



Salisbury City Council Contract Procedure Rules

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Contract Procedure Rule 1: Interpretation

1.1 In these Contract Procedure Rules, the following terms have the following meanings:

“Area of Responsibility” means the function and area of responsibility for a Head of Service.

“Central Digital Platform” means a web-based portal provided for the purposes of the UK Procurement Legislation by or on behalf of the Cabinet Office.

“Contract” means:

- (i) any agreement for the supply of goods, services, or the execution of works to or for the Council including the use of consultants;
- (ii) any Framework or
- (iii) any agreement where no payment is made by the City Council, but which is of financial value to the Contractor (e.g. a catering concession).

but does not include (without exception)

- (iv) an employment contract: or
- (v) a Grant Agreement

“Contract Lead Officer” means a City Council officer nominated to deal with Contracts in accordance with CPR 3.3.

“Contractor” means the party or potential party to a Contract.

“Contracts Finder” means a web-based portal provided for the purposes of the Public Contracts Regulations 2015 by or on behalf of the Cabinet Office.

“City Council” or “Council” means Salisbury City Council.

“CPR” means Contract Procedure Rules.

“Direct Award” - see “Waiver” definition.

“Evaluation Report” means a report on the evaluation of tenders prepared under CPR 11.

“Dynamic Market” refers to a procedure under the Procurement Act 2023 to establish a list of qualified suppliers who have applied and met the *conditions for membership* and are eligible to participate in future procurements. These markets are open meaning new suppliers can

join at any time, ensuring flexibility and adaptability to changing market conditions.

"Framework" means a contract between a contracting authority and one or more Contractors that provides for the future award of contracts by a contracting authority to the Contractor or Contractors as defined in CPR 5.1.

"Grant Agreement" means an agreement giving financial assistance to an individual or organisation with no supply of goods or services, or execution of works, in return.

"Head of Service" means the Senior Officer responsible for a service area who is part of the Council's Senior Management Team.

"Legal Function" means the Legal Services support arrangements in place for the City Council.

"Manager and Supervisors" means a City Council officer with personnel or service management responsibilities.

"Most Advantageous Tender" is the tender that the contracting authority considers:

- (a) satisfies the contracting authority's requirements, and
- (b) best satisfies the award criteria when assessed by reference to:
 - (i) the assessment methodology under section 23(3)(a) Procurement Act 2023, and
 - (ii) if there is more than one criterion, the relative importance of the criteria under section 23(3)(b) Procurement Act 2023

"PA 2023" means the Procurement Act 2023 which applies to any tender commenced on or after 24th February 2025.

"PCR 2015" means the Public Contract Regulations 2015 which continues to apply to any tender commenced or contract procured prior to the introduction of the Procurement Act 2023 which came into force on 24th February 2025.

"Procurement Function" means the Procurement Service whose main purpose is to provide leadership and guidance on procurement matters for the City Council.

"Thresholds" means the thresholds for public advertisement of goods, works and services contracts as provided for in the UK Procurement Legislation and advised by the Government.

“Transparency Notice” is a formal publication that a contracting authority must issue before directly awarding a public contract or framework, without using a competitive tender process.

“UK e-notification service” are as defined in the UK Procurement Legislation.

“UK Procurement Legislation” means the Public Contract Regulations 2015, Procurement Act 2023 (PA 2023), Procurement Regulations 2024 and the Health Care Services (Provider Selection Regime) Regulations 2023 (PSR) as amended from time to time.

“Waiver” means a formal process requiring appropriate approval to waive part/s of these Contract Procedure Rules (see CPR 12). This may include situations such as Direct Awards (i.e. where in certain limited circumstances, the Council can potentially award a contract to a supplier/s without competition as per Sections 41-43 and Schedule 5 of PA23).

“Works” “Supplies” and “Services” are as defined in the UK Procurement Legislation.

