

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>Report to:</b>	<b>EXECUTIVE COMMITTEE</b>
<b>Date:</b>	<b>10 DECEMBER 2024</b>
<b>Subject:</b>	<b>PROCUREMENT STRATEGIC PLAN AND CONTRACT PROCEDURE RULES</b>
<b>Portfolio Holder(s):</b>	<b>ROBIN WILLIAMS – DEPUTY LEADER &amp; PORTFOLIO HOLDER – FINANCE</b>
<b>Head of Service / Director:</b>	<b>MARC JONES – DIRECTOR OF FUNCTION (RESOURCES) / SECTION 151 OFFICER</b>
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<b>Local Members:</b>	<b>n/a</b>
<b>A –Recommendation/s and reason/s</b>	
<p>Following on from the UK’s decision to leave the European Union, the UK Government has taken the opportunity to revise the legislation in respect of procurement in the public sector. The Procurement Act 2023 will come into force on 24 February 2025, which is later than the initial planned date of 28 October 2024. In addition, the Welsh Government has passed the Social Partnership and Public Procurement (Wales) Act 2023, which places additional responsibilities and duties on public sector organisations in Wales in respect of procurement.</p> <p>In response to the changing legislation, the Council commissioned an external company to review the Council’s preparedness for the change in legislation and to provide the Council with an action plan to ensure that the Council was in a position to comply with the legislation. The action plan covered a number of areas, including:- the overall strategy, governance, roles and responsibilities, training, data and information systems and communications.</p> <p>The Council has subsequently contracted with the external company to assist in the delivery of the action plan. A significant part of the action plan will be delivered prior to the new legislation coming into force, with further work planned up until March 2026, when the support contract ends.</p> <p>Two elements of the action plan which require approval from the Executive, relates to the Procurement Strategy and the Council’s Contract Procedure Rules.</p> <p><b>Procurement Strategic Plan</b></p> <p>The new Procurement Strategic Plan is set out in the Council’s standard template and covers the period to March 2029. Procurement is an important aspect of how the Council undertakes its business and is vital to ensure the Council delivers the strategic objectives set out in the Council Plan. It also ensures that the Council achieves value for money, that procurement is delivered in a sustainable way that maximises the benefit for the local economy and local communities, and that the procurement method is compliant with all of the legal obligations set out in the new Procurement legislation and the Wellbeing and Future Generations (Wales) Act 2015.</p> <p>The Strategic Plan sets out how the Council will:-</p> <ul style="list-style-type: none"> <li>• set an example and lead on undertaking procurement in a controlled, commercial and sustainable way;</li> <li>• use commercial information to guide how procurement is undertaken, with the aim of reducing costs, minimising risks and maximising the benefits to the local economy;</li> <li>• embrace social value, minimise environmental impacts and reduce carbon emissions;</li> <li>• drive compliance with the legislation;</li> <li>• manage contractor performance to ensure value for money and minimise risk.</li> </ul>	

The Council's performance on implementing the Procurement Strategic Plan effectively will be done by reporting regularly to the Council's Leadership Team and to the Executive, and through an annual report on Procurement to the Governance and Audit Committee.

### **Contract Procedure Rules**

The second part of this report relates to changing the Council's Contract Procedure Rules (CPRs). The CPRs set out the process on how to undertake a procurement exercise and sets out the different procurement methods and when they should be used. The change in procurement legislation does require the Council to update the CPRs and it provides an opportunity to ensure that the CPRs are flexible enough to allow officers to undertake procurement exercises in the most efficient and effective way, whilst still ensuring that any procurement exercise is controlled and ensures that the Council achieves value for money.

The revised CPRs have been drafted by the Council's external procurement support in consultation with the Director of Function (Council Business) / Monitoring Officer, the Director of Function (Resources) / Section 151 Officer and the Council's Procurement Team. The CPRs will be supported by a detailed Procurement Handbook, which is currently being drafted.

The Director of Function (Council Business) / Monitoring Officer reported to the Council on removing the CPRs from the Council's Constitution and to delegate the approval of the CPRs to the Executive. The Council approved the change at its meeting on 26 September 2024.

The revised CPRs are attached as Appendix B, along with a summary of the changes that have been made compared to the current CPRs, attached as Appendix C.

### **Recommendations**

The Executive is recommended to:-

1. Approve the Council's Procurement Strategic Plan, which will come into effect on the date the new legislation comes into force (attached as Appendix A).
2. Approve the revised Contract Procedure Rules, which will come into effect on the date the new legislation comes into force (attached as Appendix B).
3. Delegate any further decisions in respect of the implementation of the Procurement Action Plan, that requires the approval of the Executive, to the Portfolio Holder - Finance. All decisions will be published in the normal manner.

### **B – What other options did you consider and why did you reject them and/or opt for this option?**

The new Procurement legislation has resulted in the Council having to review its strategy and processes in respect of procurement to ensure compliance with the legislation. The only other option was to do nothing; however, this was considered to be a significant risk to the Council and would leave the Council open to legal challenges of failing to comply with the new legislation. Doing nothing would also leave the Council open to criticism from regulators and auditors.

### **C – Why is this a decision for the Executive?**

The approval of Council strategies has been delegated to the Executive by the Council. Following on from the Council's decision on the Contract Procedure Rules on 26 September 2024, approval of the rules, and any subsequent changes, has been delegated to the Executive.

### **CH – Is this decision consistent with policy approved by the full Council?**

Yes

<b>D – Is this decision within the budget approved by the Council?</b>		
The decision has no direct budgetary implications.		
<b>Dd – Assessing the potential impact (if relevant):</b>		
<b>1</b>	How does this decision impact on our long term needs as an Island?	The Procurement Strategic Plan is aimed at maximising the economic and social benefits for Anglesey.
<b>2</b>	Is this a decision which it is envisaged will prevent future costs / dependencies on the Authority? If so, how?	The implementation of the strategic plan and the CPRs is designed to ensure value for money and to prevent unnecessary costs and any costs arising from potential legal challenges to decisions made by the Council in its procurement of works, goods and services.
<b>3</b>	Have we been working collaboratively with other organisations to come to this decision? If so, please advise whom	The Council's external procurement support company undertake similar work for a number of authorities in the North of England. Their advice and support have been instrumental in the preparation of the Strategic Plan and the revised Contract Procedure Rules.
<b>4</b>	Have Anglesey citizens played a part in drafting this way forward, including those directly affected by the decision? Please explain how.	Not applicable
<b>5</b>	Note any potential impact that this decision would have on the groups protected under the Equality Act 2010.	Not applicable
<b>6</b>	If this is a strategic decision, note any potential impact that the decision would have on those experiencing socio-economic disadvantage.	The strategic plan aims to maximise the local economic benefit for Anglesey, by maximising the amount the Council spends locally, as allowed by the Regulations. This should improve the local economy and be of benefit to those experiencing socio-economic disadvantage.
<b>7</b>	Note any potential impact that this decision would have on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.	All contract specifications will set out the requirements in respect of the Welsh language and will ensure that both languages are treated equally.
<b>E - Who did you consult?</b>		<b>What did they say?</b>
<b>1</b>	<b>Chief Executive / Leadership Team (LT)</b> (mandatory)	The report was considered by the LT at its meeting on 17 September 2024. Any comments by the Chief Executive have been incorporated into the report.
<b>2</b>	<b>Finance / Section 151</b> (mandatory)	Author of the report.
<b>3</b>	<b>Legal / Monitoring Officer</b> (mandatory)	The Monitoring Officer has been consulted on drafting the CPRs. The Monitoring Officer is a member of the LT and any other comments made will have been incorporated into the report.
<b>4</b>	<b>Human Resources (HR)</b>	HR have been consulted on the implementation of a training plan in respect of the strategy and the CPRs.

5	Property	Not applicable
6	Information Communication Technology (ICT)	Not applicable
7	Scrutiny	Discussed in Corporate Scrutiny Committee on the 19 <sup>th</sup> November 2024.
8	Local Members	The report is relevant to all Members.
9	Any external bodies / other/s	Not applicable
<b>F - Appendices:</b>		
Appendix A – Procurement Strategic Plan 2024 – 2029 Appendix B – Revised Contract Procedure Rules Appendix C – Summary of Changes to Contract Procedure Rules		
<b>FF - Background papers (please contact the author of the Report for any further information):</b>		

# Ynys Môn

THE ISLE OF

# Anglesey

## Procurement Strategic Plan 2024 - 2029

Mae'r ddogfen hon hefyd ar gael yn y Gymraeg /

This document is also available in Welsh.

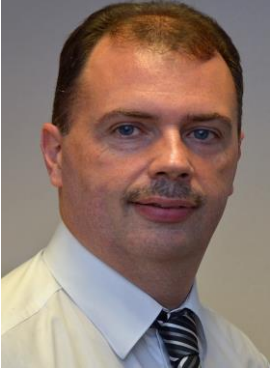


CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL

[www.anglesey.gov.wales](http://www.anglesey.gov.wales)



# Foreword



Marc Jones - Director of Function  
(Resources) – Section 151 Officer



Cllr Robin Williams - Finance  
Portfolio Holder

Welcome to our procurement strategic plan for 2024 – 2029. This key publication supports the delivery of our Council Plan and sets out our ambitions for better procurement to support the creation of an Anglesey that is healthy and prosperous where people can thrive.

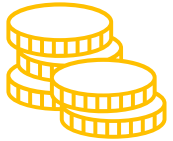
The Council is currently facing significant challenges; demand for our services continues to rise as the cost of providing them is also rising. This does not mean we are any less committed and effective procurement is essential.

We will use our commercial arrangements to support local businesses as much as possible. We will identify efficiencies and drive forward innovation, whilst ensuring that services are cost effective, and the opportunities we offer to the businesses and citizens of the Island are of high value and benefit.

We have a strong track record of supporting local businesses, with an average of 25% of contracts being awarded to suppliers on the Island. We will continue to strive to maintain, if not improve, this.

The strategic procurement plan builds upon the Wellbeing of Future Generations (Wales) Act, the Procurement Act 2023, Social Partnership and Public Procurement (Wales) Act 2023 and Health Service Procurement (Wales) Act 2024. It aims to support our communities and ensure compliant spending and value for money.

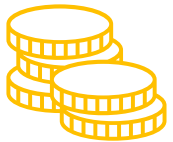
# Why do we need a Procurement strategic plan?



**£10.9bn\***

Per annum

Total Local Government Revenue Budget 2024/25



**£221.2m\***

Isle of Anglesey Revenue Expenditure Budget 2024/25

The Council recognises that procurement decisions can have a major socio-economic and environmental implication, both locally and globally, now and for future generations. The associated procurement activity is critical to ensuring that not only is best value being obtained, but that public money is spent in a way that protects both people and the environment and is vital to:-

- Achieve compliance to manage risks;
- Deliver the strategic objectives of the Council Plan;
- Demonstrate the Council's core values;
- Further sustainable development;
- Stimulate innovation;
- Avoid unnecessary costs.

The Council also recognises its responsibility to take a robust approach to ethical and sustainability issues, especially around modern slavery and human trafficking, which we are absolutely committed to preventing, within our supply chains.

