## Light Touch Services Contract Code

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# Introduction – Rule 1

* 1. This Light Touch Services Code (Code) sets out where there are differences within Procurement Legislation in regard to Light Touch Contracts.
	2. This Light Touch Code MUST be used in conjunction with the [Contract Procedure Rules](https://enfield365.sharepoint.com/sites/intranetprocurement/Shared%20Documents/Procurement%20Policy%20%26%20Guidance/Contract%20Procedure%20Rules%20%28CPRs%29.pdf) (Rules), and the [Procurement Code](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B2FE0F8C4-94C0-42A2-9979-C26AE105909A%7D&file=Procurement%20Code.docx&action=default&mobileredirect=true) and form the Council Contract Procured Rules in how to carry out Contracting Activity. This document, together with the Rules, serves as a roadmap for Service Departments, outlining the key principles, procedures, and best practices to uphold throughout all Contracting activity. The Rules form part of the [Council's Constitution](https://governance.enfield.gov.uk/ecCatDisplay.aspx?sch=doc&cat=252) and mandatory.
	3. Contracting Activity requires strategic decision-making, risk management, and fostering mutually beneficial relationships with vital Suppliers. By adhering to this Code, the Council can manage cost savings, mitigation of risks, maintain compliance with regulations, and ultimately contribute to the Council’s plan.
	4. All Council Officers at whatever role in the Council involved in Contracting activity must read this Code and the Rules to ensure there is a thorough understanding of how to carry out the steps within the sourcing lifecycle to ensure best practice and compliance to Council and UK Procurement Legislation.
	5. Specifically, this document is intended to support understanding of the [Contract Procedure Rules](https://enfield365.sharepoint.com/sites/intranetprocurement/Shared%20Documents/Procurement%20Policy%20%26%20Guidance/Contract%20Procedure%20Rules%20%28CPRs%29.pdf) and how to implement them in regard to Light Touch Services Contracts. The [Procurement Code](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B2FE0F8C4-94C0-42A2-9979-C26AE105909A%7D&file=Procurement%20Code.docx&action=default&mobileredirect=true) sets out the operational elements of the Procurement Process and these should be followed in **conjunction with the CPR’s**; and this Code, these documents together constitute the Contract Procedure Rules (Rules).

# Purpose – Rule 2

* 1. The purpose of the Rules and this Code is to ensure that the Council is compliant for Light Touch Services Contracts and Procurement Act 2023 Legislation (PA23). Suppliers can take legal action where the Council does not apply the Rules or follow Legislation and therefore it is important to protect the Council from risk of challenge.
	2. Light Touch Contracts are Contracts for certain social, health, education and other public Services and are subject to more flexible procurement rules. One thing these Services have in common is that they are Services provided directly to individuals or groups of people and therefore warrant special treatment and greater flexibility.
	3. This Code deals only with the specific provisions that apply to Light Touch Contracts, for Health Care Services Contracts see the [PSR Code](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B3E68839C-1F2F-492B-A04A-D6C0B85D2B97%7D&file=Provider%20Selection%20Regime%20Code.docx&action=default&mobileredirect=true).
	4. Where there are no specific provisions, there is no difference for Light Touch Contracts and reference should be made to the [Rules](https://enfield365.sharepoint.com/sites/intranetprocurement/Shared%20Documents/Procurement%20Policy%20%26%20Guidance/Contract%20Procedure%20Rules%20%28CPRs%29.pdf) and [Procurement Code](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B2FE0F8C4-94C0-42A2-9979-C26AE105909A%7D&file=Procurement%20Code.docx&action=default&mobileredirect=true).
	5. The [Procurement Act 2023](https://www.legislation.gov.uk/ukpga/2023/54/contents) Section 9 (Light Touch Contracts) defines a ‘Light Touch Contract’ and provides for regulations to specify which Services (referred to in the regulations as ‘Light Touch Services’) can be procured under a Light Touch Contract.
	6. [Procurement Regulations 2024](https://www.legislation.gov.uk/ukdsi/2024/9780348259728/contents) Schedule 1 (the Regulations) specifies which Services are Light Touch Services by description and reference to corresponding [Common Procurement Vocabulary (CPV) codes](https://www.legislation.gov.uk/ukdsi/2024/9780348259728/schedule/1). Light Touch Contracts (that are not exempted Contracts) are Public Contracts if they are above the PA23 for the type of Contract.
	7. PA23 Legislation (Reserving contracts to public service mutuals, Section 33) permits certain Light Touch Contracts to be reserved for public service mutuals, as long as the Contract term is for 5 years or less.

# Application

* 1. A Light Touch Contract is a contract wholly or mainly for the supply of Services, as stated above and specified in Rule 2.6.
	2. The specific Light Touch provisions in PA23 apply in procurements where:
	3. the Light Touch Contract is a public contract; and
	4. the procurement is not a regulated health procurement as defined in regulations made under the National Health Service Act 2006.

3.3 A Light Touch Contract is a Public Contract where:

1. the estimated total Contract value exceeds the relevant financial Threshold; and
2. the Contract is not an exempted Contract as defined in the Act (see guidance on exempted Contracts).
	1. Financial Threshold

|  |  |
| --- | --- |
| **Light Touch Contract** | **Threshold** |
| Concession Contract that is a Light Touch Contract | £5,372,609 |
| All other Light Touch Contracts | £663,540 |

# Reserving Contracts for Light Touch Services to public Services mutuals

* 1. PA23 (Section 33) permits the Council to reserve certain types of Contracts for public sector mutuals. This ability complements the social value agenda and can help the Council to deliver on social value commitments by awarding Contracts to Suppliers that have such priorities aligned to the Councils Plan. Whilst reserving Contracts is encouraged, doing so must be considered in the wider context of value for money.
	2. Public service mutuals are organisations that:
1. operate for the purpose of delivering public Services and mainly for the purpose of delivering one or more ‘reservable Light Touch Services’ (see paragraph 23 below)
2. are not for profit, or provide for the distribution of profits only to its members; and
3. are under the management and control of their employees.
	1. In order to be awarded a ‘reserved Contract’, a public service mutual must be a ‘qualifying public service mutual’, which means that it must not have entered into a reserved Contract for the same kind of Light Touch Services with the same Contracting authority in the preceding three years.
	2. The types of Light Touch Contracts that can be reserved under PA23 Section 33 are those for the supply of ‘reservable Light Touch Services’, which are identified by an “R” next to the description of the service in Schedule 1 in the Regulations.
	3. Where a Contract is being reserved to a public service mutual, Section 33(2) requires the Council to use the competitive flexible procedure as, unlike the open procedure, it allows for the exclusion of Suppliers who do not meet this requirement.
	4. PA23 under Section 33(4) requires the Council to disregard any Tenders from Suppliers that are not qualifying public service mutuals in assessing Tenders under Section 19 when carrying out such a procedure. This can be done at the participation stage or as part of the assessment of tenders, depending on how the procedure is structured.