Contract Procedure Rule 2: Contract Procedure Rules Status and Compliance

- 2.1 By law, the City Council is required to make Contract Procedure Rules with respect to contracts for the supply of goods or services or for the execution of works which provide for securing competition and regulation of the manner in which tenders are invited.
- 2.2 The City Council is a contracting authority for the purposes of the UK Procurement Legislation and is thereby legally bound to comply with certain practices and procedures in the award of Contracts.
- 2.3 The City Council therefore refers to Procurement in Section 18 of its Standing Orders and adopted these Contract Procedure Rules (CPRs), setting out the procedures that must be followed in relation to the procurement and award of a Contract. CPRs provide a framework to ensure that the City Council uses its resources efficiently in making purchasing decisions to obtain best value in public services. CPRs also provide a means of safeguarding the reputation of the City Council and its staff from any implication of dishonesty or corruption.
- 2.4 The Head of Corporate Services is the custodian of these CPRs and is responsible for keeping them under review. This includes giving advice on their implementation and interpretation.
- 2.5 Every Contract made by the City Council or on its behalf (irrespective of the source of funding) shall comply with the UK Procurement Legislation and all other domestic legal requirements, CPRs and Financial Regulations. In the event that there is any conflict or inconsistency between the provisions of CPRs and any legal requirement, the legal requirement shall apply.
- 2.6 The UK Procurement Legislation sets out core procurement objectives and principles which apply generally in the award of public contracts – including those of a value below the Thresholds. These are broadly; equal treatment of suppliers/contractors and not putting them at unfair advantage or disadvantage, transparency, delivering value for money, maximising public benefit, sharing information, integrity and having regards to Small and Medium Sized Enterprises (SMEs). Contracting authorities must also "have regard" to the National Procurement Policy Statement (NPPS). Care must be taken at all times to ensure that nothing is done which is discriminatory, inconsistent with the procurement objectives, improper or which distorts competition.
- 2.7 These CPRs are supplemented by procurement guidance. In the event that there is any conflict or inconsistency between the provisions in any procurement guidance, and the CPRs, CPRs shall apply.
- 2.8 A failure to comply with the CPRs by an Officer of the City Council will normally be regarded as a disciplinary offence. Where a person who is not a City Council employee is contracted to a position where they are

authorised to carry out purchasing functions, it is a condition of their contract that they comply with CPRs.

- 2.9 These CPRs shall always be interpreted and applied in a way that supports the achievement of the City Council's identified business objectives, within relevant legal frameworks.
- 2.10 Any contracts procured and awarded by way of collaboration with other public bodies, where a competitive process has been followed that complies with the equivalent of these CPRs of the leading organisation, it will be deemed to comply with these CPRs and no waiver in accordance with CPR 12 will be required.

Contract Procedure Rule 3: Approval to spend

- 3.1 The procurement of a Contract (not including a Framework contract) is subject to the approval of the relevant decision maker who has the authority to give approval for the relevant expenditure for their service area. The giving of approval is subject to the expenditure involved having been included in approved estimates and sufficient budgetary provision having been made in the City Council's capital programme or revenue budget.
- 3.2 In estimating the value of the Contract, the principles of CPR 4 shall be applied.
- 3.3 In all cases, the Head of Service within whose Area of Responsibility the Contract falls shall designate a Senior Officer as Contract Lead Officer for the Contract. It shall be the responsibility of the Contract Lead Officer to ensure that the processes followed in relation to the procurement and award of the Contract are compliant with these CPRs.

Contract Procedure Rule 4: Contract Value and Aggregation

- 4.1 The estimated value of a Contract shall be the total value of the Contract net of VAT. This is the total consideration estimated to be payable over the full term of the Contract by the City Council to the Contractor which shall include any option to extend the term under the contract. Where the Contract is one where no payment is made by the Council (e.g. a concession) a best estimate of the financial value to the Contractor shall be ascertained.
- 4.2 Where the Contract period is indefinite or uncertain, the contract will be deemed to be above the relevant Threshold.
- 4.3 The estimated value of a Framework is the total value of all the Contracts which could be entered into by the City Council and other contracting authorities, further to that Framework.
- 4.4 Purchases of the same or similar goods or services must be aggregated wherever practicable. Contracts must not be artificially separated so as to circumvent the application of any part of the CPRs or the UK Procurement Legislation.
- 4.5 Contracts which are each of a value below the relevant Threshold may nevertheless be subject to full UK Procurement Legislation tendering requirements, where they constitute a series of related or repeat purchases. Advice should be sought where this is the case, in order that the relevant procurement route can be adopted.

