

## Appendix 1

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

Contract Procedure Rules clause	CPR section	Rationale / Comments	Status
2.8	Compliance with CPR's & Legislation	Recognise that schools will have their own version of the CPR's, which shall be based on these CPR's.	Addition
6.1 & 6.2 & 6.3	Electronic Procurement Solutions	To ensure that all procurement activities are undertaken on the Proactis e-procurement solutions, once the service areas have had all modules implemented. The use of any other e-procurement solution cannot be used without prior approval from Head of Procurement.	Addition
7.1 & 7.2	Corporate Purchasing Agreements and Joint Procurement Arrangements	Cabinet approval required to join membership of official purchasing consortiums. Joint procurement arrangements (excluding framework agreements) with other public sector organisations to require prior approval from either Chief Officer or Cabinet subject to contract vales.	Amendment
7.3	Corporate Purchasing Agreements and Joint Procurement Arrangements	Use of Corporate Purchasing Agreements as approved by Head of Procurement to be mandatory unless justification not to use them can made, which shall require HOP agreement.	
9.3	Exemptions from Contract Procedure Rules	Provision for Clwyd Pension Fund to be exempt from CPR's.	Addition

10.2 (n)	Exemption from Tendering Requirement	Exemption from Tendering has been extended to cover provision for existing social care contracts that are due to be re-tendered. This will allow for a justification to be made based provided a number of the criteria can be demonstrated in order to defend a Judicial Review challenge.	Amendment
10.3	Exemption from Tendering Requirement	Tender Exemptions can only be approved by Chief Finance Officer or Monitoring Officer depending on contract values. The approval of Cabinet for tender exemptions above £1m has been deleted, but has been replaced with a requirement for Cabinet Member consultation. This change will streamline a burdensome process e.g. cabinet report based on a technical judgement. However, in the event that any Exemption under consideration is deemed sensitive or high risk then the Lead Member can request on a case by case basis that the matter is escalated to Cabinet for a decision.	Amendment
10.6	Exemption from Tendering Requirement	Contracts deriving from single Tender actions, still need to be procured and evaluated on the e-sourcing solution.	Addition
11.0 (Various)	Council Approved Lists	Use of approved lists shall be restricted to contracts up to £25,000 (Goods & Services) and £250,000 (Works). There is a requirement from the Welsh Procurement Policy	Amendment

		<p>from Welsh Government that all procurements above £25,000 to be subject to public advertisement. The use of Approved Lists will require approval of Head of Procurement. Tender lists created from Approved Lists shall be created by a combination of random selection as well as from existing contractors who have performed to satisfactory standards. The 50% turnover restriction on the contract amount that can be allocated to contractors has been deleted, based on policy guidance from Cabinet Office.</p> <p>Various changes have been incorporated in order to implement a number of Internal Audit Recommendations arising from the Approved List Management Audit.</p>	
14.2	Procurement Plan Checklist Approval	<p>All individual procurement projects above £100,000 will require a procurement plan checklist to be completed and approved as a minimum by Head of Procurement, prior to undertaking any market testing. This new process will ensure that procurement projects are procured in a robust manner and be compliant with these CPR's, OJEU rules, Welsh Procurement Policy and general procurement best practice. There will need to be extra approvals in respect of projects involving ICT,</p>	Addition

		Property and Temporary staff and Interim staff (excluding Matrix). All projects below £100,000 will also require the completion of the Procurement Plan Checklist and shall be retained on contract file. However, only projects relating to ICT, Property / Works and HR need prior approval.	
15.1	Sustainable Procurement	All contracts above £2,000,000 will need to consider community benefits including social, environmental and economic factors. All contracts below £2,000,000 will also need to consider these factors on an optional basis. This is in alignment with the Welsh Procurement Policy.	Addition
15.4 & 15.5	Sustainable Procurement	All contracts above £100,000 for Goods and Services shall also complete the Sustainable Risk Assessment template. This is in alignment with the Welsh Procurement Policy. However the Head of Service will have the option of including sustainable procurement requirement in Tenders, subject to the perceived financial considerations.	Addition
16.0 & 20.0	Contracts less than £10,000 (Goods & Services)  Contracts less than £10,000 (Works)	Request for Quotations can now only be used for contracts up to £10,000, which shall where it's not practical only require only a single quotation to be obtained. However value for money still needs to be demonstrated.	Amendment