The strategic plan is not intended to be an operational guide to procurement; however, the objectives should be applied to all our procurement activity.

# Council Plan 2023-2028 Strategic Objectives

The Council Plan is the key document serving as a focal point for decision-making at all levels; providing a framework to plan and drive forward priorities; shape annual spending; monitor performance and progress.

At its core is our desire to work with Anglesey residents, communities and partners to ensure the best possible services, improve the quality of life for all and create opportunities for future generations.

Its six main objectives reflect the key areas the Council should be focusing its efforts on:-

The Council Plan's vision is to:-

'Create an Anglesey that is healthy and prosperous where people can thrive.'



## The Welsh Language

Increase the opportunities to learn and use the language.



## Social Care and Wellbeing

Providing the right support at the right time.



## Education

Ensuring an effective provision for today and for future generations.



## Housing

Ensuring that everyone has the right to call somewhere home.



## Economy

Promoting opportunities to develop the Island's economy.



## Climate Change

Responding to the crisis, tackling change and working towards becoming a net zero organisation by 2030.



[Council Plan 2023 to 2028 \(gov.wales\)](https://gov.wales/council-plan-2023-to-2028)



# Council Plan 2023-2028 – Values

The Council Plan 2023-28 is underpinned by the organisation’s core values, which are used to develop and guide the vision, strategic plans and services.



## Respect

We are respectful and considerate towards others regardless of our differences .



## Collaborate

We work as a team, with our communities and partners, to deliver the best outcomes for the people of Anglesey.



## Honesty

We are committed to high standards of conduct and integrity.



## Champion the Council and the Island

We create a sense of pride in working for the Council and present a positive image for the Council and the Island.



# Purpose of the Procurement Strategic Plan

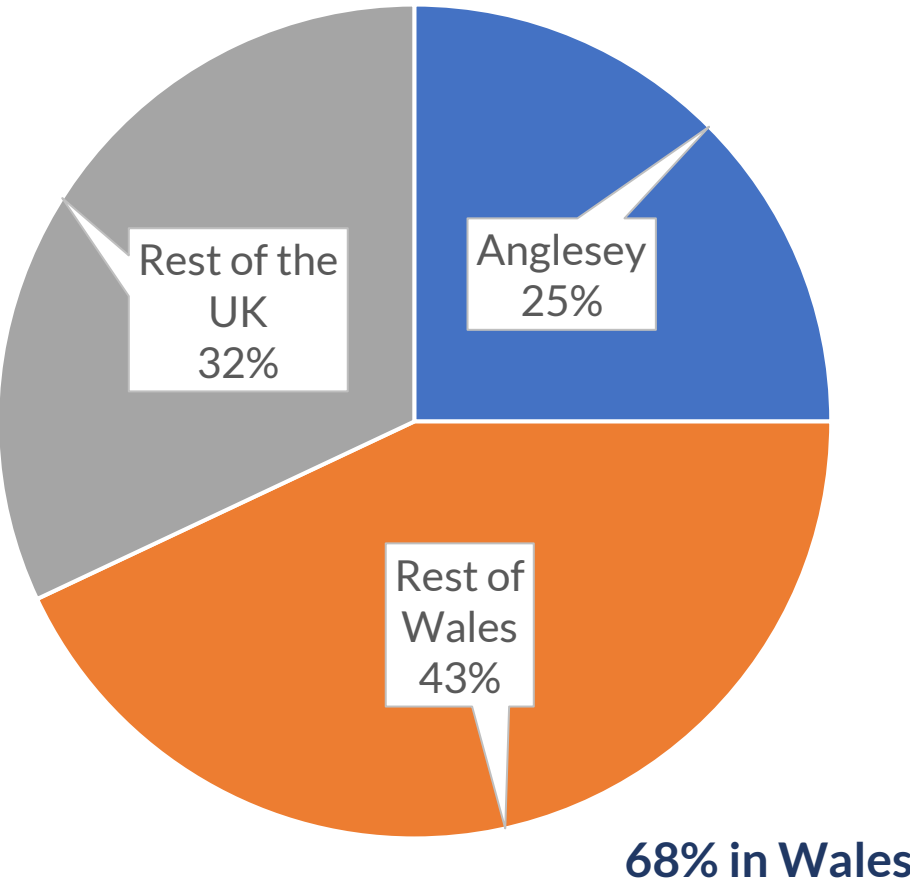
The purpose of the Procurement Strategic Plan is to ensure the way the Council commissions and sources its services, supplies, and works is compliant with legislation, internal policies and processes, ethical, open, fair, transparent, and includes economic, social, labour and environmental factors into the process.

It will provide strategic direction by:-

- Engaging regionally and nationally to understand areas of good practice;
- Improving the quality and cost effectiveness of delivering public services to citizens;
- Be a mechanism to challenge current service arrangements and find new models for service delivery;
- Ensure contracts and spending is compliant;
- Achieve better realised savings that can be channelled back into priority services;
- Achieve added social value and wider added value to citizens through the effective use of supply chains;
- Advancing our ambitions around supporting local suppliers and keeping the Welsh pound in Wales;
- Ensure the Council complies with the:-
  - Procurement Act 2023 and sub-ordinate legislation;
  - Social Partnership and Public Procurement (Wales) Act 2023;
  - Wellbeing and Future Generations (Wales) Act 2015;
  - Welsh Procurement Policy Statement.
- Advancing our activities around ethical and sustainable behaviours, especially around modern slavery and the protection of the environment;
- Re-affirming our commitment to considering the social, economic and environmental consequences of what is procured at all stages of the life-cycle;
- Ensure that the Council delivers best value.

# Baseline Data – Spend 2023/24

Spend per area



101 contracts

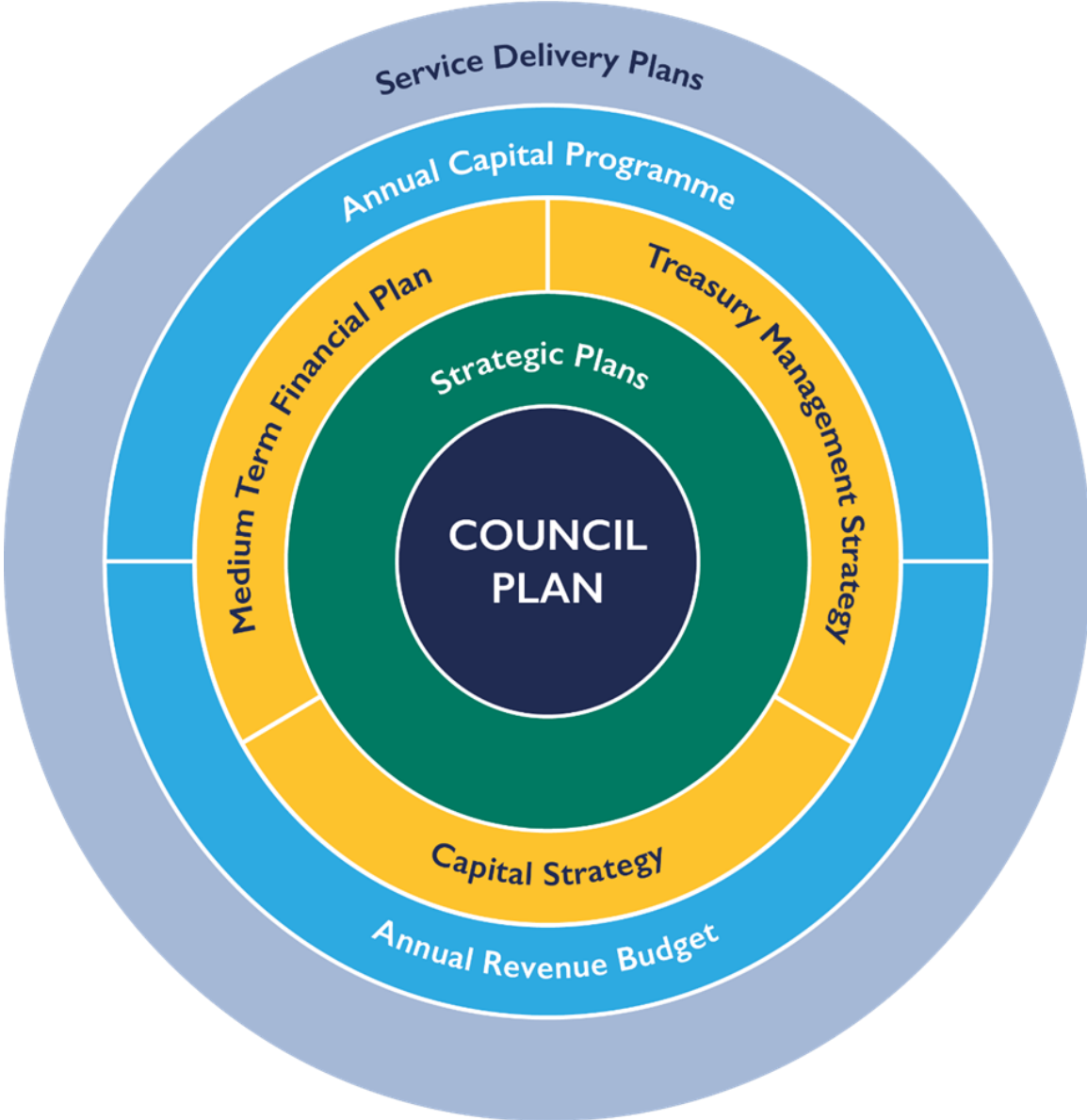
Top 6 contracts:-

1. Highway Maintenance
2. Gas and Electricity
3. Waste Collection
4. Pavement Maintenance
5. Construction – Business Units
6. School Catering

