

Procurement and Contract Procedure Rules

East Surrey Council

Version XX Month/Year

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1. Introduction and Purpose

- 1.1. These Procurement and Contract Procedure Rules (“PCPRs” or “the Rules”) govern the procurement of all supplies of goods, works and services, including healthcare services, via any payment route, for the Council and set out the responsibilities and procedures to be followed by Officers when undertaking procurement activity on behalf of the Council.
- 1.2. The Council is required by section 135 of the Local Government Act 1972 to maintain these Procedure Rules as part of the Constitution.
- 1.3. Detailed operational guidance on how to conduct compliant procurements is contained within the Procurement How to Buy Guide (“How to Buy Guide” or “the Guide”). The Guide should be read in conjunction with these Rules and all applicable legislation, policies and statutory guidance.
- 1.4. Officers must be able to demonstrate that decisions are lawful, deliver value for money, manage risk appropriately and are supported by an audit trail.
- 1.5. The procurement lifecycle spans from the identification of need through to contract expiry or the end of the useful life of an asset. It includes an options appraisal and consideration of whether requirements should be delivered through internal provision or external procurement.
- 1.6. Failure to comply with these Rules may result in procurement decisions being challenged, contracts being declared ineffective or set aside, financial penalties, reputational damage, audit recommendations, and disciplinary action against responsible Officers. Non-compliance may also constitute a breach of statutory procurement obligations, undermine transparency and value for money, and expose the authority to legal, financial, reputational and operational risk.
- 1.7. The Director of Procurement is the custodian of these Rules and is responsible for keeping them under review. The Director of Procurement shall have delegated authority to make the following incidental amendments to these Orders from time to time:

- a. Changes to the Regulatory Thresholds set out in the applicable Procurement Legislation to reflect changes made by central government;
- b. Changes to job titles, departments and roles of staff where these reflect organisational changes (i.e. not where doing so would in effect alter a delegation of authority);
- c. Links or references to or contained within Appendix 1; and
- d. Changes required to clarify or add or remove definitions.

2. Scope

- 2.1. The PCPRs apply to all employees, Officers, consultants and other individuals acting on behalf of the Council(s) who are involved in the commissioning, procurement, award and management of contracts for goods, services, works and healthcare services.
- 2.2. The PCPRs operate alongside applicable legislation, including the Procurement Act 2023 (PA23), Procurement Regulations 2024, Public Contract Regulations 2015 (PCR2015), Provider Selection Regime (PSR), Public Services (Social Value) Act 2012, and any other relevant statutory requirements. They should be read in conjunction with the Council's Finance Procedure Rules, Scheme of Delegation, and any other Council policy that relates to the activities being undertaken (for example prevailing policies covering matters such as Social Value, Environmentally Sustainable Procurement, and Equality and Diversity). Where there is a difference between Procurement Legislation and these Rules and/or other policies, Procurement Legislation prevails.
- 2.3. Officers undertaking procurement activity through a shared service arrangement shall be subject to the Procurement and Contract Procedure Rules (or equivalent) of the Council on whose behalf they are acting, irrespective of their employing organisation.

Exemptions

- 2.4. The following contracts and/or contracting activities are exempt from these Rules:

Exemption	Notes
Services exempt under Schedule 2 of Procurement Act 2023 (or relevant exemptions under previous procurement legislation)	See link in Appendix 1
Contracts for the acquisition or lease of land and/or real estate	Managed via Property Services
Contracts for permanent or fixed-term employment	HR/Recruitment Policies
Direct payments to customers following care assessment (for example, payments under Self-Directed Support or Individual Budgets)	Governed under The Care Act 2014
Non-trade mandatory payments to third parties, such as insurance claims, pension payments, payments to public bodies	
A declared emergency authorised by the Emergency Planning Officer / Emergency Planning and Resilience Team.	The Civil Contingencies Act 2004 / Council's emergency planning or business continuity procedures
Awarding of Grants	Managed according to locally agreed Grant policies or process
Placement of a Child & Young Person with Special Educational Needs & Disabilities where already directed following statutory assessment including but not limited to, overarching contracts with independent schools.	Children and Families Act 2014, Education Act 1996, SEND Code of Practice: 0 to 25 years, and/or any guidance issued by the Education and Skills Funding Agency

3. Roles and Responsibilities

- 3.1. Whilst specialist advice and support are available from Procurement, Legal, Finance, and other professional functions, responsibility for ensuring compliance with these Rules and accountability for the successful delivery of the procurement and resulting contract rests with the relevant budget holder and contract owner.
- 3.2. Directors are responsible for ensuring that effective governance and oversight arrangements operate within their services.

4. Procurement Principles

- 4.1. The Authority will undertake all procurement activity in accordance with the principles of:
- Value for money and efficient use of public resources.
 - Maximising public benefit through the delivery of economic, social and environmental outcomes.
 - Maximising income generation through contracts and commercial opportunities.
 - Transparency, accountability and openness in decision making.
 - Integrity, ethical conduct and management of conflicts of interest.
 - Fair treatment of suppliers and the promotion of effective competition.
 - Proportionality, ensuring procurement activity is appropriate to the value, risk and complexity of the requirement.
 - Social Value.
 - Sustainability and the Authority's environmental objectives.
 - Equality, Diversity and Inclusion in accordance with the Equality Act 2010.
 - Support for small and medium-sized enterprises (SMEs), voluntary, community and social enterprise organisations (VCSEs), and innovation.
 - Collaboration and partnership working where this delivers better outcomes.

- 4.2. In undertaking procurement activities, the Authority shall have regard to the Public Services (Social Value) Act 2013, National Procurement Policy Statement and any subsequent procurement policy statements and requirements issued by the Government.