Contract Procedure Rule 5: Framework and Suitability of Contractors

- 5.1 A Framework is a contractual arrangement between a contracting authority and one or more Contractors that provides for the future award of contracts by a contracting authority to the Contractor or Contractors, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged by the Framework contracts may be established by the City Council, or by other public bodies, or public sector buying consortia, as arrangements through which the City Council, along with other public bodies, may make specific purchases.
- 5.2 Where the Head of Corporate Services approves the use of a Framework(s), this shall be used for the purposes of making proposed purchases. A suitable Framework shall be appropriate for the specific requirement and procured in compliance with the UK Procurement Legislation, and the terms and conditions applicable shall meet the minimum requirements of the City Council.
- 5.3 Provisions contained in the UK Procurement Legislation which govern Frameworks must be complied with when concluding a Framework contract or awarding a contract based on a Framework.
- 5.4 In all cases where a Contract is awarded under these CPRs, a Contractor can only be appointed who, as a minimum:
 - a) meets the City Council's insurance requirements for the Contract (in respect of public liability, product, professional indemnity and/or employer's liability as appropriate, based on an assessment of risk for the Contract); and
 - b) is registered for tax and holds a valid certificate (where appropriate).

Contract Procedure Rule 6: Publication of Notices

- 6.1 In all cases where, by virtue of these CPRs or by UK Procurement Legislation, a public notice is required, it shall be placed on the tendering opportunities portal and on the Central Digital Platform or Contracts Finder (as applicable).
- 6.2 Where the value of the contract is £25,000 or greater, or a Framework / Dynamic Market call-off contract at any value, the information regarding the Contract award is required to be placed on the Central Digital Platform or Contracts Finder (if the PCR 2015 applies).
- 6.3 Where the value of the Contract exceeds the relevant Threshold, the **appropriate required notices** shall also be published on the UK e-notification service in accordance with the UK Procurement Legislation.

Contract Procedure Rule 7: Purchasing Procedures for Contracts of a Value less than £75,000

- 7.1 Where the estimated value of the Contract, calculated in accordance with CPR 4, is less than £1,000, then one written quotation (unless the Council's insurers require multiple quotations) should be obtained.
- 7.2 Where the estimated value of the Contract, calculated in accordance with CPR 4, is £1,000 or greater and less than £75,000 then either:
- a) a suitable framework can be used, which has been approved for use by the Head of Corporate Services; or
 - b) three written quotations should be requested against the same written request for quotation in accordance with the procedures set out in the Council's Procurement Guide. Where it proves not reasonably practicable to obtain three quotations, then provided three written quotations have been requested in accordance with the procedure set out in the Procurement Guide, a contract may be awarded without the need for a waiver.
- 7.3 In the selection of the Contractor, the Contract Lead Officer shall bear in mind the need to seek best value for money and be able to demonstrate that they have achieved this.
- 7.4 The Contract shall be evidenced in writing, supported by a written specification of requirements, by submission of an order in accordance with the Framework or, where a Framework is not used, by the placing of an order on the basis that the price in the written quotation received shall apply.