# Strategic circle

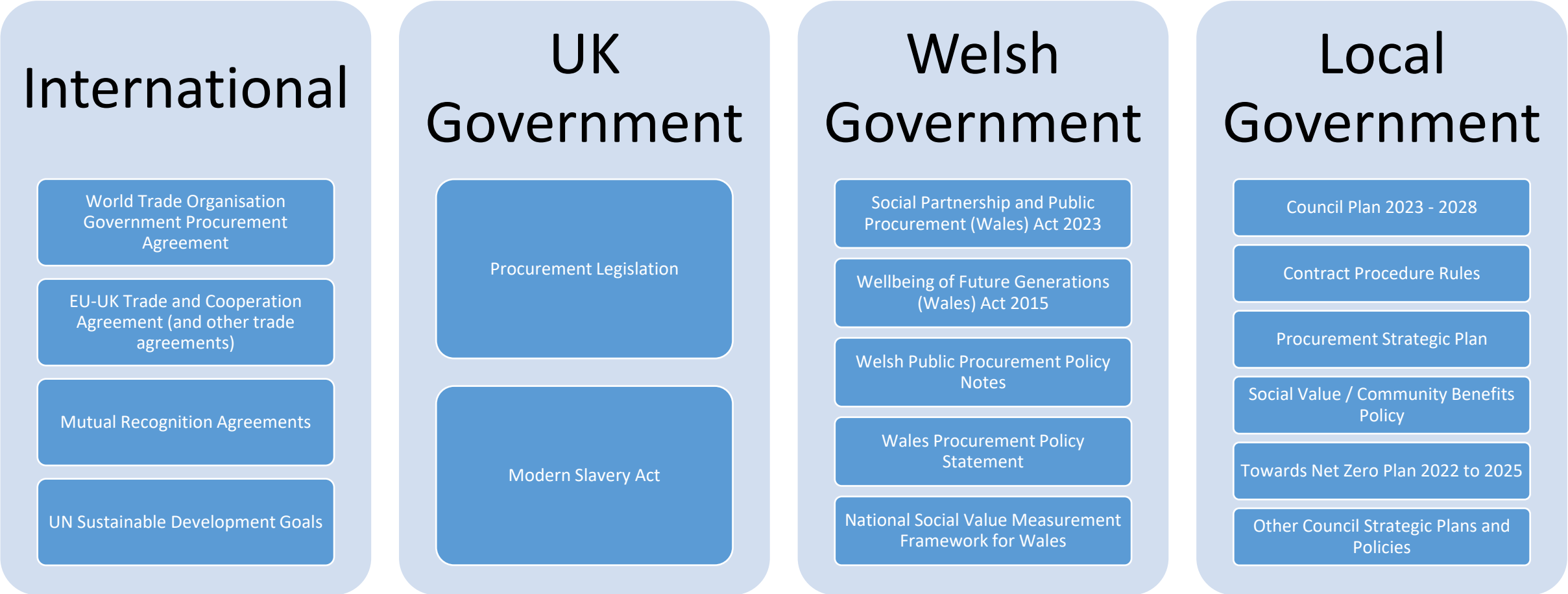
The strategic circle identifies the plans in place to ensure we are able to achieve our priorities and objectives.

This plan is a key strategic plan that aligns with the Council's Plan and contributes to the achievement of the strategic objectives and vision.



# Strategic context

There is a wealth of International, UK Governmental and Welsh Governmental strategies and legislation that influences public procurement activity.



# Key priority areas

‘Create an Anglesey that is healthy and prosperous where people can thrive.’

1. Leadership and culture
2. Data and commercially informed
3. Social value and environment
4. Drive compliance
5. Local economy

# Key priority: Leadership and culture

## Why is this important?

Good procurement can have a decisive impact on the outcome of procurements, service delivery and wider developments.

The culture and capability of the Council around good procurement is essential in delivering the Procurement Strategic Plan and the Council's strategic objectives.

Effective engagement and relationships with stakeholders is important to deliver a range of benefits, including improved outcomes for the public, added social value, reduced cost, reduced risk and innovation.

## What will we do?

- Lead by example and ensure that we promote the very best strategic procurement.
- Ensure that Councillors, senior leaders and partners are engaged and champion procurement and collaboration.
- Champion social value, sustainable and ethical behaviours in all that we do.
- Engage with strategic suppliers and do more pre-market engagement.
- Deliver early procurement and commercial advice to deliver better outcomes from projects
- Work as single "whole Council" team.

## How will we do this?

- Use our skills and expertise to develop our added value.
- Enhance reporting to better enable everyone to perform their roles effectively.
- Improve data gathering.
- Share data on performance, social value and risk.
- Participate in strategic regional or national groups.
- Clarify roles and responsibilities
- Share our successes and lessons learnt internally and with others.

# Key priority: Data and commercially informed

## Why is this important?

In a landscape of reducing finance, increasing costs and demands, the Council needs to explore other means of reducing funding deficits and meeting demands.

Improving contractor performance & reducing commercial failure can protect reputations and better enable the delivery of effective services and support to local communities.

The occurrence of risk, particularly when it could be foreseen, can have a devastating impact on the reputation and lives of residents, the quality of the services provided and financial viability.

## What will we do?

- Enable new processes and methods to be developed, allowing tendering to be focused on innovation and opportunities.
- Consider more risk-based sourcing.
- Work collaboratively across the region.
- Ensure suppliers improve on their reporting and delivery of social value commitments.
- Manage risks by appropriate forward planning, market research, early engagement and contingency planning.
- Identification of strategically important contracts / suppliers and supply chain vulnerabilities.
- Systems, procedures and staff delivering consistently high results.

## How will we do this?

- Provide training on:-
  - contract management;
  - supplier relationship management;
  - Procurement processes and methods.
- Review and update Contract Procedure Rules.
- Introduce guidance and clear processes in the Procurement Handbook.
- Contract reviews and supplier relationship management are more commonplace and seen as fundamental to creation of new opportunities.
- Focus tendering activities on innovation and opportunities.
- Analyse and identify spend and report savings.



# Key priority: Social value and environment

## Why is this important?

Our communities and how they thrive is crucial to the success of the Island as a place to live, work and enjoy.

Procurement, through the creation of social value, has significant opportunities to improve the economic and social wellbeing from public contracts over and above the delivery of the services directly required, at no extra cost.

By considering the environmental impact of our procurement, we can minimize any negative effects and create positive outcomes. This includes reducing carbon emissions and footprint and supporting biodiversity gain / nature recovery.

## What will we do?

- Embrace social value and environmental considerations in all procurement activity (where relevant and proportionate).
- Require suppliers to work with the Council to reach its climate change and biodiversity targets.
- Ensure both financial and non-financial outcomes are delivered by suppliers.
- Mainstream our social value and environmental priorities by working with stakeholders to engage with the suppliers through events, drop-in sessions, meet the buyer, training and workshops.
- Influence suppliers to acknowledge and take steps to promote the Welsh language, in line with our strategic aims.

## How will we do this?

- Take a proactive place-based approach to social value and consider climate change and biodiversity aims in all procurement.
- Mainstream the use of social value and environmental tools to support procurement undertaken.
- Where relevant, ensure social value is a key performance indicator (KPI) in contracts and contracts managed.
- Update our website with appropriate guidance and signpost to support.
- Require all suppliers to sign up to the Expectations in Appendix B.
- Providing training internally and externally where needed to mainstream social value and environmental requirements.

# Key priority: Drive Compliance

## Why is this important?

Poor procurement and contractor performance can seriously damage reputation and ability to deliver effective services and support to local communities.

Off-contract spending can have a serious impact on the achievement of value for money, undermines relationships with suppliers and reduces cost control measures. In addition, it opens up the risk of non-compliance with legislation, delivery of strategic objectives and, therefore, challenge on contract awards.

## What will we do?

- Ensure simplicity and speed to market.
- Ensure suppliers comply with specifications.
- Conduct robust data analysis so we can manage, plan, monitor and report on our activity.
- Use data to inform our strategic procurement and collaborative approach.
- Clearly define roles and responsibilities.
- Provide clear guidance.

## How will we do this?

- Ensure contracts register is complete and accurate, and used to support forward planning and off-contract spend.
- Create clear policies, effective Contract Procedure Rules and provide a Procurement Handbook.
- Regular analysis and compliance checks, with results report to senior leadership.
- Providing training to staff on the procurement & commissioning cycle and introduce guidance.
- Measure performance regularly across the Council.

# Key priority: Local Economy

## Why is this important?

By contracting with local suppliers, we can help stimulate the local economy. This keeps money circulating within the community, supporting local and creating jobs.

Sourcing goods and services locally can reduce the carbon footprint associated with transportation. This supports environmental sustainability objectives.

Local suppliers are often more flexible and responsive to the specific needs of the community. This can lead to better service delivery and increased resilience.

## What will we do?

- Provided the Council can identify a sufficient number of local suppliers with the necessary capacity and experience to meet its requirements, the Council will adopt a regional approach to sourcing below threshold contracts.
- When conditions are met, reserve contracts for businesses with a social purpose.
- Simplify procurement processes and documentation to encourage more small and medium-sized enterprises (SMEs) to bid for contracts.

## How will we do this?

- Engage with local businesses through 'meet the buyer' events and exhibitions.
- Providing constructive feedback to unsuccessful bidders to help them improve future bids.
- Offering resources to help local businesses understand the Council's procurement process.
- Using Local Supplier Directories: Creating and maintaining directories of local suppliers and social enterprises can help authorities easily find and engage with local businesses.
- Identify barriers to the procurement process for SME's and the voluntary and social enterprise sectors.

# Governance: monitoring and evaluation

This plan creates a new vision for procurement within the Council, and new measures for monitoring performance of:-

- Local Spend;
- SME Spend;
- Social Value Inclusion and Weighting;
- Social Value Promised;
- Social Value Delivered;
- On / Off Contract Spend;
- Exceptions / Waivers from Competition;
- Supplier Carbon Reduction Plans.

To ensure the plan is realised, we will establish robust arrangements focusing on the current 2-year action plan, and subsequent annual action plans thereafter.

We will report to the Leadership Team regularly on progress, and to the Executive and Governance and Audit Committee annually or when requested.

Our arrangements will ensure clarity, accountability, coordination and the structure to monitor progress effectively.

# Appendix A: Procurement & Commissioning Cycle



# Appendix B1: Supplier Expectations (Core)

The Council expects all of its suppliers (and their sub-contractors) to:-

- Not engage in criminal conduct or activity;
- Comply with labour and environmental laws, and not engage in human rights or environmental abuses;
- Adopt and conduct their trading activities in accordance with the [Ethical Trading Initiative \(ETI\) Base Code](#), which is based on the International Labour Organisation's (ILO) internationally recognised [Code of Labour Standards](#);
- Confirm their commitment to abide by the principles as set out in the [Co-operative Party Charter Against Modern Slavery](#);
- Ensure workers are aware they may join a trade union and are not to be treated unfairly for belonging to one;
- Comply with labour and other appropriate laws (e.g. The Equality Act 2010);
- Provide fair payment for supplies, works and services through the supply chain;
- Provide workers with fair wages;
- Not to blacklist workers;
- Not use tyres over 10 years old in accordance with the [Tyred Campaign](#);
- Act ethically and sustainably in how they manage and operate their business, including the provision of services, manufacture and / or delivery of supplies, or provision of works;
- Contribute to the Council's ambition of being a net zero organisation by 2030 by helping to create a more sustainable Wales, UK and globe by creating a lower carbon supply chain;
- Ensure the Welsh language is acknowledged, protected and actively promoted where possible, in accordance with the Council's strategic objectives and relevant legislation;
- Provide sufficient guarantees that they implement appropriate technical and organisational measures to ensure their processing of personal data meets data protection legislation requirements and that they also implement adequate controls and measures to limit the impact of cyber threats to the security and integrity of the Council's data sets.

# Appendix B2: Supplier Expectations (Additional)

Where relevant and proportionate, the Council expects all suppliers (and their sub-contractors) to:-

- Provide their services, manufacture and / or delivery of supplies, or provision of works that are accredited to recognised standards (or at least match the requirements of relevant accreditations without actually being accredited) across ethical considerations, for example:-
  - [International](#), [European](#), or [British](#) Standards;
  - [EMAS](#);
  - Good agricultural standards and practices ([GlobalG.A.P.](#));
  - Consumer facing standards (e.g. [Fairtrade](#), [Rainforest Alliance](#), [Tea Sourcing Partnership](#));
  - Furniture ([FSC](#) and [PEFC](#)); Social accountability ([SA8000](#)).