# Roles and Responsibilities – Rule 4

* 1. All Officers or 3rd parties/consultants involved in Contracting Activity must ensure that they are aware of the Council’s Governance, Contract Procedures Rules, and the operational rules within this Code. As a Local Authority we have a duty to protect the public purse.
	2. All roles and responsibilities are set out in the Rules and this Code. Officers carrying out Contracting Activity for Light Touch Services must ensure they apply the correct Rules set out in this Code and Procurement Code.

# Direct Award in Special Cases – Rule 9

* 1. Carrying out competitive Contracting Activity is the best way to ensure VFM. Direct Award is only permitted in the limited circumstances set out in this Rule or if one of the grounds under Schedule 5 of the Procurement Act 2023 applies. Refer to the CPRs and Procurement Code for process for Direct Award.
	2. Section 41 (Direct award in special cases) permits the Council to award a Contract without first running a competitive tender process when a direct award justification (set out in PA23 Schedule 5) applies. Whilst other justifications may be relevant, there is a specific justification for Contracts for ‘User Choice Services’ and those set out below may be particularly relevant. See Procurement Code and CPRs.
	3. Transparency Notifications apply when directly awarding a Light Touch Contract.
	4. Contract for [User Choice Contracts](https://www.gov.uk/government/publications/procurement-act-2023-guidance-documents-plan-phase/guidance-light-touch-contracts-html) were exempt from the [Public Contracts Regulations 2015](https://www.legislation.gov.uk/uksi/2015/102/contents) but are now part of the Procurement Act 2023. Direct Award is permissible however, but the Contracts must be recorded to ensure compliance to Transparency regulations, and Payment Notifications.
	5. **Direct Award for User Choice Services Contracts**

A User Choice Contract must be one that meets **all** of the criteria set out in the Current Procurement Legislation.

1. Must be set out in the Light Touch [CPV](https://www.legislation.gov.uk/uksi/2023/1348/schedule/1/made) codes.
2. Must be for the benefit of a particular individual or Service recipient.
3. Services where the Council are legally required to consider the views of the individual, or their carer, in relation to the supply of Services.
4. To use this ground the following conditions must be met:
5. the individual or carer has expressed a preference as to who should supply the Service, or the nature of the Services is such that only one Supplier is capable of providing the Service, and the Council considers that it is not in the best interests of the individual to carry out a competitive procurement process.
	1. Refer to the [Procurement Code](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B2FE0F8C4-94C0-42A2-9979-C26AE105909A%7D&file=Procurement%20Code.docx&action=default&mobileredirect=true) for recording these Contracts.

# **Frameworks, Dynamic Markets and DPS – Rule 17**

* 1. The definition of a Light Touch Contract under PA23 includes a ‘Light Touch Framework Agreement’, which is a Contract that provides for the future award of Contracts that are wholly or mainly for Light Touch Services.
	2. Where a Framework that is not a Light Touch Contract is being used for the award of Contracts for Light Touch Services, PA23 applies in full, including, for example, the competitive selection process set out in the Framework Agreement.
	3. The PA23 Section 45(9) provides that Section 45(3 to 5) about the selection processes for the award of Contracts and what information must be included in the Framework Agreement does not apply when a Framework Agreement is a Light Touch Contract (i.e. it is a Framework Agreement wholly or mainly for the future award of Light Touch Contracts).
	4. The PA23 Section 46(11) states rules around competitive selection processes does not apply where the Framework Agreement is a Light Touch Contract.
	5. The PA23 Section 47(5)(c) states that the rules governing the maximum term of a Framework Agreement does not apply to Framework Agreements which are Light Touch Contracts.

# Procurement Thresholds – Rule 20

* 1. The estimated total Contract Value determines the which part of the Procurement Act 2023 needs to be followed and informs the route to market.
	2. Light Touch Services Contracts have their own Threshold as set out below in the table. All thresholds are **inclusive of VAT**, when calculating the Contract value.
	3. **Thresholds:**

|  |  |  |
| --- | --- | --- |
| **Category** | **Value Including VAT** | **Value Excluding VAT** |
| Goods and Services | £214,904 | £179,086 |
| Light Touch Services  | £663,540 | £552,950 |
| Works | £5,372,609 | £4,477,174 |
| Concessions | £5,372,609 | £4,477,174 |

