



## CHANGES TO THE COUNCIL'S CONTRACT PROCEDURE RULES

### 1 PURPOSE OF REPORT

- 1.1 To seek approval to make changes to the Council's Contract Procedure Rules which form part of the Council's constitution to enable readiness with the introduction of the Procurement Act 2023 on 24 February 2025.

### 2 LINKS TO COUNCIL'S PRIORITIES AND OBJECTIVES

- 2.1 This item links to all Council priorities and objectives

### 3 RECOMMENDATION

- 3.1 It is proposed that Council **RESOLVES**

- (1) To agree and adopt the new and revised Contract Procedure Rules, the changes to which are set out in Appendix 1, to meet the requirements of the Procurement Act 2023.

### 4 INTRODUCTION

- 4.1 The introduction of the Procurement Act 2023 marks a major overhaul of public sector procurement. Following review of the Procurement Act 2023 there is a requirement to update the Council's Contract Procedure Rules which form part of the Council's constitution in preparation for the introduction of this new legislation in February 2025.
- 4.2 There are significant changes to public procurement introduced from the Procurement Act 2023, the key changes are:
- 4.2.1 Simplified procedures to reduce complexity.
- 4.2.2 There is more emphasis on transparency with requirements of more detailed reporting and publication of procurement data throughout the life of the contract.

4.2.3 Innovation and flexibility are encouraged as part of the new Act to allow more flexibility in processes to meet the needs of the Council.

4.2.4 The Act aims to remove barriers for small and medium sized enterprises by simplifying requirements at bidding stage.

4.2.5 A Central Digital Platform is being introduced which allows suppliers to store their information for multiple opportunities, making it easier to see all opportunities in one place.

## **5 Existing Contract Procedure Rules**

5.1 The existing Contract Procedure Rules May 2024 are to continue for procurement exercises commenced and/or delivered in advance of the effective date. The Public Contract Regulations 2015 will continue to apply to those procurements.

## **6 RISK IMPLICATIONS**

6.1 Out of date Contract Procedure Rules leads to the Council potentially carrying out procurements using old legislation, leading to an increased risk of unlawful decisions and challenge on decisions and processes.

## **7 FINANCIAL IMPLICATIONS**

7.1 There are no direct financial implications relating to this report, however it should be noted that these rules help ensure that procurement activities are efficient and cost-effective, bringing value for money to the Council.

## **8 LEGAL IMPLICATIONS**

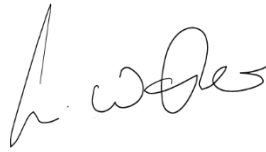
8.1 Public sector procurement is subject to a legal framework. These Contract Procedure Rules detail the obligations the Council has in line with internationally and nationally agreed obligations and regulations.

## **9 HUMAN RESOURCES IMPLICATIONS**

9.1 There are none.

## **10 EQUALITY AND DIVERSITY IMPLICATIONS**

10.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as define under the Equality Act 2010.



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**Background Papers:-**

[Procurement Act 2023 \(legislation.gov.uk\)](https://legislation.gov.uk)

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CPR clause number	Current wording	Replace or delete	Reason for change
2.1	<p>Best Value</p> <p>In all areas of contract revision to which the Council is either a party or of which it is a beneficiary, regard shall be had to the requirements of economy, efficiency and effectiveness specified in Section 3 of the Local Government Act 1999 (“the Act”) and, in particular, to any performance indicators or performance standards specified by the Secretary of State under Section 4 of the Act.</p>	<p>Replace with:</p> <p>The Best Value Duty relates to the statutory requirement for local authorities and other public bodies defined as best value authorities in Part 1 of the Local Government Act 1999 (“the 1999 Act”) to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”.</p>	<p>Rephrased to help interpretation</p>
3.1	<p>“Proper Officer” shall mean the Officer who has been given delegated authority, either by way of a Cabinet or Council decision, or through the Council’s Constitution or Financial Regulations to operate all or part of a procurement exercise (including the Essex Procurement Partnership) or are responsible for the relevant budget</p>	<p>Replace with:</p> <p>“Proper Officer” shall mean the Officer who has been given delegated authority, either by way of a Cabinet or Council decision, or through the Council’s Constitution or Financial Regulations to operate all or part of a procurement exercise and contract management (including the Essex Procurement Partnership) or are responsible for the relevant budget</p>	<p>Rephrased to include contract management as a requirement of Procurement Act 2023.</p>
3.3	<p>“Best price/quality ratio” means evaluation based on criteria such as qualitative, environmental and/or social aspects and may include for example: technical merits, aesthetic and functional characteristics, social</p>	<p>Replace with:</p> <p>“Best price/quality ratio” means evaluation based on criteria such as qualitative, environmental and/or social aspects and may include for example: technical merits, aesthetic</p>	<p>Updated in line with Procurement Act 2023</p>

