		APPENDIX 1
	TABLE OF AMENDMENTS	
	Revisions to existing wording are shown by tracked changes and additions are shown by yellow highlight.	
Rule No:	Proposed amendment to Contract Procedure Rule	Reason
1.2	Where in these Rules "the Council" is referred to, the term shall include the reference to School Governing Bodies by virtue of the Scheme for Financing Schools, The Unity Partnership Limited and the, Miocare Group. For the avoidance of doubt, in instances of pooled funds arrangements the lead commissioning organisation's rules will take precedence.	Additional wording highlighted to include partnership arrangements with external organisations
1.4.1 Revised numbering to 1.3.1	All relevant statutory provisions and in particular the Public Contracts Regulations 2015 and the Concession Contracts Regulations 2016 as amended by the Public Procurement (Amendment etc.) (EU Exit) Regulations 2020	The additional highlighted wording refers to a statutory instrument enacted on 8 th October 2020 to prepare for the UK withdrawal from the EU (Brexit)
Revised numbering to 1.3.2	Any relevant European procurement law	Deleted wording to future proof the Rules for Brexit
		Deleted wording on the advice of the Commercial Procurement Team to improve efficiency in the process
Revise numbering 1.10.2 to 1.8.2	Contracts for personal social care or educational need where in the opinion of the appropriate Deputy Chief Executive, or Strategic Director or Managing Director (following consultation with Director of Legal Services) there is a demonstrable individual need for specific services which cannot be procured by means of an open tender. The rationale for the decision must be documented for audit purposes., which renders Procurement impractical.	Additional wording highlighted included to improve the audit trail for documented decisions
Revise numbering 1.10.3 to 1.8.3	Contracts for the purchase or sale of land or securities, or Contracts for the taking or granting of any interest in land, unless such Contracts involve details of the Council's	Additional wording highlighted included to improve audit trail for documented decisions

Revise numbering 1.10.4 to 1.8.4	specific requirements which would amount to a Works contract and must be procured in accordance with these Rules. Contracts for the use of counsel or other legal	Included the highlighted
numbering 1.10.5 to 1.8.5 Renumber 1.10.6 & 7 to 1.8.6 & 7	representation where the Director of Legal Services considers that an open Procurement exercise would not protect the Council's interests. All contracts for the use of counsel or other legal representation must be commissioned and/or approved by the Director of Legal Services.	word "open "in front of the word "procurement" to comply with the CPRs
Renumber 1.10.8 to 1.8.8	An appropriate compliant Contract or Framework Agreement recommended by the Commercial Procurement Unit which are available to the Council as a named Contracting Authority.	Additional wording highlighted included at the request of the Head of the Commercial Procurement Unit
Revise numbering1.10.9 to 1.8.9 Revise numbering 1.10.10 to 1.8.10	The sale or provision of Goods, Works or Services delivered by the Council as traded services.	Additional wording highlighted to include references to Goods and Works and Traded Services.
1.11 revise number to 1.9	Any failure to comply with any of the provisions of these Contract Procedure Rules shall be reported to the relevant Deputy Chief Executive and or one of the following: Strategic Director, Managing Director, Assistant Director of Corporate Governance & Strategic Financial Management Head of the Commercial Procurement Unit	Additional wording highlighted to reflect the revised management hierarchy and the wording in the Finance Procedure Rules. These titles are right at the time of preparation and actions apply to equivalent posts should the structure of the organisation change.

	 Director of Legal Services, or 	
	Strategic Director	
	A breach of these Rules may result in	
	disciplinary action.	
1.12 revise number to 1.10	The Deputy Chief Executive and or one of the following: Strategic Director, Managing Director , Assistant Director of Corporate Governance & Strategic Financial Management Head of the Commercial Procurement Unit Director of Legal Services should take immediate action in the event of a	Additional wording highlighted to reflect the revised management hierarchy and the wording in the Finance Procedure Rules
	should take immediate action in the event of a failure to comply with these Contract Procedure Rules and shall inform and consult with the Director of Legal Services.	
1.15 revise number to 1.13	Persistent breach of the Contract Procedure Rules will also be reported to the Audit Committee.	Additional wording highlighted to include reference to the Audit Committee and not Council Members
2.1	Prior to the start of each financial year, the Council shall create a strategic procurement forward plan in consultation with the Head of the Commercial Procurement Unit and members of the Legal Services Team setting out its current Contracts and Contracts to be procured for the forthcoming financial year. The procurement pipeline should be refreshed at intervals as the need arises. The coordination and updating of this plan will be the responsibility of the Commercial Procurement Unit. The strategic procurement forward plan will be published on the Oldham Council website	Additional wording highlighted at the request of the Head of the Commercial Procurement Unit
2.2 -2.5	2.2 The Council should make arrangements to secure continuous improvement in	Changed the word "must" to "should" on the advice