5. Governance Framework

- 5.1. Procurement decisions must be taken in accordance with these Rules, the Council's Constitution, Scheme of Delegation and Finance Procedure Rules. Officers must obtain the approvals specified in Appendix 2 before commencing a procurement, awarding a contract, approving a contract modification, exercising a contractual option, or taking any other procurement-related decision requiring approval. Decisions must be supported by an appropriate audit trail.

Procurement Board

- 5.2. Approval from the Procurement Board (or any equivalent and/or successor body) must be obtained before commencing procurement activity where the proposed spend is subject to Procurement Board review in accordance with the Council's current governance requirements.
- 5.3. Details of the categories, thresholds and approval requirements are available on the intranet or via the link in [Appendix 2](#).
- 5.4. Approval from the relevant budget holder(s) must be obtained before commencing any procurement activity to ensure that funding is available and expenditure has been appropriately authorised.

Approval to Procure and the Procurement Forward Plan (PFP)

- 5.5. To support effective planning and oversight of procurement activity throughout the Council, the Director of Procurement will develop and maintain a Procurement Forward Plan (PFP). The plan will be divided into two parts:

PFP Part A: Approval to Procure and Delegated Authority to Award

- 5.6. A detailed 12-month forward plan will be maintained for each Directorate (or equivalent), setting out all contracts above the Goods and Services

Regulatory Threshold which require renewal or replacement, together with any new procurement requirements expected within the next financial year.

- 5.7. PFP: Part A shall be developed during the annual business planning cycle and agreed with the relevant Service Directors, following consultation with Finance Officers. The Plan shall then be submitted to the **Executive** for approval. **Executive** approval of PFP: Part A shall constitute approval to commence the procurement activities identified within it (Approval to Procure), and no further **Executive** approval shall be required unless there is a material change to the approved procurement strategy or scope.
- 5.8. Where the proposed contract award value exceeds the budget agreed with Finance by more than 5%, the matter must be reported for approval in accordance with the Approval to Procure tables in Appendix 2. The contract award shall not proceed until the required approval has been obtained.
- 5.9. Where an above threshold procurement requirement arises during the financial year that has not been identified within or approved through PFP: Part A, the relevant Head of Service must seek Approval to Procure before any procurement activity commences.
- 5.10. For capital projects, approval may be granted by the Capital Programme Panel (or equivalent).
- 5.11. For revenue-funded procurements, approval must be obtained in accordance with the following approval limits:
- Value under £1m - Head of Procurement and **Executive Director** of relevant Service in consultation with Portfolio Holder, **Executive Director Finance (s151) Governance and Assets / Executive Director Finance and Assets (S.151)**
 - Value over £1m - As above including **Executive**.
- 5.12. Where the procurement involves Information Technology (IT), Digital, Data, or Technology-related goods, services, or solutions, Approval to Procure must also be approved by the **Director of Digital / Director of IT** before the procurement process may commence.
- 5.13. Approval to Procure and any delegated authority to Award are granted on the basis of the information presented at the time approval is obtained. Where

there is a material change to the approved scope, value, risk profile, procurement strategy, funding arrangements, contract term or delivery model, further approval must be sought in accordance with Appendix 2 before proceeding.

- 5.14. Where an extension or modification of a contract is requested, and/or a waiver to these Rules is required, the approvals must be sought in line with the details set out in the tables and Appendix 2. The total, revised value of the contract - including any proposed extension of variation m- if the value that must be used to determine the requirements such as approval to award a contract.

PFP Part B: Procurement Pipeline

- 5.15. Part B of the Procurement Forward Plan (PFP) will set out anticipated procurement activity for the financial year beyond that covered by Part A. It allows the council to satisfy pipeline reporting requirements under PA23, and provides early visibility of future procurement requirements and support strategic planning, market engagement, and resource allocation across the Council.
- 5.16. For the avoidance of doubt, inclusion of a procurement within Part B does not constitute Approval to Procure or Approval to Award. Such approvals must be obtained in accordance with the requirements of these Rules.
- 5.17. To comply with legislative transparency requirements under PA23, the Council shall maintain a Procurement Pipeline through the publication of Pipeline Notices for procurements that meet the statutory thresholds and criteria prescribed by legislation and associated regulations. Collectively, these notices shall form the Council's Procurement Pipeline and shall set out proposed procurement activity for the relevant reporting period. Pipeline Notices shall be published on the Central Digital Platform, or any successor platform required by legislation, and updated as necessary to reflect planned procurement activity.

6. Standards of Conduct

Conflicts of Interest

- 6.1. The Council must take all reasonable steps to identify, mitigate and keep under review conflicts of interest arising in procurement activity. Officers involved in a procurement or contract management activity must declare any actual, potential or perceived conflict of interest and comply with any mitigation measures required by the Council. Conflict of interest assessments and declarations must be completed and updated where required by PA23, these PCPRs and any other relevant policies, procedures and rules of the Council. Officers must also comply with the Council's Declarations of Interest Policy.

Gifts and Hospitality

- 6.2. Officers must not accept gifts, hospitality or other benefits that could influence, or reasonably be perceived to influence, the award, management or performance of a contract. Any gifts or hospitality offered or received in connection with procurement activity must be declared and recorded in accordance with the Council's Gifts and Hospitality Policy or equivalent.

Anti-Fraud, Corruption and Bribery

- 6.3. Officers involved in procurement and contract management activities must comply with the Council's policies relating to fraud, corruption and bribery. Officers must not seek, offer, give or accept any inducement or advantage that could improperly influence, or be perceived to improperly influence, a procurement or contract-related decision. Any suspected fraud, corruption, bribery, collusion, anti-competitive behaviour or other procurement irregularity must be reported in accordance with the Council's procedures.