The Council also expects, where relevant and proportionate, all suppliers (and their sub-contractors) to work with us and our partners to:-

- Adhere to the [Fair Tax Mark](#) standards – ensure that your organisation pays the right amount of tax which funds vital public services and goods.

# Appendix B3: Baseline Data

We will look to improve data gathering and reporting, baselining necessary data in the first 2 years, and measuring improvements thereafter.

This baseline will include: -

- Regional Spend (Anglesey);
- Regional Spend (Gwynedd);
- Regional Spend (Rest of North Wales);
- National Spend (Rest of Wales);
- Average Social Value Weighting;
- Social Value promised;
- Social Value delivered, On / Off Contract Spend.



# **CONTRACT PROCEDURE RULES**

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  - 5.3 Preliminary Market Engagement, Research and Consultation
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## Appendix 1: Definitions

### 1. Introduction

- 1.1. These Rules are standing orders made pursuant to Section 135 of the Local Government Act 1972. Compliance with these Rules and observance of law, and the acts and regulations from which they emanate (in particular the principles relating to non-discrimination, equal treatment, mutual recognition and transparency), is mandatory for all Officers, Members, agents and consultants acting on the Council's behalf. The Rules ensure that procurement activity is undertaken in a legally compliant, transparent fair and competitive manner. Members should not seek to influence Officers in the operation of any procurement process.
- 1.2. Decisions relating to procurement are among the most important decisions that can be made by the Council because the money involved is public money and the Council is concerned to ensure that high quality Supplies, Services and the Execution of Works are procured. Efficient use of resources, in order to achieve Best Value is, therefore, an imperative.
- 1.3. The highest standards of probity are required of all Officers involved in the procurement, award and management of Contracts. Officers shall comply with the Code of Conduct for Officers.
- 1.4. Any failure to comply with any of the provisions of these Rules must be reported to the Director of Function (Resources) / Section 151 Officer and the Director of Function (Council Business) / Monitoring Officer. Failure by any Officer to comply with the provisions of these Rules may lead to disciplinary action being taken against them.
- 1.5. These Rules shall apply to all procurement activity where the Council is to procure the provision of Supplies, Services or the Execution of Works (including on behalf of any partnership, consortium, association or body of which the Council is a member), as either a contracting authority or commissioner of such, regardless of the origin of funding (such as external grants, partnership funding, pooled or joint budgets for example). These Rules apply to schools maintained by the Council, including Voluntary Controlled (VC) Schools, except where amended by the School Funding (Wales) Regulations 2010 ("Fair Funding Scheme") applicable to schools. These Rules do not apply to Foundation Schools.
- 1.6. Where another public body is entrusted to undertake procurement activity on behalf of the Council, the other public body's procurement rules will govern any such procurement activity, and any delegation to the other public body to accept a Quotation / Tender and award the Contract shall be made in writing at the time the arrangement is made, otherwise acceptance is not delegated outside of the Council. In all cases, the arrangement must allow the Council's auditors full access to the audit trail of decisions taken.
- 1.7. These Rules shall apply to the awarding of Contracts, Framework Agreements, Open Frameworks, Dynamic Markets (or similar), Concession Contracts and any other tools that may be awarded and / or provided for in legislation from time to time. They will be collectively referred to as Contracts within these Rules.
- 1.8. These Rules should be read in conjunction with the Council's Constitution and, in particular, the [Financial Procedure Rules \(4.8\)](#), the Council's Scheme of Delegation, the [Council's vision, priorities and values](#), [Procurement Strategic Plan](#) and any emanating policies, relevant legislation, the [Procurement Handbook](#) and any other guidance (as issued by the Director of Function (Resources) / Section 151 Officer).
- 1.9. Where in these Rules there is a reference to the Director of Function (Resources) / Section 151 Officer or Director of Function (Council Business) / Monitoring Officer that function may be delegated by them as reflected in the Scheme of Delegation to Officers.

1.10. The **Procurement Handbook** contains further detailed practical guidance and information on the above requirements and process steps which Officers must refer to when undertaking procurement activities.

## **2. Interpretations and Definitions**

2.1. In the event of any conflict between English & Welsh law and these Rules and Council Policy, the requirements of English & Welsh law shall prevail over these Rules and Council Policy. These Rules shall prevail over Council Policy.

2.2. Any reference to legislation, Primary or Secondary, shall include any amendments / replacements made from time to time.

2.3. All figures specified in these Rules are inclusive of VAT.

2.4. In the event of any doubt as to interpretation or application of these Rules, or as to proper procedure to be followed, advice should be sought from the Director of Function (Council Business) / Monitoring Officer.

2.5. Appendix 1 sets out the meanings of key words and phrases in these Rules.

## **3. Arrangements to which these Rules do not apply**

3.1. These Rules **do not** apply to the following:-

### Contracts of employment

3.1.1. Employment or workers contracts for Officers engaged on a PAYE basis.

3.1.2. Any other contract with an individual for the remuneration or compensation of that individual where they are appointed to a Public Office by the contracting authority, including as a:-

(a) Non-Executive Director of a public authority, or

(b) member of a public inquiry.

### Investments and financial securities

3.1.3. Contracts for the provision or carrying out of an investment service or activity, or of an ancillary service, in relation to a financial instrument by an investment firm or a qualifying credit institution.

3.1.4. Contracts for the lending of money in any currency to the Council.

### Land transactions

3.1.5. Contracts for the acquisition or disposal of land or property or of an interest or right over land or property (to which the Financial Procedure Rules apply).

### Legal services

3.1.6. Contracts authorised by the Director of Function (Council Business) / Monitoring Officer for the appointment of a lawyer for the purpose of judicial proceedings or other dispute resolution proceedings, or advice by a lawyer in connection with, or contemplation of, potential judicial proceedings.

3.1.7. Contracts for legal services provided by a person required to provide them under an enactment or an order of a court or tribunal (i.e. where a court requires and mandates the Council commissions and pays for the services of an individual stipulated by the court (e.g. court appointed therapist)).

3.1.8. Contracts for the provision of arbitration, mediation or conciliation services, or other similar services approved by the Director of Function (Council Business) / Monitoring Officer.

### Grant funding

3.1.9. The awarding of grants or personal payments by the Council to individuals and / or 3<sup>rd</sup> parties.

### Public to public contracts

3.1.10. Qualifying contracts between entities within the public sector (vertical and horizontal arrangements as defined in the Act).

### Artists and artistic works

3.1.11. Supplies or Services with a value of up to the Threshold which are of a specialist or unique nature, such as antiquities, performance artists (e.g. theatre productions, comedians, singers, authors, etc.) and / or pre-existing works of art.

### Packages of care

3.1.12. Services where the contract is required to maintain continuity of care and support, where a change in provider could potentially be harmful to service users and their families (where the aggregate value of contracts awarded to a single provider does not exceed the Threshold). Approval must be obtained from the Director of Social Care. All Contracts as a result of this Rule 3.1.12 are required to be entered onto the Contracts Register, and appropriate award notices published as required by the Act.

3.1.13. Packages of Care, regardless of value, related to Adult Social Care Nursing, Residential Care Homes, as well as contracts related to Open Access Sexual Health Services. All Contracts as a result of this Rule 3.1.13 are required to be entered onto the Contracts Register, and appropriate award notices published as required by the Act.

### Provided by specific legislation

3.1.14. Any contracts specifically excluded by legislation.

3.1.15. Any contracts excluded by the Health Service Procurement (Wales) Act 2024, such disapplication of these Rules only refers to Rules 6.2, 6.3, 6.4.

3.2. Nothing in the above excludes these arrangements from any other requirement of the Constitution.

## **4. Commissioning and Procurement and General Provisions**

4.1. The Council's commissioning activities should be outcome-based and focus on the desired change or impact rather than on inputs or processes. In doing so, the Council will be able to clearly demonstrate the link to the direction set out in the Council's key policies e.g. The Council Plan. The Authorised Procuring Officer (APO) should confirm key policies for the relevant procurement with their Head of Service.

4.2. Each year, the Procurement Manager, in accordance with the Act, will publish a pipeline notice on the Central Digital Platform setting out the Council's commissioning and procurement intentions. See the **Procurement Handbook** for further information.

4.3. A Contracts Register of all live Contracts over £30,000 shall be maintained by the Procurement Manager. The Contracts Register will be available on the Council's website.

4.4. APOs and Authorised Responsible Officers (AROs) maintain an up to date contract file for each individual contract for which they are responsible. See the **Procurement Handbook** for further information.

## **5. Pre-Procurement**

### **5.1. Who has authority to carry out procurement on behalf of the Council?**

5.1.1. Any procurement activity carried out on behalf of the Council must be carried out by an APO with the appropriate delegated authority, as set out in the Scheme of Delegation.

### **5.2. Appraisal of the Procurement Activity**

5.2.1. Before commencing a procurement exercise under Rule 6.1, 6.2 or 6.3, it is essential that the APO has identified the need and fully assessed any options for meeting those needs, including a risk assessment, which is part of the overall commissioning process. Reviews shall be undertaken at regular intervals, both during the procurement phase and also after contract award. Consideration shall be given to the Procurement Strategic Plan.

5.2.2. The APO shall consider the matters set out in the **Procurement Handbook**.

5.2.3. The APO shall ensure they have budgetary approval before commencing with any procurement activity.

### **5.3. Preliminary Market Engagement, Research and Consultation**

5.3.1. Preliminary market engagement and / or market research is encouraged in order to ensure that the right requirements are procured by the Council in the best possible way.

5.3.2. The APO may undertake appropriate market research and preliminary market engagement before commencing a procurement activity in accordance with the **Procurement Handbook**.

5.3.3. For Value Band C procurements, the APO must comply with the Act on publication requirements on the Central Digital Platform. See **Procurement Handbook** for guidance.

**5.4. Specifications, Standards and Evaluation Criteria**

5.4.1. Before inviting Quotes or Tenders, the APO, in accordance with the **Procurement Handbook**, must prepare a specification for receipt by them of Bids from Bidders.

5.4.2. Before inviting Quotes or Tenders, the APO, in accordance with the **Procurement Handbook**, must define the Selection, Shortlisting and Award Criteria as necessary and appropriate to the procurement activity and designed to secure an outcome giving Value for Money.

**5.5. Determining the Total Value**

5.5.1. All procurements shall be dealt with according to their total value as defined in the **Procurement Handbook**. The APO must calculate the total value of the Contract in order to determine what procurement activity is required and most appropriate.

5.5.2. The Council should make the best use of its purchasing power by aggregating purchases wherever possible. Procurements shall not be deliberately split in an attempt to avoid the application of these Rules or the Act (in full or in part).