reference)	<mark>comm</mark>	ontract Owner is responsible for the full hissioning cycle including contract gement and must ensure the Council	replaced former wording to include contract management in the list of
2.8 (new	-1		Rule highlighted deleted at request of Head of the Commercial Procurement Unit New wording highlighted
	2.5	The Council should ensure that any collaborative arrangements/agreements with other public bodies to procure Goods, Works or Services comply with public the Public Contracts Regulations 2015and ensure value for money and that the Council's interests are fully protected.	
	2.4	The Council should consider its obligations with regard to data protection under the General Data Protection Regulation and the Data Protection Act 2018 and in particular its responsibilities and that of the supplier in relation to the processing of personal data through the outsourcing of its services, including specifying the conditions for processing and retaining personal data.	
	2.3	The Council should consider its obligations under the Public Services (Social Value) Act 2012 and have regard to economic, social and environmental well-being in connection with public services contracts and for connected purposes in its planning and commissioning processes.	
		the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness in accordance with Section 3 Local Government Act 1999 ("Best Value"). This includes consultation with representative groups of payers of Council tax and business rates, stakeholder(s) and any other relevant interested groups prior to commissioning services.	of the Assistant Borough Solicitor

3.2.1	enters into a legally binding Contract with the contractor. The Contract Owner must ensure that the signed contract is lodged with the Commercial Procurement Unit and Legal Services Where the Contract is for a fixed period, by taking the total price to be paid during the lifetime of the contract or which might be paid during the whole of the period including any permitted extension.	responsibilities and to ensure the Council enters into legal contracts with contractors. New wording highlighted for clarity
3.2.4		Former wording highlighted deleted and replaced in next Rules
3.3	Under Regulation 46 of the Public Contracts Regulations 2015, Contracting Authorities may divide tenders into smaller lots to encourage small and medium sized business enterprises to submit bids and must provide reasons for not doing so. The cumulative value of the individual lots will form the total value of the tender.	Additional highlighted sentence added to aid clarity.
4.1	Pseudo Purchasing System	New wording highlighted inserted. Such a system is similar to a Dynamic Purchasing System but is more flexible and is only used in relation to a Light Touch Regime for health and social care.
4.3 Table	£10,000 - £24,999 Approach a minimum of 3 organisations for a written Request for Quotation	There has been some confusion in interpreting the wording in the table in the light of Rule 5.4 which has been deleted. Highlighted word "approach" inserted.
	Open Request for Quotation or an agreed compliant framework £25,000 – to £99,999 for Works Services and Goods Formal Tender Process or an agreed compliant framework From £100,000 up to	New highlighted wording included at the request by the Head of the Commercial Procurement Unit to reconsider the thresholds for an open tender process. All tenders over £25K to be advertised. No longer use

	PCR Threshold for Works Services and Goods	Construction Line for a
	PCR Thresholds and Above	restricted tender. Removed reference to EU Threshold
		Removed reference to the European Journal and inserted "Find a Tender"
	* 4.4	Deleted wording highlighted. Foot note inserted previously because of the use of Construction Line for restricted tenders no longer in use.
		Deleted wording highlighted for reasons above
Revised number 4.4	The rules relating to the required process and timescales shall be observed for all Contracts as shall Regulation 18 Public Contracts Regulations 2015. The procurement needs to be conducted in accordance with the principles of equal treatment, and non-discrimination, transparency, mutual recognition, proportionality and competition . the protection of legitimate expectations, the requirement to act without manifest error, and good administration – which underpin the UK procurement rules	Removed reference to European law and inserted reference to Reg 18 Public Contracts Regs which enshrined EU treaty principles including the additional highlighted wording.
5.1	Full written Quotation(s) below £10,000 shall be obtained from Contractor(s) pursuant to the procedure set out in the table in Rule 4.3 before a formal purchase order and or agreement can be issued. A formal purchase order and or agreement shall	Insertion of the highlighted wording "agreement"
5.2	Requests for Quotations over £10,000 for Goods, Works and Services must be advertised on the Council's E-procurement system (The Chest) and any Requests for Quotations over	Insertion of the highlighted word "Request" to tie up with the table in Rule 4.3