Confidentiality and Information Management

- 6.4. Officers must protect commercially sensitive, confidential and personal information obtained through procurement and contract management activities. Information must only be disclosed where authorised or required by

law and must be managed in accordance with applicable information governance, data protection and records management requirements.

7. Social Value, Environmental Sustainability and Ethical Procurement and Supply Chains

- 7.1. The Council may from time to time adopt local, regional or national policies relating to ethical, environmental, sustainable and social value procurement objectives. Officers shall have regard to such policies and, where relevant and proportionate, incorporate the associated requirements into procurement strategies, procurement documentation, evaluation processes and contract management arrangements. Further information is set out in Appendix 4.

Social Value

- 7.2. The Council will seek to maximise social value through its procurement and contract management activities by securing additional economic, social and environmental benefits for residents, communities and the local area. Procurement activity must support the Council's strategic priorities and contribute to wider community outcomes where this is relevant and proportionate to the subject matter, value and risk of the contract.
- 7.3. All Officers must consider social value opportunities at an early stage of the procurement process. Officers must adhere to the Social Value Policy, as published on the Council's website and updated from time to time, and to the Council's prevailing Social Value Model or equivalent. Social Value commitments must be clearly connected to the outcomes they aim to achieve, with outcomes and key performance indicators incorporated into core contractual requirements. Social Value in tenders will be evaluated as part of the quality evaluation, in which clear method statements and delivery plans will be expected from bidders, and, wherever possible, no less than 10% of quality evaluation should be applied to Social Value.
- 7.4. Contract Managers must take ownership of ensuring all Social Value committed to by Suppliers is delivered, and of providing social value delivery reporting data where requested.

- 7.5. Procurement may issue guidance from time to time regarding the Council's Social Value priorities, evaluation requirements, reporting arrangements and the use of approved social value measurement tools. Officers must have regard to such guidance when undertaking procurement activity.

Climate Change and Environmentally Sustainable Procurement

- 7.6. A healthy and properly functioning natural environment is the foundation of a thriving economy, employment stability, prospering communities and personal wellbeing. The procurement of goods, works and services has environmental implications, both in their respective local areas and around the planet and, as a result, the Council is actively working to reduce and minimise these negative effects where possible.
- 7.7. Environmentally sustainable procurement is the commissioning, purchase and management of goods, works and services in a way that reduces or negates negative environmental impacts within the supply chain. As set out in the Environmentally Sustainable Procurement Policy (or equivalent), four interconnected focus areas must be considered when procuring items on behalf of the Council:
- Climate Change Mitigation and Adaptation;
 - Prevention of Pollution;
 - Sustainable Resource Use and Consumption; and
 - Protection and Restoration of Biodiversity.
- 7.8. Procurements must be considered against the Environmentally Sustainable Procurement Policy (or revised equivalent) and environmental considerations are to be built into the procurement and delivery of goods, works and services through specifications, tender questions, evaluation criteria, key performance indicators and clauses of contracts.

Modern Slavery and Ethical Supply Chains

- 7.9. Officers must have due regard to the risk of modern slavery, human trafficking and unethical labour practices within the supply chains associated with the goods, services and works being procured. Officers shall undertake appropriate and proportionate due diligence throughout the procurement and

contract management lifecycle to provide assurance that suppliers, and where relevant their supply chain partners, conduct their business activities in a fair, lawful and ethical manner, and to mitigate the risk of exploitative practices.

7.10. Such due diligence shall include, but not be limited to:

- a. Ensuring compliance with the requirements of Section 54 (Transparency in Supply Chains) of the Modern Slavery Act 2015;
- b. Incorporating appropriate modern slavery and ethical employment considerations within procurement specifications and requirements;
- c. Including modern slavery and ethical supply chain considerations within selection, conditions of participation and tender evaluation processes, where appropriate, to assess a supplier's capability to identify, manage and mitigate associated risks; and
- d. Embedding appropriate due diligence, monitoring and compliance requirements within contractual terms and conditions.

8. Planning the Procurement

- 8.1. Before commencing a procurement, Officers must ensure that there is a clearly identified business need, sufficient budget provision and that any required approvals have been obtained in accordance with the Council's Governance Framework and Procurement Forward Plan requirements. Procurement activity must be planned in a manner that is proportionate to the value, complexity, risk and strategic importance of the requirement.
- 8.2. Officers must consider whether the requirement can be delivered through existing arrangements, internal provision, shared services, collaborative opportunities or other alternative delivery models. The rationale for the selected approach must be documented.

Market Engagement

- 8.3. Officers should consider undertaking pre-market engagement as part of procurement planning to inform the procurement strategy, specification, budget and delivery approach. Any engagement must be conducted fairly and transparently, with appropriate records maintained and any statutory notice

requirements complied with. Further guidance is contained within the How to Buy Guide.

Contract Valuation

- 8.4. Contract Values must be calculated in accordance with Procurement Legislation and include the total value payable over the full term of the Contract, including any options to extend, modify or renew.
- 8.5. Contracts must not be artificially divided, undervalued or otherwise structured to avoid the requirements of Procurement Legislation, these Rules or associated governance arrangements.

9. Choosing the Procurement Route

Determining the Procurement Type

- 9.1. Before undertaking any procurement activity, Officers must determine the nature of the requirement and identify the procurement category to which it relates. The applicable procurement legislation, thresholds and procedural requirements will vary depending on the procurement category and estimated contract value.
- 9.2. Procurement requirements will generally fall within one of the following categories:
 - Goods and Services;
 - Works;
 - Light Touch Services;
 - Healthcare Services subject to the Provider Selection Regime (PSR);
and
 - Concessions.
- 9.3. Further information on procurement categories, applicable legislation and threshold values is set out in Appendix 3.

