

## PROPOSED AMENDMENTS TO THE CONTRACT PROCEDURE RULES

| RULE       | PROPOSED AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | EXPLANATION                                                                                                                                                                                       |
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| 4 (a) (iv) | <p>Amend as highlighted:</p> <p>(a) Subject to the requirements of EU Directives, EU Treaties, Acts of Parliament and UK Regulations the following contracts may be placed by direct negotiation with one or more suppliers, contracts:-</p> <p>(iv) for residential placements sought for an individual with a registered care provider of their choice under the National Health Service and Community Care Act 1990, or for individual school placements sought for a child with Special Educational Needs (SEN), or where the particular needs of an individual (either an adult or a child) require a particular social care package, which is only available from a particular provider in the opinion of the Appropriate Chief Officer. In each case the Appropriate Chief Officer must ensure that the provider meets the relevant national minimum standards (for example those standards set by the <b>Care Homes Regulations 2004</b> <b>Health and Social Care Act 2008</b>, OFSTED and HMI) and that a record of the reasons for the choice of provider is maintained on the individual's case notes. A record of the annual cumulative expenditure with each provider will be maintained by each directorate and made available for audit</p> | Under the 2008 Act the Care Quality Commission (CQC) has formulated some "Essential Standards" which have superseded the "National Minimum Standards" for elderly persons made under the 2001 Act |
| 4 (a) (i)  | <p>Amend as highlighted:</p> <p>Subject to the requirements of EU Directives, EU Treaties, Acts of Parliament and UK Regulations the following contracts may be placed by direct negotiation with one or more suppliers, contracts:-</p> <p>(i) for supplies, <b>or materials, services or works</b> which are available only as proprietary or patented articles, <b>services or works</b> from one contractor or supplier and for which the Appropriate Chief Officer, on the advice of the Category Manager, decides that there is no reasonably satisfactory alternative available in the European Union and for repairs to, or the supply of, parts of existing proprietary or patented articles <b>or works</b>, including machinery or plant; a note of that decision and the reasons for it must be retained on the appropriate file and where the contract exceeds £100,000, a copy of the note and reasons must be provided to the Director of Corporate Resources</p>                                                                                                                                                                                                                                                                            | Services and works, as well as supplies and materials, may be proprietary or patented                                                                                                             |
| 7 (a)      | <p>Move bracket:</p> <p>The Employee Code of Conduct (Part 5b) of the Constitution] applies to any Procurement Exercise</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Correction                                                                                                                                                                                        |

| RULE       | PROPOSED AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | EXPLANATION                                                                                                                                                                                                                                          |
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| 7 (b) (ii) | <p>Amend as highlighted:</p> <p>(b) The following clause, or a clause that is substantially similar, will be included as a standard term and condition in every written contract in accordance with Rule 24(c):</p> <p>"The Council may terminate this contract and recover all its loss from the Contractor if the Contractor, its employees or anyone acting on the Contractor's behalf do any of the following things:</p> <p>(i) offer, give or agree to give to anyone any personal inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done); or</p> <p>(ii) commit an offence under the <b>Prevention of Corruption Acts 1889 to 1916 Bribery Act 2010</b> or Section 117(2) of the Local Government Act 1972; or</p> <p>(iii) commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors or employees.</p> <p>Any clause limiting the Contractor's liability shall not apply to this clause"</p> | <p>The new Bribery Act 2010, that supersedes the Prevention of Corruption Acts 1889 to 1916, is covered</p>                                                                                                                                          |
| 9 (b) (v)  | <p>Amend as highlighted:</p> <p><b>All estimates</b> <b>The Estimated Value</b> must exclude Value Added Tax (VAT) but must include all other taxes and duties</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Ensures appropriate and consistent terminology                                                                                                                                                                                                       |
| 9 (d)      | <p>Amend as highlighted:</p> <p><b>For all estimates-of Where the Estimated Value is £10,000 or more the</b> Procuring Officer must notify in writing the appropriate Category Manager of the Estimated Value before proceeding. A written record of that Estimated Value must then be kept on file by the Procuring Officer</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Ensures appropriate and consistent terminology                                                                                                                                                                                                       |
| 10 Table 1 | <p>Add the text highlighted to the title of the table:</p> <p>Table 1: Minimum requirements for a Procurement Exercise (<b>For exceptions see Rule 4</b>)</p> <p>...and deleting the following text from the 'Procurement Process' column where the 'Estimated Contract Value' is between £20,000 and £100,000:</p> <p>For exceptions see Rule 4(b)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | It is made clear that the rules relating to exceptions are applicable to all contract value thresholds                                                                                                                                               |
| 10 (e)     | <p>Delete rule, i.e.:</p> <p>Where the EU Threshold is reached as a result of aggregating a number of contracts each of the contracts will be covered by the Rules except small contracts (known as small lots) the value of which falls below the de minimus level provided</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Whilst 'small lots' may not be covered by the Public Contract Regulations 2006, it is intended that they are covered by the Contract Procedure Rules, especially as it is SMEs that are likely to be interested in such smaller value lots/contracts |