	£25,000 which have been advertised must also	
	be advertised on Contracts Finder	
5.4		Deleted highlighted wording because it caused ambiguity with the wording in table in Rule 4.3 and not following the Rule in the table
5.6	All Quotation(s) sought shall be recorded in writing for audit purposes via the Council's E-procurement system (The Chest),	Highlighted wording deleted at the request of the Director of Finance
6.	TENDER PROCESS – Below Public Contracts Regulations Thresholds	Removed references to EU Procurement
7.	TENDER PROCESS – Above the Public Contracts Regulations Thresholds	Removed references to EU Procurement
7.1	Where an estimated Contract Value exceeds the current Public Contracts Regulations procurement thresholds, then the Contract shall be tendered in accordance with the Public Contract Regulations 2015 or the Concession Contracts Regulations 2016. Under the Public Contract Regulations 2015, the Contract may be Tendered under Open, Competitive Dialogue, Competitive Procedure with Negotiation or Innovation Partnerships Procedure	Inserted reference to Public Contracts Regulations and removed reference to EU
7.2	A Contract Notice or a Prior Information Notice in the prescribed form shall be published in Find a Tender in order to invite Tenders or expressions of interest.	Removed references to OJEU notices and inserted the new Find a Tender
7.3	All Find a Tender) notices shall be published by the Commercial Procurement Unit	Removed references to OJEU notices
7.4.2	A Competitive Dialogue procedure or a Competitive Procedure with Negotiation allows the Council to negotiate proposed solutions with Tenderers to achieve a desired outcome.	Reference to the alternative competitive procedure; Competitive Procedure with Negotiation to be used by the Commercial Procurement Unit to negotiate on the commercials
7.5.1	The Concession Contracts Regulations 2016 (CCR's) state that any Concession Contract over	The word European deleted and highlighted

8.1.1	the value of £4.731m must be advertised in accordance with the Regulations and the value of the concession must be calculated in accordance with Regulation 8. Where an order (Call Off) is proposed for a Procurement under the most appropriate Framework Agreement recommended by the Commercial Procurement Unit, that has been established by a consortium, collaboration, the Council or other public body, the Council may consider using this Framework Agreement if: a. The Agreement has been established by an entity, and via a process, which permits the Council to access those arrangements lawfully; b. The Council is a named Contracting Authority on the Find a tender	wording introduced to reflect the relevant value in the Concessions Regulations Addition wording highlighted at the request of the Head of the Commercial Procurement Unit
8.1.2	Before undertaking a Call-Off under any Framework Agreement, thorough due diligence should be undertaken and advice sought from the Commercial Procurement Unit and Legal Services to confirm that the Framework Agreement is: the Council is a named Contracting Authority in the official notice. the Framework Agreement is signed the Framework Agreement is still valid the estimated Contract Value for call offs under the Framework	Inserted highlighted wording as a check list of the information required before can use a framework agreement.
	 a copy of the User Guide / any other documentation is available 	Rule deleted owing to
8.2.1	Where the Council is establishing a Framework Agreement which may be accessed by other named Contracting Authorities, the estimated Contract Value that may be contracted for under the Framework Agreement must take account of all potential work that may be put through the agreement (see Rule 4) and follow the procedures set out in these Contract Procedure Rules.	duplication Inserted new wording highlighted as an explanation
9.2.5	The Council's Terms and Conditions of Contract. Where a Framework Agreement is to be used,	Inserted new wording highlighted to ensure bids

