

SUFFOLK COUNTY COUNCIL

PROCUREMENT REGULATIONS

2011

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NOTICE TO EXTERNAL PARTIES

- These Regulations shall not create or form a part of any contract or binding undertaking, express or implied, with any third party.
- In seeking quotations or inviting tenders the Council is not making an offer to enter into any contract for the supply of goods, services or works and does not bind itself to accept any offer it receives.

VERSION CONTROL

Version Number	Date	Description	Author
v1.0	May 2011	Final – Approved by Full Council 26 th May 2011.	Richard Hall
v1.1	December 2011	New EU Advertising Thresholds	Ashley Sale

PART 5 – SECTION 5.1 - PROCUREMENT REGULATIONS

1. Introduction and Definitions

- 1.1. These Regulations form part of Suffolk County Council's ("the Council") Scheme of Resource Management and Constitution.
- 1.2. It is a disciplinary offence for any officer not to comply with these Procurement Regulations.
- 1.3. The Council needs to obtain best value and continuous improvement from all of its procurement activity, consistent with its Procurement Strategy, policy objectives and priorities and these Regulations.
- 1.4. The Council must undertake all procurement and commissioning activity in a responsible manner which is auditable, accountable and aims to secure effective and continuing market competition.
- 1.5. The Council has adopted best practice approaches to procurement and commissioning activity.
- 1.6. The Council must deal responsibly with the provider marketplace, acting in an open, honest and equitable manner applying objective criteria to procurement and decision-making activity.
- 1.7. The Council uses electronic procurement (e-Sourcing) to undertake its day to day quotation and tendering processes.
- 1.8. In undertaking procurement, the Council has to comply with a range of legal requirements that apply to public sector procurement activity.
- 1.9. These Procurement Regulations do not provide guidelines on what is the best way to purchase goods, services or works but set out the minimum requirements to be followed. Further information and guidelines on procurement processes are set out in the Council's Tendering Toolkit and the Appendices to these Regulations.
- 1.10. In these Regulations, the following words and phrases have been used and shall have the meanings attributed to them as below.
 - 1.10.1 "Accredited Providers" means, providers of Part B Services who are subject to external registration, inspection and rating;
 - 1.10.2 "Consideration" means, something given in return for the goods, services or works which the law recognises as creating a binding contract, such as money etc;
 - 1.10.3 "Contract Management Policy and Framework" means, the Council's policy and guidance regarding the on-going management of contracts to secure continuous improvement and minimise contractual risk;
 - 1.10.4 "Corporate Contract" means, a contract, framework agreement or other arrangement entered into by the Director of Resource Management on behalf of the Council to supply goods, services or works that are in common usage across the Council;
 - 1.10.5 "e-Sourcing" means, the web-based electronic system used by the council to undertake quotations, tenders and e-auctions;
 - 1.10.6 "EU Procurement Rules" means, the EU Directive 2004/18/EC, the Public Contracts Regulations 2006, the Public Contracts (Amendment) Regulations 2009 and the

Interpretative Communication on Community Law applicable to contract awards not or not fully subject to the provisions of the Public Contracts Regulations 2006.

- 1.10.7 “EU Threshold” means, the financial thresholds above which the EU Procurement Rules shall apply and as set out in paragraph 5.1.
- 1.10.8 “Financial Procedures” means, the rules set out in the Council’s Financial Regulations and Procedures which form part 4 of the Council’s Constitution as updated from time to time.
- 1.10.9 “In-House Entities” means, an entity satisfying the in-house exemptions rules by application of the principles laid down in the Teckal¹ case and related judgements, sometimes known as “the Teckal Tests”.
- 1.10.10 “Key Decision” means, a decision made by full Council that involves expenditure in excess of £500,000 or involves more than one electoral division in the County of Suffolk.
- 1.10.11 “OJEU” means, the Official Journal of the European Union.
- 1.10.12 “Responsible Officer” means, the officer undertaking a procurement exercise to purchase goods, services or works on behalf of the Council.
- 1.10.13 “Scheme of Resource Management” means, the Council’s Scheme of Resource Management as detailed in parts 4 and 5 of the Council’s Constitution.
- 1.10.14 “SME” means, a small to medium enterprise as defined by the EU under Recommendation 2003/361/EC, as being an organisation employing less than 250 people.
- 1.10.15 “Standstill Period” means, the period between provisional and final award of contract which is a minimum of ten (10) days.²
- 1.10.16 “Tendering Toolkit” means, the toolkit detailing the Council’s procurement processes, as updated from time to time, together with any supplementary guidance on specific procurement and contract management matters issued in support of the Toolkit.
- 1.10.17 “Total Aggregate Value” means, the total anticipated value of the contract over its lifetime, including any permitted extensions to contract or the total anticipated value of a series of similar or related contracts of greater or less than 12 months duration..
- 1.10.18 “Trading Organisation” means, an organisation wholly owned by the Council and who provides the majority of its services directly to the Council.

