

Appendix 3

~~Appendix 1 – policies and guidance relevant to these Orders~~

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

~~Financial Procedure Rules (part 4 of the Constitution)~~

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

~~Code of Conduct (see part 5 of the Constitution)~~

~~Ethical Procurement Statement~~

~~Guidance for Agency workers and consultants~~

~~Guidance for Grants and External Funding~~

Procurement in the UK is regulated by:

~~The Public Contracts Regulations 2015~~

~~The Concession Contracts Regulations 2016~~

~~The Public Services (Social Value) Act 2012~~

Appendix 1 – policies and guidance relevant to these Orders

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

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

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

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

Supplier Code of Conduct	Supplier Code of Conduct 4.0 East Sussex County Council	External link to referenced Policy In PCSOs (not explicitly referenced): 5. Council Requirements / Obligations
The Co-operative Party Charter Against Slavery	Co-operative Party Charter Against Modern Slavery – Co-operative Party	External link In PCSOs (not explicitly referenced): 5. Council Requirements / Obligations
Modern Slavery and Exploitation	Council leaders commit to eradicating slavery and exploitation The Newsroom (eastsussex.gov.uk)	External link In PCSOs (not explicitly referenced): 5. Council Requirements / Obligations
Environmental Policy	Environmental policy East Sussex County Council	External link to referenced Policy In PCSOs: 5. Council Requirements / Obligations – 5.2. Environmental Sustainability
Guidance for Agency workers and consultants	Guidance for Agency workers and consultants	Link to ESCC intranet In PCSOs: 2.6. Temporary Staff, Consultants and Professional Services
Guidance for Grants and External Funding	Guidance for Grants and External Funding	Link to ESCC intranet In PCSOs: 1.7. Exempted Contracts
Consultants and IR35 assessment requirements	Consultants and personal service providers – ESCC Intranet	Link to ESCC intranet In PCSOs: 2.6. Temporary Staff, Consultants and Professional Services
HR guidance - temporary workers	HR guidance temporary workers Orders and assignments – ESCC Intranet Off-contract agencies – ESCC Intranet	Link to ESCC intranet In PCSOs: 2.6. Temporary Staff, Consultants and Professional Services
Code of Conduct and Conflict of Interest Policy for Employees	Section 2 - Code of Conduct and Conflict of Interest Policy for Employees.pdf	External link to ESCC Constitution In PCSOs: 4. Contracting with Suppliers – 4.3. Bribery, Corruption, Canvassing and Collusion – Conflict of Interest
Conflict of interest and offers of gifts and hospitality	Conflict of interest and offers of gifts and hospitality – ESCC Intranet	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	<p>Cabinet Office decision tree can be found on the DMS here: Document Management System - 16 - 20240215 Which procurement regime should I be following decision tree.pdf - All Documents</p> <p>Transforming Public Procurement Learning Manual - Summary Documents and Learning Aids</p>	1.10. Procurement Type Summary Tables
Thresholds	<p>Link to existing thresholds - Procurement Policy Note 11/23 – New Thresholds (HTML) - GOV.UK</p>	<p>External link to current thresholds</p> <p>In PCSOs thresholds are referenced in the following sections:</p> <p>1.6. Procurement Type 1.9. Procurement Method 1.13 Evaluation 2. Approvals – 2.1. Procurement Forward Plan</p>
Below Threshold Procurement Guidance	<p>Guidance - Below Threshold FINAL.pdf (publishing.service.gov.uk)</p> <p>Below Threshold Contract Checklist Regulated Below Threshold Process Flow saved on the DMS here: Document Management System - Below threshold - All Documents</p>	<p>In PCSOs:</p> <p>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</p>
Contract management	<p>Contract Management Framework</p>	<p>In PCSOs:</p> <p>1.5. Roles and Responsibilities 5. Council Requirements / Obligations - 5.1. Social Value, 5.2. Environmental Sustainability, 5.3. Modern Slavery 7. Managing Contracts</p>
Preliminary Market Engagement	<p>https://assets.publishing.service.gov.uk/media/664dc112993111924d9d3980/Guidance - Preliminary Market Engagement.pdf</p> <p>Checklist can be found on the DMS here: Document Management System - Preliminary market engagement checklist.pdf - All Documents</p> <p>*</p>	<p>In PCOS:</p> <p>5. Council Requirements / Obligations, 5.2. Environmental Sustainability</p>
NPPS (National Procurement Policy Statement)	<p>*Central Government currently re-drafting – will include link once published*</p>	<p>Will include external link to NPPS once published by the Government</p> <p>In PCSOs: Not explicitly referenced as NPPS – mentioned more generically as national policies in the following sections:</p> <p>1.5. Roles and Responsibilities 5. Council Requirements / Obligations, 5.1. Social Value, 5.3. Modern Slavery</p>