18.0	Contracts valued between £25,001 and OJEU threshold	All contracts for goods and services above £25,000 shall be subject to a public advertisement as per Welsh Procurement Policy, unless an exemption is approved by the Head of Procurement.	Addition
21.0 & 22.0	<p>Contracts valued between £10,000 and £25,000 (Works)</p> <p>Contracts valued between £25,001 and £250,000 (Works)</p>	Approved Lists for Works can only be used up to £250,000. A public advertisement will be required generally for all contracts above this value. This is a deviation on the Welsh Procurement Policy for practical reasons in dealing with high volume of bids from construction contractors.	Amendment
27.0 & 27.2 & 27.4	Tender Opening	All tenders above £10,000 shall be opened at the same time and place after the closing time for receipt of bids has elapsed. Currently quotations up to £30,000 can be opened as they are received. This is a perceived risk that could allow officer collusion with suppliers and lead to fraud. All Tenders shall be undertaken on the e-sourcing solution (where available). All Tenders will now be opened at the same time by TWO designated officers (one of which shall be independent of the project) as selected by Head of Service. There will be no further requirement for Officers from Legal and Democratic Services to be involved. The introduction of e-sourcing will prevent any tampering of any tenders, since the tender are locked once submitted	Amendment

		electronically.	
28.3	Late Invitation to Tenders Received	Late bids may be still considered, providing the other bids have not been opened, subject to Monitoring Officer approval based on exceptional circumstances.	Amendment
29.1 & 29.2 & 29.3	Tender Evaluation	All Tenders above £100,000 shall be evaluated on price and quality. Price only evaluation can only be used for contracts below £100,000. When tenders are evaluated based on price and quality a tender evaluation team shall be arranged consisting of at least two officers. For OJEU tenders, the Corporate Procurement Unit will need to oversee the evaluation process.	Amendment
30.2	Post Tender Negotiation	A minimum of TWO officers needs to be involved in any tender negotiation for sub –OJEU tenders.	Amendment
31.0 & 31.2 & 31.5	Tender Award Approvals	Tender Award approvals have been changed to include the need for Head of Service, Monitoring Officer and Chief Finance Officer approval subject to contract values. The need for Cabinet approval for contracts above £1m has been deleted, although Cabinet Member consultation is required consultation with various stakeholders. This change has been undertaken in order to streamline the process, which is based on technical judgement. This new process will also ensure that a robust	Amendment

		quality assurance process is in place regarding tender awards, since there is an increasing risk of supplier legal challenges. All contract awarded will be required to be inputted onto a corporate contract register.	
33.1	Letter of Intent	Letters of Intent may only be used in exceptional circumstances after approval being obtained by Monitoring Officer.	Amendment
34.3	Non-concluded Terms of Conditions of Contract	The Council should not enter into contracts on the suppliers terms and conditions, without upfront approval of the Monitoring Officer.	Addition
35.1	Contracts in Writing	There is a change to the contract values in respect of contracts executed under seal. This new value is £250,000, where the previous value was £100,000. Please note there are other criteria included. FCC contract value was substantially lower than other North Wales Councils e.g. CCBC had a value of £1 million.	Amendment
35.2 & 35.3 & 35.4	Contracts in Writing	There will be a requirement for formal form of agreements to be developed and signed for various contract values. This addresses the current issues, whereby majority of contracts are not signed by both parties, and use of standalone purchase orders is not deemed robust.	Amendment
35.6	Contracts in Writing	All contracts above £10,000 shall be stored and retained by Legal and Democratic Services, since there are historical	Addition

		examples of contracts being sent out in Directorates and contracts have commenced before the return of signed contracts from contractors. All hard copy of contracts shall held by Legal Services, with responsibility of Directorates to ensure scanned contract copies are held on corporate contract register on the e-sourcing solution.	
38.2	Contract Management	All contracts that are strategically critical / high risk, high value or high profile shall be subject to monthly contract reviews.	Addition
39.1 & 39.2	Contract Performance	Contracts shall be subject regular performance reviews and if practical at the end of each contract / job a performance review shall be carried out to identify good and bad contractor performance, as well as identifying complaints etc.	Amendment
40.0	Termination of Contract	Changes to how Termination of Contracts can be approved. Now 2 levels including Head of Service and the Monitoring Officer.	Addition
41.1 & 41.3	Contract Variations	Changes to Contract Variation approvals. Now 3 levels Head of Servicer, Monitoring Officer and Chief Finance Officer subject to contract and variation values. The same 3 levels are consistent with other clauses e.g. Tender Award. Cabinet is no longer required to approve contract values including variations above £1m. Contracts below £250,000	Amendment



		including variations can be approved by Head of Service.	
42.8	Contract Payments	The Responsible Officer approving invoices should be different to the Responsible Officer engaging the contractor to ensure proper segregation of duties.	Addition
45.0	Land Contracts	Changes to reflect case law on Development Agreements, which may be subject to OJEU regulations.	Amendment
46.1 & 46.2	Use of Consultants	Use of consultants to be approved by Head of Service and all approvals shall be recorded on a central corporate register of consultants. Various other changes included in order to incorporate the Internal Audit Recommendations from the Consultancy Audit.	Amendment
47.0	Retention of Contract Files	Changes to reflect need to retain WEFO funded projects for 20 years.	Amendment