2. Scope

2.1. These Regulations apply to;

- 2.1.1 All contracts made (including all orders placed) by, or on behalf of the Council where the Council is commissioning goods, services or works, including where the Council is acting on behalf of other public contracting authorities or, where permitted, divested functions of the Council;
- 2.1.2 All contracts made by the Council when acting as lead procuring authority for a public sector procuring consortium or partnership;

¹ ECJ ruling c-107/98.

² The Public Contracts (Amendment) Regulations 2009 (SI 2009 No 2992)–

- 2.1.3 All contracts made by, or on behalf of the Council for the disposal by commercial sale of goods;
- 2.1.4 All officers of the Council; and
- 2.1.5 Any agents, consultants and contractual partners acting on the Council's behalf.

2.2. These Regulations do not apply to:

- 2.2.1 The making of grant payments which are covered under Part 4 (Financial Regulations) of the council's constitution.;
- 2.2.2 Contracts of Employment;
- 2.2.3 Contracts for the purchase of land, including existing buildings and other structures, land covered with water, and any estate, interest, easement, servitude or right in or, over the land;³
- 2.2.4 Contracts for the appointment of Counsel or other experts by the Head of Legal Services;
- 2.2.5 Contracts for the provision of snow clearing services;
- 2.2.6 Procurement necessitated by unforeseen emergencies involving immediate risk to life and/or property or serious disruption to Council services including emergencies or disruption under the Civil Contingencies Act;
- 2.2.7 Existing supply arrangements with In-House Entities;
- 2.2.8 The need for "Trading Organisations" of the Council to obtain prices from suppliers in order to prepare and submit a tender to the Council or to another body, or undertake work required by the Council; and
- 2.2.9 Situations where these Regulations are superseded by the Local Management of Schools scheme.

3. General Principles

3.1. All purchasing and disposal activities must:

- 3.1.1 Achieve best value for public money spent or received and conducted within the legal powers of the Council;
- 3.1.2 Support the Council's aims, policy objectives and strategic direction;
- 3.1.3 Deliver outcomes which are sustainable environmentally and / or in socio-economic terms, efficient and reduce cost where appropriate;
- 3.1.4 Ensure every procurement process is open, fair and transparent;
- 3.1.5 Ensure the highest standards of probity including adherence to the Council's Code of Conduct for Local Government Employees and rules for the prevention of corruption as detailed in Part 4 of the Council's constitution;

³ Public Contracts Regulations 2006 Para 6(2) (e).

- 3.1.6 Comply with all applicable legal requirements including, but not limited to, EU Procurement Rules;
 - 3.1.7 Be conducted electronically via the Council's e-Sourcing system (where available);
 - 3.1.8 Be accurately recorded and maintain an clear audit trail of actions and decisions; and,
 - 3.1.9 Be consistent with any processes set out in the Tendering Toolkit.
- 3.2. All invitations to quote or invitations to tender issued by the Council shall:
- 3.2.1 Include appropriate terms and conditions of contract;
 - 3.2.2 Clearly specify, in a non-discriminatory way, using output or outcome based specifications, the goods, services or works to be provided and the time limit (if any) for delivery;
 - 3.2.3 Provide a clear statement regarding the criteria and process to be used for assessment with each criteria having an appropriate weight assigned to it;
 - 3.2.4 Be evaluated equitably, on the basis of the most economically advantageous tender with regard to price, quality, service and environmental sustainability and Socio Economic factors;
 - 3.2.5 By exception and only with the prior approval of the Director of Resource Management be evaluated on the basis of lowest cost only; and
 - 3.2.6 Provide any supplementary information required by suppliers to enable them to submit clear and concise bids, structured to be easily assessed.
- 3.3. All purchase orders or contracts issued by the Council shall:
- 3.3.1 Be evidenced in writing;
 - 3.3.2 Refer to a contract reference number and / or contain a purchase order number generated by an electronic purchase ordering system;
 - 3.3.3 Contain a non-discriminatory outcome or output based specification, and appropriate schedules as described in the Tendering Toolkit;
 - 3.3.4 For Contracts over £10,000 include relevant conditions of contract and references in the conditions of contract to:
 - a. the goods, services or works to be delivered;
 - b. the time limit for delivery;
 - c. the level of quality expected;
 - d. appropriate levels and forms of insurance;
 - e. arrangements for managing performance;
 - f. a requirement for the supplier to comply with all relevant statutory requirements in respect of Health and Safety and Equalities.
 - 3.3.5 Provide that the Council may terminate the contract and recover its losses in the event of a breach by the supplier, its employees or anyone acting on its behalf of any statutory obligations in respect of Bribery and Corruption Act 2010.