	the specific options chosen and the requirements that need populating;	are evaluated on the correct footing
9.2.6	The evaluation criteria including Social Value to be used, including any weightings as considered appropriate,	Inserted new wording highlighted for clarity
9.2.7	Payment schedule and terms and instructions for completion	Inserted new wording highlighted for clarity
10.1	All written Contracts and Purchase Orders shall include the Council's terms and conditions for Works, Goods and/or Services or Concessions (as appropriate) or, where a Framework Agreement is used, the applicable Call-Off terms and conditions. The Invitation to Tender or Quotation shall state that the Contract will be subject to the Council's standard terms and conditions. or Call-Off terms and conditions as applicable. There is a range of Council standard terms and conditions dependent upon the type of contract which the Council is entering into.	Inserted new wording highlighted for clarity
10.2	All written Contracts shall include the Council's minimum requirements for insurance cover namely: Public Liability Insurance -; £10m Employers Liability Insurance - £5m and Professional Indemnity Insurance - £2m, except where a Framework Agreement is used in which case, the levels of cover specified in the Framework Agreement shall apply. Any departure from these agreed thresholds must be approved by the Director of Finance and the Director of Legal Services and the Assistant Director of Corporate Governance & Strategic Financial Management.	New Rule highlighted to clarify any ambiguity with regard to the requisite level of insurance cover for contracts which is the basis of frequent clarifications. Rule 7.5 of the Finance Procedure Rules (Insurance) states that the Director of Finance will determine the extent of insurance cover which must be provided for in any external contract There is an option to reduce the cover requirements in respect of specific contracts.
Section 11 Revision to numbering and text	11.1.1 Requests for Quotations and Invitations to Tender must be transmitted by electronic means in accordance with the advice of the Head of Commercial Procurement Unit. Where possible. Quotations and Tenders shall be submitted by electronic means e.g. the E procurement system (The Chest):	New highlighted wording inserted. All procurement is done via The Chest and the opening of tenders involves unlocking the seal on The Chest. The Chest provides a full audit trail and there is no longer a need for Legal Services

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	1.1.1.1 revise to 11.1.2 Evidence that the transaction was successfully completed is obtained and recorded	to open low value quotes/tenders
	11.1.1.2 revise to 11.1.3 Electronic Tenders are kept in a separate secure folder in the E-procurement system (The Chest) or equivalent system, and cannot be opened until the deadline has passed for receipt of Tenders.	
	11.1.3 Revise to 11.1.4 A member of Commercial Procurement Unit who is not responsible for the procurement exercise will open all requests for Quotations or call off contracts under Oldham Council Framework agreements. with a value in excess of £10,000.00.	
12.2	Post tender clarifications may be undertaken with tenderers provided the Council ensures equal treatment of all participants and specifies and applies a process for post tender clarifications in the Invitation to Tender and ensures that no Tenderer is given an advantage over any other Tenderer. For the sake of clarity any clarifications on the commercial element of a bid and risk profile must not change the original price offer. This includes verifying abnormally low bids where specific legal advice is required	New wording highlighted included in line with recent case law to address ambiguity in the interpretation of the Rules in practice. The Council must be clear in its tender documentation how it will deal with post tender clarifications and afford equal treatment to all bidders. Removal of the wording limiting to post tender clarifications relating to obvious error.
New 13.2	The procurement lead should ensure that a representative from Finance and Legal Services is involved in the oversight of the evaluation process for procurements in excess of £1 million.	New wording highlighted inserted for the procurement lead to take responsibility and confirm no conflict of interest.
New 13.3	The procurement lead of the evaluation team must ensure that no member of the evaluation team has a conflict of interest and completes the appropriate documentation.	Inserted to redress the fallout from a recent issue
13.4	The procurement lead must ensure that the bid is compliant and that the tenderer is not excluded from bidding under any of the mandatory or discretionary grounds listed in the Public Contracts Regulation 2015	