| RULE              | PROPOSED AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | EXPLANATION                                                                                                                                                                                                                                                            |
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|                   | by the Public Contract Regulations 2006 (clause 8(12)) where advised by the Category Manager.                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                        |
| 13                | Change all references to 'notice' or 'public notice' to 'Contract Opportunity Publication'                                                                                                                                                                                                                                                                                                                                                                                                          | Ensures appropriate and consistent terminology.                                                                                                                                                                                                                        |
| 13 (b)            | Amend as highlighted:<br>The publication of the <del>notice</del> <b>Contract Opportunity Publication</b> must be made at least fifteen days before the last date for receipt of Tenders <del>or Quotations</del> , <u>where an Open Tendering procedure is being used, and at least fifteen days before the last date for receipt of Pre-Qualification Questionnaires or Expressions of Interest, where a Restricted Tendering procedure is being used</u>                                         | Ensures appropriate and consistent terminology. The rule appreciates the two common and distinct tendering procedures that may be used.<br><br>There is no need to separately mention Tenders and Quotations as the latter is included in the definition of the former |
| 13 (c)            | Delete text highlighted:<br>The notice must express the nature and purpose of the Procurement Exercise, stating where further details may be obtained and inviting Tenders <del>or Quotations</del> in response to the notice                                                                                                                                                                                                                                                                       | There is no need to separately mention Tenders and Quotations as the latter is included in the definition of the former                                                                                                                                                |
| 13 (d)            | Delete text highlighted:<br>If the Estimated Value exceeds the relevant EU threshold the Procuring Officer must ensure that notice is first published in the OJEU and then on a website approved by the Director of Corporate Resources for the purpose of notifying the supply market. <del>Except for services classed as Part B services</del> <b>which</b> need only be advertised on a website approved by the Director of Corporate Resources for the purpose of notifying the supply market. | Part B Services are excluded from the definition of "EU Threshold" in Schedule 1, so the rule does not need to say "Except for services classed as Part B..." when referencing its application to contracts with an Estimated Value exceeding the EU Threshold         |
| 14                | Amend as highlighted:<br>Under Open Tendering, Procuring Officers must send Invitations to Tender to all those Persons who respond to the <del>public notice</del> <b>Contract Opportunity Publication</b> and who meet the requirements stated <del>therein in the Contract Opportunity Publication</del>                                                                                                                                                                                          | Ensures appropriate and consistent terminology                                                                                                                                                                                                                         |
| 15 (b) (i) & (ii) | Amend as highlighted:<br>Under Restricted Tendering, Procuring Officers need only send Invitations to Tender to:<br>(i) not less than five of the Persons who respond to the <del>public notice</del> <b>Contract Opportunity Publication</b> and who best meet the <del>shortlisting</del> methodology agreed in Rule <del>45</del> <b>12(b)</b> ; or<br>(ii) where fewer than five Persons have applied or are considered suitable, to all                                                        | Ensures appropriate and consistent terminology. Correction to the referencing to the rule relating to shortlisting methodology. Also, hyphen deleted from short-listing                                                                                                |