4. Responsibilities

4.1. Chief Officers and Heads of Specialist Support Functions shall:

- 4.1.1 Be responsible for procurement undertaken within their own Directorate or Specialist Support Function;
- 4.1.2 Nominate Responsible Officers to undertake specific procurement processes;
- 4.1.3 Ensure that the Responsible Officer(s) delegated to undertake procurement activity are adequately skilled to undertake the quotation or tender exercise in line with these Regulations, e-Sourcing processes and the Tendering Guide.
- 4.1.4 Ensure that any procurement undertaken actively supports commissioning and business plans and the Council's policies and objectives;
- 4.1.5 Seek Cabinet approval for any actions or decisions that do not comply with these Regulations after having first consulted with the Director of Resource Management and the relevant Portfolio Holder;
- 4.1.6 Consult with the relevant Portfolio Holder at the appropriate stage of a procurement where:
 - a. An innovative approach to procurement is proposed – within the principles of these Regulations, but which is significantly different to current practice;
 - b. A proposed procurement is likely to have a significant impact on the Council's workforce; and
 - c. A proposed contract will significantly exceed the approved budget or time for completion, or is incurring significant risks not initially identified.
- 4.1.7 In the cases of 4.1.6, 'b' and 'c' report the situation to Cabinet;
- 4.1.8 Ensure that in any procurement involving the transfer of staff, all applicable statutory obligations⁴ are complied with;
- 4.1.9 Ensure that Responsible Officers, comply with these Procurement Regulations and Tendering Toolkit; and
- 4.1.10 Ensure that all procurement and delegated decision making / signing off is within approved budgetary limits and Scheme of Delegation.

4.2. The Director of Resource Management shall:

- 4.2.1 Maintain these Procurement Regulations and Tendering Toolkit in accordance with the requirements of the Council's Constitution and discharge of functions;
- 4.2.2 Oversee use of the Council's e-Sourcing system, Procurement Cards and P2P ordering system;
- 4.2.3 Maintain a list of all Corporate Contracts;
- 4.2.4 Maintain the corporate savings record;

⁴ Transfer of Undertakings (Protection of Employment) Regulations 2006 and supplementary guidance on the transfer of public sector staff.