5.5.3. Required Procurement Activity:-

<b>Value Band</b>	<b>Value (incl. VAT)</b>	<b>Minimum Required Procurement Activity</b>	<b>Minimum Requirement for Advertising</b>
<b>A</b>	Up to £11,999.99	1 Quotation to be received in accordance with Rule 6.1	N/A
<b>B</b>	Between £12,000.00 and Threshold	<b>EITHER:</b> Minimum of 3 Quotations to be received in accordance with Rule 6.2 <b>OR</b> Tender in accordance with Rule 6.3	Rule 6.2: N/A Rule 6.3: Sell2Wales*
<b>C</b>	Threshold+	Most appropriate procedure permitted by the Act	Central Digital Platform, Sell2Wales

***\*Where any advert is published for a Contract of Value Band B and C, it must also be published on the Central Digital Platform prior to any other or Sell2Wales advert. Use of Sell2Wales will ensure this is done automatically.***

5.5.4. Regardless of the value in Rule 5.5.3, where grant funding requires, the procurement shall be advertised in accordance with any published / received guidance from the grant provider.

5.5.5. Where the Contract value falls within Value Band B, the APO shall determine which procurement activity should be considered by reference to the **Procurement Handbook**.

5.5.6. Where the Contract value falls within Value Band C, the APO, with consultation with the Procurement Service, shall determine which is the most appropriate procedure permitted by the Act by reference to the **Procurement Handbook**. The general principles of Rules 6.3 and 7 shall apply to procurements subject to the Act.

## 5.6. Contracts Relating to Specific Care Services

- 5.6.1. Until such time as the Health Service Procurement (Wales) Act 2024 and relevant subordinate legislation comes into force, this Rule 5.6 shall apply: the procurement and / or commissioning of Specific Care Services should ensure value for money is obtained, and require compliance with the Act. Therefore, overarching Framework Agreements, Open Frameworks or Dynamic Markets (or similar arrangements) should be created and contracts awarded under these for as many of these Specific Care Services as possible. Provisions should be made within these overarching agreements to make the award process appropriate, efficient and cost effective to the Council, reducing any failure rates of awarding through these methods.
- 5.6.2. Where Contracts for Specific Care Services cannot be awarded in accordance with Rule 5.6.1, and time allows, they should be awarded under Rules 6.1, 6.2 or 6.3 as appropriate.
- 5.6.3. Where Contracts for Specific Care Services cannot be awarded in accordance with Rule 5.6.1 or 5.6.2, and a placement is sought for an individual with a registered care provider of their (or, where necessary, their families or carers) choice, or the decision-process concerning where an individual is placed involves outside partners (i.e. outside of the Council's sole jurisdiction and control), they can be awarded without competition where approval is obtained from the Director of Social Services. The decision-process, together with the names of the Officers and partners concerned, and the reasons for the choice of provider, should be evidenced in the individual's care record. Where the value exceeds the Threshold, justifications, as provided for in the Act, must also be demonstrated as being met prior to seeking Director of Social Services' approval.
- 5.6.4. **Special Education Needs and Disability (SEND):** Where Contracts for Specific Care Services related to SEND cannot be awarded in accordance with Rule 5.6.1 or 5.6.2, and the decision-process concerning where an individual is placed involves outside partners (i.e. outside of the Council's sole jurisdiction and control), they can be awarded without competition where approval is obtained from the Director of Social Services. The decision-process, together with the names of the Officers and partners concerned, and the reasons for the choice of provider, should be evidenced in the individual's care record. Where the value exceeds the Threshold, justifications, as provided for in the Act, must also be demonstrated as being met prior to seeking Director of Social Services' approval.
- 5.6.5. Any other instances require a Waiver, in accordance with Rule 12.
- 5.6.6. All Contracts with value in excess of £30,000 awarded as a result of this Rule 5.6 are required to be entered onto the Contracts Register, and appropriate Transparency Notices or Contract Award Notices published, as required by the Act.

## 5.7. Conflicts of Interest, Anti-Bribery and Corruption

- 5.7.1. The Council's reputation with regards to procurement activity is important, and should be safeguarded from any imputation of dishonesty or corruption. All Officers are reminded of their responsibilities in relation to gifts, hospitality and conflicts of interest and should ensure they comply with the obligations set out in the relevant [Codes of Conduct](#) and any relevant policies, guidance or strategies relating to bribery, fraud and corruption issued or endorsed by the Council from time to time.
- 5.7.2. Any Officer must declare any conflict of interest which could influence their judgement in relation to procurement activity. This includes at preliminary market engagement, specification writing, evaluation and award decision stages.



5.7.3. For above Threshold procurements, the APO must, in accordance with the **Procurement Handbook**, compile a Conflicts Risk Assessment and Register, and keep this updated throughout the procurement process.

## **6. Invitations and Receipt of Submissions**

### **6.1. Single Quote (Value Band A)**

6.1.1. A single quotation by any means is acceptable in accordance with this Rule 6.1. This includes screen shots of catalogues, pricing from websites, etc., in lieu of a formal quotation.

6.1.2. The Council should seek to maximise the impact of its spending on the local economy and, therefore, where possible, the Quote should be obtained from a suitable local Economic Operator using the following tiered approach: 1. Anglesey, 2. Gwynedd, 3. North Wales, 4. Wales, 5. Elsewhere.

6.1.3. Nothing prevents an APO following Rule 6.2 if there are doubts around securing value for money.

### **6.2. Quotations (Value Band B)**

6.2.1. A minimum of three written quotations must be received in accordance with this Rule 6.2.

#### **Pre-Quotation Activity**

6.2.2. The actions in Rule 5 must be followed before commencing with this Rule 6.2.

#### **Request for Quotes**

6.2.3. The Procurement Service must be consulted prior to any Quotation being invited.

6.2.4. For Contracts for Supplies, screen shots of relevant information (catalogues, pricing from websites, etc.) are acceptable in lieu of requesting formal quotations. For all other Contracts, a request for Quotation is required.

6.2.5. The Council should seek to maximise the impact of its spending on the local economy and, therefore, where possible, the Quote should be obtained from suitable local Economic Operators using the following tiered approach: 1. Anglesey, 2. Gwynedd, 3. North Wales, 4. Wales, 5. Elsewhere. See **Procurement Handbook** for guidance.

6.2.6. Invites must be sent through Sell2Wales. To send invites via any other means, the Procurement Manager must be consulted and provide approval.

6.2.7. The request for a Quote shall make reference to, or include, information as set out in the **Procurement Handbook**.

6.2.8. Nothing prevents an APO following Rule 6.3 if there are doubts around who to invite to Quote or the obtaining of value for money.

#### **Submission and Receipt of Quotes**

6.2.9. Quotes must be received via Sell2Wales, and will remain unopened until the specified closing date and time has passed. To receive Quotes via any other means, the Procurement Manager must be consulted and provide approval.

6.2.10. Any Quote (including all associated documents) submitted after the specified date and time for submission of Quotes shall only be accepted or considered by the Council in exceptional circumstances, and only with agreement from the Director of Function (Council Business) / Monitoring Officer.

### **6.3. Tender (Value Bands B and C)**

6.3.1. For the purposes of this Rule, for Value Band C procurement activity, reference to Tender includes reference to requests to participate, and submissions at the various stages that may form part of that procurement exercise).

## **Pre-Tender Activity**

6.3.2. The actions in Rule 5 must be followed before commencing with this Rule 6.3.

## **Invitation To Tender**

6.3.3. The Procurement Service must be consulted prior to any Tender being advertised. The Procurement Service will be responsible for approving and releasing any adverts, notices, and documentation.

6.3.4. All Tender opportunities will be advertised by the APO on Sell2Wales and will be conducted through Sell2Wales. For Value Band B procurements, the **Procurement Handbook** should be consulted for any allowable restrictions that may be placed on eligibility of Bidders. For Value Band C procurements, the APO must comply with the Act on publication requirements on the Central Digital Platform. See **Procurement Handbook** for guidance.

6.3.5. The Invitation to Tender shall make reference to, or include, information as set out in the **Procurement Handbook**.

6.3.6. Where security requirements are considered necessary, the APO and Director of Function (Resources) / Section 151 Officer (or their nominated representative) will agree the acceptable form of security with the Contractor.

## **Submission and Receipt of Tenders**

6.3.7. Tenders must be received via Sell2Wales, and will remain unopened until the specified closing date and time has passed.

6.3.8. Any Tender (including all associated documents) submitted after the specified date and time for submission of Tenders shall only be accepted or considered by the Council in exceptional circumstances, and only with agreement from the Director of Function (Council Business) / Monitoring Officer.

## **7. Evaluation and Award**

### **7.1. Evaluation**

7.1.1. For the purposes of this Rule, reference to Tender includes for Value Band B and C procurement activity, reference to requests to participate and submissions at the various stages that may form part of that procurement exercise.

7.1.2. The APO shall form an evaluation team, in accordance with the guidance in the **Procurement Handbook**, with responsibility for evaluating Quotes / Tenders with representation from other services as they consider appropriate in the circumstances.

7.1.3. The APO shall follow the guidance in the **Procurement Handbook** regarding conflicts of interest of the evaluation panel and seek approval from the Director of Function (Council Business) / Monitoring Officer that the officer declaring the interest be permitted to continue to participate in the evaluation panel.

7.1.4. All Quotes / Tenders must be checked for compliance with the Specification, terms and conditions and other minimum essential requirements as may be necessary from time to time prior to evaluation of Quotes / Tenders. Any Quote / Tender that does not meet these minimum standards should be disqualified and this decision communicated to the relevant Bidder prior to evaluation of the remaining Quotes / Tenders / proceeding to the next stage.

7.1.5. If arithmetical errors are found, these should be notified to the Bidder, who should be requested to confirm and correct any computational errors or, for all other errors, to confirm or withdraw their Quote / Tender.

7.1.6. Any significant error made by a Bidder in a Quotation / Tender in pricing, delivery or other matter relating to the performance of the contract, should be notified to the Bidder, who should be requested to confirm or withdraw their Quote / Tender.



- 7.1.7. Clarification may be sought from Bidders on any aspect of their Quote / Tender. These clarifications should be documented, and will form part of the Contract with the winning Bidder. Clarifications are not to be used as an opportunity for receipt of additional or new information by a Bidder, and they are not to be used to commence negotiations.
- 7.1.8. In the event that an abnormally low Quotation / Tender is received, the APO must take advice from the Procurement Manager on how to proceed. Guidance is provided in the **Procurement Handbook**. Any decision to reject a Quotation / Tender where it is established it is abnormally low must be approved by the Director of Service with responsibility for the Contract in consultation with the Director of Function (Resources) / Section 151 Officer.
- 7.1.9. The evaluation should be recorded and saved in accordance with the guidance in the **Procurement Handbook**. Officers must ensure transparency and fairness in the evaluation process.