Existing Arrangements

- 9.4. Before commencing a new procurement exercise, Officers must consider whether the requirement can be met through an existing compliant arrangement.
- 9.5. This may include:
- Existing contracts;
 - Framework agreements;
 - Open Frameworks;
 - Dynamic Markets;
 - Collaborative arrangements;
 - Shared service arrangements; or
 - Any other compliant route available to the Council.
- 9.6. Where a suitable existing arrangement is available and capable of meeting the Council's requirements, its use should be considered before commencing a new procurement exercise. The rationale for the chosen approach must be documented.

New Procurement Exercises

- 9.7. Where no suitable existing arrangement is available, a new procurement exercise may be undertaken.
- 9.8. The procurement route selected must be:
- Lawful;
 - Proportionate;
 - Appropriate to the value, risk and complexity of the requirement;
 - Consistent with the Council's procurement objectives; and
 - Capable of delivering value for money and maximising public benefit.
- 9.9. The procurement routes available to the Council are set out in Appendix 2 and may include quotation processes, tender exercises, framework establishment procedures, Dynamic Markets and any other routes permitted by applicable procurement legislation.

- 9.10. Where there is uncertainty regarding the appropriate procurement category, route to market or legislative requirements, Officers must seek advice from Procurement before proceeding.

10. Conducting the Procurement and Award

- 10.1. Contract award decisions must be based on the published procurement requirements and undertaken in a fair and transparent manner.
- 10.2. Appropriate records must be maintained to demonstrate compliance with these Rules and applicable legislation. Detailed guidance on the conduct of procurement exercises and contract award procedures is contained within the How to Buy Guide.
- 10.3. Contract Awards must be made in line with the approvals set out in Tables 2-5 in Appendix 2.
- 10.4. Financial assessments of proposed suppliers must be made as proportionate to the risk, value and complexity of the contract. If necessary, seek advice from Finance.
- 10.5. Suppliers must be checked on the central government Debarment List prior to the award of a contract. The list includes excluded suppliers (mandatory exclusion on grounds such as cartel activity, corruption, or severe modern slavery breaches) and excludable suppliers (discretionary exclusion on grounds such as poor contract performance or financial due diligence failures).

Services Led Procurements of between £25,000 and £100,000

- 10.6. Where the table in Appendix 2 allows for Services to lead procurements with procurement oversight, the following applies:
- Procurement must be informed of the intention to procure prior to the commencement of the procurement exercise;
 - Procurement must approve procurements before they proceed to ensure alignment with the overarching procurement strategy;
 - Procurement reserve the right to call in any procurement for review to ensure that it is following all appropriate regulations, and may, in

exceptional circumstances, step in and take over the procurement process to be run within the procurement team;

- Procurement may refer the purchase to be undertaken by Procurement where it has been identified as an opportunity for aggregation or financial opportunities (cost saving);
- The Service must run the procurement on the e-sourcing platform applicable at the time of the procurement, (see section 16.1(f) for Local Government Reform transition arrangements);
- The Service is responsible for ensuring any notices required under PA23 are published in time and to sufficient quality, and for informing Procurement that this has occurred; and
- The Service is responsible for ensuring all internal system records relating to the procurement and the contract are made and maintained and can provide an appropriate audit trail.

10.7. The above applies in all procurement exercises, including where a waiver of these Rules is required and/or there is a requirement to extend or modify and existing contract.

10.8. Further information is available in the How to Buy Guide and intranet pages.

Reserving Procurements for Local Suppliers

10.9. In accordance with applicable Procurement Legislation and Government policy, Officers may consider the reservation of below-threshold procurements to support local economic growth, resilient supply chains, SMEs and VCSEs. Any use of reserved procurements must be justified on a case-by-case basis, documented appropriately and undertaken in accordance with the How to Buy Guide.

11. Contract Formation

11.1. All purchases and contracts must be supported by an appropriate contractual arrangement that is proportionate to the value, risk and complexity of the requirement. The minimum contractual requirements are set out in the approval tables in Appendix 2.

- 11.2. Contracts shall include insurance requirements appropriate to the value, risk and nature of the requirement. Officers must ensure that adequate insurance arrangements are in place before a contract commences where such insurance is required, with advice sought from the Council's Insurance Team or equivalent, where appropriate.
- 11.3. No contract shall commence, nor goods, works or services be ordered, until the relevant contractual arrangements have been completed and all required approvals have been obtained, and publication requirements, notices and standstill obligations have been satisfied.
- 11.4. The form of contractual arrangement used may include a Purchase Order incorporating the Council's standard terms and conditions, a framework call-off agreement, a standard form contract or a bespoke contract, as appropriate to the procurement being undertaken.
- 11.5. Contracts must be executed in accordance with the Council's Constitution, Scheme of Delegation and any requirements relating to authorised signatories, sealing or execution as a deed.
- 11.6. The Council's e-tendering, contract management and record management systems must be used to manage contract awards and maintain contract documentation and associated records.
- 11.7. All Contracts must have an identified Contract Manager who is responsible for the contract and supplier relationship. Where a Contract requires active contract management, a designated Contract Manager must be appointed and recorded in the Council's contract management system.
- 11.8. Where appropriate, arrangements shall be made for the mobilisation and implementation of the Contract to ensure an effective transition into service delivery.
- 11.9. Detailed procedures relating to contract execution, contract documentation, publication requirements, mobilisation, transition and contract exit arrangements are contained within the How to Buy Guide. Officers must ensure that appropriate exit and handover arrangements are considered throughout the contract lifecycle and must have regard to that guidance when undertaking procurement and contract management activity.