## Appendix 1

CPR clause number	Current wording	Replace or delete	Reason for change
	and environmental characteristics as more particularly set out in Regulation 67 of the Regulations and provided it is appropriately linked to the subject matter of the contract.	and functional characteristics, social and environmental characteristics as more particularly set out in Section 19(1) of the Procurement Act 2023 and provided it is appropriately linked to the subject matter of the contract.	
3.5	“Contracts Finder” means the Governments web-based portal provided on behalf of the Cabinet office <a href="http://www.gov.uk/contracts-finder">www.gov.uk/contracts-finder</a> . All procurements that are advertised and exceed £25,000 <u>excluding</u> VAT shall also be advertised on Contracts Finder.	Replace with: Central Digital Platform (CDP) means the Governments web-based portal on behalf of the Cabinet office. All procurements that are advertised and exceed £30,000 excluding VAT shall be advertised on the Central Digital Platform.	Central Digital platform being introduced as part of Procurement Act 2023. All supplier and buyer information centralised to one system.
3.8	“E-Tendering” shall mean electronic procurement pursuant to Regulation 22 of the Regulations and Rule 34 below	Delete	Not required, included in below update.
3.9	“OJEU” means the Official Journal of the European Union.	Delete	No longer applicable.
3.10	“Open Tender” shall mean tendering in accordance with Rule 16.4 below.	Replace with: “Competitive tendering procedure” shall mean an Open Procedure – a single – stage tendering procedure without a restriction on who can submit tenders; or a Competitive Flexible Procedure – a competitive tendering procedure formulated as the contracting authority considers appropriate for	Reflects changes following introduction of Procurement Act 2023.

## Appendix 1

CPR clause number	Current wording	Replace or delete	Reason for change
		the purpose of awarding the public contract.	
3.13	“The Most Economically Advantageous Tender” means that tenders will be evaluated on the basis of: price or cost or best quality ratio. Where quality evaluations are made, these are to be scored blind of price. Where cost or price is the basis of evaluation the “cost-effectiveness approach” must be used. Whichever evaluation basis is used the criteria must be linked to the subject matter of the contract pursuant to Regulations 67 and 68 of the Regulations.	Replace with: “Most Advantageous Tender” (MAT) in line with Section 19 (1) of the Procurement Act 2023 means that tenders will be evaluated based on price and best quality ratio. Where quality evaluations are made, these are to be scored blind of price. Where cost or price is the basis of evaluation the “cost-effectiveness approach” must be used. Whichever evaluation basis is used the criteria must be linked to the subject matter of the contract.	Reflects changes following introduction of Procurement Act 2023
3.14	“The Regulations” means the Public Contracts Regulations 2015.	Replace with: “The Regulations” means the Procurement Act 2023	Reflects changes following introduction of Procurement Act 2023
3.15	“Schedule 3 Services” otherwise known as “light touch regime services” referred to in the Regulations are contracts for services for £663,540.00 <sup>i</sup> <u>inclusive</u> of VAT or more which must be advertised in OJEU containing information listed in Annex V Part H or Part I as set out in Schedule 5 of the Regulations and which must also be advertised on Contracts Finder.	Replace with: “Light touch contract means a contract wholly or mainly for the supply of services of a kind” specified in regulations section 9 Light touch contract thresholds are:  Utilities contract that is a light touch contract £884,720 Concession contract that is a light touch contract £5,372,609 All other light touch contracts £663,540	Reflects changes following introduction of Procurement Act 2023