| RULE       | PROPOSED AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | EXPLANATION                                                                                                                                                                                                                                                                                                                          |
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|            | those Persons who equal or exceed the minimum requirements for the <b>shortlisting</b> methodology agreed in Rule 45 12(b)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                      |
| 15 (d)     | Amend as highlighted:<br>All Persons that do not qualify for inclusion on the shortlist to receive an Invitation to Tender must receive notice that they have been excluded from the <b>tender process Procurement Exercise</b> . Any Person requesting in writing the reasons why they were unsuccessful shall be informed by the Procuring Officer of the reasons for the Council's decision                                                                                                                                                                                                                                                                 | Ensures appropriate and consistent terminology                                                                                                                                                                                                                                                                                       |
| 18 (e) (i) | Amend as highlighted:<br>A Tender received after the closing date and time may be opened and evaluated in accordance with Rule 19 if there is clear evidence of it having:-<br>(ii) been posted by second class post at least <b>two three</b> days before the closing date; OR                                                                                                                                                                                                                                                                                                                                                                                | Second class post generally takes three, rather than two days, to be delivered                                                                                                                                                                                                                                                       |
| 21(b)      | Amend as highlighted:<br>As a minimum, when conducting Post Tender Negotiations, as part of a Procurement Exercise where the estimated value is £100,000 or more (but below the EU Threshold), the Tenderers submitting the most competitive Tender in accordance with the award methodology and evaluation criteria (Rule 12) <b>and all those whose Tender is within 5% of the most competitive Tender or, if there is no such Tender, the Tenderer submitting the second most competitive Tender, may be invited to participate in Post Tender Negotiations unless the Procuring Officer in consultation with the County Solicitor decides not to do so</b> | Post tender negotiation where the value of the contract is between £100,000 and the EU threshold is limited to the best tenderer, so mitigating the risk of legal challenge as a result of another (say 2 <sup>nd</sup> or 3 <sup>rd</sup> placed) tenderer being put in a stronger position than warranted by their original tender |
| 22 (b)     | Replace with:<br>Any Tender with an Estimated Value of below £20,000 (where a Request for Quotation or an Invitation to Tender is not used) may only be accepted with the prior written approval of the Appropriate Chief Officer                                                                                                                                                                                                                                                                                                                                                                                                                              | The ability to accept tenders not in accordance with the initial award methodology and evaluation criteria is reduced to where the total contract value is below £20,000 (where the award methodology and evaluation criteria are likely to be less explicitly stated)                                                               |
| 22 (e)     | Add the text highlighted:<br>The Appropriate Chief Officer shall have the authority to accept a Tender but in any particular circumstance may decline to give approval and refer the decision to the Executive <b>to determine</b>                                                                                                                                                                                                                                                                                                                                                                                                                             | It is made clearer that the decision making is referred to the Executive                                                                                                                                                                                                                                                             |
| 23 (c)     | Delete text as highlighted:<br>In the Case where the Estimated Value is equal to or above the appropriate EU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | In line with procurement law, there should be no obligation to issue 'intention to award' letters and impose a 'standstill                                                                                                                                                                                                           |

| RULE              | PROPOSED AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | EXPLANATION                                                                                                                                                                                                                                           |
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|                   | threshold, <b>including where a Part B Service</b> , the following additional Rules shall apply:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | period' for Part B Services over the EU Threshold, akin to those legally required for Part A Services, Supplies and Works over the EU Threshold. For Part B Services, such letters and any 'standstill period' should be voluntary, based on guidance |
| 23 (c)            | <p>Amend as highlighted:</p> <p>c) In the Case where the Estimated Value is equal to or above the appropriate EU threshold the following additional Rules shall apply:</p> <p>(i) The notice in Rule 23(b) shall include <b>the award criteria</b>, the reasons for the decision, <b>including</b> the successful Person's score, the score (if any) of the Person receiving the notice, and the characteristics and (if appropriate) relative advantages of the successful Person's tender, <b>any reasons why the recipient of the notice did not meet the technical specification, the name of the Person awarded the contract</b> as well as the date when the standstill period required in accordance with Rule 23 (c) (ii) will come to an end.</p> <p>(ii) A <b>period of 15 days minimum period of 10 calendar days</b> must elapse between the day of <del>despatch</del> sending of the notice in Rule 23 (b) and the date on which the Council enters into a contract <b>if the notice is sent electronically. Any Tenderer requesting in writing the reasons why they were unsuccessful shall be informed by the Procuring Officer of the reasons for the Council's decision. This information must be supplied at least 3 working days prior to the expiry of the 15-day period or that period must be extended to allow at least 3 working days between the provision of the information and the date the Council enters into a contract. Where the end of the 15 day period is not a working day the period should be extended to midnight at the end of the next working day. The 15 day period may be reduced to 10 days where the notice is issued exclusively by electronic means. Where the notice is sent by other means then either 15 days from the day of sending the notice or 10 days from the day of receipt of the notice by the last Tenderer to receive the notice. In all cases counting the day after sending the notice as day 1. The standstill period must end on a working day.</b></p> <p>(iii) <del>t</del>The Procuring Officer shall ensure that an OJEU contract award notice is placed within 48 days of the contract award.</p> | Better reflects the Public Contracts (Amendment) Regulations 2009                                                                                                                                                                                     |
| 24 (a) (i) & (ii) | Delete text as highlighted:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | There is no need to separately mention Tenders and                                                                                                                                                                                                    |