12. Contract Management

- 12.1. The Contract Management Framework identifies the minimum contract management requirements for all contracts, according to their segmentation level, and services must ensure that a designated Contract Manager is assigned throughout the life of the contract or identify an individual in the service who is responsible for contract. Any change to the designated Contract Manager or identified individual, must be recorded promptly within the Council's contract management systems and associated records. Contract Managers and service areas are responsible for ensuring that:
- a. Contract performance is monitored and managed throughout the contract lifecycle;
 - b. Contractual obligations, service levels, performance measures and agreed outcomes are reviewed on a proportionate basis;
 - c. Appropriate contract management documentation and records are maintained;
 - d. Any applicable legislative, transparency and reporting requirements relating to contract performance are complied with;
 - e. Risks, issues, contract modifications, extensions and supplier performance concerns are managed appropriately and escalated where required; and
 - f. Business continuity and exit arrangements are maintained where proportionate to the value, risk and criticality of the contract.
- 12.2. For Contracts subject to Procurement Act 2023 transparency and contract management requirements, Contract Managers must ensure that all contract performance monitoring, KPI reporting, supplier performance assessments, publication requirements and associated notices are completed accurately and within the required timescales.
- 12.3. Detailed requirements relating to the Council's Contract Management Framework, contract management plans, performance monitoring, supplier management, business continuity arrangements and statutory reporting obligations are set out in the How to Buy Guide and/or the Contract

Management Framework. Officers must have regard to that guidance when undertaking contract management activities.

13. Contract Extensions and Modifications

- 13.1. Contract extensions and modifications may only be approved where permitted by the Contract, applicable legislation and the Council's governance arrangements. Such changes must be approved in accordance with Appendix 2 and supported by an appropriate audit trail. The value to be used to determine requirements as set out in the tables in Appendix 2 is the total, revised value of the contract - including any proposed extension or variation.
- 13.2. An extension or modification that was not explicitly allowed for in the original contract and/or that exceeds the original budget approval and that increases the total contract value into next threshold (as per Appendix 2) must be approved as per the contract approval requirements for the revised value.
- 13.3. Procurement and Legal Services must be consulted where required by the nature, value or risk of the proposed change. More information is contained in the How to Buy Guide.

Contract Novation

- 13.4. Where a Contract is proposed to be transferred to another legal entity, the proposed novation must be reviewed and approved in accordance with applicable legislation and the Council's governance arrangements before it takes effect. The Contract Manager is responsible for ensuring that Procurement, Legal Services and the Contract Register are updated as required.

14. Exemptions, Waivers and Emergency Procurement

Waivers

- 14.1. A waiver is required where a proposed procurement activity or contract modification does not comply with these Rules.

- 14.2. A waiver may only be approved where there is a clear and justifiable business reason for doing so and where the proposed course of action complies with Procurement Legislation and all other applicable legal requirements. A waiver must not be approved where it would result in a breach of Procurement Legislation or any other applicable legislation.
- 14.3. Requests for a waiver must be made in writing and must clearly identify the requirement from which a waiver is sought, the reasons for the request, the risks arising from the proposed approach and the measures to mitigate those risks. Further details can be found in the How to Buy Guide.
- 14.4. Waivers must be approved in accordance with the Council's governance arrangements before any commitment is made to a supplier. Retrospective waivers will not normally be permitted and may be treated as non-compliance with these Rules.
- 14.5. A complete record of all waivers and supporting approvals shall be maintained to provide an appropriate audit trail.

Emergency Procurement

- 14.6. Emergency procurement arrangements may only be used where there is a genuine and immediate risk to life, property, service continuity or the Council's ability to discharge its statutory obligations, and there is insufficient time to comply with the Council's normal procurement requirements. Any emergency procurement must be limited to what is reasonably necessary to address the immediate situation and, wherever practicable, must achieve value for money.
- 14.7. The circumstances giving rise to the emergency, the decisions taken, expenditure incurred and approvals obtained must be documented and retained as part of the procurement record.
- 14.8. The use of emergency procurement arrangements does not remove the requirement to comply with Procurement Legislation or any other applicable legal requirement where compliance remains possible in the circumstances.
- 14.9. Urgent issues arising during the delivery of a Contract do not automatically constitute an emergency and should normally be managed through the Council's contract management arrangements, including the use of

contractual provisions, contingency measures and business continuity arrangements where appropriate.

- 14.10. Detailed procedures relating to waivers, emergency procurement and associated approval requirements are contained within the How to Buy Guide. Officers must have regard to that guidance when undertaking procurement activity.

15. Transparency, Records and Reporting

- 15.1. The Council must conduct procurement and contract management activities in a transparent, accountable and auditable manner and must comply with all applicable transparency and publication obligations arising from Procurement Legislation and any other statutory requirements.
- 15.2. The Council must maintain a Contract Register in accordance with legislative and corporate requirements. Budget Holders and Contract Owners must ensure that complete and accurate contract information is provided promptly and that contract records are kept up to date throughout the contract lifecycle.
- 15.3. Officers must ensure that all notices, disclosures and other information required by Procurement Legislation are published accurately and within the prescribed timescales.
- 15.4. Contract Managers must ensure that any contract management notices, performance reporting requirements, publication obligations and transparency information required throughout the life of a Contract are completed accurately and within the required timescales.
- 15.5. Appropriate records must be maintained throughout the procurement lifecycle to provide a clear audit trail of procurement decisions, approvals, communications, evaluations, contract awards, contract modifications and contract management activities. Records must be sufficient to explain and justify material decisions taken during the procurement process and to demonstrate compliance with legal, financial and governance requirements. Procurement and contract records shall be retained in accordance with applicable legislation, the Council's records retention requirements and information governance policies.