## Appendix 1

CPR clause number	Current wording	Replace or delete	Reason for change
4.2	<p>The following values which are <u>inclusive</u> of VAT are relevant to EU procurement currently applicable (Rule 6 below):</p> <p>£5,372,609<sup>ii</sup> (Works Contracts) £214,904<sup>iii</sup> (Supplies and Services Contracts)</p>	<p>The following values are the thresholds at which public procurement opportunities are subject to the full suite of UK regulations. The values are <u>inclusive</u> of VAT:</p> <p>£5,372,609<sup>ii</sup> (Works Contracts) £214,904<sup>iii</sup> (Supplies and Services Contracts)</p>	Reflects changes following Brexit.
6	Compliance with European Community Directives	Replace with: Light Touch contracts	Reflects changes following introduction of Procurement Act 2023
6.1	All Contracts let by the Council or on its behalf shall comply with any relevant European Community (EC) Directive. Directives are implemented by Regulations made under the European Communities Act 1972. In relation to EC procurement, EC Legislation becomes applicable when letting Contracts with an estimated value above £25,000.	<p>Replace with:</p> <p>“Light touch contract means a contract wholly or mainly for the supply of services of a kind” specified in regulations section 9</p>	
6.2	In addition the Council is subject to the requirements of the Public Contracts Regulations 2015 which set out the procurement procedures and processes that the Council must follow.	<p>Replace with:</p> <p>The Council is subject to the requirements of the Procurement Act 2023 which set out the procurement procedures and processes that the Council must follow.</p>	Reflects changes following introduction of Procurement Act 2023
6.4	Schedule 3 Service contracts shall be subject to the “light touch regime”.	Replace with:	Reflects changes following introduction of Procurement Act 2023

## Appendix 1

CPR clause number	Current wording	Replace or delete	Reason for change
	Officers proposing to enter into Contracts over these limits must obtain advice from the Essex Procurement Partnership to ensure that the correct procedures are followed.	<p>Schedule 1 to the Procurement Act specifies which services are light touch services by description and reference to the corresponding Common Procurement Vocabulary (CPV) codes.</p> <p>Officers proposing to enter into these Contracts must obtain advice from the Essex Procurement Partnership to ensure that the correct procedures are followed.</p>	
6.5	Definitions	Delete	Deleted due to duplication
6.5.1	Works	Renumbered 3.20	Moved under definitions
6.5.2	Supplies	Renumbered 3.21	Moved under definitions
6.5.3	6.5.3 Services - Repair and maintenance works Transport Telecommunications Financial, accounting and computing Research and development Consultancy, market research and advertising Building cleaning and property management Publishing and printing Refuse collection and disposal Sewage disposal Hotel and restaurant services Legal services Personnel and placement services Environmental health services	Renumbered 3.22	Moved under definitions



CPR clause number	Current wording	Replace or delete	Reason for change
	Security Recreational, cultural and sporting Services Insurance Certain other services		
6.5.4	Contract Value	Renumbered 3.23	Moved under definitions
10.1	Tender documentation will normally consist of one or more of the following documents:  (i) Drawings (ii) Specification (iii) Bills of Quantity (iv) Standard Terms and Conditions of Contract together with special conditions (if appropriate) (v) Pre-qualification questionnaire (if appropriate and procurement is above EU threshold) (vi) Invitation to Tender (vii) Instructions to Tenderers (below EU threshold may include suitability assessment questions but cannot include a PQQ stage)	Replace with: Tender documentation can consist of various documents including but not limited to the following documents:  (i) Drawings (ii) Specification (iii) Bills of Quantity (iv) Standard Terms and Conditions of Contract together with special conditions (if appropriate) (v) Requests to participate (section 20 (5)) (vi) Invitation to Tender (vii) Instructions to Tenderers (viii) Evaluation criteria in descending order of importance together with any weightings (ix) Insurance requirements	Rephrased to help interpretation and reflects changes following introduction of Procurement Act 2023