| RULE           | PROPOSED AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | EXPLANATION                                                                                                                                           |
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|                | (a) A contract shall be formed:<br>(i) by exchange of letter accepting the successful Tender <b>or Quotation</b> and incorporating the Invitation to Tender or Request for Quotation and the outcome of any subsequent negotiations and discussions; or<br>(ii) by completion of a formal contract incorporating the Invitation to Tender or Request for Quotation, the Tender <b>or Quotation</b> and the outcome of any subsequent negotiations and/or discussions; or<br>Amend as highlighted:<br>In determining and negotiating the terms and conditions of contract, the Procuring Officer must ensure <b>the that the appropriate</b> Standard Terms and Conditions are incorporated unless the Procuring Officer having consulted the appropriate Category Manager considers it inappropriate to do so. | Quotations as the latter is included in the definition of the former                                                                                  |
| 24 (b)         | Amend as highlighted:<br>In determining and negotiating the terms and conditions of contract, the Procuring Officer must ensure <b>the that the appropriate</b> Standard Terms and Conditions are incorporated unless the Procuring Officer having consulted the appropriate Category Manager considers it inappropriate to do so.                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | The Council has more than one set of Standard Terms and Conditions depending on the nature of the goods or services being bought (see Schedule 1, 34) |
| 26 (e)         | Amend as highlighted:<br>Procuring Officers must renew all Standing Lists at intervals not exceeding <b>three</b> <del>four</del> years. At least four weeks before each renewal, each Person whose name appears in the list must be notified by the Procuring Officer of the intention to review the list. If they wish to remain on the list they must re-apply for inclusion. Procuring Officers must ensure that notices inviting applications for inclusion in the list are published in the manner provided by Rule 26(d)                                                                                                                                                                                                                                                                                | Increasing the maximum duration of Standing Lists creates alignment with the duration of Framework Agreements                                         |
| 27 (d)         | Add the rule:<br>An open Framework Agreement which allows for new suppliers to be added to the Framework Agreement throughout its duration may be used where the Estimated Value is below the EU Threshold or for Part B Services where the full regime of the Public Contracts Regulations 2006 is not considered applicable. In this case consistent evaluation criteria and award methodology must be set out in the Invitation to Tender, and then employed when awarding Persons a place on the Framework Agreement.                                                                                                                                                                                                                                                                                      | Allows greater flexibility for Framework Agreements where not prohibited by procurement law                                                           |
| Current 29 (b) | Amend as highlighted:<br>In the case of a contract with a Total Value of £100,000 or more, for any extra(s) or variation(s) <b>that would increase or decrease the Total Value of the contract by worth 10% or more of the Total-Contract Value</b> , the Appropriate Chief Officer must gain the prior approval of the Director of Corporate Resources. This authorisation must be issued before the work is carried out, or in the case of an emergency, immediately thereafter                                                                                                                                                                                                                                                                                                                              | It is made more explicit that the rule relates to contract variations where the total value of the contract decreases, as well as increases           |

| RULE       | PROPOSED AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EXPLANATION                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| New 29 (b) | Insert as Rule 29 (b):<br>If the Total Value of the contract is under £100,000 the Appropriate Chief Officer shall be authorised to vary the contract. This authorisation must be issued before the work is carried out, or in the case of an emergency, immediately thereafter                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | The variation rules are extended to cover contracts with a total value under £100,000                                                                                                                                                                                                                                                                                                                                                   |
| 29 (c)     | Add the text highlighted:<br>In the case of a contract which was originally approved by the Executive and where any extras or variations are considered significant <b>by the Director of Corporate Resources</b> then the Executive must be informed as soon as practicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | The definition of "significant" is made more robust by making it the judgement of the Director of Corporate Resources                                                                                                                                                                                                                                                                                                                   |
| 30 (a)     | Amend as highlighted:<br>(a) If the contract was originally approved by the Executive and where the duration of the planned extension is more than three months <b>and not provided for in the contract</b> then authority must be gained from the Executive, <b>in all other circumstances the following applies:-</b><br>(i) If the Total Value of a contract, including the planned extension, is under £100,000 and the contract provides for the extension the Appropriate Chief Officer shall be authorised to extend the contract.<br>(ii) If the Total Value of a contract, including the planned extension, is £100,000 or more and the contract provides for the extension the Appropriate Chief Officer shall be authorised to extend the contract in consultation with the Category Manager.<br>(iii) If the Total Value of a contract, including the planned extension, is under £100,000 and the contract does not provide for the extension the Appropriate Chief Officer shall be authorised to extend the contract on a one-off basis, provided that the extension does not exceed 6 months or a Total Value of £25,000, whichever is the greater. <b>If the extension does exceed the greater of 6 months or a Total Value of £25,000 then the Appropriate Chief Officer must gain the prior approval of the Director of Corporate Resources.</b><br>(iv) If the Total Value of a contract, including the planned extension, is £100,000 or more and the contract does not provide for the extension the Appropriate Chief Officer must gain the prior approval of the Director of Corporate Resources to extend the contract.<br>(v) In the case of contracts tendered in accordance with the EU Directive any extension will only be permissible if this was properly described in the original OJEU notice, where applicable. | It is made clear that where a contract originally approved by the Executive provides for the planned extension there is no need to go back to the Executive.<br><br>The hierarchy of the extension rules is also more clearly established.<br><br>The circumstance where it is intended to extend a contract with a total value below £100,000 by more than the greater of 6 months or a Total Value of £25,000 is covered by the rules |
| 31         | Add the text highlighted:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Ensures that Legal Services are involved in the decision to                                                                                                                                                                                                                                                                                                                                                                             |