- 15.6. Any significant procurement non-compliance, irregularity or matter presenting material legal, financial, operational or reputational risk must be reported in accordance with the Council's governance arrangements.
- 15.7. Detailed arrangements relating to publication requirements, transparency obligations, the Contract Register, records management, retention requirements and reporting processes are set out in the How to Buy Guide. Officers must have regard to that guidance when undertaking procurement activity.

Review and Continuous Improvement

- 15.8. The Council will monitor compliance with these Rules and may undertake reviews of procurement and contract management activity to assess compliance with legislative, governance and policy requirements. Officers must cooperate with any procurement review, assurance activity, audit, inspection or investigation and provide such information and assistance as may reasonably be required.
- 15.9. Any findings arising from internal audit, external audit, procurement assurance reviews, inspections or other review activities shall be considered by the appropriate Officers and, where necessary, appropriate corrective action shall be taken.
- 15.10. Significant instances of non-compliance, control weaknesses, procurement irregularities or recurring issues shall be reported and managed in accordance with the Council's governance arrangements.
- 15.11. These Rules shall be reviewed periodically and updated as necessary to ensure continued compliance with legislative requirements and alignment with the Council's governance and procurement objectives.
- 15.12. The Director of Procurement may make administrative amendments to these Rules to reflect changes to statutory thresholds, legislative references, organisational structures, job titles, hyperlinks, cross-references and definitions, provided that such amendments do not alter the substantive effect of these Rules. The Council may monitor and evaluate procurement outcomes, including value for money, social value, environmental benefits,

Supplier performance and other agreed contractual outcomes, in order to assess effectiveness and support continuous improvement.

- 15.13. Detailed arrangements relating to compliance monitoring, audit, assurance reviews, lessons learned, continuous improvement activities and the review of procurement guidance are set out in the How to Buy Guide and associated governance documents. Officers must have regard to that guidance when undertaking procurement activity.

16. Local Government Reform (LGR) Transitional and Legacy Arrangements

- 16.1. The following will apply in addition to the PCPRs to accommodate LGR transformational arrangements. This list is not exhaustive and should be considered in tandem with the Inter Authority Agreement, Section 16, and any other applicable LGR related policy, process or requirement.
- g. The Procurement Service is a hosted service which will be reviewed annually through the production of an Annual Report to be considered by the appropriate leadership in the relevant authorities. Any Officer procuring goods, services or work, or undertaking any activity covered by these Rules, must follow the Rules applicable for the Authority for which they are procuring on behalf of, not the authority by which they are employed.
 - a. Where the Council is party to a contract, framework, collaboration agreement, shared service arrangement or other commercial arrangement inherited through Local Government Reorganisation, service transfer or organisational change, Officers must have regard to the terms of any applicable inter-authority agreement, transfer scheme or partnership agreement before taking any procurement or contractual decision.
 - b. No material contract modification, extension, novation, termination or other change to a jointly managed or shared arrangement shall be made without complying with the approval, consultation and consent requirements set out in the relevant agreement and seeking agreement with the other

contracting Authority (for tri-party contracts) or recipient of hosted services (for hosted contracts).

- c. Where the relevant agreement does not specify the process, responsibilities or decision-making requirements, any proposed change must be approved in accordance with the Council's governance arrangements and these Rules. Officers must consult Procurement and Legal Services before implementing any material change.
- d. In cases of uncertainty regarding contract ownership, authority, rights, obligations or decision-making responsibilities, no action shall be taken until the appropriate governance route has been established and any required approvals obtained.
- e. Where systems, process or other local arrangements have yet to be transformed, temporary arrangements may be made to support Officers complying with these rules. For example if Service Officers do not have access to an e-sender to allow for the compliant procurement of contracts valued between £25,000 and £100,000 then Procurement may support them to do this.

16.2. These LGR transitional and legacy arrangements will be reviewed annually and, where required, changes can be made by the **Executive Director Finance (s151) Governance and Assets / Executive Director Finance and Assets (S.151)** in agreement with the Leader of the Council.

Appendices

Appendix 1 – Definitions

Appendix 2 – Governance Tables / Information

Appendix 3 – Procurement Regulatory Thresholds

Appendix 4 – Links to supporting materials

Appendix 1: Definitions

Term	Definition
Approval to Procure	The approval required to commence a procurement process in accordance with these Rules and the Council's governance arrangements.
Best Value	The duty imposed by the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which functions are exercised, having regard to economy, efficiency and effectiveness.
Breach	A failure to comply with Procurement Legislation, these Rules or contractual obligations.
Budget Holder	An Officer who is accountable for an approved budget and responsible for authorising and managing expenditure in accordance with the Council's Financial Regulations and Scheme of Delegation.
Commissioners	Officers involved in designing, securing and monitoring services in response to identified needs and priorities.
Conflict of Interest	An actual, potential or perceived conflict between the interests of a person acting in relation to a procurement and the proper discharge of their duties.
Concession Contract	A contract for works or services where the supplier's consideration consists wholly or mainly of the right to exploit the works or services and where the supplier assumes operating risk.
Contract	Any agreement, framework agreement, concession, call-off arrangement, Purchase Order or other legally binding arrangement for the provision of Goods, Services or Works.
Contract Management Framework	The Council's framework, guidance and procedures for managing Contracts throughout their lifecycle.