- 4.2.5 Provide professional advice to the Council on all matters relating to public procurement, procurement strategy and practice, contract management and market engagement;
 - 4.2.6 Provide training and guidance when required on the use of electronic procurement systems, these Regulations and procurement practice; and
 - 4.2.7 Undertake all procurement for contracts over the EU Procurement threshold except where it has been agreed with the respective Chief Officer or Head of Specialist Support Function that an individual EU Tender may be run by a Responsible Officer from another Directorate or Specialist Support Function.
 - 4.2.8 The Director of Resource Management may exercise his right under Part three of the Council's Constitution to nominate the Head of Strategic Finance to be responsible for the functions detailed in this clause 4.2.
- 4.3. The Head of Legal Services / Solicitor to the Council (as applicable) shall:
- 4.3.1 Provide specific advice and guidance on matters relating to public procurement and contractual law and matters relating to the Transfer of Undertakings (Protection of Employment) Regulations;
 - 4.3.2 Provide specific support as required in contractual disputes;
 - 4.3.3 Seal all relevant contracts in accordance with these Regulations; and
 - 4.3.4 Advise Chief Officers and Heads of Specialist Support Functions on "Key Decisions".
- 4.4. Responsible Officers shall:
- 4.4.1 Prior to conducting a procurement exercise; check to see whether the goods, services or works required are available from a Corporate Contract. If so an external purchase order shall be placed using P2P or other legacy system approved by the Director of Resource Management;
 - 4.4.2 Comply with these Regulations and the processes laid down within the Council's e-Sourcing system and Tendering Toolkit;
 - 4.4.3 Comply with the Council's Code of Conduct for Employee's and Whistleblowing Procedure;
 - 4.4.4 Disclose in writing to their Chief Officer or Head of Specialist Support Function, any relationship or personal interest in a supplier, proposed or actual contract which could reasonably be considered to conflict with the Council's interests;
 - 4.4.5 Seek appropriate advice and guidance from the Director of Resource Management and / or the Head of Legal Services;
 - 4.4.6 Comply with any statutory provisions relating to public procurement and the subject matter of the contract;
 - 4.4.7 Conduct all quotation and tender processes in an open and transparent manner and evaluate all offers received fairly, in accordance with published criteria, weightings and methodology;
 - 4.4.8 Ensure all tenders and quotations are properly planned and allow sufficient time for receipt and analysis of bids and a Standstill Period prior to formal award;

- 4.4.9 Maintain a full record and audit trail of any procurement activity including decisions made throughout the procurement process;
- 4.4.10 Ensure that unsuccessful suppliers following a quotation or tender exercise are properly de-briefed in accordance with the requirements of the Public Contracts (Amendment) Regulations 2009 (SI 2009/2992).
- 4.4.11 Ensure that details of all contracts (with a value greater than £500) are forwarded to the Director of Resource Management for inclusion on the Corporate Contract Register;
- 4.4.12 Where appropriate, arrange (or be directly responsible) for the day to day contract management of contracts once established; and
- 4.4.13 Ensure that all savings achieved through the procurement are properly calculated and recorded using the processes laid down and as amended from time to time by the Director of Resource Management.

5. Identifying which Procurement Process to Use

5.1. Where no existing Corporate Contract is in place, the Total Aggregate Value shall be used to determine which procurement process will be undertaken by reference to the following table and the flow chart in Appendix 2.

Total Aggregate Value Goods and Services	Total Aggregate Value Works	Process to be Used
<£10,000 or up to £50,000 with prior approval of the Director of Resource Management	<£50,000 or up to £100,000 with prior approval of the Director of Resource Management	External Purchase Order may be placed on the basis of a written Quotation. The Chief Officer or Head of Specialist Support Function must be satisfied that the price to be paid represents value for money.
>£10,000 to £70,000	>£50,000 to £150,000	Quotation Process to be used including a minimum of three (preferably five) suitably qualified suppliers (including, where possible, one or more local SME's) on the Council's General Conditions of Contract.
>£70,000 to EU Threshold ⁵	>£150,000 to EU Threshold	Sub-OJEU Tender Process to be used including a minimum of five suitably qualified suppliers.
> EU Threshold	> EU Threshold	Full EU Tender Process.

- 5.2. No requirement shall be deliberately sub-divided or its Total Aggregate Value understated to avoid these financial thresholds;
- 5.3. Irrespective of the Total Aggregate Value, the Responsible Officer shall determine whether the potential contract is likely to be of interest to a supplier located in another EU Member State.
- 5.4. The Responsible Officer shall record the decision taken in respect of paragraph 5.3 and retain the record - for audit purposes - with the file relating to the respective procurement exercise

⁵ EU Thresholds applicable from 1st January 2012 are; Goods and Services £173,934 and Works £4,348,350. The EU threshold figures are revised every two years.

- 5.5. Where paragraph 5.3 applies, the Responsible Officer arrange for the requirement to be advertised on “Contracts Finder” (the Government opportunities portal) and / or in the OJEU and initiate a tender process.
- 5.6. Unless otherwise agreed in advance with the relevant Chief Officer or Head of Specialist Support Function; all EU level procurement shall be undertaken by the Director of Resource Management.
- 5.7. The EU Directives split services into ‘Part A’, which have a full application of the rules and, ‘Part B’, which have reduced requirements. The Council shall as a minimum ensure that Part B’ Services are advertised where necessary and a process followed in line with EU Treaty obligations.