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
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	<p>Cabinet Office decision tree and guidance. Guidance - Direct Award FINAL.pdf (publishing.service.gov.uk)</p> <p>Decision tree can be found here: Document Management System - 26 - 20231208 Direct award decision tree (section 41).pdf - All Documents</p>	<p>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)</p> <p>In PCSOs: 1.12 Direct Award</p>
Light Touch	<p>See Cabinet Office exemptions cheat sheet in training manual and guidance stored here: Document Management System - Exemptions cheat sheet - light touch contracts .pdf - All Documents</p> <p>Guidance - Light Touch Contracts FINAL.pdf (publishing.service.gov.uk)</p>	<p>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)</p> <p>In PCSOs: Light Touch is referenced in the following sections: 1.6. Procurement Type 1.7. Exempted Contracts 1.10. Procurement Type Summary Tables</p>
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)	<p>Cabinet Office summary/cheat sheet which can be found here: Document Management System - 18 - 20240209 Table of transparency notices - fact sheet.pdf - All Documents</p>	<p>Internal link 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: 1.9. Procurement Method 1.18 Procurement Notices 7.1. Notices required during the life of the Contract</p>
Assessment & Award	<p>Use Cabinet Office guidance Guidance - Conditions of Participation FINAL 1 .pdf</p> <p>Guidance-Assessing-Competitive-Tenders-FINAL.pdf (publishing.service.gov.uk)</p> <p>https://assets.publishing.service.gov.uk/media/66aa2b50ce1fd0da7b5930c9/Guidance_-_Assessment_Summaries_FINAL.pdf</p> <p>https://assets.publishing.service.gov.uk/media/66aa2d7efc8e12ac3edb0875/Guidance_-_Contract_Award_Notices_and_Standstill_.pdf</p> <p>Guidance on Contract Details Notices FINAL_v2.0.pdf (publishing.service.gov.uk)</p>	<p>External links to Cabinet Office guidance</p> <p>In PCSOs: 1.13 Evaluation 1.9. Procurement Method 1.18 Procurement Notices 6.4. Document Retention periods 7.1. Notices required during the life of the Contract</p>

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

Dynamic Markets	<p>See Cabinet Office guidance - Guidance - Dynamic markets FINAL.pdf (publishing.service.gov.uk)</p> <p>Various Cabinet Office cheat sheets can be found here: Document Management System - Frameworks and Dynamic Markets - All Documents</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: Document Management System - Record keeping.pdf - All Documents</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 Guidance - Exclusions FINAL_v.2.pdf</p> <p>Guidance - Debarment FINAL.pdf</p> <p>Guidance - Conditions of Participation FINAL_1.pdf</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>Member Services</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 the applicable Procurement Legislation. E.g. for Goods and Services, currently procurements below £214,903 and for Light Touch Services, currently procurements below £663,540.
“Breach”	Failure to comply with the Procurement Legislation or failure to fulfil contractual obligations.
“Budget Holder”	A Council Employee who is accountable for a defined budget, and is responsible for committing expenditure against that budget in accordance with the Council’s Financial Standing Orders and Regulations
“Chief Officers”	The Chief Executive, the Deputy Chief Executive, Chief Operating Officer, Director of Adult Social Care and Health, Director of Communities, Economy and Transport and / or the Director of Children’s Services (as the same may be renamed from time to time). A list of Chief Officers and information on their responsibilities can be found on the East Sussex website. Chief officers East Sussex County Council
“Commissioners”	Council employees that are involved in designing, securing, and monitoring services in response to identified local needs.
“Conflict of Interest”	An actual or potential conflict between the interests of a person acting in relation to a procurement and those of the procurement itself.
“Contract Management Framework”	The guidance set out by the Council to enable Contract Managers to apply an effective, proportionate and consistent approach to contract management.
“Contract Manager”	Any Officer with contract management responsibilities including contract administration, performance management or delivery of any activities necessary to ensure a supplier delivers the goods, works and / or services as defined in the contract.
“Convertible Contract”	A contract which when modified moves from a Below Threshold contract to one which is over the applicable Regulatory Threshold.
“Council’s Corporate Contract”	The Council’s contract with a managed service for temporary agency workers. Dependent on the current model procured, this contract will either: provide temporary agency workers from their own pool of workers and a supply chain of specialist and local agencies OR manage a supply chain, or tiers of agencies to provide temporary agency workers.
“Council”	East Sussex County Council of County Hall, St Anne’s Crescent, Lewes, East Sussex, BN7 1UE

“CPV Codes”	Common Procurement Vocabulary codes - a classification 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.
“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.