Contract Manager	The Officer responsible for managing a Contract, including contract administration, performance management, supplier relationship management and contract delivery.
Contract Modification	Any change to the scope, value, duration or terms of a Contract following award, including extensions, variations, amendments, novations and other change control actions.
Contract Register	The Council's corporate record of Contracts and other contractual arrangements maintained in accordance with legislative and corporate requirements.
Contract Value	The total estimated value of a Contract calculated in accordance with applicable Procurement Legislation.
Council	East Surrey Authority
CPV Codes	Common Procurement Vocabulary codes used to classify procurement requirements and determine the applicable procurement regime.
Dynamic Market	A Dynamic Market established in accordance with Procurement Legislation.
Emergency Procurement	A procurement undertaken where there is a genuine and immediate risk to life, property, service continuity or the Council's ability to discharge its statutory obligations.
Officer	Any employee, officer, consultant or other individual acting on behalf of the Council who is involved in commissioning, procurement, contract management, expenditure, contract award or other activities governed by these Rules.
Regulatory threshold	Means the relevant threshold applicable to procurement by English law or regulation.

Appendix 2: Governance Tables / Information

[Insert link to intranet for Procurement Board approval details]

TABLE 1: Approval to Procure (when purchasing any type of goods, service, works through any procurement route etc)

*Threshold	1	2	3	4	5
	£0-£4,999 EX VAT	£5,000- £24,999 EX VAT	£25,000- £99,999 EX VAT	£100,000 EX VAT – £207,719 (inc VAT)	Above £207,720 (inc VAT)
Approval to Procure	Budget Holder		Budget Holder and Finance Business Partner and Head of Procurement (or as delegated)		Executive Approval, by way of: Procurement Forward Plan Or As per section 5.9-5.13

Notes:

- Refer to Annex X for link to current UK Regulatory Thresholds. For the Purposes of Approval to Procure, the regulatory threshold for goods and services applies regardless of what is being procured. As of January 2026, this threshold is £207,720 (inc VAT) but is typically revised every two years. The prevailing regulatory threshold at the time of undertaking a procurement applies.
- When seeking approval to extend or modify a contract, the value to be used is the total, revised value of the contract, including any proposed extension or variation.

TABLE 2: Goods and Services and Works (see definitions in Appendix 3)

*Threshold	1	2	3	4	5
	£0-£4,999 EX VAT	£5,000- £24,999 EX VAT	£25,000- £99,999 EX VAT	£100,000 EX VAT – £207,719 (inc VAT)	Above £207,720 (inc VAT)
Procurement Process	Use available Frameworks or Dynamic Purchasing System's where they offer best value; or One written quote or commercial negotiation with supplier.	Use available Frameworks or Dynamic Purchasing System's (DPS) where they offer best value; or Seek a minimum of 3 quotes.	Use available Frameworks or Dynamic Purchasing System's (DPS) where they offer best value; or Seek a minimum of 3 quotes or formal tender.	Procurement in compliance with Procurement Act 2023. This may be through a new procurement process or via existing compliant Frameworks, DPS's or Dynamic Markets.	
Procurement Lead	Service		Services Led with oversight from Procurement (see section 10.6)	Procurement	

*Threshold	1	2	3	4	5
	£0-£4,999 EX VAT	£5,000- £24,999 EX VAT	£25,000- £99,999 EX VAT	£100,000 EX VAT – £207,719 (inc VAT)	Above £207,720 (inc VAT)
			Procurement must approve before proceeding with the procurement		
Type of Contract (Goods & Services)	Council's Standard Terms & Conditions (see the Council's website) or the established Framework or DPS Terms				Council's Standard Terms & Conditions, bespoke Contract terms agreed by Legal Services or established Framework, DPS or Dynamic Market Terms.
Type of Contract (Works)	Industry standard form of contract with Council amendments		Industry standard form of contract with Council amendments, bespoke Contract terms agreed by Legal Services or established Framework Terms, DPS Terms, or JCT / NEC Model Forms.		Industry standard form of contract with Council amendments, bespoke Contract terms agreed by Legal Services or established Framework Terms, DPS Terms, Dynamic Market Terms or JCT / NEC Model Forms.
Who must approve Contract Award prior to commencement	Budget Holder		Head of Service / Delegated Manager		If within +5% of budget: Exec Director Approval (or delegated). If not within budget and: a) less than £1m -Exec Director and S151 Officer b) £1m - £5M: Exec Director, Portfolio Holder and S151 Officer. c) over £5M: Executive.
Who Authorises (signs) Contract	Not required (Purchase Order)		Head of Service / Delegated Manager		Under £500k, Head of Procurement and Head of Service. Over £500k: to be executed by authorised signatory in legal services under seal as determined by Legal Services.

Notes

*Where the Contract Value cannot be determined with reasonable certainty, the procurement shall be treated as above the relevant Regulatory Threshold. Further guidance is set out in the How to Buy Guide. When seeking approval to extend or modify a contract, the value to be used is the total, revised value of the contract, including any proposed extension or variation.

**References to regulatory thresholds in these Rules mean the applicable procurement thresholds prescribed by legislation and are inclusive of VAT. Refer to Annex X for link to current UK Regulatory Thresholds. Regulatory thresholds are always quoted inclusive of VAT.