6. Procurement Processes and Systems

6.1. The Council shall use any of the following procurement processes⁶:

- 6.1.1 A Single Quotation involving one supplier based on the Councils General Conditions of Contract or, where approved by the Director of Resource Management, other suitable form of contract for works;
 - 6.1.2 A Quotation involving a minimum of three but preferably five suitably qualified suppliers;
 - 6.1.3 A Further Competition (sometimes known as a “Mini-Competition”) run under the terms of an existing Framework Agreement;
 - 6.1.4 A Sub-OJEU or OJEU Open Tender following an advertisement. All suppliers responding to the advertisement shall be invited to bid;
 - 6.1.5 A Sub OJEU or OJEU Restricted Tender where all suppliers responding to the advertisement shall be invited to complete a Pre-Qualification Questionnaire, to be assessed for short listing against economic and financial standing and technical and professional ability. Only short listed suppliers will be invited to bid;
 - 6.1.6 A Competitive Dialogue where the Council shall enter into negotiation over proposed solutions;
 - 6.1.7 A Dynamic Purchasing System via the Council’s e-Sourcing platform;
 - 6.1.8 Include suppliers on a list of ‘Accredited Providers’ where such suppliers provide Part B Services and subject to external inspection and/or rating; and
 - 6.1.9 A Negotiated Process, in exceptional circumstances, where permitted by EU Procurement Rules.
- 6.2. The Council uses an electronic, web based, e-Sourcing system for its quotation and tendering processes including Electronic Auctions (e-Auctions) and, to establish dynamic purchasing systems.
- 6.3. Where tenders or quotations are not received through the Council’s e-Sourcing platform; they shall be kept secure and unopened until the specified date and time for opening after which they shall be opened by two officers who have that responsibility under the scheme of delegation.

⁶ NB: These processes are embedded in the Council’s e-Sourcing System which will be made available to all procuring staff on a rolling basis from 1st April 2011. Details of each process are contained in the Council’s Tendering Toolkit.

- 6.4. A record of all received tenders shall be maintained showing the date they were opened and the two officers involved.
- 6.5. Tenders received after the specified date and time, but before the tenders have actually been opened may be included – but only where the late submission is genuinely outside of the control of the supplier concerned and only with the agreement of the Director of Resource Management.
- 6.6. Tenders received after tenders have been opened, or which do not comply with the instructions in the Invitation to Tender, shall be rejected without further consideration and returned to the supplier with an explanation for the rejection.
- 6.7. The Council shall assess the award of contracts using a pre-published model, and methodology, criteria and weightings. The criteria used for the assessment shall be relevant to the subject matter of the contract and consistent with Council's policies.
- 6.8. As part of its assessment, the Council may make use of an E-Auction, in which case this shall be included in the evaluation methodology.
- 6.9. In awarding contracts the Council shall, where appropriate, take into account the need to abide by a minimum ten (10) day standstill period between provisional award and final conclusion of contract and, where required by EU Procurement Rules, to place a Contract Award Notice in the OJEU within 48 days of final award.
- 6.10. The Council uses electronic purchase orders raised using its P2P ordering system, or where approved by the Director of Resource Management, another line of business system with ordering functionality.
- 6.11. The Council may use Procurement Cards as a means of paying for goods or services where existing methods can be shown to be uneconomic or result in unreasonable delay in receipt of goods or payment of suppliers.

7. Contract Formalities

- 7.1. All contracts over £10,000 shall be formally concluded in writing and shall include the following documents:
- 7.1.1 The contract terms and conditions;
 - 7.1.2 The Specification;
 - 7.1.3 Monitoring arrangements including Key Performance Indicators (KPI's) where appropriate; and
 - 7.1.4 Any additional Schedules.
- 7.2. Contracts may be concluded by signature by an officer approved to do so under the Scheme of Delegation or under the common seal of the Council. In the case of the former, the Responsible Officer shall ensure that the person signing for the supplier has the delegated authority to bind it.
- 7.3. Unless otherwise agreed by the Head of Legal Services, a contract must be sealed as a deed by the Council and executed as a deed by the other party where:
- 7.3.1 The Council wishes to enforce the terms of the contract for more than six (6) years after its end, for example in property or construction contracts;

7.3.2 There is any doubt that valid Consideration is being given; and

7.3.3 The value of the contract is greater than £500,000.

8. Performance Bonds and Guarantees

8.1. The Responsible Officer shall consult the Director of Resource Management on whether a Performance Bond or Parent Company Guarantee is required in the following circumstances:

8.1.1 Where the Total Aggregate Value is greater than £500,000 and where it is proposed that stage or advance payments are made and there is concern about the stability of the supplier; a Performance Bond may be considered.