* 1. Contracts below the Threshold are referred to in the Procurement Act 2023 as ‘**Regulated Contracts’**, and there are rules that apply to these Contracts in addition to Council Governance.
	2. If a Light Touch Services Regulated Contract is varied in value and the value brings the Contract over the Light Touch Services Contract threshold, the Contract becomes a ‘Converted Contract’, and this Contract must now follow the PA23 Act as an above threshold Contract or ‘Covered Contract’. If the value of the Contract is unknown, then a full above Threshold procurement must be carried out. (See Rule 17 of the CPRs).
	3. The Duty to consider Lots (Section 18) applies to Light Touch Contracts and requires the Council to consider whether the requirement could be broken into Lots and the Services supplied under more than one Contract. However, for Light Touch Contracts Regulation 18(2)(q) provides that there is no requirement to provide a justification in the Tender Notice if not dividing the Contract into Lots.
	4. Contracting authorities awarding Light Touch Contracts are subject to the same provisions relating to competitive tender procedures as apply when awarding other types of Contracts.
	5. The participation and tender periods for Light Touch Contracts are not mandated by section 54 (Time limits) of PA23, allowing for Light Touch Services to be procured more swiftly. However, the Council must ensure that timescales are reasonable, for example, having regard to the nature of the requirement and the complexity of the Contract being awarded.
	6. Modifying a section 19 procurement (Section 31(2)(b)) allows modifications to a competitive flexible procedure, even if they are considered to be substantial, to be made before the deadline for submission of final tenders where the procurement is for a Light Touch Contract.
	7. When making such modifications the Council must:
1. ensure such modifications are in line with the procurement objectives at section 12 of PA23.
2. consider revising any applicable timescales because of such modification.
3. notify the participating Suppliers of such changes, where a participation period applies.
	1. See the [Procurement Code](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B2FE0F8C4-94C0-42A2-9979-C26AE105909A%7D&file=Procurement%20Code.docx&action=default&mobileredirect=true) for more details on this.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| ***Estimated Total Contract Value including VAT & possible Extensions.*** | ***Minimum No. of Quotations******& Local Quotations*** | ***Evaluation & Supplier Selection*** | ***Additional Requirements (if applicable)*** | ***Method of Issuing a Contract***  | ***Advertising or Notification*** | ***Responsibility for Procurement Process*** |
| **Regulated Below Threshold Contracts Process** |
| Up to £30,000.[Procurement System](https://londonboroughofenfield.my.salesforce.com/?ec=301&startURL=%2Fvisualforce%2Fsession%3Furl%3Dhttps%253A%252F%252Flondonboroughofenfield.lightning.force.com%252Flightning%252Fo%252FUserAppMenuItem%252Fhome) must be used for £30,000 or above.  | 1 quote.Must seek local Supplier in the first instance.Seek ‘best and final offer’. | Check if Supplier is on [Debarred list](https://assets.publishing.service.gov.uk/media/67ae0ba06e6c8d18118acd8a/Debarment_List_Template.pdf). | Must seek best and final offer to ensure VFM.Consider potential barriers to small and medium-sized enterprises and how these can be removed. | * Use of Purchase Order for **Goods and Services, and limited Works Contracts only (see** [Procurement Code](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B2FE0F8C4-94C0-42A2-9979-C26AE105909A%7D&file=Procurement%20Code.docx&action=default&mobileredirect=true)for works**)** or
* [Contract Template](https://enfield365.sharepoint.com/sites/intranetlawandgovernance/legal/Forms/AllItems.aspx?FolderCTID=0x0120007A34B4D14EA06948B462CD523C4B4A40&id=%2Fsites%2Fintranetlawandgovernance%2Flegal%2FLegal%20Precedents) (or other form of Contract approved by Legal Services) for more complex requirements, where there is sharing of personal data or where the level of risk needs to be addressed, or for Works Contracts.
 | Advertising not required. | Self-service in line with Rules and Procurement Legislation. |
| Contracts from £30,001 to £100,000 for Goods and Services.Or£30,001 to £500,000 for Works | 3 quotes.2 local Suppliers in the first instance.Where VFM is better met by going to the open market then this must be the first option. | Ensure Suppliers meet conditions of participation and evaluation criteria. See Rule 26Check that Suppliers are not on [Debarred list](https://assets.publishing.service.gov.uk/media/67ae0ba06e6c8d18118acd8a/Debarment_List_Template.pdf) or should be Excluded or are Excludable.[Ensure conflict of interest is assessed](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B95801BCB-3515-46C7-9D45-DA612308CE56%7D&file=Conflict%20of%20interest%20declaration%20form.docx&action=default&mobileredirect=true). | If less than three quotes are **received** the Service must seek the relevant level of approval within their Service to award and must ensure that VFM has been demonstrated. The decision must be recorded in writing (NKOD report, KD Report etc) and the decision retained in the [Procurement System](https://londonboroughofenfield.my.salesforce.com/?ec=301&startURL=%2Fvisualforce%2Fsession%3Furl%3Dhttps%253A%252F%252Flondonboroughofenfield.lightning.force.com%252Flightning%252Fo%252FUserAppMenuItem%252Fhome).Once selected winning bidder must ask for best and final offer to obtain VFM.Refer to the Construction Procurement Guide for Works Contracts.Consider potential barriers to small and medium-sized enterprises and how these can be removed. | * Use of Purchase Order for **Goods and Services. For construction (Works and Services) see** [Procurement Code](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B2FE0F8C4-94C0-42A2-9979-C26AE105909A%7D&file=Procurement%20Code.docx&action=default&mobileredirect=true). Or
* [Contract Template](https://enfield365.sharepoint.com/sites/intranetlawandgovernance/legal/Forms/AllItems.aspx?FolderCTID=0x0120007A34B4D14EA06948B462CD523C4B4A40&id=%2Fsites%2Fintranetlawandgovernance%2Flegal%2FLegal%20Precedents) (or other form of Contract approved by Legal Services) for more complex requirements, where there is sharing of personal data or where the level of risk needs to be addressed or Works Contracts.

Please also refer to Rule 31 for requirements for sealing.Ensure added to the [forward plan](https://enfieldintranet.moderngov.co.uk/ielogon.aspx?lp=1&RPID=164162787&HPID=164162787&Forms=1) if Contract award is over £500,000. | Advertising not required where quotations are by invitation only from particular or pre-selected Suppliers.Where open competition takes place then a Below Threshold Tender Notice must be published. See [Procurement Code](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B2FE0F8C4-94C0-42A2-9979-C26AE105909A%7D&file=Procurement%20Code.docx&action=default&mobileredirect=true).**In all cases** Service Departments must publish a Regulated Contract Details Notice. | Self-service via the [Procurement System](https://enfield365.sharepoint.com/sites/intranethub/Shared%20Documents/Forms/AllItems.aspx) and in line with the Rules and [Procurement Code](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B2FE0F8C4-94C0-42A2-9979-C26AE105909A%7D&file=Procurement%20Code.docx&action=default&mobileredirect=true). Must be visible on the [Council’s Corporate Contract Register](https://enfield365.sharepoint.com/%3Ax%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B13B9DA41-B0B5-4CD8-8BC6-F951B85618B1%7D&file=Contracts%20Register.xlsx&action=default&mobileredirect=true) to meet Transparency code.Must publish a Regulated Contracts Details Notice on the Find a Tender Service via the [Procurement System](https://londonboroughofenfield.my.salesforce.com/?ec=301&startURL=%2Fvisualforce%2Fsession%3Furl%3Dhttps%253A%252F%252Flondonboroughofenfield.lightning.force.com%252Flightning%252Fo%252FUserAppMenuItem%252Fhome) for award. |
| Contracts above £100,000 to PA23 Threshold[[1]](#footnote-2) for Goods and Services Or£500,000 to PA23 Threshold for Works:Or £100,000 to Light Touch Threshold for Light Touch Services | 5 quotes.2 Local Suppliers where possible.Where VFM is better met by going to the open market then this must be the first option. | If less than five quotes are **received** the Service must seek the relevant level of approval within their Service to award and must ensure that VFM has been demonstrated. The decision must be recorded in writing (NKOD report, KD Report etc) and the decision retained in the [Procurement System](https://londonboroughofenfield.my.salesforce.com/?ec=301&startURL=%2Fvisualforce%2Fsession%3Furl%3Dhttps%253A%252F%252Flondonboroughofenfield.lightning.force.com%252Flightning%252Fo%252FUserAppMenuItem%252Fhome).Once selected winning bidder must ask for best and final offer to obtain VFM.Refer to the Construction Procurement Guide for Works Contracts.Consider potential barriers to small and medium-sized enterprises and how these can be removed. | Up to £500,000:* Signature on [Contract Template](https://enfield365.sharepoint.com/sites/intranetlawandgovernance/legal/Forms/AllItems.aspx?FolderCTID=0x0120007A34B4D14EA06948B462CD523C4B4A40&id=%2Fsites%2Fintranetlawandgovernance%2Flegal%2FLegal%20Precedents) (or other form of Contract approved by Legal Services) or sealed by Legal Services if required

Over £500,000:* [Contract Template](https://enfield365.sharepoint.com/sites/intranetlawandgovernance/legal/Forms/AllItems.aspx?FolderCTID=0x0120007A34B4D14EA06948B462CD523C4B4A40&id=%2Fsites%2Fintranetlawandgovernance%2Flegal%2FLegal%20Precedents) (or other form of Contract approved by Legal Services) sealed by Legal Services