Renumbering 13.3 onwards		
14.1	Please see the amended table below underneath this table of amendments.	Table amended for decisions to award contracts to align with the delegations in the main body of the constitution. The Unity Partnership Limited has a separate table of delegations
14.2	No Contract may be awarded unless budget release has been obtained in accordance with the Financial Procedure Rules and a Modern Gov report and Decision Notice is published authorising any spend of £25K or more confirming that the approved expenditure will be constantly monitored. A copy of the final version of the Modern Gov report must be forwarded to the procurement lead to upload onto The Chest.	Highlighted new wording introduced to ensure that there is a copy of the authorised decision recorded on The Chest in accordance with Regulation 84 Public Contract Regulations.
14.6	A Contract Award letter will be sent to the successful Tenderer referring to the Council's advertised terms and conditions of Contract for contracts for Goods and Services with a Contract Value below £100,000.00.	New wording highlighted inserted. Award letter to be sent incorporating the Council's advertised terms and conditions for contracts for Goods and Services below £100K
14.8	Contracts for Goods and Services (and any subsequent variations) with a value of £100,000 or more shall be executed by Legal Services.	Raised the level for sealing from £50K to £100K
New 14.9	The performance of the Contract must not commence before the Contract is executed.	Inserted new wording to ensure the Council has a signed contract prior to commencement.
14.9 revised to 14.10	All Contracts over £5,000 shall be published on and embedded in the Council's Contracts Register maintained by the Commercial Procurement Unit	This is the threshold for a contract to be published in a contract register under the Transparency Code 2015.
15.1	The Council's Financial Management System (Agresso), or equivalent, shall be used to place all orders with suppliers. This includes all orders	Correct terminology for the Councils Financial Management System.

	placed after Quotations are received or a Tender process has been undertaken.	
16.1 &16.2	16.1 The Director of Finance and the Director of Legal Services shall advise as to the appropriate degree of security (if any) required to protect the Council from a Contractor default prior to the invitation to tender. The rationale for the advice should be documented on The Chest. Liquidated damages clauses should always be used in contracts where appropriate.	Highlighted new wording introduced at the request of the Director of Finance and the Assistant Director of Corporate Governance & Strategic Financial Management after full discussion. This should facilitate uniformity of approach across works contracts.
	16.2 A retention sum (appropriate to the circumstances of the contract) should be written into the terms and conditions of any contract for Works, with a Contract Value of over £50,000, unless the Director of Legal Services agrees to waive the specific requirement.	
17.1(b)	the Modification is for additional Goods, Services and Works by the original Contractor that have become necessary and were not included in the initial procurement, where a change of Contractor: i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, and ii) would cause significant inconvenience or substantial duplication of costs for the Council,	Changed highlighted wording from or to and. There was a mistake in the original version of the Public Contracts Regulations 2015 have been amended.
17.4.6	A notice of the Modification of a contract under Rules 17.1 (b) & (c) with a value over procurement threshold must be published in Find a Tender in accordance with Regulation 51 Public Contracts Regulations 2015.	There is a statutory requirement to publish a notice of the modification in the new Find a Tender. This is an important Rule to follow especially in the current circumstances.
Correction of numbering 20.3 to 20.2	The Contract Owner will be responsible for the whole of the commissioning cycle including	New wording highlighted inserted to ensure that the Contract Owner takes

	completing the governance and legal formalities, reviewing, monitoring and evaluating the Contract to ensure that its provisions and the Goods, Services or Works (or Concessions) within it are being followed and performed as they should be. The Contract Owner should understand the Specification, contractual terms and the performance framework and must manage activity ensuring that Contracts do not require any extensions beyond the permitted or planned expiry.	full responsibility for the commissioning cycle and ensures that the requisite reports are completed and that there is a legally binding contract to enforce
20.4 onwards revised numbering of paragraphs		
21.4	21.4 Procedure for Exemptions over £10K 21.4.1 To apply for an Exemption from these Contract Procedure Rules a Modern.gov report must be completed and signed by either the Deputy Chief Executive, Strategic Director or Managing Director who does not have direct line management responsibility for the service seeking the exemption to authorise the expenditure.	Highlighted wording inserted. New threshold of £10K. Under £10K can make a direct award. Purchases over 10K come through the Corporate Procurement Unit for a competitive exercise. Highlighted new wording introduced for clarity.
21.4.4	The Head of the Commercial Procurement Unit is responsible for ensuring that a complete record of all Exemptions is maintained. A copy of the signed delegated/Cabinet decision approving an Exemption and the reasons for it must be forwarded to the Commercial Procurement lead.	Amendment to an officer rather than an email address
21.5	All Exemptions reports require comments from the Assistant Director of Corporate Governance & Strategic Financial Management.	Deleted reference to an annual report to Audit Committee and inserted new requirement that all exemption reports must include a comment from the Assistant Director of Corporate Governance & Strategic Financial Management.

