

## EXTRACT FROM CONTRACT PROCEDURE RULES –PART 4G OF THE CONSTITUTION

### Proposed amendments pursuant to report to Civic Affairs on 29<sup>th</sup> June 2011 in coloured and underlined text

#### 21 EVALUATION AND AWARD OF CONTRACT AND DEBRIEFING OF CANDIDATES

- 21.1 Apart from the information given de-briefing of to Candidates referred to in in accordance with Regulation 21.7 to 21.10 below, confidentiality of *Quotations, Tenders* and the identity of *Candidates* must be preserved at all times. ~~and information about one Candidate's response must not be given to another Candidate.~~
- 21.2 If a Freedom of Information Request is received asking for information about a current tendering process, the Head of Legal Services must be consulted.
- 21.3 Tenders must be evaluated in accordance with the published ~~evaluation/~~Award Criteria.
- 21.4 A Tender that exceeds the *Estimated Contract Value* may only be accepted by the relevant *Director* if it is within 15% or less of the original estimate and approval to the further expenditure is obtained from the *Director* of ~~Finance~~Resources.
- 21.5 If a Tender exceeds the *Estimated Contract Value* by more than 15% then either:
- A further tender exercise shall be carried out; or
  - The relevant *Director* must get the permission of the relevant *Executive Councillor* and the *Director* of ~~Finance~~Resources to accept the Tender.
- 21.6 In the case of a *Concession Contract* the Rules in Procedure Rules 21.4 and 21.5 apply if the Tender received is less than the *Estimated Contract Value* by 15% or more.
- ~~21.6 The Officer must inform all Candidates in writing of the Council's intention to award the Contract to the successful Candidate.~~
- ~~21.7 Where the Total Contract Value is more than £30,000, the Officer must provide unsuccessful Candidates with a period of at least 10~~

~~days in which to challenge the decision before the Officer awards the Contract.~~

21.87 ~~If, during a standstill period in compliance with an EU Procedure,~~ the decision to award a Contract is challenged by an unsuccessful Candidate then the Officer shall not award the Contract and shall immediately seek the advice of the Head of Legal Services and the Strategic Procurement Adviser.

21.89 Where the Total Contract Value is more than £75,000, the Officer shall provide a written debrief at the end of the procurement to all those Candidates who submitted a bid, ~~about the characteristics and relative advantages of the successful bid.~~ No information, other than the following, should be given without the advice of the Head of Legal Services:

- the award criteria (which will have been specified in the tender document)
- the name of the successful bidder(s).
- the score of the (recipient) unsuccessful bidder.
- the score of the successful bidder(s).

~~How the Award Criteria were applied~~

~~The prices or range of prices submitted without attributing them to a particular Candidate.~~

~~The names of Candidates where there were four or more Candidates~~

"If the Council's decision to award a Contract is challenged, the Officer shall immediately seek the advice of the Head of Legal Services and the Strategic Procurement Adviser but, having considered the advice, may then award the Contract.

21.490 If a Candidate requests, in writing, reasons— for a Contracting Decision, the Officer must comply with the Council's corporate response standard for replying to letters and in any event must give the reason in writing within 150 days of the request. No information other than that set out at 21.8 above should be given without the advice of the Head of Legal Services.

21.104 The Officer must inform all Candidates about the outcome of the pre-tender short-listing process and **may** also give the debriefing information at 21.98 above to Candidates who were not selected in a pre-tender short listings ~~short-listing~~ process if so requested.