

### Contract Exceptions

6 a (PCR2015)	Direct purchase for supplies, materials, services or works which are available only as proprietary and/or patented articles, services or works from one contractor or supplier where there is no reasonably satisfactory alternative available in the UK and for repairs (to maintain warranties) to, or the supply of, parts of existing proprietary or patented articles or works, including machinery or plant.
6 b (PCR2015)	Direct purchase without advertising of works of art, museum specimens or historical documents.
6 c (PCR2015)	Direct purchase for the following social care services provided that the Estimated Value of such services does not exceed the UK threshold for Light-Touch service contracts: i.) residential placements sought for an individual with a registered care provider of their choice; ii.) supported living services sought for an individual with an appropriate care and support provider of their choice under the National Health Service and Community Care Act 1990 and Care Act 2014; iii.) social care packages managed by or on behalf of individual clients under the personalisation agenda; iv.) where certain needs of an individual (either an adult or a child) require a particular social care package, which is only available from a specific provider in the opinion of the appropriate Chief Officer. v.) residential placements sought for an individual under the Shared Lives scheme (or any equivalent scheme).
6 d (PCR2015)	Direct purchase for those unforeseen emergencies, where immediate action is required to fulfil the Council's statutory obligations under the Civil Contingencies Act 2004
6 e (PCR2015)	Other exceptions to these Rules
<b>Procurement Act</b>	
57 a	Where the exception is valued at £5,000 up to £99,999
57 b	Where the exception is valued £100,000 – up to relevant threshold for Goods/ Services or  £100,000 - up to £499,999 for Works and Light Touch Procurements
57 c	Where the exception is valued at £500,000 for Works and Light Touch up to the relevant procurement threshold
57 d	Where the exception is valued at Relevant Procurement Threshold and above

### Contract Modifications & Extensions

Rule	Description
<b>Public Contract Regulations 2015</b>	

30 a (PCR2015) Modifications	Where the contract modification meets all the following: i) Modification value is below £179,087 (ex VAT) – this value shall be net cumulative of all modifications to the contract. ii) Modification value is within 10% greater or lesser of the original contract value. iii) Does not alter the overall nature of the original contract. or Where the contract modification meets all the following and was procured under the provider selection regime: i) Modification value is below £500,000 (ex VAT) – this value shall be net cumulative of all modifications to the contract. ii) Modification is 25% greater or lesser the original contract value. iii) Does not alter the overall nature of the original contract.
30 b (PCR2015) Modifications	Where the contract modification meets all the following: i) Modification value is below £25,000 ii) Modification value is above 10% greater or lesser the original contract value. iii) The overall contract value including this modification does not exceed £179,087 (ex VAT). iv) Does not alter the overall nature of the original contract.
30 c (PCR2015) Modifications	All other contract modifications.
30 d (PCR2015) Extensions	Where a Contract Extension has been provided for both in the Initial Procurement Documents and in the Contract in clear and precise terms. Or Where the Contract Extension i) Value is below £179,087 (ex VAT) – this value shall be net cumulative of all extensions to this contract. ii) Value is within 10% up of the original contract value. iii) Does not alter the overall nature of the original contract.
30 e (PCR2015) Extensions	All other Contract Extensions

<b>Procurement Act</b>	
48 a Goods and Services Modification	Contract Value including the modification is below £179,087 excluding VAT. Value of the modification is under £100,000 and the modification does not take the contract above the relevant threshold, keeping it below threshold. (Not applicable to ESPO).
48 b Goods and Services Modification	Contract Value including the modification is below £179,087 excluding VAT. Value of the modification is £100,000 or over and the modification does not take the contract above the relevant threshold, keeping it below threshold. (Not applicable to ESPO).
48 c Goods and Services Modification	Initially a below threshold contract, however the proposed modification, regardless of value will result in the new contract value exceeding the relevant threshold, turning it into a Convertible Contract.
48 d Light Touch Modification	Contract Value including the modification is below £552,950 excluding VAT.
48 e	Contract Value including the modification is below £4,477,175 excluding VAT.

Works and Concessions Modification	Value of the modification is 10%, or below, of the contract value and the modification does not take the contract above the relevant threshold, keeping it below threshold. (Not applicable to ESPO).
48 f  Works and Concessions Modification	Contract Value including the modification is below £4,477,175 excluding VAT.  Value of the modification is more than 10% of the contract value and the modification does not take the contract above the relevant threshold, keeping it below threshold. (Not applicable to ESPO).
48(g) Schedule 8- Permitted  Modifications- 74(1)(a) of the Procurement Act.	The modification is permitted if it is provided for in the Contract and is within allocated budget.
48(h)  Schedule 8- Permitted Modifications- 74(1)(a) of the Procurement Act.	The modification is permitted as set out in Schedule 8 of the Procurement Act. This includes modifications are that are: <ul style="list-style-type: none"> <li>· Urgent due to the protection of life.</li> <li>· Caused by circumstances that could not reasonably have been foreseen and doesn't change the nature of the contract and does not increase the contract value by more than 50%.</li> <li>· The materialisation of a known risk (in the tender) and does not increase the contract value by more than 50%.</li> </ul> <a href="https://www.legislation.gov.uk/ukpga/2023/54/schedule/8">https://www.legislation.gov.uk/ukpga/2023/54/schedule/8</a>
48(i)  Non-Substantial Modifications- 74(1)(b) and 74(3) of the Procurement Act	The modification is not a substantial modification as defined in Section 74(3) of the Procurement Act, if it does not: <ul style="list-style-type: none"> <li>· increase or decrease the value of the contract by 10% or less for goods and services or 15% or less for works; or</li> <li>· increase or decrease the term of the contract 10% or less of the maximum term provided for on award; or</li> <li>· materially change the scope of the contract; or</li> <li>· materially change the economic balance of the contract in favour of the supplier</li> </ul> <a href="https://www.legislation.gov.uk/ukpga/2023/54/section/74">https://www.legislation.gov.uk/ukpga/2023/54/section/74</a>
48(j)  Below-threshold modification- 74(1)(c) and 74(4) of the Procurement Act	The modification is a below threshold modification to an above threshold contract or convertible contract, as defined in Section 74(4) of the Procurement Act, if it meets the following criteria: <ul style="list-style-type: none"> <li>· It does not increase or decrease the value of the contract by more than 10% (for goods and services) or 15% (for works).</li> <li>· The cumulative value of all below-threshold modifications does not exceed the relevant threshold for the contract type.</li> <li>· The scope of the contract does not change materially.</li> </ul> <a href="https://www.legislation.gov.uk/ukpga/2023/54/section/74">https://www.legislation.gov.uk/ukpga/2023/54/section/74</a>
48(k)  Other Modifications (not explicitly covered)	Other modifications that are not explicitly covered by the above categories.
45 a  Below threshold Extension	Extension allowed for within the original tender/ contract
45 b	Extension not allowed for in the original contract

<p>Below Threshold (where the original contract and the extension do not exceed the relevant threshold).</p>	
<p>45 c Above Threshold and Convertible Contracts (where the extension takes the contract above threshold)</p>	<p>Follow Rule 48</p>