

Appendix 2 Key differences between existing and proposed PSOs

	EXISTING	NEW	Reason for change
CONTRACTS BETWEEN £15,000 AND £99,999	Chief Officer must OBTAIN three quotes. Waiver needed if three quotes not obtained (i.e. even if sought)	<p>PSO 4.3 – QUOTATIONS FOR CONTRACTS £15,000 - £99,999</p> <p>Chief Officer must SEEK three quotes. No need for waiver if three not obtained, but procurement must keep a record.</p> <p>Quotation procedures must be undertaken using a single stage (open) procedure, incorporating the standard suitability assessment criteria required under the Public Contract Regulations 2015 relating to lower value contracts. In seeking quotations, due regard must be given to any guidance or standard quotations templates issued by the Head of Procurement.</p> <p>All purchases must be delivered under a form of contract approved by the Assistant Chief Executive in consultation with the Head of Procurement. PSO 4.3.1 ADVERTISING FOR QUOTATIONS</p> <p>When a contract over £25,000 is advertised in any way, this must be done via Contracts Finder and involve a one stage process. This should include appropriate selection criteria to assess the experience and capability of the supplier and the nature of the contract required. Insurance requirements in section 6.1 must be included.</p>	<p>Obtaining three quotes is not always possible in a limited market, and if, following a competition, quotes cannot be obtained, a record should be kept of this to ensure that full competition is still taking place. Seeking a waiver in these circumstances adds little value, though by maintaining a record Procurement can still identify trends, and look for areas where markets should be stimulated to develop further competition.</p> <p>The remainder of the changes are to strengthen assurances around the right form of contract and documentation being used, to make use of Contracts Finder (to comply with the new regulations) and Supply2EastSussex (to strengthen our engagement with local suppliers)</p>

		<p>All such opportunities should also be advertised to local suppliers via the Supply2EastSussex website as appropriate. Before advertisement, you must confirm budget availability with the appropriate Finance Manager.</p> <p>PSO 4.3.2 CONTRACT AWARD NOTICES FOR QUOTATIONS</p> <p>For contracts awarded over a value of £25,000, a Contract Award Notice also has to be published on Contracts Finder.</p>	
<p>CONTRACT AWARD OVER £100,000</p>	<p>Chief Officer being satisfied that the tender is within the department's capital programme budget.</p> <p>When contracts have duration of more than one financial year, Chief Officers must ensure that the costs stemming from such arrangements can be accommodated within the estimates for the current and future years.</p> <p>Tenders are normally invited from all suitable persons who have indicated a wish to tender. The relevant Chief Officer makes the</p>	<p>The Head of Procurement is responsible for establishing appropriate governance and reporting mechanisms to ensure that for all procurement activity with an aggregate value of £100,000 or more, expenditure is controlled, best value is ensured and compliance effectively monitored. The Head of Procurement reviews the procurement strategy and contract awards as set out in a Strategic Sourcing Plan document and in accordance with the Procurement Gateway process, and recommends them to the relevant Chief Officer for final decision prior to additional approvals as set out in table 2.2.1.</p> <p>For a route to market or a contract award to be recommended to Chief Officers, you must obtain consent of the Head of Procurement (or</p>	<p>The changes ensure appropriate and improved governance to enable chief officers to make decisions around contract awards with the benefit of more consistent information and with full engagement from procurement, finance and legal colleagues.</p> <p>A more common approach here also helps make more efficient use of shared resources across Orbis and Orbis Public Law.</p>

	final decision on who is and isn't invited to tender from the list of suitable persons who have indicated that they would like to tender.	delegated substitute).	
AMENDMENTS / EXTENSIONS	All contracts above £15,000 - the responsible Chief Officer , in consultation with the relevant Lead Cabinet Member , the Chief Operating Officer and the Assistant Chief Executive .	Up to £99,000 = Assistant Director in consultation with the Head of Procurement and the Assistant Chief Executive £100,000 or more = Chief Officer in consultation with the Head of Procurement, after consultation with the relevant Lead Member, Chief Operating Officer and Assistant Chief Executive	This amendment brings contract amendments and extension into line with the existing framework for decision making and ensures a more robust oversight for more significant contract changes.
WAIVERS	Waiver can be approved by: Cabinet , or the relevant Lead Cabinet Member , or a Chief Officer after consultation with the relevant Lead Cabinet Member , following consultation with: - the Head of Procurement and - the Assistant Chief Executive ; PROVIDED THAT legal and finance have commented on the waiver.	Up to £99,000 = Assistant Director in consultation with the Head of Procurement and the Assistant Chief Executive £100,000 or more = Chief Officer in consultation with the Head of Procurement, after consultation with the relevant Lead Member, Chief Operating Officer and the Assistant Chief Executive	This amendment brings waivers into line with the existing framework for decision making and ensures a more robust oversight for more significant waivers to Procurement Standing Orders.
COMPLIANCE		The following additional provisions are	This is a new amendment to the standing orders, and is intended to