Contract Procedure Rule 8: Tendering Procedures for Contracts of a Value of £75,000 or greater but less than the relevant Threshold

- 8.1 Where the estimated value of the Contract, calculated in accordance with CPR 4, is £75,000 or greater but less than the relevant Threshold, and there is a suitable Framework contract approved by the Head of Corporate Services, under CPR 5.2, that Framework shall be used.
- 8.2 Where no suitable Framework is available, tenders shall be invited using a procedure comparable/similar to the Open procedure under the UK Procurement Legislation.
- 8.3 The procedure requires the publication of a notice in accordance with CPR 6. The public notice shall specify (i) a time period within which interested parties may express an interest in tendering, and (ii) the method by which such interest shall be expressed. At the end of this period, an invitation to tender shall be sent to all parties who have expressed an interest, specifying a reasonable period for tenders to be returned.
- 8.4 In all cases, every invitation to tender shall include the following:
- A statement that the tendering process will be conducted within the City Council's electronic tendering system;
 - Full instructions on how to submit their tender to this system;
 - Advice that tenders, once received in the system, will be anonymous until the time specified for their opening;
 - Advice as to the deadline for submission of tenders to this system.
- 8.5 The invitation to tender shall state the evaluation criteria, including sub-criteria and sub-sub-criteria (where used), weightings and scoring criteria that will be applied in the award of the Contract. These criteria must be capable of objective assessment, include price and any other relevant factors, and be weighted by relative importance. The invitation to tender shall also include the terms and conditions that will apply to the Contract.
- 8.6 The Contract shall be evidenced in writing by the completion of a formal written Contract, the terms of which have been approved either by the Legal Function or other person authorised by the City Council for this purpose.

Contract Procedure Rule 9: Tendering Procedures for Contracts above Thresholds and Modifications of Contracts above Thresholds

- 9.1 The UK Procurement Legislation sets financial thresholds beyond which prescribed tendering procedures must be followed. The Thresholds are reviewed every two years, and the updated figures can be found on the GOV.UK website or the Procurement Guide.
- 9.2 Where the estimated value of the Contract is in excess of the relevant Threshold, the procedures set out in the UK Procurement Legislation must be followed. Under the PA 2023, the competitive tendering procedure has been reduced to just two procedures, namely the open procedure and the competitive flexible procedure. All above-threshold procurements that commence on or after 24th February 2025 must use one of these two competitive procedures, unless the contracting authority is making a direct award or awarding a call-off contract under a framework. All awards under a dynamic market must be made using a competitive flexible procedure. The aim of the competitive flexible procedure is to enable a contracting authority to design a bespoke procedure that suits the nature of the individual procurement.
- 9.3 In certain specialist cases where complex procedures are used, advice on which procedure is appropriate to the specific case should be sought from the Procurement Function who shall consult with the Legal Function, where appropriate.
- 9.4 In the event that the Head of Service determines that the contract relates to a strategic or policy decision, as defined by the Head of Corporate Services, then approval of the Full Council or the Committee with delegated responsibility for the relevant service area shall be sought.
- 9.5 Any proposed modifications to existing contracts which have not been provided for in the initial procurement documents in clear, precise and unequivocal review clauses shall be approved by the Head of Service within whose areas of responsibility the contract falls, in consultation with the Legal Function. In the event that the Head of Service determines that the contract relates to a strategic or policy decision, then approval of Full Council or the Committee with delegated authority for the relevant services area, shall be sought.
- 9.6 In the event that the Head of Service for the relevant service area is unavailable, the decisions reserved to that Head of Service by paragraphs 9.3, 9.4 and 9.5 can be taken by the Chief Executive Officer.

Contract Procedure Rule 10: Receipt and Opening of Tenders

- 10.1 Subject to CPR 10.2, the Procurement Function shall ensure that all tenders shall be opened at the same time, by an officer independent of the procurement process and appropriately trained to open tenders on the electronic tendering system as soon as reasonably practicable on or after the date for return of tenders.
- 10.2 The officer opening tenders shall record, in respect of each tender opened, the name of the tenderer and, where applicable, the total value.