Please refer Rule 31 (requirements for sealing) | Advertising not required where quotations are by invitation only from particular or pre-selected Suppliers.Where open competition takes place then a Below Threshold Tender Notice must be published.**In all cases** Service Departments must publish a Regulated Contract Details Notice. | Self-service via the [Procurement System](https://londonboroughofenfield.my.salesforce.com/?ec=301&startURL=%2Fvisualforce%2Fsession%3Furl%3Dhttps%253A%252F%252Flondonboroughofenfield.lightning.force.com%252Flightning%252Fo%252FUserAppMenuItem%252Fhome) and in line with the Procurement Legislation. Must be visible on the Contract register to meet Transparency regulations.Must publish a Regulated Contract Details Notice on the Find a Tender Service via the [Procurement System](https://londonboroughofenfield.my.salesforce.com/?ec=301&startURL=%2Fvisualforce%2Fsession%3Furl%3Dhttps%253A%252F%252Flondonboroughofenfield.lightning.force.com%252Flightning%252Fo%252FUserAppMenuItem%252Fhome) for award. |
| **Public Contracts Process** |
| Above PA23 Threshold[[2]](#footnote-3) for Goods, Services and Works and Light Touch Services. | Follow Procurement Legislation processes.Consider how to develop local market within the procurement and social value. | Ensure Suppliers meet conditions of participation and evaluation criteria.Check that Suppliers are not on [Debarred list](https://assets.publishing.service.gov.uk/media/67ae0ba06e6c8d18118acd8a/Debarment_List_Template.pdf) or should be Excluded or are Excludable.[Ensure conflict of interest is assessed](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B95801BCB-3515-46C7-9D45-DA612308CE56%7D&file=Conflict%20of%20interest%20declaration%20form.docx&action=default&mobileredirect=true). | A fully compliant process must be carried out in accordance with the processes set out in the PA23 for Public Contracts.Possible routes to market:* Open Procedure
* Competitive Flexible Procedure
* Framework
* Dynamic Markets
* Light Touch

Consider potential barriers to small and medium-sized enterprises and how these can be removed. | Up to £500,000:* Signature on [Contract Template](https://enfield365.sharepoint.com/sites/intranetlawandgovernance/legal/Forms/AllItems.aspx?FolderCTID=0x0120007A34B4D14EA06948B462CD523C4B4A40&id=%2Fsites%2Fintranetlawandgovernance%2Flegal%2FLegal%20Precedents) (or other form of Contract approved by Legal Services) or Sealed by Legal Services if required

Over £500,000:* [Contract Template](https://enfield365.sharepoint.com/sites/intranetlawandgovernance/legal/Forms/AllItems.aspx?FolderCTID=0x0120007A34B4D14EA06948B462CD523C4B4A40&id=%2Fsites%2Fintranetlawandgovernance%2Flegal%2FLegal%20Precedents) (or other form of Contract approved by Legal Services) sealed by Legal Services

Please refer to Rule 31.Ensure added to the [forward plan](https://enfieldintranet.moderngov.co.uk/ielogon.aspx?lp=1&RPID=164162787&HPID=164162787&Forms=1) if award is over £500,000. | Notifications must be published by Procurement Services in line with the PA23 and the [Procurement Code](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B2FE0F8C4-94C0-42A2-9979-C26AE105909A%7D&file=Procurement%20Code.docx&action=default&mobileredirect=true).For Light Touch Notifications see [Light Touch Code](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B07ACCED4-4644-472D-9631-273B0DD691D9%7D&file=Light%20Touch%20Services%20Contract%20Code.docx&action=default&mobileredirect=true).Notifications apply if Procurement Process is Terminated.Standstill periods must be followed. | Project managed by Procurement Services with engagement from Legal Services as appropriate.All procurements over the PA23 Threshold must follow processes set out in the PA23 and the [Procurement Code](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B2FE0F8C4-94C0-42A2-9979-C26AE105909A%7D&file=Procurement%20Code.docx&action=default&mobileredirect=true).Service Departments are responsible for:* Specification
* Governance & authority
* Evaluation
 |

# Notifications – Rule 23

* 1. The PA 2023 demands more transparency during the whole sourcing lifecycle, including, Contract Modifications (variations, extensions and terminations), and Contract Management. It is important to ensure that all transparency notifications are actioned through the lifetime of the Contract. Failure to comply with the notifications is a failure to comply with Procurement Legislation and may result in a challenge and may also affect the ability to modify a contract later on.
	2. Light Touch Contracts must be advertised using a Tender Notice unless a Direct Award justification applies. The Council is required to determine whether Suppliers are Excluded or Excludable Suppliers and consider conflicts of interest before awarding the Contract.
	3. Some notifications have different time scales or do not apply to Light Touch Contracts, these are set out in the table below.
	4. Table of main Notifications:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Procurement Lifecycle** | **Notices for Regulated Below Threshold Contracts** | **Mandatory or Optional** | **Contract Brief Description** | **When:** | **Who:** |
| Plan | Below Threshold Tender Notice | MandatoryIf carrying out an open process | A notice inviting tenders or quotations for Contracts with an estimated value below the relevant threshold. | Prior to starting procurement for a Regulated Below Threshold Contract via **advertised** **process.** For all Regulated Below Threshold Contracts that are advertised (i.e. not where tenders are invited from particular or pre-selected Suppliers). Must be published on Find a Tender prior to advertisement elsewhere. | Procurement Services.**Service Department MUST contact Procurement Services in advance to plan and draft notice for Service Department.** |
| Procure | Contract Details Notice- Below threshold | Mandatory | A notice setting out that the Council has entered into a Regulated Below Threshold Contract. | For all Regulated Below Threshold Contracts (above £30k and below threshold) as soon as reasonably practicable after entering into the Contract.  | Service Department via Procurement System. |
| **Procurement Lifecycle** | **Notices for Covered Contracts** | **Mandatory or Optional** | **Contract Brief Description** | **When:** | **Who:** |
| Plan | UK1Pipeline Notification | Mandatory | List of all procurement projects for Contracts over £2m to be reprocured in the next 18 months. | Within 56 days of the start of the financial year. | Procurement Services. |
| Define | UK2[Preliminary Market engagement Notice](https://www.gov.uk/government/publications/procurement-act-2023-guidance-documents-define-phase/guidance-preliminary-market-engagement-html) | Mandatory\*\*Unless set out in the tender documentation and Tender Notification as to why | A notice to announce that the Council is planning to conduct, or has conducted, a pre-market engagement exercise. | Before publishing a tender notice for all Covered Contracts (above threshold modification).Mandatory for Covered Procurements if a preliminary market engagement is carried out unless the Council can provide the justification for not doing so in the tender notice. | Procurement Services.**Service Department MUST contact Procurement Services in advance to plan and draft notice for Service Department.** |
| Procure | UK3[Planned Procurement Notice](https://assets.publishing.service.gov.uk/media/664dc0d9f34f9b5a56adcc1e/Guidance_-_Planned_Procurement_Notice.pdf) | Optional | A notice setting out the Council’s intention to commence a procurement in the future. | If intention is to reduce the procurement timescales, it must be published at least 40 days but no more than 12 months before the tender notice is published. | Procurement Services. |
| Procure | UK4Tender Notice | Mandatory | A Notice setting out the Council’s intention to award a public Contract and commence a procurement process. | Prior to starting procurement exercise for Contract all Public Contracts.(Above threshold procurement)Both for open and competitive flexible procedure. | Procurement Services. |
| Procure | UK5Transparency Notice | Mandatory (Except for User Choice Contracts) | A notice setting out that the Council intends to make a Direct Award relying on the permitted grounds for a Direct Award in the PA23. | Prior to award. | Procurement Services. |
| Procure | UK6Contract Award Notice | Mandatory(Except for User Choice Contracts) | A notice setting out that the Council intends to award a Contract. | After issuing Assessment Summaries and prior to award of (Above threshold Contract) and the publication starts the Standstill Period. | Procurement Services. |
| Procure | UK7[Contract Details Notice](https://assets.publishing.service.gov.uk/media/66b235d7a3c2a28abb50ddb7/Guidance_on_Contract_Details_Notices_FINAL_v2.0.pdf)Redacted Version of the ContractAndPublication of Contract with modification | Mandatory(Except for User Choice Contracts) | A notice setting out that the Council has entered into a Contract. | Within 30 days beginning with the day the Public Contract is entered into (including Frameworks) or within 120 days for Light Touch Contracts. | Procurement Services. |
| Mandatory (for all Contracts over £5m) | A copy of the Contract with a value above £5m must be published after:* + - 1. redacting sensitive commercial information; and
			2. (ii) complying with the UK GDPR.

