

Summary of key amendments / changes between the new CPR's and the current CPR's

Contract Procedure Rules clause	CPR section	Rationale / Comments	Status
2.8	Compliance with CPR's & Legislation	Recognise that schools will have their own version of the CPR's, which shall be based on these CPR's	Addition
6.1 & 6.2 & 6.3	Electronic Procurement Solutions	To ensure that all procurement activities are undertaken on the Proactis e-procurement solutions, once the service areas have had all modules implemented. The use of any other e-procurement solution cannot be used without prior approval from the Strategic Procurement Manager	Addition
7.1 & 7.2	Corporate Purchasing Agreements and Joint Procurement Arrangements	Cabinet approval required to join membership of official purchasing consortiums. Joint procurement arrangements (excluding framework agreements) with other public sector organisations to require prior approval from either Chief Officer or Cabinet subject to contract values	Amendment
7.3	Corporate Purchasing Agreements and Joint Procurement Arrangements	Use of Corporate Purchasing Agreements as approved by the Strategic Procurement Manager to be mandatory unless justification not to use them can be made, which shall require SPM agreement	
10.2 (n)	Exemption from Tendering Requirement	Exemption from Tendering has been extended to cover provision for existing social care contracts that are due to be re-tendered. This will allow for a justification to be made provided a number of the criteria can be demonstrated in order to defend a Judicial Review challenge.	Amendment

10.3	Exemption from Tendering Requirement	Tender Exemptions can only be approved by Chief Finance Officer or Monitoring Officer depending on contract values up to £1m. The approval of the Lead Cabinet Member for tender exemptions between £1m and £2m has been added. Cabinet approval is now required for exemptions from tendering that exceed £2m. This change will streamline a burdensome process e.g. cabinet report based on a technical judgement. However, in the event that any Exemption under consideration is deemed sensitive or high risk then the Lead Member can request on a case by case basis that the matter is escalated to Cabinet for a decision.	Amendment
10.6	Exemption from Tendering Requirement	Contracts deriving from single Tender actions, still need to be procured and evaluated on the e-sourcing solution.	Addition
11.0 (Various)	Council Approved Lists	<p>Use of approved lists shall be restricted to contracts up to £25,000 (Goods & Services) and £250,000 (Works). There is a requirement from the Welsh Procurement Policy from Welsh Government that all procurements above £25,000 to be subject to public advertisement. The use of Approved Lists will require approval of the Strategic Procurement Manager. Tender lists created from Approved Lists shall be created by a combination of random selection as well as from existing contractors who have performed to satisfactory standards.</p> <p>Various changes have been incorporated in order to implement a number of Internal Audit Recommendations arising from the Approved List Management Audit.</p> <p>It should be noted that from April 2016 the use of Approved Lists within the authority will be discontinued. They will be replaced by Framework Agreements or Term Contracts dependent on the requirement.</p>	Amendment

14.2	Procurement Plan Checklist Approval	All individual procurement projects above £100,000 will require a procurement plan checklist to be completed and approved as a minimum by the Strategic Procurement Manager, prior to undertaking any market testing. This new process will ensure that procurement projects are procured in a robust manner and be compliant with these CPR's, OJEU rules, Welsh Procurement Policy and general procurement best practice. There will need to be extra approvals in respect of projects involving ICT, Property and Temporary staff and Interim staff (excluding Matrix). All projects below £100,000 will also require the completion of the Procurement Plan Checklist and shall be retained on contract file. However, only projects relating to ICT, Property / Works and HR need prior approval.	Addition
15.1	Sustainable Procurement	All contracts above £2,000,000 will need to consider community benefits including social, environmental and economic factors. All contracts below £2,000,000 will also need to consider these factors on an optional basis. This is in alignment with the Welsh Procurement Policy	Addition
15.4 & 15.5	Sustainable Procurement	All contracts above £100,000 for Goods and Services shall also complete the Sustainable Risk Assessment template. This is in alignment with the Welsh Procurement Policy. However the Head of Service will have the option of including sustainable procurement requirement in Tenders, subject to the perceived financial considerations	Addition
16.0	Contracts less than £10,000 (Goods, Services & Works)	Request for Quotations can now only be used for contracts up to £10,000, which shall where it's not practical only require only a single quotation to be obtained. However value for money still needs to be demonstrated.	Amendment
17.0	Contracts between £10,001 and £25,000 (Goods, Services & Works)	All contracts for Goods, Services and Works between £10,001 and £25,000 shall require three written quotations. The upper threshold has been reduced to allow a lower level for public advertisement of tendering opportunities.	Amendment

