pdf (publishing.service.gov.uk) Decision tree can be found here: Document Management System - 26 - 20231208 Direct award decision tree (section 41).pdf - All Documents	External and internal links to Cabinet Office guidance these are also available on the gov.uk website (Transforming Public Procurement pages and E-learning manual) In PCSOs: 1.12 Direct Award

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Light Touch	See Cabinet Office exemptions cheat sheet in training manual and guidance stored here: <u>Document Management System - Exemptions cheat sheet - light touch contracts .pdf - All Documents</u> <u>Guidance - Light Touch Contracts FINAL.pdf (publishing.service.gov.uk)</u>	External and internal links to Cabinet Office guidance these are also available on the gov.uk website (Transforming Public Procurement pages and E-learning manual) In PCSOs: Light Touch is referenced in the following sections: 1.6. Procurement Type 1.7. Exempted Contracts 1.10. Procurement Type Summary Tables
Publishing Notices (procedure)	*FTS / Proactis / Intend - instructions / guidance on this to be created*	Internal guidance to be created on how to publish notices.
Publishing Notices (legislative requirements)	Cabinet Office summary/cheat sheet which can be found here: <u>Document Management System - 18 - 20240209 Table of transparency notices - fact sheet.pdf - All Documents</u>	Internal link to Cabinet Office guidance these are also available on the gov.uk website (Transforming Public Procurement 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

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Assessment & Award	<p>Use Cabinet Office guidance <u>Guidance - Conditions of Participation FINAL 1 .pdf</u></p> <p><u>Guidance-Assessing-Competitive-Tenders-FINAL.pdf</u> (<u>publishing.service.gov.uk</u>)</p> <p><u>https://assets.publishing.service.gov.uk/media/66aa2b50ce1fd0da7b5930c9/Guidance - Assessment Summaries FINAL.pdf</u></p> <p><u>https://assets.publishing.service.gov.uk/media/66aa2d7efc8e12ac3edb0875/Guidance - Contract Award Notices and Standstill .pdf</u></p> <p><u>Guidance on Contract Details Notices FINAL v2.0.pdf</u> (<u>publishing.service.gov.uk</u>)</p>	<p>External links to Cabinet Office guidance</p> <p>In PCSOs:</p> <p>1.13 Evaluation</p> <p>1.9. Procurement Method</p> <p>1.18 Procurement Notices</p> <p>6.4. Document Retention periods</p> <p>7.1. Notices required during the life of the Contract</p>
Specifications	<p>Use Cabinet Office guidance linked to this <u>Procurement Act 2023 guidance documents - Define phase - GOV.UK (www.gov.uk)</u></p>	<p>External link to Cabinet Office Guidance</p> <p>In PCSOs:</p> <p>Specifications are referenced in the following sections:</p> <p>1.5. Roles and Responsibilities</p> <p>1.6. Procurement Type</p> <p>5. Council Requirements / Obligations - 5.1. Social Value, 5.2. Environmental Sustainability, 5.3. Modern Slavery</p>
Selecting a Procedure	<p>Cabinet Office Selecting a procedure cheat sheet can be found here: <u>Document Management System - 25 - 20231205 Choosing a procedure.pdf - All Documents</u></p>	<p>Internal link to Cabinet Office guidance this is also available on the gov.uk website (Transforming Public Procurement pages and E-learning manual)</p> <p>In PCSOs:</p> <p>1.6. Procurement Type</p> <p>1.9. Procurement Method</p> <p>1.10. Procurement Type Summary Tables</p>

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Timescales	Cabinet Office decision tree/Tendering time limits cheat sheet can be found here: <u>Document Management System - 22 - 20231212 Tendering time limits cheat sheet decision tree.pdf - All Documents</u>	Internal link to Cabinet Office guidance this is also available on the gov.uk website (Transforming Public Procurement pages and E-learning manual) In PCSOs: Timescales are referenced in the following section: 1.9. Procurement Method
PA2023 - choosing the right procedure	Cabinet Office decision tree on Choosing a procedure can be found here: <u>Document Management System - 25 - 20231205 Choosing a procedure.pdf - All Documents</u>	Internal link to Cabinet Office guidance this is also available on the gov.uk website (Transforming Public Procurement pages and E-learning manual) In PCSOs: 1.6. Procurement Type 1.9. Procurement Method 1.10. Procurement Type Summary Tables
Frameworks	See Cabinet Office guidance - <u>Guidance - Frameworks FINAL.pdf (publishing.service.gov.uk)</u> Framework Cabinet Office cheat sheets can be found here: <u>Document Management System - Frameworks and Dynamic Markets - All Documents</u>	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 1.15. Framework agreements, Dynamic Purchasing Systems (DPS) and Dynamic Markets

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Dynamic Markets	<p>See Cabinet Office guidance - <u>Guidance - Dynamic markets FINAL.pdf (publishing.service.gov.uk)</u></p> <p>Various Cabinet Office cheat sheets can be found here: <u>Document Management System - Frameworks and Dynamic Markets - All Documents</u></p>	<p>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)</p> <p>In PCSOs: 1.10. Procurement Type Summary Tables 1.15. Framework agreements, Dynamic Purchasing Systems (DPS) and Dynamic Markets</p>
Record Keeping of key decisions	<p>*Template currently in draft* - Cabinet office template can be found on the DMS here: <u>Document Management System - Record keeping.pdf - All Documents</u></p>	<p>Once document is created it will be available on internal Procurement SharePoint site.</p> <p>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</p>
Supplier exclusion and debarment	<p>Use Cabinet Office guidance <u>Guidance - Exclusions FINAL v.2.pdf</u></p> <p><u>Guidance - Debarment FINAL.pdf</u></p> <p><u>Guidance - Conditions of Participation FINAL 1 .pdf</u></p>	<p>External Cabinet Office Guidance.</p> <p>In PCSOs this is referenced in the following section: 6.2. Supplier Exclusion</p>
Member Services	<p><u>Member Services</u></p>	<p>Internal link to ESCC intranet Member Services page. Contains information and templates.</p> <p>In PCSOs: 2.4 Key Decisions</p>

Annex A – Definitions

ESCC PCSO definitions

“Below Threshold”	Contracts below the Regulatory Thresholds specified in applicable Procurement Legislation. E.g. for Goods and Services, currently procurements below £207,720 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.

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“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 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 Contract Management Framework.
“Material Decisions”	A decision is “material” if, under the Procurement Act 2023, a 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 Policy Statement (NPPS)”	The National Procurement Policy Statement, as provided for 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 goods works and / or services on behalf of the Council.
“Orders”	Procurement and Contract Standing Orders.
“PA23”	The Procurement Act 2023.
“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 period.

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“Procurement Forward Plan”	A plan (up to 24 months) of contracts over the Goods/Services/Works Regulatory Thresholds which are due for renewal, replacement or is a new requirement during the plan term.
“Procurement Legislation”	Means: <ul style="list-style-type: none"> - The Public Contracts Regulations 2015; - the PA23; - the Procurement Regulations 2024 and / or - the Provider Selection 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”	<p>The Council’s Statutory Officers Group (SOG), which is made up as follows:</p> <ul style="list-style-type: none"> - 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. <p>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.</p>
“Supplier”	A person, company, or organisation that supplies goods, services or works.