After Contract Modification | Within 90 days of the public Contract being entered into or within 180 days for Light Touch Services Contract.Within 90 days from the date of any modification.  | Procurement Services.**Service Department MUST contact Procurement Services in advance to plan and draft notice for Service Department.** |
| Procure | UK12Procurement Termination Notice. | Mandatory | A notice that the Council has decided to abandon a procurement after publishing a tender or transparency notice. | As soon as reasonable after making the decision to abandon. | Procurement Services. |
| Procure | UK 13 to 16Dynamic Market notice | Mandatory  | A set of notices on the establishment and running of Dynamic Markets. | When advertising,establishing, changing orterminating a Dynamic Market. | Procurement Services. |
| Manage | UK8Contract Payment notice.  | Mandatory (Except for Concession Contracts and Contracts awarded by Schools) | Details of payments of more than £30k made by the Council under a Public Contract. | Quarterly.  | Procurement Services. |
| Manage | UK9[Contract Performance Notice](https://assets.publishing.service.gov.uk/media/66b21e49fc8e12ac3edb0b3d/Guidance_-_Contract_Performance_Notices_FINAL_2.0_.pdf) | Mandatory for all Public Contracts £5m or over in value let under or all Convertible Contracts where a modification takes the Contract value above £5m (Except for Light Touch Contracts. Concession Contracts are exempt from KPI publication but must publish for poor performance/breach). | A notice publishing information in relation to:1. Performance assessment against key performance indicators in the Contract.
2. Supplier poor performance/breach of Contract.
 | 1. Once in every 12 months during the lifecycle of the Contract and on termination.
2. Where there is a breach or the Supplier is not performing, and has not improved, then before the end of period of 30 days starting on which a particular breach or failure to perform.
 | Procurement Services.**Service Department MUST contact Procurement Services in advance to plan and draft notice for Service Department.** |
| Manage | UK10[Contract Change Notice](https://assets.publishing.service.gov.uk/media/66d852da608fb761b6811067/Guidance_-_Contract_Modifications_FINAL.pdf) | Mandatory prior to a qualifying modification taking place (copy of modified contract for Public Contracts £5m or over to be published)(Except for Light Touch Contracts). | Contract Change notice: A notice setting out that the Council intends to modify a Public Contract or a Convertible Contract.A notice setting out that the Council intends to Novate a Contract or assignment on corporate restructuring. | Before modification of a Convertible Contract (Contract where the modification will result in a Regulated Contract being converted to a Covered Contract i.e. above threshold).Exemptions apply for certain modifications in value and term of the Contract – please see Rule 29. | Procurement Services.**Service Department MUST contact Procurement Services in advance to plan and draft notice for Service Department.** |
| Manage | UK11Contract Termination Notice | Mandatory(Except for User Choice Contracts).  | A notice setting out that a covered Contracts has been terminated or has expired or come to an end Contract. | Before the end of 30 days from the date of Termination. (Termination means expiry, discharge, termination by a party, rescission or via a Court order). | Procurement Services.**Service Department MUST contact Procurement Services in advance to plan and draft notice for Service Department.** |
| Manage | UK17[Payments Compliance Notice](https://assets.publishing.service.gov.uk/media/67a4c8d6baccec3af36b3c4d/GUIDANCE_Payments_Compliance_Notices_FINAL.pdf) | Mandatory (Except for Concession Contracts and Contracts award by Schools). | Details of the Council’s performance against the 30-day payment terms in Contracts. | Twice annually - Before the end of the period of 30 days beginning with the last day of a Reporting Period. Reporting Period is every six-month period ending on 31st March or 30th September. | Procurement Services. |

* 1. The Light Touch Services has different timescales for some Notifications. These are set out Rule 23. See [Procurement Code](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B2FE0F8C4-94C0-42A2-9979-C26AE105909A%7D&file=Procurement%20Code.docx&action=default&mobileredirect=true).
	2. Under the Procurement Act 2023 the Council is obligated to report:
1. Percentage of Suppliers paid within 30 days.
2. Payments of over £30,000 to Suppliers is published quarterly.
	1. These payment reports include ALL public Contracts, which include all Light Touch Services Contracts and User Choice Contracts. This means that these Contracts must be recorded on the [Procurement System](https://londonboroughofenfield.my.salesforce.com/?ec=301&startURL=%2Fvisualforce%2Fsession%3Furl%3Dhttps%253A%252F%252Flondonboroughofenfield.lightning.force.com%252Flightning%252Fo%252FUserAppMenuItem%252Fhome) for recording, so that Payment Notifications can include.

# Award Criteria and Evaluation – Rule 26

* 1. Section 23(6) (Award criteria) allows additional factors to be taken into account in award criteria for Light Touch Contracts, such as to reflect that a Service recipient may have the right to exercise their choice or that proximity of the provider and service user may be important for the effective and efficient supply of Services (i.e. not having numerous care providers criss-crossing a county). Section 33 of the Act permits certain light touch contracts to be reserved to public mutuals, as long as the Contract term is for 5 years or less.
	2. See CPRs and [Procurement Code](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B2FE0F8C4-94C0-42A2-9979-C26AE105909A%7D&file=Procurement%20Code.docx&action=default&mobileredirect=true).

# Contract Award and Execution – Rule 28

* 1. Light Touch Services Contracts are exempt from a standstill period, but the Council has taken a view that it will abide by this Rule as good practice and mitigation of risk. Therefore, the Council should apply the mandatory standstill period of eight (8) working days beginning with the day on which the Contract Award Notice is published.
	2. There is no obligation to set out the standstill period in the Contract Award Notice for Light Touch Services, but this must be included where a voluntary standstill period is to be observed.