CPR clause number	Current wording	Replace or delete	Reason for change
	<ul style="list-style-type: none"> <li>(viii) Evaluation criteria in descending order of importance together with any weightings</li> <li>(ix) Insurance requirements</li> <li>(x) Collusive Tendering Contract</li> <li>(xi) Canvassing Certificate</li> <li>(xii) Contract Performance Bond (where appropriate)</li> <li>(xiii) Form of Tender</li> <li>(xiv) Acceptance documents.</li> </ul>	<ul style="list-style-type: none"> <li>(x) Collusive Tendering Contract</li> <li>(xi) Canvassing Certificate</li> <li>(xii) Contract Performance Bond (where appropriate)</li> <li>(xiii) Form of Tender</li> <li>(xiv) Acceptance documents.</li> </ul>	
11	PRE-QUALIFICATION QUESTIONNAIRES	Replace with: Conditions of Participation	Reflects changes following introduction of Procurement Act 2023
11.1	A pre-qualification stage is not permitted in relation to procurements below the EU Thresholds referred to in paragraph 4.2 however as part of the Invitation to Quote or Tender for procurements over the threshold of £10,000 <u>excluding</u> VAT suitability assessment questions may be asked of contractors or suppliers.	The Procurement Act 2023 (section 22) allows for contracting authorities to set conditions of participation which a supplier must meet to be awarded a contract. In a competitive flexible procedure, the conditions of participation may be used to limit the number of suppliers.	Reflects changes following introduction of Procurement Act 2023
11.2	Suitability assessment questions must be:	Replace with: 11.2 These conditions must only relate to	Reflects changes following introduction of Procurement Act 2023

## Appendix 1

CPR clause number	Current wording	Replace or delete	Reason for change
11.2.1	relevant to the subject matter of the procurement;	Replace with: legal and financial capability or	Reflects changes following introduction of Procurement Act 2023
11.2.2	proportionate;	Replace with: technical ability to perform the contract.	Reflects changes following introduction of Procurement Act 2023
11.2.3	used to assess whether minimum standards are met	Delete	Not required
11.3	Responses to suitability assessment questions may only be used to establish whether contractors or suppliers meet minimum standards of suitability, capability, legal status or financial standing and where processing personal data have the appropriate technical and organisational measures in place to comply with the General Data Protection Regulations 2016. All candidates that meet the minimum standards must be invited to bid.	11.3 The conditions must be a proportionate means of ensuring the supplier's relevant capacity or ability, having regard to the nature, complexity, and cost of the public contract.	Reflects changes following introduction of Procurement Act 2023
11.4	Pre-Qualification Questionnaires shall contain mandatory and discretionary grounds for exclusion pursuant to Regulation 57 of the Regulations.	Replace with: If a supplier does not satisfy a condition of participation, the contracting authority may exclude the supplier from participating in or progressing as part of, the competitive tendering procedure.	Reflects changes following introduction of Procurement Act 2023
11.5	Construction prequalification questionnaires should be used for all construction related procurement, specifically PAS91:2013+A1:2017,	Delete	Not required

CPR clause number	Current wording	Replace or delete	Reason for change
	<p>unless the procurement is being undertaken within a framework that already has a PQQ process that meets this requirement, for example, Constructionline Silver membership or above.</p>		
12.1	<p>Pursuant to the Public Contracts Regulations 2015 the Council is required to advertise contracts and contract award notices with values as follows:</p> <ul style="list-style-type: none"> <li>(a) £25,000 up to £50,000 <u>excluding</u> VAT (goods, works and services) on Contracts Finder if the procurement opportunity is published elsewhere such as the Council's website or on a portal</li> <li>(b) £50,000 <u>excluding</u> VAT to £214,904 <u>including</u> VAT (goods and services) on Contracts Finder</li> <li>(c) £50,000 <u>excluding</u> VAT to £214,904 <u>including</u> VAT (works) on Contracts Finder</li> </ul>	<p>Pursuant to the Public Contracts Regulations 2015 the Council is required to advertise contracts and contract award notices with values as follows:</p> <ul style="list-style-type: none"> <li>(a) £30,000 up to £50,000 excluding VAT (goods, works and services) a below threshold tender notice must be published on the central digital platform before the opportunity is published anywhere else.</li> <li>(b) £50,000 excluding VAT to £214,904 including VAT (goods and services) on the Central Digital Platform</li> <li>(c) £50,000 excluding VAT to £214,904 including VAT (works) on the Central Digital Platform</li> </ul>	Reflects changes following introduction of Procurement Act 2023