## 7.2. Award

- 7.2.1. Where Rule 6.2 has been followed and the minimum number of bids required have not been received, the Procurement Manager must be consulted for approval to proceed. If approval is not given, a new procurement exercise must be undertaken. See guidance in the **Procurement Handbook**.
- 7.2.2. Approval to award the Contract must be given in accordance with the Council's Scheme of Delegation and **Finance Procedure Rules**.
- 7.2.3. Once approval to award is granted, the APO shall notify unsuccessful Bidders of the decision to award, and provide any feedback they consider necessary. For Value Band C Contracts, the APO must comply with the Act on content of such communications and associated timescales. See **Procurement Handbook** for guidance.
- 7.2.4. Where the Contract total value is in excess of £30,000, the APO will update the Contracts Register with the required information.
- 7.2.5. For Value Band C procurements, the APO must comply with the Act on publication requirements on the Central Digital Platform. See **Procurement Handbook** for guidance.
- 7.2.6. The form of Contract should be in accordance with Rule 10.

## 8. Termination of Procurement

- 8.1 For Value Band C procurements, where the procurement is stopped and terminated, the APO must comply with the Act on publication requirements on the Central Digital Platform. See **Procurement Handbook** for guidance.

## 9. Calling Off from Framework Agreements, Open Frameworks or Dynamic Markets (or similar arrangements)

- 9.1. A Contract of any value may be awarded under a suitable pre-existing Framework Agreement, Open Framework or Dynamic Market (or similar arrangement) without following the requirements of Rules 6.1, 6.2 or 6.3. The **Procurement Handbook** provides information around these arrangements and when they can be used.

## 10. Contract Provisions and Formalities

### 10.1. Contract Provisions

- 10.1.1. All Contracts must be in writing and must set out the parties' obligations, rights and risk allocations.

10.1.2. Where possible, these shall be entered into on the Council's standard terms and conditions, which shall be included with each purchase order and Request for Quotation or Invitation to Tender, or on the terms of the relevant Framework Agreement, Open Framework or Dynamic Market (or similar arrangement) that is being utilised.

10.1.3. All Contracts in writing shall specify or contain (as a minimum):-

- (a) the Services, Supplies or Works to be provided;
- (b) the price to be paid, with a statement of discounts or other deductions;
- (c) the time or times within which the contract is to be performed;
- (ch) that all relevant health and safety legislation and codes of practice must be complied with and that any specific health and safety requirements set out in the Invitation to Tender or Invitation to Negotiate required prior to contract award have been satisfied;
- (d) a clause to secure that, should the Contractor fail to deliver the Services, Supplies or Works within the time or times specified in the contract, the Council shall be entitled to terminate the contract either wholly or in part and recover from the Contractor any additional costs arising from the obtaining of any suitable replacement;
- (dd) a clause empowering the Council to terminate the contract and recover from the Contractor the amount of any loss resulting from such termination, if the Contractor, or any person acting on their behalf in relation to the obtaining or execution of the agreement or any other agreement with the Council, have committed any offence under the Bribery Act 2010, or shall have given any fee or reward the receipt of which is an offence under Section 117(2) and (3) of the Local Government Act 1972;
- (e) a clause requiring the Contractor to provide information to the Council in order for the Council to fulfil its obligations under the Freedom of Information Act 2000 and / or the Environmental Information Regulations 2004;
- (f) a clause requiring the Contractor to comply with Data Protection requirements, standards and legislation in order for the Council to fulfil its obligations and compliance with the same;
- (ff) such special conditions relating to the performance of the agreement which had been set out in the procurement documents relating to economic, innovation-related, environmental, social or employment-related considerations;
- (g) a clause empowering the Council to terminate the contract and recover from the Contractor the amount of any loss resulting from such termination, if:-
  - (i) the agreement has been subject to a substantial modification which would have required a new procurement procedure under Legislation; or
  - (ii) the Contractor has, at the time of award, been in one of the situations referred to in Legislation requiring the Contractor to have been excluded from the procurement procedure; or
  - (iii) the agreement should not have been awarded to the Contractor in view of a serious infringement of the obligations under the relevant law; or
  - (iv) the Contractor has been convicted of an offence under the Blacklisting Regulations; or
  - (v) the Contractor is involved in any activity associated with modern day slavery;
- (ng) a clause that invoices submitted for payment are considered in a timely fashion by the Council and that payment shall be made to the Contractor under the contract within the maximum period of 30 days from the date when the relevant invoice is regarded as valid and undisputed or such other shorter period as may be agreed by the Contractor as required by any Council policy;
- (h) a clause in which the Contractor is obliged to impose equivalent terms to those in (g) above in any sub-contract for part of the public contract which it has with the Council.

10.1.4. Where an appropriate British Standard Specification or British Standard Code of Practice issued by the British Standards Institution or an equivalent European or International Standard is current at the date of the tender, every contract shall require that Services, Supplies or Works used or supplied and all workmanship shall be of a standard at least in accordance with the standard, or such higher standard as may be specified in the agreement.

## 10.2. Contract Formalities

10.2.1. A Purchase Order may constitute the form of Contract between Council and Contractor for a contract awarded following Rule 6.1.

10.2.2. All other Contracts with a value below Threshold must be signed by the ARO authorised to award the agreement under the Council's Scheme of Delegation and the Contractor.

10.2.3. Electronic signatures are acceptable providing there is a clear audit trail and it is unambiguous of the terms which apply.

10.2.4. **Sealing:** Notwithstanding Rules 10.2.1, 10.2.2 and 10.2.3, all Contracts are subject to the requirements of **Article 14 – Finance, Contracts and Legal Matters) 2.14.4.2** for sealing.

## 11. Contract Management

11.1. All Contracts must have a Contract Manager for the entirety of the arrangement. In the event that there is no named Contract Manager, the APO will fulfil the role of Contract Manager.

11.2. The Contract Manager will be responsible for reviewing, monitoring and evaluating the contract to ensure that its provisions and the Services, Supplies and Execution of Works within it are being followed and performed as they should be. Further guidance is in the **Procurement Handbook**.

11.3. The APO must comply with the Act on publication requirements on the Central Digital Platform regarding Contract performance and upon Contract expiry or earlier termination. See **Procurement Handbook** for guidance.

## 12. Waiver of Contract Procedure Rules and Modifications to Contracts

### 12.1. Waiver of Contract Procedure Rules

12.1.1. In limited circumstances, it may be necessary to seek a waiver from the Rules, and guidance from the Procurement Manager must be sought before any agreements are entered into.

12.1.2. A Waiver cannot be given where this would contravene the Act, and a Waiver cannot be given retrospectively.

12.1.3. For the avoidance of doubt, award of contracts without competition, as provided for by Rule 5.6, do not require a Waiver in accordance with this Rule 12.1.

12.1.4. Waivers will only be considered in the below circumstances. For value Band C Contracts, the justifications as set out in the Act must also be met in addition to the below:-

- a) The arrangement is a permitted exemption from the requirement for competition contained in English and Welsh law;
- b) The requirements are necessary in circumstances of extreme urgency or unforeseeable emergency involving risks to persons;
- c) The requirements are necessary in circumstances of extreme urgency or unforeseeable emergency involving risks to property or serious disruption to Council services, and the circumstances for the urgency are not attributable to the Council;
- ch) Proprietary or patented Supplies or Services are proposed to be purchased which, in the opinion of the APO, are only obtainable from one person, and it can be demonstrated that no reasonably satisfactory alternative to those proprietary or patented Supplies is available;

- d) The APO can demonstrate that no genuine competition can be obtained in respect of the purchase of particular Supplies, Services or Execution of Works (e.g. repairs and parts);
- dd) The APO is satisfied that the Services or Execution of Works are of such a specialist nature that they can only be carried out by one person (e.g. statutory undertakers);
- e) Supplies are proposed to be purchased by, or on behalf of, the Council at a public auction;
- f) Where a service review includes the intention to co-terminate relevant Contracts;
- ff) The purchase of an art or museum specimen or to meet the specific requirements of an art or cultural event which cannot be competitive due to the nature of the requirement and Rule 3.1.11. does not apply;
- g) The arrangement is in relation to time limited grant funding from an external body, where the time limitations will not allow a competitive process to be completed and where the grant conditions allow this (only available for Value Band B and C Contracts);
- ng) Other exemptional circumstances (only available for Value Band B or C Contracts).

12.1.5. The form of contract entered into subject to Waiver approval being granted should be in accordance with Rule 10.

## 12.2. Modifications to Contracts

12.2.1. Contracts may be modified during their term without a new procurement activity in the circumstances set out in this Rule 12.2. Modification means any change to the Contract from that which was executed, including novation / transfer, and extensions to term. Guidance from the Procurement Manager must be sought before any agreements are entered into.

12.2.2. Modification approval cannot be given where this would contravene Legislation, and Modification approval cannot be given retrospectively.

12.2.3. For Contracts in Value Bands A and B, modifications will only be considered in the following circumstances:-

- a) Modification was provided in the original procurement documents;
- b) Where Modifications were not provided for in the original procurement documents and:-
  - 12.2.3.b.1. are necessary in circumstances of extreme urgency or unforeseeable emergency involving risks to persons;
  - 12.2.3.b.2. are necessary in circumstances of extreme urgency or unforeseeable emergency involving risks to property or serious disruption to Council services and the circumstances for the urgency are not attributable to the Council;
  - 12.2.3.b.3. the circumstances giving rise to the Modification could not reasonably have been foreseen by the Council before the award of the Contract, and the Modification does not alter the overall nature of the Contract, and would not increase the estimated value of the Contract by more than 100% from its original value;
  - 12.2.3.b.4. the Modification is for the same Supplies, Services or Execution of Works that are the subject matter of the Contract and using a different Contractor would result in deliverables that are different from, or incompatible with, those already provided for in the Contract, and would result in disproportionate difficulties in operation / maintenance or other significant inconvenience and substantial duplication of cost for the Council, and the Modification would not increase the estimated value of the Contract by more than 100% from its original value;
  - 12.2.3.b.5. the Modification is for a novation or assignment of the Contract to a different Contractor due to corporate restructuring or similar circumstances.

12.2.4. For Contracts in Value Band C (or Contracts that will become a Value Band C Contract should the Modification be approved), the justifications as set out in Legislation must be met.

12.2.5. Where a Modification does not meet the above circumstances, either a Waiver must be sought under the justifications of Rule 12.1, or a new procurement activity will be required.

### **12.3. Procedure for Requesting a Waiver or Modification**

12.3.1. To apply for a Waiver or a Modification, the APO must complete a report in the manner provided by the Director of Function (Resources) / Section 151 Officer and seek consultation on the contents with a finance representative, as nominated by the Director of Function (Resources) / Section 151 Officer, and Procurement Manager. The **Procurement Handbook** provides the report and details on the procedure to be followed.

12.3.2. Where the Waiver / Modification is for a Value Band C Contract, the Deputy Monitoring Officer (or their nominated representative) must also be consulted on the report prior to its submission for approval.

12.3.3. No commitments should be made to the Contractor / potential Contractor prior to authorisation of the report.

12.3.4. The Council Executive must approve Waivers under justification 12.1.4.k.

12.3.5. The Director of Service responsible for the Contract shall approve Modifications under justification 12.2.3.a.

12.3.6. The Director of Function (Resources) / Section 151 Officer and Director of Function (Council Business) / Monitoring Officer must approve Waivers and Modifications under all other justifications.