18.0	Contracts valued between £25,001 and OJEU threshold	All contracts for goods and services above £25,000 shall be subject to a public advertisement as per Welsh Procurement Policy, unless an exemption is approved by the Strategic Procurement Manager	Addition
20.0	Contracts valued between £25,001 and £250,000 (Works)	Approved Lists for Works where available can only be used up to £250,000. A public advertisement will be required generally for all contracts above this value. This is a deviation on the Welsh Procurement Policy for practical reasons in dealing with high volume of bids from construction contractors	Amendment
25.0 & 25.2, 25.3b & 25.4	Tender Opening	All tenders above £10,000 shall be opened at the same time and place after the closing time for receipt of bids has elapsed. Currently quotations can be opened as they are received. This is a perceived risk that could allow officer collusion with suppliers and lead to fraud. All Tenders shall be undertaken on the e-sourcing solution (where available). All Tenders will now be opened at the same time by TWO designated officers (one of which shall be independent of the project) as selected by Head of Service. There will be a requirement for Officers from Legal and Democratic Services to be involved where paper tenders are received over the value of £100,000 until the e-sourcing solution is made available to all Services. The introduction of e-sourcing will prevent any tampering of any tenders, since the tender are locked once submitted electronically.	Amendment
26.3	Late Invitation to Tenders Received	Late bids may be still considered, providing the other bids have not been opened, subject to Monitoring Officer approval based on exceptional circumstances.	Amendment
27.1 & 27.2 & 27.3	Tender Evaluation	All Tenders above £100,000 shall be evaluated on price and quality. Price only evaluation can only be used for contracts below £100,000. When tenders are evaluated based on price and quality a tender evaluation team shall be arranged consisting of at least two officers. For OJEU tenders, the Corporate Procurement Unit will need to be consulted	Amendment

		following the evaluation process prior to the award of any contract	
28.2	Post Tender Negotiation	A minimum of TWO officers needs to be involved in any tender negotiation for sub –OJEU tenders.	Amendment
29.0 & 29.2 & 29.5	Tender Award Approvals	Tender Award approvals have been changed to include the need for Head of Service, Monitoring Officer and Chief Finance Officer approval subject to contract values up to £1,000,000, for contract values between £1,000,001 and £2,000,000 Lead Member approval must be given, for contracts exceeding £2,000,001 then Cabinet approval must be obtained. This change has been undertaken in order to streamline the process, which is based on technical judgement. This new process will also ensure that a robust quality assurance process is in place regarding tender awards, since there is an increasing risk of supplier legal challenges. All contract awarded will be required to be inputted onto a corporate contract register.	Amendment
31.1	Letter of Intent	Letters of Intent may only be used in exceptional circumstances after approval being obtained by Monitoring Officer	Amendment
32.3	Non-concluded Terms of Conditions of Contract	The Council should not enter into contracts on the suppliers terms and conditions, without upfront approval of the Monitoring Officer	Addition
33.2 & 33.3 & 33.4	Contracts in Writing	There will be a requirement for formal form of agreements to be developed and signed for various contract values. This addresses the current issues, whereby majority of contracts are not signed by both parties, and use of standalone purchase orders is not deemed robust.	Amendment
33.7 & 33.9	Contracts in Writing	All contracts above £10,000 save those which are sealed, shall be stored and retained by the relevant department. Work shall not commence on any contract (except for emergency works) until the signed contract has been returned since there are	Addition

		historical examples of contracts being sent out in Directorates and contracts have commenced before the return of signed contracts from contractors.	
36.2	Contract Management	All contracts that are strategically critical / high risk, high value or high profile shall be subject to monthly contract reviews	Addition
37.1 & 37.2	Contract Performance	Contracts shall be subject to regular performance reviews and if practical at the end of each contract / job a performance review shall be carried out to identify good and bad contractor performance, as well as identifying complaints etc	Amendment
38.0	Termination of Contract	Changes to how Termination of Contracts can be approved. Now 2 levels including Head of Service and the Monitoring Officer.	Addition
39.1 & 39.3	Contract Variations	Changes to Contract Variation approvals. Now 3 levels Head of Service, Monitoring Officer and Chief Finance Officer subject to contract and variation values. The same 3 levels are consistent with other clauses e.g. Tender Award. Cabinet is no longer required to approve contract variations above £1m. Contracts below £250,000 including variations can be approved by Head of Service	Amendment
40.8	Contract Payments	The Responsible Officer approving invoices should be different to the Responsible Officer engaging the contractor to ensure proper segregation of duties	Addition
43.0	Land Contracts	Changes to reflect case law on Development Agreements, which may be subject to OJEU regulations	Amendment
44.1 & 44.2	Use of Consultants	Use of consultants to be approved by Head of Service and all approvals shall be recorded on a central corporate register of consultants.	Amendment
45.0	Retention of Contract Files	Changes to reflect need to retain WEFO funded projects for 20 years	Amendment