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|                | The novation of a contract to a new Person requires the prior written approval of the Director of Corporate Resources <b><u>in consultation with the County Solicitor</u></b>                                                                                                                                                                                                                                                                                                                                                                                                           | novate a contract, giving due consideration to the risk of legal challenge on the basis of a 'new' contract not having been competed                                                                                                                 |
| 32             | Amend as highlighted:<br>Unless a provision for early termination is clearly stated in the contract and takes effect, Procuring Officers shall seek advice from the County Solicitor where it is intended to terminate a contract early. <b><u>In all such circumstances</u></b> Where the Total Value of the contract is £100,000 or more the prior written approval of the Director of Corporate Resources shall be obtained                                                                                                                                                          | The rule is made clearer by deleting the highlighted text                                                                                                                                                                                            |
| 33(b) (i)      | Add the text highlighted:<br>ESPO is authorised to act as agent of the Council in place of the <b><u>Appropriate</u></b> Chief Officer or Procuring Officer for the purposes of Rules 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, <b><u>24</u></b> , 26 and 27 and these Rules shall be construed accordingly.                                                                                                                                                                                                                                                                              | The rules recognise ESPO's role in awarding contracts on behalf of the Council (following the acceptance of tenders by the Council – Rule 22)                                                                                                        |
| Schedule 1, 4  | Amend as highlighted:<br>“ <b><u>Centrally-Negotiated Contract Corporate Contract</u></b> ” means any contract or <b><u>framework agreement or other arrangement</u></b> put in place by the Council itself, ESPO, or any other Public Sector Organisation (including other Local Authorities) or Consortium in which the Council is entitled to participate and which, where necessary, has been awarded in an EU compliant manner.<br><br>(All references to 'Centrally Negotiated Contract' will need to be changed to 'Corporate Contract' throughout the Contract Procedure Rules) | By using the more accessible term 'Corporate Contracts' the rules better align with Council procurement guidance. Adding framework agreements to the definition reflects the fact that a number of corporate contracts are ESPO framework agreements |
| Schedule 1, 7  | Amend as highlighted:<br>“Contract Opportunity Publication” is the means by which a Procurement Exercise is advertised, <b><u>and includes (where appropriate) the 'Contract Notice' as defined in the Public Contract Regulations 2006</u></b>                                                                                                                                                                                                                                                                                                                                         | The definition explicitly recognises the Public Contract Regulations 2006 term and definition of 'Contract Notice'                                                                                                                                   |
| Schedule 1, 20 | Delete the definition for 'Official Order Form'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | The term does not need to be defined as it is not referenced in the rules                                                                                                                                                                            |
| Schedule 1, 32 | Delete the definition for 'Quotation'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | There is no need to separately mention Tenders and Quotations as the latter is included in the definition of the former                                                                                                                              |
| Schedule 1, 34 | Add the text highlighted:<br>“Standard Terms and Conditions” means <b><u>the</u></b> standard contractual terms used by Leicestershire County Council, <b><u>including those attached to iprocurement</u></b>                                                                                                                                                                                                                                                                                                                                                                           | The definition needs to recognise that there is no single set of standard terms and conditions but a number of approved sets of terms and conditions                                                                                                 |

| RULE       | PROPOSED AMENDMENT                                                                                                                                                                                                                                                                  | EXPLANATION                                   |
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|            | <b>orders or orders generated by 'line of business' systems, those included in Request for Quotation templates, and standard industry terms</b>                                                                                                                                     |                                               |
| Schedule 1 | Ensure that all defined terms in the schedule are appropriately capitalised throughout the rules. A number of defined terms are not consistently appropriately capitalised, such as Contract, Estimated Value, EU Threshold, Officer, Part B Services, Person, Procurement Exercise | Ensures appropriate and consistent formatting |