8.1.2 Where the Total Aggregate Value exceeds £250,000 and the award has been based on the evaluation of a parent company and there is some concern over the stability of the tendering supplier; a Parent Company Guarantee may be considered.

9. Disposal of Goods

9.1. The Chief Officers and Heads of Specialist Support Functions shall decide on the fairest and most appropriate method of disposal to achieve the best overall value for money for the Council. The decision may take into account the Council's wider policy objectives.

9.2. Chief Officers and Heads of Specialist Support Functions shall ensure that any requirements relating to the security of data or health and safety are complied with fully before offering any goods for disposal.

9.3. The following methods of disposal may be considered:

9.2.1 Public Auction;

9.2.2 Inviting sealed bids following an advertisement;

9.2.3 Use of a Corporate Contract for the disposal;

9.2.4 Offer for sale at a fixed price;

9.2.5 Donation to the voluntary or community sector; or

9.2.6 Any other process for disposal approved from time to time by the Head of Procurement and Contracting.

9.4. Income from the sale of capital assets shall be used in accordance with Financial Procedures.

10. Contract Management

10.1. Chief Officers and Heads of Specialist Support Functions shall ensure arrangements are put in place for the effective management of all contracts, consistent with the Council's Contract Management Policy and Framework.

10.2. Contracts shall be managed in respect of:

10.2.1 Performance against planned outcomes / Key Performance Indicators' (KPI's);

- 10.2.2 Risk Management;
 - 10.2.3 Compliance with the contract terms and specification and external registration requirements;
 - 10.2.4 Value for money and quality improvements;
 - 10.2.5 User satisfaction; and
 - 10.2.6 Supplier financial stability.
- 10.3. Contracts shall be managed to establish and develop mutually advantageous contractual relationships between the Council and its suppliers and to ensure that end of contract transfer arrangements can be conducted without detriment to continuity of supply or service.

11. Variation to Contracts

11.1. Contract Extensions

- 11.1.1 Contracts may be extended, where permitted by, and in accordance with, the terms of the original contract. Prior to extending a contract the Responsible Officer shall establish whether such extension offers continuing value for money against current market benchmarks.

11.2. Variations to existing contracts

- 11.2.1 Before granting any variation to contract, the Responsible Officer shall consider whether the proposed variation is lawful under the EU Procurement Rules;
- 11.2.2 Variations shall not be permitted where the variation would fundamentally alter the nature of the original contract in terms of scope, timescales for performance or Total Aggregate Value.
- 11.2.3 Variations to contract which in aggregate result in additional costs exceeding 30% of the original contract value or £25,000 (whichever is the greater) shall be subject to the prior approval of the Director of Resource Management
- 11.2.4 Variations to contract which, by their nature, are Key Decisions shall be subject to the approval of Cabinet or Full Council as directed by the Head of Legal Services.
- 11.2.5 The Responsible Officer should ensure that any changes to budgets, as a consequence of contract variation, are dealt with in accordance with the procedures laid down in the Financial Procedures in part 4 of the Councils constitution.

12. Market Engagement

- 12.1. The Council recognises the benefit of engaging with the supplier market in a two way flow of information regarding its future procurement intentions where these are likely to involve significant changes to current supply arrangements or service delivery or are likely to require new and innovative methods from the supply market.
- 12.2. Where it is considered beneficial to undertake a market engagement, Chief Officers and Heads of Specialist Support Functions may, in consultation with the Director of Resource Management, engage with the supplier market to inform future services and contract intentions.

- 12.3. Care shall be taken to advise suppliers involved in market engagement exercises that their involvement in the exercise should not be taken as an indication of future business and to ensure that no supplier or suppliers gain an unfair competitive advantage through their involvement in market shaping activities and in particular advice will not be sought on the preparation of a quotation or tender from any supplier who may have a subsequent commercial interest in them.
- 12.4. Where suppliers are asked to contribute to the development of service specifications or specifications for goods or works, care shall be taken to ensure that:
- 12.4.1 Copyright owned by suppliers is protected; and
- 12.4.2 The final specification is generic and does not have the effect of distorting or otherwise influencing the market.