12.3.7. The APO must comply with the Act on publication requirements on the Central Digital Platform. See **Procurement Handbook** for guidance.

### **12.4. Emergency Approvals**

12.4.1. In the event of circumstances arising where a Waiver or Modification request cannot expediently be approved through the normal process as required by Rule 12.3, the Director of Service responsible for the Contract and Director of Function (Finance) / Section 151 Officer, jointly are authorised, notwithstanding anything contained elsewhere in these Contract Procedure Rules or the Financial Procedure Rules, to carry out or contract for the immediate carrying out of the necessary Services or Execution of Works, or delivery of the necessary Supplies, or to do anything else necessary on behalf of the Council.

12.4.2. Where the Contract is a Value Band C Contract, the necessary justifications as provided for by Legislation must still be met, and the necessary notices published on the Central Digital Platform by the APO.

12.4.3. Such exercise of emergency measures shall be subject to a total limit of expenditure which must be less than the Threshold.

### **12.5. Non-Compliance with these Contract Procedure Rules**

12.5.1. If it comes to the notice of an ARO that there has been non-compliance with these Contract Procedure Rules in respect of any Contract for which they are responsible, they shall notify the Director of Function (Council Business) / Monitoring Officer without delay.

12.5.2. The notification must specify the circumstances relating to the non-compliance with these Contract Procedure Rules and measures to be taken to avoid re-occurrence.

12.5.3. The Director of Function (Council Business) / Monitoring Officer shall take such action as they deem necessary.

12.5.4. The ARO shall supply the Council's internal auditor with a copy of any notice of non-compliance.

### **“The Act”**

The Procurement Act 2023 and any relevant sub-ordinate legislation enacted by the UK Parliament or the Senedd from time to time.

### **“Anglesey”**

The territory consisting of the Isle of Anglesey County Council.

### **“APO”**

The Authorised Procuring Officer is any officer within a directorate of the Council who has delegated authority to undertake, initiate and oversee procurement activity for their directorate and whom is responsible for decisions connected to the award of a contract in connection with these Rules.

### **“ARO”**

The Authorised Responsible Officer is any Officer of the Leadership Team or Heads of Service or other such person who has been given authority under the Council's Scheme of Delegation. All ARO's shall be jointly responsible with their APO's for ensuring that appropriate training is received, refreshed and updated.

### **“Award Criteria”**

The forwards looking criteria used to assess how a Bidder will perform the requirement set out. It will take the form of either Most Advantageous Tender (MAT) or price only. Where MAT is being used, it will include a split between price and non-price. Non-price elements may include (this is not exhaustive) a focus on what will be done, how it will be done, in what timescale it will be done, the resources required deliver it.

### **“Best Value”**

Has the same meaning as that defined in the Local Government Act 1999, as amended from time to time.

### **“Bidder”**

Is any Economic Operator that submits a Quote or Tender.

### **“Call-Off”**

A Contract / order made under a pre-existing Framework Agreement, Open Framework or Dynamic Market (or similar agreement).

### **“Central Digital Platform”**

The UK wide platform for publishing a variety of notices set out in legislation for procurement and potential procurement activity and contract management activity.

### **“Concessions”**

The granting of a right (exclusive of otherwise) to an Economic Operator to exploit works or services provided for their own gain, with or without payment. Further guidance on Concessions can be found in the [Procurement Handbook](#).

### **“Contract”**

A legally binding agreement for pecuniary interest between the Council and the Contractor for the provision of the relevant Supplies, Services or Execution of Works to the Council, and which incorporates the terms and conditions under which the Supplies, Services or Execution of Works will be provided.

### **“Contractor”**

The Economic Operator who the Council enters into a Contract with following the submission of a Quote or Tender and who is appointed by the Council to provide the Supplies, Services or Execution of Works, or Concession Contract. They may also be referred to as 'supplies', 'concessionaires', 'providers' or 'service providers'.



**“Contracts Register”**

A register held and maintained by the Procurement Service containing details of contracts entered into by the Council which have a value of £30,000 or more.

**“Constitution”**

The constitution of the Council.

**“Dynamic Market”**

As defined in the Act.

**“Economic Operator”**

Any natural or legal person or public entity or group of such persons and / or entities, including any temporary association of undertakings, which offers the Supplies, Services or Execution of Works on the market.

**“Framework Agreement”**

As defined in the Act.

**“Invitation to Quote / Tender”**

An invitation issued by the Council to Bidders to submit a Quote or Tender for the provision of Supplies, Services or Execution of Works, or a Concession Contract in accordance with the Specification.

**“Legislation”**

Either the Act or the Public Contracts Regulations 2015 or Concession Contracts Regulations 2016, as is appropriate.

**“Member(s)”**

Elected officials with a seat in the Council.

**“Modification”**

Any variation to a Contract, Framework Agreement, Open Framework, Dynamic Market or other agreement, including extension.

**“Most Advantageous Offer”**

See Most Advantageous Tender.

**“Most Advantageous Tender”**

As defined in the Act.

**“Mutual Recognition”**

The recognition of the validity and comparability with UK standards, certificates and qualifications of non UK standards, certifications and qualifications from Treaty State Suppliers. Treaty State Suppliers being defined by Government.

**“Non-Executive Director”**

An individual appointed to an organisation’s board of directors who is not employed by the organisation. They act as independent advisors or directors to help the organisation achieve its goals.

**“Novation”**

The discharge of the rights and obligations between contracting parties and a recreation of them in a new contract between a third party (replacing an original contracting party) and the remaining contracting parties to the original contract.

**“Officer”**

Any employee of the Council which shall include any person engaged by the Council to act as an agent or consultant on its behalf.

**“Open Framework”**

As defined in the Act.

**“Original Agreement Value”**

The estimated or actual value (whichever is most appropriate) of any agreement over its intended maximum duration, including all options to extend, and all optional additional Services, Supplies or Execution of Works provided for.

**“Primary Legislation”**

Acts of Parliament.

**“Procurement Handbook”**

The guidance which the Director of Function (Resources) / Section 151 Officer shall issue from time to time to set out the procedure and the Council’s objectives in compliance with these Rules. **Procurement Handbook**.

**“Procurement Manager”**

The Procurement Manager, or similar role with equivalent experience and seniority within the Procurement Service. These actions may be taken by a more senior role within the team. These actions may be taken by a more junior role within the team, subject to delegation.

**“Public Office”**

A position of authority or service involving responsibility to the public.

**“Quote”**

A formal offer submitted by a Bidder to supply Supplies, Services or the Execution of Work, or operate a Concession Contract at a defined price.

**“Rules”**

These Contract Procedure Rules.

**“Scheme of Delegation”**

The scheme identified within the Council’s constitution which delegates powers and duties to Council Officers under Section 101 of the Local Government Act 1972 and all other powers enabling such delegation necessary for the discharge of the Council’s functions.

**“Secondary Legislation”**

Statutory Instruments, Regulations or other Orders.

**“Selection Criteria”**

The criteria used at either selection stage or award stage to determine whether an applicant or Bidder meets any minimum requirements. Selection Criteria are evaluated on a pass or fail basis. In addition to determining compliance with any minimum standards / actions, etc., they look backwards at the applicant or Bidder’s capacity, capability, competency, skills and past projects.

**“Sell2Wales”**

The Council’s e-Procurement system. A Wales wide platform for advertising and managing procurement activity for the Council.

**“Services”**

The time, effort and expertise required by the Council, from time to time, and supplied by a Contractor.

**“Shortlisting Criteria”**

The criteria used at selection stage to differentiate between applicants to determine who should be shortlisted to invite to tender. These can only be used for above Regulation Threshold procurements. Shortlisting Criteria are scored to enable differentiation between applicants. They look backwards at the applicant or Bidder’s capacity, capability, competency, skills and past projects.



**“Specific Care Services”**

It is recognised that, either because of service user choice or the nature of the market for specialist placements, competitive procurement processes may not be possible for some contracts for personal social services for individuals as assessed as requiring services under the National Assistance Act 1948, the NHS and Community Care Act 1990, the Children Act 1998, the Children’s and Families Act 2014, The Care Act 2015 and the Welsh Government Special Educational Needs Code of Practice for Wales and any successor legislation.

**“Specification”**

The outputs, outcomes and the scope and nature of the Supplies, Services or Execution of Works or Concession Contract required by the Council from a procurement activity.

**“Standing Orders”**

Written rules formulated, agreed and codified by the Council to regulate Council business, operation and procedures.

**“Supplies”**

An inherently useful tangible item required by the Council from time to time, whether through purchase, lease, rental, hire-purchase or disposal.

**“Tender”**

A formal offer submitted by a Bidder to the Council at a stated price in response to a Specification.

**“Threshold”**

The financial threshold identified by the Act, as amended from time to time, and, where applicable, requires procurement activity to be subject to the Act. The threshold is contained in the **Procurement Handbook**.

**“TUPE”**

The Transfer of Undertakings (Protection of Employment) Regulations 2006, as amended from time to time.

**“VAT”**

Value Added Tax.

**“Waiver”**

The release of the obligations to comply with these Rules.

**“Works / Execution of Works”**

The provision of physical activity which is directed toward the production or accomplishment of something by the Contractor for the Council, including execution or both design and execution.

## **Summary of Changes**

The Contract Procedure Rules (CPRs) have been significantly altered in appearance. These changes are proposed to take account of changes in legislation (both current and future), facilitate ease of finding information, strengthen a number of provisions and move non-essential information and guidance into a Procurement Handbook.

The Procurement Handbook is not available in a draft at the time of preparing this summary document.

These changes have meant removal of certain rules and addition of some new rules / thresholds. The detail of the reasoning behind these are set out below:-

### **Removals from CPRs**

<b>Current Rule Number</b>	<b>What it says</b>	<b>Why it has been removed</b>
4.9.2.3	Partnerships	Not a procurement matter and dealt with under Financial Procedure Rules. Procurement matters are dealt within new Rule 1.
4.9.7.5	Means of returning Tenders	This is outdated and not current practice.
4.9.3.2.4	Waiver / Exception justification for additional work by the same contractor if they did an earlier phase and this has been previously identified	It is not clear what is meant by "previously identified". This encourages complacency by Services, and allows poor planning, and effectively circumventing the aggregation rules.  Anything that was planned for properly should be incorporated in some way into the procurement / contract, and would be a provided Modification. Anything else would be a non-provided for modification and the relevant grounds used.  Anything else should be re-competed as it clearly was not considered detrimental enough to have planned for.
4.9.3.2.7	Waiver / Exemption for: Art and artistic works (below Threshold)	Commissioning of poets (literature festivals), artists, pre-existing works of art etc. cannot be tendered, and there is specific justifications for non-competition in the Act, so has been included in the exempt list for application of CPRs.  Anything above Threshold will be able to be Waived under new Rule 12.1.4.i).

Current Rule Number	What it says	Why it has been removed
4.9.6	£10k to £30k Procurement	This has been removed and value subsumed into new Value Band B (£12k to Threshold).