CPR clause number	Current wording	Replace or delete	Reason for change
	<p>(d) £214,904 <u>including</u> VAT and above (goods and services) on Contracts Finder and OJEU</p> <p>(e) £5,372,609 <u>including</u> VAT and above (works) on Contracts Finder and OJEU</p>	<p>(d) £214,904 including VAT and above (goods and services) on the Central Digital Platform</p> <p>(e) £5,372,609 including VAT and above (works) on the Central Digital Platform</p>	
12.2	The Council does not specifically require that procurements are published below the threshold of £50,000 however if the procurement is published, it must also be published on Contracts Finder.	Replace with: If the Council invites the submission of tenders in relation to a below threshold contract it must be advertised on the Central Digital Platform before it is published in alternative sources	Reflects changes following introduction of Procurement Act 2023
12.3	Award Notices for all procurements over the threshold of £25,000 must be published on Contracts Finder whether the procurement was advertised or not.	Replace with: Award notices for all procurement over the threshold of £30,000 must be published on the Central Below threshold – Contract Details Notice Threshold and above – Contract Award notice	Reflects changes following introduction of Procurement Act 2023
13.3.9	A contractor should have been excluded from the procurement procedure for pursuant to Regulation 57(1) (Mandatory Exclusions) of the Regulations;	Replace with: A contractor should have been excluded from the procurement procedure pursuant to section 27 of the act;	Reflects changes following introduction of Procurement Act 2023
15.10	When it is not possible to procure goods, works or services pursuant to Rules 15.2.1 – 15.6 an open tendering	Replace with: When it is not possible to procure goods, works or services pursuant to	Reflects changes following introduction of Procurement Act 2023

CPR clause number	Current wording	Replace or delete	Reason for change
	process shall be undertaken and where the procurement is over the threshold of £25,000 must be published on Contracts Finder. At these three written quotes or tenders shall be sought	Rules 15.2.1 – 15.6 an open tendering process shall be undertaken and where the procurement is over the threshold of £30,000 must be published on the Central Digital Platform.	
16.1.2	The Proper Officer will be responsible for exercising their judgement as to the sub-division of work into lots with a view to attracting SMEs to bid for the contract. If the procurement is not sub-divided into lots the Proper Officer is responsible for providing reasons for their decision not to sub-divide the contract which must be incorporated into the tender documents or be published in a report. If over the EU Threshold such report must be submitted to the Cabinet Office pursuant to Regulation 84 of the Regulations.	Replace with: The Proper Officer will be responsible for exercising their judgement as to the sub-division of work into lots with a view to attracting SMEs to bid for the contract. If the procurement is not sub-divided into lots the Proper Officer is responsible for providing reasons for their decision not to sub-divide the contract which must be incorporated into the tender documents or be published in a report.	Reflects changes following introduction of Procurement Act 2023
16.3.2	Pursuant to Regulation 22 the Council has switched to fully electronic communication in accordance with Rule 34 below unless Regulations 22(3) or (5) of the Public Contracts Regulations 2015 apply. Tender documents shall be made available electronically for Tenderers at the time of publication.	Replace with: Pursuant to Section 96 of Procurement Act 2023 the Council will continue to communicate electronically. Tender documents shall be made available electronically for Tenderers at the time of publication.	Reflects changes following introduction of Procurement Act 2023

CPR clause number	Current wording	Replace or delete	Reason for change
16.3.3	<p>For below EU Threshold contracts the Proper Officer will invite Tenders by giving at least ten days public notice on Contracts Finder and the procurement tool in use by the Essex Procurement Partnership. The advertisement will include:</p> <ul style="list-style-type: none"> <li>(i) The proposed Contract;</li> <li>(ii) All the criteria which the Council intends to apply to the award, where possible in descending order of importance;</li> <li>(iii) Where further details may be obtained and where applications should be submitted;</li> <li>(iv) The last date and time when Tenders will be received</li> <li>(v) Any other requirements to publish on Contracts Finder</li> </ul>	<p>Replace with: For below threshold contracts the Proper Officer will invite Tenders by publishing a contract details notices on the Central Digital Platform. The advertisement will include:</p> <ul style="list-style-type: none"> <li>(i) The proposed Contract;</li> <li>(ii) All the criteria which the Council intends to apply to the award, where possible in descending order of importance;</li> <li>(iii) Where further details may be obtained and where applications should be submitted;</li> <li>(iv) The last date and time when Tenders will be received</li> <li>(v) Any other requirements to publish on the Central Digital Platform</li> </ul>	Reflects changes following introduction of Procurement Act 2023
16.3.4	The Proper Officer must be satisfied with the financial standing and technical capability of the successful Contractor in accordance with Rules 16.3.4, 16.3.5 and 16.3.6 above before any Contract is awarded	The Proper Officer must be satisfied with the financial standing and technical capability of the successful Contractor in accordance with Rules 16.3.4, 16.3.5 and 16.3.6 above before any Contract is awarded	Reflects changes following introduction of Procurement Act 2023