		<p>included:</p> <p><i>Where these Orders appear to conflict with other council-determined rules the Assistant Chief Executive determines which takes precedence.</i></p> <p><i>The Head of Procurement will report any breaches periodically to the Statutory Officers Group.</i></p>	<p>ensure clarity around compliance, and clear actions for non-compliance.</p>
FRAMEWORK AGREEMENTS	<p>Silent on who can authorise access agreements</p> <p>Use of framework must be approved by Head of Procurement as well as being checked by Legal Services.</p>	<p>When using a Framework Agreement not established by the Council, the Assistant Chief Executive must be instructed to satisfy themselves that to the best of their knowledge the original agreement.</p> <p>Access Agreements to join Framework Agreements for frameworks set up by other public bodies, once confirmed to have met these criteria, should be signed by the Head of Procurement. Specific rules governing an individual framework take precedence over the Procurement Standing Orders when these differ, e.g. to allow for the use of different number of suppliers and standards etc. Other obligations of the Procurement Standing Orders still apply and must be followed when utilising a framework agreement.</p>	<p>This amendment provides greater clarity on signing Access Agreements, and retains the important role of Legal Services.</p>
SELECT LISTS	<p>Use of a select list approved by Chief Officer and Lead Cabinet Member</p>	<p>Use of Select list approved by the Head of Procurement</p>	<p>This is intended to provide the professional oversight of the selection and use of select lists</p>

	<p>List must be re-advertised every five years</p> <p>Exemption for the Director of Adult Social Care in specified circumstances relating to select list of residential care homes or nursing homes registered under the Care Standards Act 2000.</p>	<p>List must not normally operate for more than four years</p>	<p>(and builds upon the consistency of Strategic Sourcing Plans). It also brings into line the length of time a select list operates to be comparable with the maximum length of framework agreements.</p> <p>New Light Touch regime for social care requirements now in force under the new UK and EU Procurement Legislation.</p>
EMERGENCIES	<p>There are some pre defined emergency situations where a retrospective order is unavoidable and these include:</p> <ul style="list-style-type: none"> • The need to secure East Sussex County Council property when there has been a break in or failure (such as flood); • The need to arrange for emergency care, such as for a child and parent where they are at risk of physical harm. 	<p>An emergency purchase is only allowed in the case of business critical (including life-critical) requirements for purchasing outside the hours 9am to 5pm. They also apply in situations outside 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 failure, such as flood</p>	<p>Minor amends to wording with no major changes in practice.</p>
GRANTS	<p>The award of grants must follow the PSO procedure (PSO 12.1)</p>	<p>Under the new PSOs, grants should follow the corporate funding protocol and do not need to comply with PSOs</p>	<p>This change is to make clear the distinction of a grant versus contract to remove the current ambiguity.</p>

SOCIAL VALUE	Applies to all contracts over OJEU threshold	Applies to all contracts over £100,000	This change is to strengthen the Councils use of Employability and Skills Plans, and other mechanisms to deliver wider Social Value, in a broader range and value of contracts.
EVALUATION	Evaluated based on MEAT, unless Chief Officer approves that it is evaluated on LOWEST PRICE only	Evaluated based on MEAT only.	This change is to ensure best practise and that consideration other than price is always made. In circumstances where price is the only evaluation consideration, a waiver will be required.
PROCEDURES FOR AWARD	Open Restricted Negotiated Competitive Dialogue	Open Restricted Competitive Procedure with Negotiation Competitive Dialogue Innovation Partnership	This amendment is to recognise the procedures allowable under new EU and UK Public Procurement legislation.
CONTRACT STORAGE / REGISTER	All original signed contracts OVER £100,000 must have a completed summary contract certificate and be stored in a secure fireproof location. Contract certificates are supplied by the Category Specialist , who ensures the signed contract is submitted for scanning and safe storage.	All original signed contracts must have a completed summary contract certificate and be stored in a secure fireproof location. Contract certificates are supplied by Procurement, who ensure the signed contract is submitted for scanning and safe storage.	Minor amendment to capture all contracts and to give responsibility to Procurement, rather than a designate role.

OPENING TENDERS	Allows for paper and electronic. Paper – officer authorised by Assistant Chief Executive + 1 other officer Electronic – managed by procurement	Electronic opening of tenders only with the process managed by procurement	This is to reflect the now fully operational eProcurement system and to ensure that tenders are all submitted electronically. Should an exception be required a waiver would be necessary.
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New Provisions not in the existing PSOs

CONTRACT AWARD NOTICES	N/A	<p>PSO 7.1 CONTRACT AWARD NOTICES</p> <p>As soon as is practicable after the conclusion of the contract, a Contract Award notice must be published on the Contracts Finder website for all contracts:</p> <ul style="list-style-type: none"> • Over a value of £25,000 • For all call-off contracts from Framework Agreements <p>All staff undertaking procurements competitions from Framework Agreements are responsible for the providing the required appropriate information to enable publication of the Contract Award Notice by Procurement.</p>	This is an addition to the PSO's and ensures compliance with best practise, UK and EU regulations.
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VEAT	N/A	<p>Should a VEAT Notice be assessed by Head of Procurement and Legal Contracts as being required or an appropriate to manage potential risk to the Council, this will be approved by the Head of Procurement and Monitoring Officer. A log of all published VEAT notices will be maintained by Procurement.</p>	<p>This is an addition to the PSO's and ensures compliance with best practise, UK and EU regulations.</p>
PROVISIONS	N/A	<p>Head of Procurement and Section 151</p>	<p>This is an addition to the PSO's</p>

AS TO PAYMENT TERMS		<p>Officer must approve any deviation from the standard payment terms.</p> <p>Terms relating to late payment of debts and payment of suppliers must be incorporated into all contracts.</p>	<p>and ensures compliance with best practise and ensures organisational consistency.</p>
RECORDS	N/A	<p>New requirement for procurement to complete the Procurement Report introduced in the PCR 2015;</p>	<p>This is an addition to the PSO's and ensures compliance with best practise.</p>
ELECTRONIC INVOICING	N/A	<p>Use of paper invoices strongly discouraged.</p>	<p>This is an addition to the PSO's and ensures compliance with best practise and in support of eInvoicing recently introduced.</p>