21.7	The Council cannot use an exemption to depart from the Public Contracts Regulations 2015 and a Voluntary Transparency Notice may be required to inform the market of a direct award	Reference to Public Contracts Regulations. Other minor amendments throughout have been made to remove references to EU Procurement Rules
21.8	Where an Exemption is granted, the Contract shall still be made subject to the Council's standard terms and conditions and in accordance with any relevant requirements detailed in Rule 10.1. Any amendments required to the Council's standard terms and conditions shall be approved by Legal Services prior to issuing as part of the Tender process. Legal Services will review and draft the terms and conditions for any bespoke contracts.	Inserted new wording highlighted to make sure the contract granted under an exemption from the Rules is compliant with the Rules. The wording in this Rule reflects the wording in Rule 10.1
23.1.2	"Concession Contracts Regulations 2016" as amended by the Public Procurement (Amendment etc.) (EU Exit) Regulations 2020.	New definition to include the amendment legislation – a statutory instrument issued 8 th October 2020.
23.1.10 renumbered to 23.1.21 Consequent revisions to numbering to 23.1.21	"Procurement Regulations" means the Public Contracts Regulations 2015 and the Concession Contracts Regulations 2016 and such other UK regulations as may be made from time to time.	Amendment to the definition clause
23.1.13	"Framework Agreement" means an agreement which allows the Council to execute Call-Off Orders for Services, Goods or Works from a Contractor in accordance with the terms of the agreement and includes Dynamic Purchasing Systems and Pseudo Dynamic Purchasing Systems	Introduced the pseudo dynamic purchasing system which is used under the Light Touch Regime. It is not a dynamic purchasing system and does not require the intensive resources of a DPS.
23.1.17	"Most Economically Advantageous" means using a cost-effectiveness approach or price/quality ratio which offers the best price (this will not necessarily be the lowest price);	New definition of most economically advantageous

23.1.22	"Public Contracts Regulations 2015 as	New definition to include
	amended by the Public Procurement	the amendment
	(Amendment etc.) (EU Exit) Regulations 2020	legislation – a statutory
		instrument issued 8th
		October 2020.
23.1.28	"Tenderer" shall mean any potential supplier	Changed word "firm" to a
	submitting a Tender;	potential supplier

Revisions to Tables

RULE 14.1	TABLE	AWARDING	CONTRACTS
Contract Value		Awarded By	Decision Recorded on
Less than £10,000		Authorised Officer (as per Departmental Scheme of Delegation)	Related spend is recorded (Purchase Order) via Finance Management System (Agresso)
Between £10,000 and£249,999.00		Authorised Officer (as per Departmental Scheme of Delegation)	The Chest and Modern Governance System and Contracts Finder for Contracts with a value over £25,000.00.
Between £250,000 and £400,000		Executive Member in consultation with the Deputy Chief Executive or Strategic Director, DASS or Director of Children's Services over £100K and less than £400K	The Chest Modern Governance System and Contracts Finder and the Key Decision Document
Over £400,000 or over		Cabinet or Sub- Committee including Commissioning	The Chest and Modern Governance System and Contracts Finder

	Partnership	and the Key Decision
	Board	Document

N.B. The Unity Partnership Limited has a separate approval process as set out below:

Current Unity Arrangements	Proposed Unity Arrangements
Less that £100,000:	No Change to existing approach
Awarded by Head of Service, Head of Finance, Chief Operating Officer	
Less that £250,000:	
Awarded by Head of Service, Head of Finance, Chief Operating Officer	Greater than £100,000 and less than £400,000:
Up to £250,000:	Awarded by Chief Operating Officer in
Awarded by Chief Operating Officer	consultation with one Unity Board Member
Greater than £250,000:	N/A
Awarded by Board approval	
	Greater than £400,000
	Unity Board approval