## Appendix 1

CPR clause number	Current wording	Replace or delete	Reason for change
	subject to compliance with Regulations 107 to 111 of the Regulations.	subject to compliance with Section 22 of the Procurement Act 2023.	
16.5.2	Tender evaluation will be carried out by an evaluation panel. The Essex Procurement Partnership and the Proper Officer will ensure that Tenders are compared impartially and on the same criteria, with a view to securing the most economically advantageous Tender.	Tender evaluation will be carried out by an evaluation panel. The Essex Procurement Partnership and the Proper Officer will ensure that Tenders are compared impartially and on the same criteria, with a view to securing the most advantageous Tender.	"The Most Economically Advantageous Tender" (MEAT) will be changed to MAT "Most Advantageous Tender" in line with Section 19 (1) of the Procurement Act 2023
16.5.3	The Council shall exclude Tenderers where the Council has been made aware that a Tenderer is subject to the mandatory exclusion grounds pursuant to Regulation 57(1)-(4) of the Regulations provided such exclusion is proportionate to the aims the contract is seeking to achieve and the Tenderer has not provided sufficient evidence that the Council is satisfied that it has taken steps to remedy the wrong "self clean".	The Council shall exclude Tenderers where the Council has been made aware that a Tenderer is subject to the mandatory exclusion grounds pursuant to Schedule 6 Section 57 of the Procurement Act 2023 provided such exclusion is proportionate to the aims the contract is seeking to achieve and the Tenderer has not provided sufficient evidence that the Council is satisfied that it has taken steps to remedy the wrong.	Reflects changes following introduction of Procurement Act 2023
16.5.7	The Tenders received will be evaluated to ascertain the most economically advantageous tender (or lowest tender depending on the basis of evaluation set out in the tender documentation) paying particular attention to rates and prices, percentage adjustments,	The Tenders received will be evaluated to ascertain the most advantageous tender (or lowest tender depending based on evaluation set out in the tender documentation) paying particular attention to rates and prices, percentage adjustments, balancing	"The Most Economically Advantageous Tender" (MEAT) will be changed to MAT "Most Advantageous Tender" in line with Section 19 (1) of the Procurement Act 2023



CPR clause number	Current wording	Replace or delete	Reason for change
	balancing items, ambiguities, qualifications and alternative offers.	items, ambiguities, qualifications and alternative offers.	
16.5.8	If a Tender is found to contain ambiguities or arithmetical errors, the Tender total will be corrected and the Tenderer notified accordingly. If, in the Proper Officer’s opinion, any tendered rate is considered unrealistic, the Tenderer may be given the opportunity of confirming the rate or withdrawing the Tender. In order to preserve parity of tendering, amendment to Tender rates after submission of Tenders will not be permitted. If the Tenderer withdraws or the corrected Tender is no longer the most economically advantageous, the next most economically advantageous Tender will be examined and dealt with in the same way.	If a Tender is found to contain ambiguities or arithmetical errors, the Tender total will be corrected, and the Tenderer notified accordingly. If, in the Proper Officer’s opinion, any tendered rate is considered unrealistic, the Tenderer may be given the opportunity of confirming the rate or withdrawing the Tender. To preserve parity of tendering, amendment to Tender rates after submission of Tenders will not be permitted. If the Tenderer withdraws or the corrected Tender is no longer the most advantageous, the next most advantageous Tender will be examined and dealt with in the same way.	“The Most Economically Advantageous Tender” (MEAT) will be changed to MAT “Most Advantageous Tender” in line with Section 19 (1) of the Procurement Act 2023
16.6.1	<p>The Proper Officer may accept the most economically advantageous tender received on behalf of the Council provided that:</p> <ul style="list-style-type: none"> <li>(i) It is within the approved estimate.</li> <li>(ii) The appropriate authority has been given by Members</li> </ul>	<p>The Proper Officer may accept the most advantageous tender received on behalf of the Council provided that:</p> <ul style="list-style-type: none"> <li>(i) It is within the approved estimate.</li> <li>(ii) The appropriate authority has been given by Members</li> </ul>	“The Most Economically Advantageous Tender” (MEAT) will be changed to MAT “Most Advantageous Tender” in line with Section 19 (1) of the Procurement Act 2023