### **Additions to CPRs**

New Rule Number	What it says	Why it has been added
1.9	Statement of delegation below Director of Functions (Section 151 Officer and Monitoring Officer)	To be clear that, through planned delegation, this role may be delegated when considered necessary (e.g. during periods of leave). This is considered necessary given the changes made around approvals for Waivers and Modifications.
1.10	Addition of a Procurement Handbook and that this should be read in conjunction with the CPRs	The Procurement Handbook will be "issued" by Director of Function (Resources) / Section 151 Officer, and will be a mandatory tool to aid and guide Officers on what they need to do for various procurements.  It allows the CPRs to focus on "the Rules" and minimum essential requirements, with the Handbook focussing on guidance and best practice approaches to securing value for money.
2 & Appendix 1	Interpretations and Definitions	To ensure that the appropriate people only interpret the CPRs, and definitions are made clear for all those reading the CPRs.  Alignment with legislation around values (i.e. move from Net to Gross).
4.2	Creation of a pipeline of commissioning / procurement intentions	To support compliance with Welsh National Procurement Policy Statement and legislation.
3	Arrangements to which these rules do not apply:-	
3.1.2	Non-Executive Director appointments and public enquiries	Exempt from application of the Act so should be exempt from CPRs.
3.1.3-4	Financial securities and investments	Exempt from application of the Act so should be exempt from CPRs.

New Rule Number	What it says	Why it has been added
3.1.6-8	Legal Services related to litigation	Exempt from application of the Act so should be exempt from CPRs.
3.1.10	Certain contracts between the public sector	Taking principles set out in the Act, genuine co-operation agreements should be excluded.
3.1.11	Artists or artistic works (below Threshold)	Commissioning of poets (literature festivals), artists, pre-existing works of art etc. cannot be tendered, and there is specific justifications for non-competition in the Act so, for below Threshold, should be exempt from CPRs.
3.1.12	Continuation of care where change could be harmful to user (Below Regulation Threshold)	Recognition of the potential for subordinate legislation to the Health Services Procurement (Wales) Act 2024 to replicate the Provider Selection Regime in England. This is for the overriding needs of the user, competition should be avoided where possible – currently only applies to below threshold arrangements, but can easily update once legislation is passed. Still a need to comply with Procurement Act 2023 (PA23) in the meantime.
3.1.13	Adult Social Care Nursing, Residential Care Homes, and Open Access Sexual Health Services	Recognition that these may not be able to be procured due to their very nature, as provided for by other legislation. E.g. Sexual Health – resident can go to any clinic, but the Council must pay the costs – the Council has no choice on where that individual goes. Still a need to comply with PA23. See rationale for 3.2.12 as also applicable.
3.1.14	Anything specifically excluded by legislation	Just covering all future basis.
5	All of Section 5 – Pre-Procurement Activity	Not all of this is new, but this sets out clearly, in one place, all matters that must be considered before commencing procurement of any value, rather than being dotted around in various Rules.

New Rule Number	What it says	Why it has been added
5.3	Preliminary market engagement, Market Research and Consultation	To make it clear that engagement with the market before commencing procurement activity is allowed and positively encouraged. This helps to ensure best value is obtained by discussing with the market.
5.4	Specifications, Standards and Award Criteria	Setting out clear requirements that these need to be prepared for all procurement activity, again, to ensure value for money is obtained.
5.5.3	<p>Requirement Procurement Activity Table</p> <p>£30k to Threshold procurements. Services now have a choice of closed or openly advertised competition</p>	<p>A single tabular format setting out relevant thresholds and minimum required process to be followed. Easier to understand.</p> <p>The Act (and the current Public Contracts Regulations 2015) allow for closed competitions below Threshold.</p> <p>They do, however, require that when you advertise locally, you must also advertise nationally first.</p> <p>The current CPRs mandate that any procurement activity over £30k must be openly advertised.</p> <p>The Council should take advantage of the legislation, and allow closed competitions to local suppliers in the tiering approach set out in the draft CPRs. This also falls inline with the new draft Procurement Strategic Plan. A closed competition means that the Service identify a number of bidders that they believe are capable of delivering the services, and only invite them.</p>
5.6	Specific Care Services Procurement	<p>These types of contracts do not necessarily fit with the traditional and more regularised process for procurement, given the nature of these contracts, and the need for user / parent / carer choice to be incorporated.</p> <p>A number of English Councils have all introduced something in the CPRs around this area of spend / care packages pre-Provider Selection Regime. The Provider Selection Regime, in effect, replaces this for English Councils, and allows direct awards for certain health services.</p>

New Rule Number	What it says	Why it has been added
		<p>It is STAR's understanding, through the Health Services Procurement (Wales) Act 2024, the Welsh Government will be looking to replicate this in Wales in 2025.</p> <p>The Rule sets out the expectation that traditional procurements routes should be created and used wherever possible. However, where a limited set of conditions / grounds applies, and traditional routes cannot meet the needs, a direct award is permissible. Approval is required by the Director of Social Services and a waiver is not necessary.</p> <p>Where the limited conditions / grounds are not met, a waiver will be required.</p> <p>Still a need to comply with PA23 in the meantime, hence applying to below threshold for now, and various notices will need to be published using the Waiver process for anything above Threshold.</p>
5.7	Conflicts of Interest, Anti-Bribery and Corruption	Bolsters the current provision and takes account of the need for Conflict Assessments and Registers under PA23.
6.3.5	£30k to Threshold procurements. Point to handbook for "allowable restrictions on eligibility of bidders".	<p>It is intended in England, through a subordinate Regulation to the PA23, to allow a below Threshold open advert that is restricted to a County. It is not yet legislation.</p> <p>STAR understands that the Welsh Government is also seeking to reflect this in a further piece of Welsh legislation prior to the commencement of the Act.</p> <p>It has been attempted to future proof CPRs for this eventuality, so the Procurement Handbook can be updated without a change to CPRs being required.</p>
7.2.1	Approval from Procurement Manager required where 3 quotes not received	To ensure that an appropriate process has been followed, with competent and capable suppliers having been invited.
8	Termination of a Procurement	Added to reflect new legislation.

New Rule Number	What it says	Why it has been added
9	Call-Off Contracts	Made more robust provisions and clarity around use of Frameworks and similar.
10	Contract Provisions and Formalities	Made this clear and easier to understand by consolidating into a single place.
11	Contract Management (notices)	Added provision to ensure the Handbook is consulted around mandatory notices.
12.1	<p>An expanded and clarified list of examples of circumstances that are allowed.</p> <p>It also makes clear that for Threshold Contracts, in addition to the justifications in the Rules, those in the Act also apply.</p>	<p>Current remaining justifications (after those that have been removed) are broadly similar to the new Rules, however, the new Rules provide greater clarity on what is meant (e.g. urgency).</p> <p>This new list provides a clearer idea to Officers as to what is considered appropriate, along with appropriate caveats and restrictions (e.g. no reasonable alternative), and they will need justification and evidence against these.</p> <p>This reduces any potential of unrestricted freedom that the current rules have on seeking a waiver, and that appropriate actions are necessary in order to evidence there is no other reasonable alternative.</p> <p>There are also some additional justifications that will allow the potential for more efficient procurement in the future (e.g. co-termination of contracts following a Service review).</p>
12.2	<p>An expanded list of grounds for seeking a modification to contract.</p> <p>Differentiation between below Threshold and above Threshold justifications</p>	<p>The current rules have limited restrictions on when seeking a Modification to contract is appropriate or not.</p> <p>This seeks to address this by placing appropriate restrictions on Modifications so that there is probity in Service actions.</p> <p>Whilst restrictions from current Rules are being suggested, the Council should still take advantage of the flexibilities it has with below Threshold contracts. The grounds for justification are similar to those of the PA23, but the restrictions on use are increased (from 50% of current value, to 100% of original value).</p>



<b>New Rule Number</b>	<b>What it says</b>	<b>Why it has been added</b>
12.3	Procedure for requesting a Wavier or Modification	The current Rules are a little ambiguous of what is required to request a Waiver / Modification, and who approves. This seeks to make this clear, as well as the need for notices.
12.4	Emergency	As the current Rules don't really set out the general procedure clearly, there is ambiguity on if you can't meet the approval requirements. This seeks to address this.
12.5	Non-Compliance with Rules	The current Rules don't have provision for what to do if you haven't followed the Rules. This seeks to address this.

### **Other Amendments to Note**

<b>Current Rule Number</b>	<b>What it says</b>	<b>Comments</b>
4.9.1	Introduction and Need for CPRs	These have been largely retained under new Rule 1, 2 & 4, with amendments to structure and wording. The general emphasis has been retained.  Some elements (definitions) moved into new Appendix 1.
4.9.2	General Principles	These have been largely retained under new Rules 1, 2 & 4, with amendments to structure and wording. The general emphasis has been retained.
4.9.1.5	Arrangements to which the CPRs do not apply	Moved to a new Rule 3, these have been incorporated but a couple of new ones added to future proof legislative changes, and allow more things to be out of scope.
4.9.2.2	Joint Procedures	General meaning has been maintained, but wording amended and included in new Rule 1.
4.9.3	Exceptions	These have been moved towards the end, under new Rule 12.1 to help make clear that these are a last resort. These have been re-worded, and some removed, removals in the first table.
4.9.4.1	Pre-Procurement	This has been moved into new rule 5, and expanded on.



Current Rule Number	What it says	Comments
4.9.4.2, 4.9.4.3, 4.9.4.5 - 8	Competition Rules and e-tendering Procurement Service Consultation Competition Routes Requirements	<p>These have been subsumed into new Rule 5, 6.1, 6.2 and 6.3.</p> <p>Everything after pre-procurement necessary for each of the procurement routes is set out in each rule.</p> <p>There is no moving around the Constitution to fully understand what is required. Each step is stated in the relevant rule in the relevant order. Aims to reduce any confusion and ambiguity.</p>
4.9.5	Sub-£10k Procurement	This has been moved into new Rules 5 and 6.1.
4.9.7	£30k to Threshold Procurement	This has been moved into new Rule 5, 6.3, and 7, and includes Threshold Procurement.
4.9.8	Specification, Evaluation and Acceptance	This has been moved into new Rule 5 and 7, and includes Threshold Procurement. This information is limited to the needs to knows, with the remainder being reserved for the Procurement Handbook.
4.9.9	Terms to be included in competitions	This has been moved into new Rules 5, 6.2, and 6.3, and will be included in the Procurement Handbook.
4.9.9.3	Sealing	<p>This has been moved to new Rule 10.</p> <p>It has also been increased from £50k to Threshold, and includes all Execution of Works contracts and other mandatory requirements.</p> <p>Specific Care Services has a £500k threshold to recognise the nature of these contracts.</p> <p>Benchmarking showed that the Anglesey sealing threshold was considerably lower than neighbours (between £100k and £350k in North Wales Councils). Threshold seems appropriate due to the inherent risks within.</p>
4.9.10	Post Contract Management	This has been moved to new Rule 11.
4.9.10.3 & 4	Modifications to Contract	This has been moved to new Rule 12.2, with additional provisions included to make this more robust.
4.9.11	Variations	This has been moved to new Rule 12.2.