# Contract Modifications, Novation [& Termination to Contracts](file://lbe.local/fileserver/Resource/ProcurementandCommissioningHub/Procurement%20Operations%20%26%20Governance/CPR%27s%20Folder/Procurement%20Guidance%20041217.docx#VariationsToContracts) – Rule 29

* 1. Light Touch Services Contracts are modifiable under the PA23.
	2. PA23 allows the modification of Light Touch Contracts, without having to apply the other provisions of the section (Section 74(2) (Modifying a Public Contract). In addition, in accordance with section 75(6) (Contract Change Notices), modification of a Light Touch Contract does not require the publication of a Contract change notice. Again, this reflects the overall intent to maintain less onerous light touch rules.
	3. Light Touch Contracts may therefore be modified under the Act in any circumstances, provided Contracting authorities have regard to the procurement objectives in section.
	4. See CPRs and [Procurement Code](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B2FE0F8C4-94C0-42A2-9979-C26AE105909A%7D&file=Procurement%20Code.docx&action=default&mobileredirect=true) for more details.

# Contract Management – Rule 30

* 1. Light Touch Contracts are exempt from publishing 3 Key Performance Indicators for Contracts over £5m.
	2. Light Touch Contracts must publish a Contracts Details Notice within 120-day time period after the Contract is entered into. A copy of the redacted signed Contract must be published within a 180-day time period of the date that it is entered into, for Public Contracts £5m and over.
	3. Light Touch Contracts are exempt from publishing Performance Notifications in regard to a breach or failure to perform.

# Glossary - Defined Terms

* 1. Where these Rules refer to approval required from a person in a specified role (e.g. Head of Procurement) such approval may be delegated to another officer by that person.