CPR clause number	Current wording	Replace or delete	Reason for change
	<p>(iii) It is within their delegated authority set out in the Council's Financial Regulations</p> <p>In all cases, the Proper Officer will cause a written record to be made recording the preferred Tenderer as part of the evaluation process, along with the names of all Officers and Members involved in the decision making process</p>	<p>(iii) It is within their delegated authority set out in the Council's Financial Regulations</p> <p>In all cases, the Proper Officer will cause a written record to be made recording the preferred Tenderer as part of the evaluation process, along with the names of all Officers and Members involved in the decision making process</p>	
16.6.3	<p>Where the most economically advantageous tender is outside the approved estimate provision the Proper Officer will either:</p> <p>(i) Write to all Tenderers explaining the situation and giving them the opportunity to lower their Tenders to within the approved estimate; or</p> <p>(ii) Request a Supplementary Estimate following the requirements set out in the Council's Financial Regulations; or</p> <p>(iii) Report to the Cabinet requesting authority to revise the Specification and seek new Tenders.</p>	<p>16.6.3 Where the most advantageous tender is outside the approved estimate provision the Proper Officer will either:</p> <p>(i) Write to all Tenderers explaining the situation and giving them the opportunity to lower their Tenders to within the approved estimate; or</p> <p>(ii) Request a Supplementary Estimate following the requirements set out in the Council's Financial Regulations; or</p> <p>(iii) Report to the Cabinet requesting authority to revise the Specification and seek new Tenders.</p>	<p>"The Most Economically Advantageous Tender" (MEAT) will be changed to MAT "Most Advantageous Tender" in line with Section 19 (1) of the Procurement Act 2023</p>

## Appendix 1

CPR clause number	Current wording	Replace or delete	Reason for change
17.2	The contract to the contractor shall provide that contractors or suppliers are Regulation 57(1) apply. required to replace sub-contractors to whom the mandatory exclusion grounds pursuant to	Replace with: The contract to the contractor shall provide clear wording stating that they would be required to replace any sub-contractors whom the mandatory exclusions grounds apply in line with Section 57 of the Act.	Rewritten for clarity
	New addition to CPR	36. Transparency	Reflects changes following introduction of Procurement Act 2023
	New addition to CPR	36.1 The Procurement Act 2023 requires new mandatory notices to be published throughout the life of the contract	Reflects changes following introduction of Procurement Act 2023
	New addition to CPR	36.1.1 Change Contract Notices must be published when an above threshold modification is made to a contract. No publication is necessary if the modification neither increases or decreases the value of contract by 10% or less for goods/services contracts or 15% for works contracts.	Reflects changes following introduction of Procurement Act 2023
	New addition to CPR	36.1.2 Contract Performance Notices are required to be published for contracts valued exceeds £2Million showing the data from a minimum of 3 KPI's included within the contract. Data including poor performance, failure to perform and breach of contract.	Reflects changes following introduction of Procurement Act 2023

## Appendix 1

CPR clause number	Current wording	Replace or delete	Reason for change
	New addition to CPR	36.1.3 Payments compliance Notices must be published twice annually to provide details of performance against 30 day payment terms.	Reflects changes following introduction of Procurement Act 2023
	New addition to CPR	36.1.4 Contract Payment Notices must be published when individual payments of over of £30,000 made under a contract.	Reflects changes following introduction of Procurement Act 2023
	New addition to CPR	36.1.5 Contract Termination Notice must be published within 30 days of termination (this includes natural expiry or any other reason)	Reflects changes following introduction of Procurement Act 2023
	New addition to CPR	36.1.6 Transparency Notices need to be published prior to award when undertaking a direct award via a framework or otherwise.	Reflects changes following introduction of Procurement Act 2023