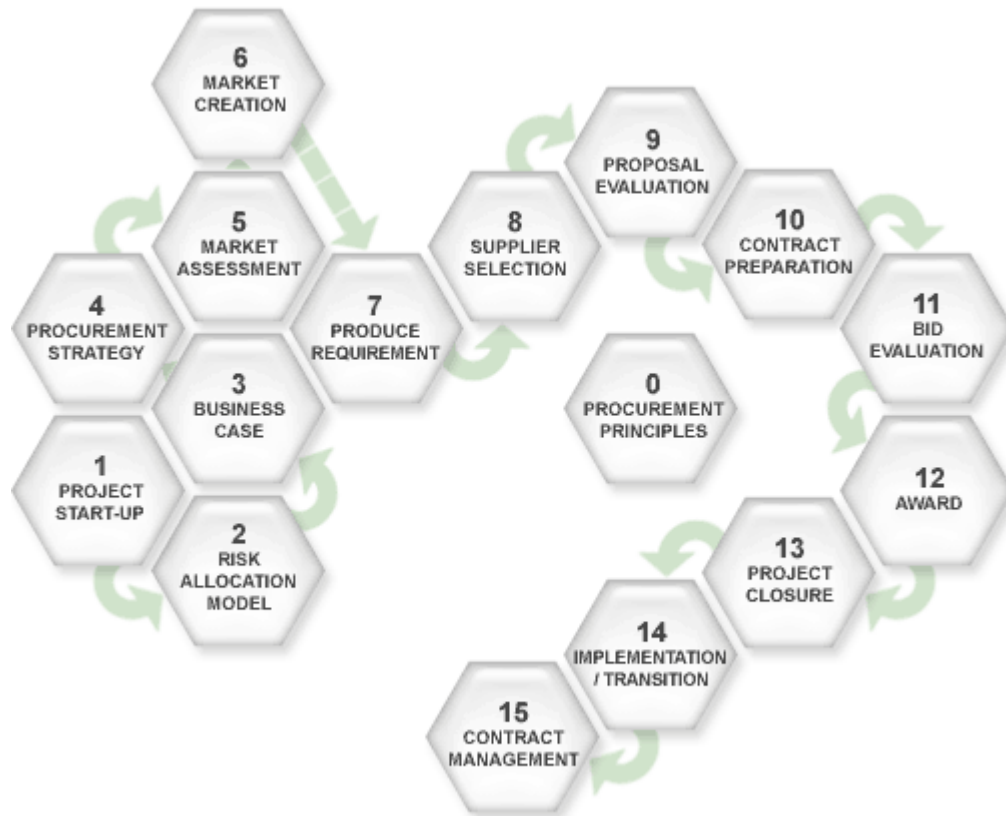
13. Working Collaboratively

- 13.1. The Director of Resource Management shall make available, as Corporate Contracts; arrangements entered into by other public contracting authorities, which the Council is entitled to use.
- 13.2. The Director of Resource Management shall engage with other public contracting authorities to enter into joint or collaborative contracts to be tendered, either by the Council itself, or another public contracting authority.
- 13.3. The Council shall only use collaborative agreements where they:
- 13.3.1 Have been awarded in full compliance with the rules surrounding public procurement and that the Council is legally entitled to use the agreement;
- 13.3.2 Are not subject to or under threat of a formal legal challenge either in whole or in part;
- 13.3.3 Demonstrate best value for the Council;
- 13.3.4 Are consistent with the Council's aims and objectives; and
- 13.3.5 Promote best practice.
- 13.4. Chief Officers and Heads of Specialist Support Functions shall consult the Director of Resource Management before using any framework or collaborative contract not currently held on the list of Corporate Contracts.

14. Review and Update of these Regulations

- 14.1. These Regulations shall be reviewed and updated as may be required to ensure they remain consistent with the Council's legal obligations as a public procuring authority, in line with the Council's Procurement Strategy and corporate objectives.

Appendix 1 – The Commissioning Process



Source: Office of Government Commerce 2008.

Appendix 2 – Procurement Process Decision Tree

Identifying Which Procurement Process to Use