TABLE 3: Light Touch

*Threshold	1	2	3	4	5
	£0-£4,999 EX VAT	£5,000- £24,999 EX VAT	£25,000- £99,999 EX VAT	£100,000 EX VAT – UK Regulatory Procurement Threshold for LT	Above UK Regulatory Procurement Threshold for LT
Procurement Process	Use available Frameworks or Dynamic Purchasing System's where they offer best value; or One written quote or commercial negotiation with supplier.	Use available Frameworks or Dynamic Purchasing System's (DPS) where they offer best value; or Seek a minimum of 3 quotes.	Use available Frameworks or Dynamic Purchasing System's (DPS) where they offer best value; or Seek a minimum of 3 quotes or formal tender.	Procurement in compliance with Procurement Act 2023. This may be through a new procurement process or via existing compliant Frameworks, DPS's or Dynamic Markets.	
Procurement Lead	Service		Services Led with oversight from Procurement (see section 10.6) Procurement must approve before proceeding with the procurement	Procurement	
Type of Contract	Council's Standard Terms & Conditions (see the Council's website) or the established Framework or DPS Terms			Council's Standard Terms & Conditions, bespoke Contract terms agreed by Legal Services or established Framework, DPS or Dynamic Market Terms.	
Who must approve Contract Award prior to commencement	Budget Holder		Head of Service / Delegated Manager	Within +5% of budget: Exec Director Approval (or delegated) & Head of Procurement (or delegated). If not within budget: Exec Director and S151 Officer	If within +5% of budget: Exec Director Approval (or delegated). If not within budget and: a) less than £1m -Exec Director and S151 Officer b) £1m - £5M: Exec Director, Portfolio Holder and S151 Officer. c) over £5M: Executive.
Who Authorises (signs) Contract	Not required (Purchase Order)		Head of Service / Delegated Manager	Under 500k, Head of Procurement and Head of Service (or delegated manager). Over £500k: to be executed by authorised signatory in legal services under seal as determined by Legal Services.	

- Refer to Appendix X for UK Regulatory Thresholds
- When seeking approval to extend or modify a contract, the value to be used is the total, revised value of the contract, including any proposed extension or variation.

TABLE 4: Provider Selection Regime

*Threshold	1	2
	£0 EX VAT – £207,719 (inc VAT)	Above £207,720 (inc VAT)
Procurement Process	One of the following PSR procedures: • Direct Award A • Direct Award B • Direct Award C • Most Suitable Provider • Competitive Process	
Procurement Lead	Procurement	
Type of Contract	Council's Standard Terms & Conditions or bespoke Contract terms agreed by Legal Services	
Who must approve Contract Award prior to commencement	Procurement & Head of Service	If within +5% of budget: Exec Director Approval (or delegated). If not within budget and: a) less than £1m -Exec Director and S151 Officer b) £1m - £5M: Exec Director, Portfolio Holder and S151 Officer. c) over £5M: Executive.
Who Authorises (signs) Contract	Head of Service or Delegated Manager	Under 500k, Head of Procurement and Head of Service. Over £500k: to be executed by authorised signatory in legal services under seal as determined by Legal Services.

TABLE 5: Concessions

*Threshold	1	2
	£0 EX VAT – £207,719 (inc VAT)	Above £207,720 (inc VAT)
Procurement Process	Seek a Minimum of 3 quotes	Procurement in compliance with Procurement Act 2023.
Procurement Lead	Procurement	
Type of Contract	Bespoke Contract terms agreed by Legal Services.	
Who must approve Contract Award prior to commencement	Procurement & Head of Service - £207k If within +5% of budget: Exec Director Approval (or delegated) & Head of Procurement (or delegated). If not within budget and: a) £207k - than £1m -Exec Director and S151 Officer b) £1m - £5M: Exec Director, Portfolio Holder and S151 Officer. c) over £5M: Executive	If within +5% of budget: Exec Director Approval (or delegated) & Head of Procurement (or delegated). If not within budget and: a) less than £1m -Exec Director and S151 Officer b) £1m - £5M: Exec Director, Portfolio Holder and S151 Officer. c) over £5M: Executive.
Who Authorises (signs) Contract	Head of Service or Delegated Manager	Under £500k, Head of Procurement and Head of Service. Over £500k: to be executed by authorised signatory in legal services under seal as determined by Legal Services.

Appendix 3: Regulatory Thresholds

Procurement Type	Definition	Thresholds (inc. VAT where applicable)
A: Goods or Services Procurement Act 2023	Goods or Services* (Excluding Light-Touch and Healthcare services – see Type C/D below as applicable)	£207,720
B: Works Procurement Act 2023	Works - A contract is a “works contract” if its main purpose is— (a) the carrying out of works under the contract (whether or not resulting in a complete work), or (b) to facilitate the carrying out of works otherwise than under the contract, where those works are intended to result in a complete work that complies with specifications set out in, or determined under, the contract. “Works” means the activities which fall within the CPV codes listed in Schedule 3 to the Procurement Regulations 2024.	£5,193,000
C: Light Touch Procurement Act 2023	Contracts wholly or mainly for the supply of services of a kind specified in regulations. These “light touch services” are set out in Schedule 1 of the Procurement Regulations 2024 using CPV codes These services include adult and children’s social care, community services and legal services	£663,540
D: Provider Selection	PSR 2023 covers procurement of certain healthcare services in England.	No threshold

Regime (PSR 2023) Health Care Services Regulations 2023	The services in scope of PSR 2023 are set out in Schedule 1 of those regulations and describe services delivered to patients and service users, contracted by local authorities and NHS Trusts. Examples include some Public Health services which are aimed at providing healthcare interventions for individuals.	Purchases of any value
E: Concessions Procurement Act 2023	A contract for the supply, for pecuniary interest, of works or services to a contracting authority where— (a) at least part of the consideration for that supply is a right for the supplier to exploit the works or services, and (b) under the contract the supplier is exposed to a real operating risk. NB. For the purposes of this section of the Orders, Concession contracts also include Light Touch Services Concession Contracts.	£5,193,000

Appendix 4: Links to Supporting Materials

Table to be added