|  |  |
| --- | --- |
| Advertising | Where Request for Quotations and Tenders are advertised to the open market for opportunity. |
| Aggregation | Is the requirement to add together the estimated value of separate Contracts for meeting a single requirement. Procurement Legislation expressly prohibits the splitting of requirements into smaller units or orders to avoid the process relating to Public Contracts. |
| Annual Procurement Plan | Procurement plan for the financial year that sets out Contracting Activity, including Extensions & terminations. |
| [Business Impact Analysis Form/ BIA](https://enfield365.sharepoint.com/sites/intranetemergencyplanning/SitePages/emergencyplanning-businesscontinuity.aspx) | Business Continuity Form for Emergency Planning. |
| [Call off Contract](https://www.gov.uk/government/publications/procurement-act-2023-guidance-documents-define-phase/guidance-frameworks-html) | Contracts awarded under a Framework are referred to as Call off Contracts.  |
| [Code of Conduct](https://enfield365.sharepoint.com/sites/intranethr/Shared%20Documents/HR%20Advisory/Misconduct/Employee%20Code%20of%20Conduct%28APRIL%20219%29.pdf) | The Councils code of Conduct and how officers must carry out their duties in terms of conduct. |
| Concessions | A type of contractual arrangement under which, rather than paying the Supplier to deliver a work or service, the Council grants the Supplier the right to exploit an opportunity and receive some or all of its income from third parties (e.g. the public), retaining the profit.  |
| [Connected Person](Procurement%20Act%202023%20%28PA23%29) | A person with significant control over the supplier (as recorded at Companies House). A director or shadow director, a parent undertaking or a subsidiary. See PA23 Schedule 6 for full description. |
| Consultation | A formal process to consult or discuss  |
| Contract | An agreement between the Council and any other organisation, including another public authority, made by formal agreement or by issue of a letter of acceptance or official purchase order for Works, Goods or Services. |
| Contracting Activity | Any action, process of decision making that relates to the creation of a Contract for the supply of Goods, Services or Works. Including all elements of the sourcing cycle from market research, engagement, Tendering, evaluation, award, and Contract Management to the end of the Contract term including Termination. |
| Contract Management | The management and monitoring of a Contract to ensure delivery and performance; including commercial elements and payments. |
| Contract Manager | Person responsible for the management of Council Contract to ensure delivery of performance and outcomes. |
| [Contract Management Framework](https://enfield365.sharepoint.com/sites/intranetprocurement/Shared%20Documents/Forms/AllItems.aspx?id=%2Fsites%2Fintranetprocurement%2FShared%20Documents%2FContract%20Management%20Toolkit%2FContract%20management%20Guide%20May%202023%2Epdf&viewid=45e904f5%2Dc257%2D41ae%2D8ea9%2Ddf1862659f46&parent=%2Fsites%2Fintranetprocurement%2FShared%20Documents%2FContract%20Management%20Toolkit) | The Council’s Contract Management framework, that sets out requirements for Service Departments to ensure that Contracts are effectively managed to deliver VFM. |
| [Contract Modifications](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B675A42CB-09E8-45C8-A620-741FC3FA6D46%7D&file=Contract%20Extension%20&%20Variation%20proforma.docx=&action=default&mobileredirect=true) | Change to a Contract, in either term, value or provision. |
| [Contract Templates](https://enfield365.sharepoint.com/sites/intranetlawandgovernance/legal/Forms/AllItems.aspx?FolderCTID=0x0120007A34B4D14EA06948B462CD523C4B4A40&id=%2Fsites%2Fintranetlawandgovernance%2Flegal%2FLegal%20Precedents) | Standardised Contracts to be used by Service Departments and procuring officers that have been drawn up by Legal Services for the Contracting of Goods and Services (for Works, industry standard construction Contracts such as the JCT or NEC suite are generally used). |
| Construction Procurement Guide | Procurement Guide when procuring works. |
| [Convertible Contract](https://www.gov.uk/government/publications/procurement-act-2023-guidance-documents-manage-phase/guidance-contract-modifications-html) | A Regulated Below Threshold Contract, that after modification has become a Public Contract, and therefore has become a Convertible Contract. |
| [Corporate Contract Register](https://enfield365.sharepoint.com/%3Ax%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B13B9DA41-B0B5-4CD8-8BC6-F951B85618B1%7D&file=Contracts%20Register.xlsx&action=default&mobileredirect=true) | Corporate Register of Contracts held by Procurement Services within the [Procurement System](https://procontract.due-north.com/Login/Login). |
| [Council’s Constitution](https://governance.enfield.gov.uk/ecCatDisplay.aspx?sch=doc&cat=252) | Document (s) that set(s) out how the Council is governed. |
| [Debarred Supplier](https://www.gov.uk/government/publications/procurement-act-2023-guidance-documents-procure-phase/guidance-debarment-html) | Supplier that is on the Cabinet Office’s list of [Debarred Suppliers.](https://assets.publishing.service.gov.uk/media/67ae0ba06e6c8d18118acd8a/Debarment_List_Template.pdf) |
| Directors | Executive Directors and Directors of Enfield Council. |
| [Direct Award](https://www.procurementpathway.civilservice.gov.uk/documents/procurement-act-2023/direct-award-in-special-cases) | Entering into a Contract where no competition has taken place. Either by using Direct Award in Special Cases or Framework without competition or waiver |
| [Dynamic Market](https://www.gov.uk/government/publications/procurement-act-2023-guidance-documents-define-phase/guidance-dynamic-markets-html) | A dynamic market under the Procurement Act 2023 is a list of qualified suppliers (i.e. suppliers who have met the ‘conditions for membership’ of the dynamic market who are eligible to participate in future procurements.   |
| [Excluded & Excludable Suppliers](https://www.gov.uk/government/publications/procurement-act-2023-guidance-documents-procure-phase/guidance-exclusions-html) | Supplier that can be excluded from a procurement in line with the discretionary or mandatory requirements for exclusion. |
| Exempted Contracts | Contracting Activity that is not covered by the Procurement Act 2023. |
| Extension | Facility to extend a Contract term.  |
| Financial Regulations | Financial regulations forming part of the [Council’s Constitution](https://governance.enfield.gov.uk/ecCatDisplayClassic.aspx?sch=doc&cat=252&path=0); that set out financial management regulations for the Council. |
| Framework Agreement | An agreement with Suppliers which sets out the terms and conditions under which specific purchases can be made throughout the term of the agreement and which, where necessary, has been Tendered in accordance with Procurement Legislation. |
| [Gateway Report](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B37EF935F-D7C3-4F01-AF7F-EE68DCDD420C%7D&file=Gateway%20Review%20Overview%20March%202023.docx&action=default&mobileredirect=true) | Report used as a ‘gateway’ in the Procurement Assurance Process at key stages of the procurement cycle. |
| Goods | Tangible products that can be consumable or non-consumable. |
| [Hamburg](https://www.gov.uk/government/publications/the-official-procurement-act-2023-e-learning/module-3-procurement-procedures) | Refers to a Contract entered into between two or more contracting authorities with the aim of achieving common objectives in connection with the exercise of their public function and carried out in the public interest. |
| Health and Wellbeing Strategy | Council Policy to improve the health and wellbeing of staff and residents of the borough. |
| Health Services | Contracts that provide Services relating to health care provision but not social care. |
| [Horizontal Arrangement](https://www.procurementpathway.civilservice.gov.uk/documents/procurement-act-2023/para-3-horizontal-arrangements)  | Contract or arrangement with another authority with the aim of achieving objectives the authorities have in common in connection with the exercise of their public functions, solely in the public interest. |
| [IR35 Rules](https://www.gov.uk/guidance/understanding-off-payroll-working-ir35) | HRMC regulations regarding working regulations and TAX for agency workers, interims and consultants. |
| [Key Decision](https://governance.enfield.gov.uk/mgListPlans.aspx?RPId=329&RD=0)  | Council’s governance process for projects that meet the [Key Decisions](http://governance.enfield.gov.uk/mgListPlans.aspx) criteria. |
| [Known Risk](https://www.gov.uk/government/publications/procurement-act-2023-guidance-documents-manage-phase/guidance-contract-modifications-html)  | Means a risk that:* + - 1. could jeopardise the satisfactory performance of the Contract, but
			2. because of its nature, could not be addressed in the Contract as awarded and
			3. was identified in the Tender or Transparency notice for award, detailing a description of the risk and possibility of modification
 |
| [Light Touch Services](https://www.gov.uk/government/publications/procurement-act-2023-guidance-documents-plan-phase/guidance-light-touch-contracts-html) | The Services set out in the Procurement Regulations 2024 that cover areas in Schedule 1; namely Adult social care and other areas listed in schedule 1 of the Procurement Regulations 2024. |
| Local Supplier | Supplier that is based in the London Borough of Enfield as defined by Enfield Post Code. |