Contract Procedure Rule 11: Evaluation of Tenders and Award of Contract

- 11.1 The Contract Lead Officer (who should normally be an employee of the City Council) shall ensure that the tenders received are evaluated in accordance with the evaluation criteria that have been adopted for the Contract and stated in the invitation to tender. These criteria must be capable of objective assessment, include price and other relevant factors, and be weighted by relative importance.
- 11.2 The Contract Lead Officer shall ensure a written report is produced evaluating each tender received against the evaluation criteria. The report shall identify the tenderer who has submitted the Most Advantageous Tender (i.e. the tender that achieves the highest score in the evaluation) and recommend the award of the Contract to that tenderer. This report shall be submitted to the person authorised to award the Contract under CPR 11.4.
- 11.3 No contract may be awarded unless the expenditure involved has been included in approved estimates and sufficient budgetary provision made in the City Council's capital or revenue accounts in accordance with CPR 3.1. The Evaluation Report shall confirm how this requirement is met.
- 11.4 Each Head of Service, is authorised to award and sign any contract entered into on the City Council's behalf, where it relates to their Area of Responsibility.
- 11.5 Where the value of a Contract is above the relevant Threshold, the Contract shall be awarded in accordance with the UK Procurement Legislation and in particular the requirements relating to a "standstill" period prior to the Contract being entered into.
- 11.6 All Contracts, including an arrangement subject to a purchase order, must be made in writing under English Law, and must clearly and carefully specify the supplies, services or works to be provided, the agreed programme for delivery and the price and terms for payment together with all other terms and conditions.
- 11.7 Where purchases of a value less than £75,000 are made for which standard terms and conditions have been approved for use, those standard terms should be used. Where a Contract is estimated at a value of £75,000 or above, or is of an unusual or complex nature, the Legal Function should be consulted to produce a suitable set of conditions of contract or to advise on existing conditions for use under a Framework.
- 11.8 Every contract must also include certain clauses to protect the City Council from fraud and to ensure that Contractors understand their responsibilities when they are acting on the City Council's behalf as well as clauses required to comply with the UK Procurement Legislation.

11.9 The Head of Service within whose area of responsibility the Contract falls shall allocate, to a manager or supervisor, responsibility for the ongoing management of the Contract.

Contract Procedure Rule 12: Waiver of Contract Procedure Rules

- 12.1 Any of the requirements of these CPRs may be waived in an individual case, by the persons authorised as follows:
- Where the estimated value of the Contract is less than **£75,000**, the Head of Service within whose area of responsibility the Contract falls and in consultation with the Chief Executive Officer.
 - Where the estimated value of the Contract is **£75,000** or greater, the Head of Service within whose area of responsibility the Contract falls, in consultation with the Chief Executive Officer and with the benefit of advice from the Procurement Function.
 - Where the estimated value of the contract is **£173,000** or greater the Head of Service in consultation with the Chief Executive Officer, and with advice from the Procurement Function and Legal Function, unless it is determined that the Contract relates to a decision on a strategic or policy decision, then Full Council.
- 12.2 A request for the issue of a waiver must be made in writing to the person authorised under CPR 12.1, with full reasons as to why the waiver is required, and evidence that the issue of a waiver will not prevent best value from being obtained. The decision in response to the request for a waiver must also be in writing. No action shall be taken to enter into the Contract until such request has been submitted, the decision made, and the transparency notice has been published. Before making a direct award, the City Council must determine that a direct award justification applies or conclude that there are no suitable tenders following a competitive tendering procedure and have published a transparency notice stating its intention to make a direct award.
- 12.3 The City Council is subject to legal requirements to ensure fair competition for Contracts of a value exceeding the Thresholds, and subject to obligations under the UK Procurement Legislation to ensure that all Contracts (regardless of value) are awarded having regard to the need to avoid any action that is discriminatory, improper or which distorts competition.
- 12.4 It is understood that a waiver may be utilised where it can be demonstrated that the ability to act quickly to engage a single supplier would make economic sense and fits with service requirements, in circumstances where there is no more effective way to secure the capacity.
- 12.5 In the event that the Head of Service for the relevant service area is unavailable, the decision reserved to that Head of Service by paragraph 12.1 may be taken by a manager or supervisor nominated by the Head of Service for the relevant service area.