| [London Resilience Standards](https://www.londoncouncils.gov.uk/sites/default/files/Resilience%20Standards.pdf) | Resilience Requirements needed by the Council to mitigate risk in emergencies. |
| [Modern Slavery Charter](https://party.coop/local/councillors/modern-slavery-charter/) | Charter signed by the Council to support the eradication of Modern Slavery; specifically, within the Council supply chain. |
| [Non-Key Officer Report](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetlawandgovernance/_layouts/15/Doc.aspx?sourcedoc=%7B4F6DF736-B68E-4207-9B03-B32F57EB287A%7D&file=Non-Key-Officer-Decision-Report-Template.docx&action=default&mobileredirect=true) (NKOD) | Part of the reports process [Non-Key Officer Decisions](https://enfield365.sharepoint.com/sites/intranetlawandgovernance/SiteAssets/Forms/AllItems.aspx?id=%2Fsites%2Fintranetlawandgovernance%2FSiteAssets%2FSitePages%2FGovernance%2DGuidance%2FReports%2Dprocess%2DROD%2Dguidance%2Epdf&parent=%2Fsites%2Fintranetlawandgovernance%2FSiteAssets%2FSitePages%2FGovernance%2DGuidance&OR=Teams%2DHL&CT=1713349584540&clickparams=eyJBcHBOYW1lIjoiVGVhbXMtRGVza3RvcCIsIkFwcFZlcnNpb24iOiI0OS8yNDAzMTQxNDcxOCIsIkhhc0ZlZGVyYXRlZFVzZXIiOmZhbHNlfQ%3D%3D). Used for decisions between £100k and £499k. |
| [Notification](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7BF88287B8-F328-4CC9-B937-B8D87013A7C0%7D&file=Novation%20Process.docx&action=default&mobileredirect=true) | A Notice placed in the public domain to notify the market of Contracting Activity to ensure Transparency. See [Procurement Code](https://enfield365.sharepoint.com/sites/intranetprocurement/Shared%20Documents/Procurement%20Policy%20%26%20Guidance/Procurement%20Manual.pdf). |
| [Novation](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7BA9363A00-1135-40DF-9D17-2C16721B1365%7D&file=Contract%20Novation%20Pro-forma%20Jan%202025.docx&action=default&mobileredirect=true) | A Council Contract that is moved from one Supplier to another via corporate restructuring or similar.  |
| [Open Framework](https://www.gov.uk/government/publications/procurement-act-2023-guidance-documents-define-phase/guidance-frameworks-html) | A scheme of frameworks that provides for the award of successive frameworks on substantially the same terms. |
| Performance Bond | A bond issued by an insurance company or a bank to guarantee the obligations of a Supplier. |
| Platinum or Gold Contract | Contract classified as Platinum or Gold that will be either high value, high risk, complex or all the aforementioned. See [Contract Management Framework](https://enfield365.sharepoint.com/sites/intranetprocurement/Shared%20Documents/Forms/AllItems.aspx?id=%2Fsites%2Fintranetprocurement%2FShared%20Documents%2FContract%20Management%20Toolkit%2FContract%20management%20Guide%20May%202023%2Epdf&viewid=45e904f5%2Dc257%2D41ae%2D8ea9%2Ddf1862659f46&parent=%2Fsites%2Fintranetprocurement%2FShared%20Documents%2FContract%20Management%20Toolkit). |
| Price Quality Ratio | Award criteria set out in the Procurement Principles on the ratio of Price and Quality within a Tender. |
| [Procurement Act Thresholds.](https://www.gov.uk/government/publications/procurement-act-2023-guidance-documents-define-phase/guidance-thresholds-html)[Procurement Threshold](https://www.gov.uk/government/publications/procurement-act-2023-guidance-documents-define-phase/guidance-thresholds-html) | Threshold set over which the Procurement Legislation applies.  |
| [Procurement Act 2023 (PA23)](https://www.legislation.gov.uk/ukpga/2023/54/contents) | Procurement Legislation covering public procurement.  |
| [Procurement Assurance Group (PAG)](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7BA8F83063-E08F-4C36-A8F5-35985D3124CF%7D&file=Assurance%20Group%20Process%20Jan%202023.docx&action=default&mobileredirect=true) | Procurement Assurance Group, which oversees procurement assurance, and ensures that robust procurement governance is in place. |
| [Procurement Code](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B2FE0F8C4-94C0-42A2-9979-C26AE105909A%7D&file=Procurement%20Code.docx&action=default&mobileredirect=true) | Document that forms part of the Rules that supports the CPR’s and sets out the operational processes and governance to be followed for all Contracting Activity. Provides more detailed information and links to supporting information to ensure compliance with these Rules. |
| Procurement Legislation  | Procurement Legislation covering Public Contract requirements for England.* [Procurement Act 2023](https://www.legislation.gov.uk/ukpga/2023/54/contents), Public Procurement Regulations 2024 and all subsidiary legislation issued under the Procurement Act 2023
* [Provider Selection Regime](https://www.england.nhs.uk/commissioning/how-commissioning-is-changing/nhs-provider-selection-regime/)
* [Public Contract Regulations 2015](https://www.legislation.gov.uk/uksi/2015/102/contents)
 |
| Procurement Principles | Set of Principles set out to meet Council requirements and may change from time to time set out in the [Procurement Code](https://enfield365.sharepoint.com/sites/intranetprocurement/Shared%20Documents/Procurement%20Policy%20%26%20Guidance/Procurement%20Manual.pdf). |
| [Procurement System](https://londonboroughofenfield.my.salesforce.com/?ec=301&startURL=%2Fvisualforce%2Fsession%3Furl%3Dhttps%253A%252F%252Flondonboroughofenfield.lightning.force.com%252Flightning%252Fo%252FUserAppMenuItem%252Fhome) | The Councils Procurement system used for e-Tendering, Contract management and [Council’s Corporate Contract Register](https://enfield365.sharepoint.com/%3Ax%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B13B9DA41-B0B5-4CD8-8BC6-F951B85618B1%7D&file=Contracts%20Register.xlsx&action=default&mobileredirect=true), used to meet legislative requirements. |
| [Property Procedure Rules](https://governance.enfield.gov.uk/documents/s42235/20131010PropertyProcedureRulesFINAL2.pdf) | Rules governing the acquisition, disposal and management of the Council’s property assets and which form part of the Constitution.  |
| [Provider Selection Regime (PSR)](https://www.england.nhs.uk/commissioning/how-commissioning-is-changing/nhs-provider-selection-regime/) | Procurement Legislation covering Health Services Contracts which came into effect January 2024. A set of rules for procuring health care Services set out in the Health Care Services (Provider Selection Regime) Regulations 2023. |
| [Provider Selection Regime Code](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B3E68839C-1F2F-492B-A04A-D6C0B85D2B97%7D&file=Provider%20Selection%20Regime%20Code.docx&action=default&mobileredirect=true) | Document that supports the CPRs and sets out rules and operational processes in relation to the PSR. |
| [Public Contracts Regulations 2015](https://www.legislation.gov.uk/uksi/2015/102/contents) | Procurement Legislation which came into effect in 2015.  |
| Public Contract | A Contract of a kind specified in Procurement Legislation:A contract with a value of not less than the Procurement Threshold and not an Exempted Contract. |
| [Regulated Below Threshold Contract](https://assets.publishing.service.gov.uk/media/668bffb17541f54efe51bba1/Guidance_-_Below_Threshold_FINAL.pdf) | Contracts covered by the Procurement Act 2023, but which are below Threshold. |
| Rules | These Contract Procedure Rules. |
| Quotation | A formal statement or promise usually submitted by a potential Supplier in response to a request for a quotation to supply specified Goods, Works or Services required by a purchaser at specific prices within a specific time frame. (A quotation should be distinguished from an Estimate, which is not a fixed price).N.B. A Contract arises on acceptance of a quotation. Unless otherwise specified a quotation may be subject to the Supplier's terms and conditions of business and those terms and conditions become part of the Contract. Therefore, a request for quotations should specify that the quotation is subject to the Council’s terms and conditions.  |
| [Schools Code](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B391FB5A4-3F8A-445B-9F6C-FD8D4F4A8E9D%7D&file=Schools%20Procurement%20Code.docx&action=default&mobileredirect=true) | Code setting out the modified requirements of the Procurement Act 2023 for Schools. |
| Services | Services such as maintenance of equipment, transportation, consultancy, technical Services. etc. as defined by the Procurement Legislation. |
| Service Department.The Service | The department or team within the Council commissioning or carrying out Contracting Activity and which defines the requirement and manages the Contract. |
| SME(Small, Medium Enterprise) | Small and medium sized enterprise supplier as defined in section 123 of the Procurement Act 2023. |
| Special Service Vehicle | A **special purpose vehicle** (also referred to as an SPV) is a legal entity created for a limited purpose.  |
| [Standard Corporate Report Template](https://enfield365.sharepoint.com/sites/intranetlawandgovernance/SiteAssets/Forms/AllItems.aspx?id=%2Fsites%2Fintranetlawandgovernance%2FSiteAssets%2FSitePages%2FGovernance%2DGuidance%2FReports%2Dprocess%2DROD%2Dguidance%2Epdf&parent=%2Fsites%2Fintranetlawandgovernance%2FSiteAssets%2FSitePages%2FGovernance%2DGuidance&OR=Teams%2DHL&CT=1713349584540&clickparams=eyJBcHBOYW1lIjoiVGVhbXMtRGVza3RvcCIsIkFwcFZlcnNpb24iOiI0OS8yNDAzMTQxNDcxOCIsIkhhc0ZlZGVyYXRlZFVzZXIiOmZhbHNlfQ%3D%3D) | [Standard Corporate Report Template](https://enfield365.sharepoint.com/sites/intranetlawandgovernance/SiteAssets/Forms/AllItems.aspx?id=%2Fsites%2Fintranetlawandgovernance%2FSiteAssets%2FSitePages%2FGovernance%2DGuidance%2FReports%2Dprocess%2DROD%2Dguidance%2Epdf&parent=%2Fsites%2Fintranetlawandgovernance%2FSiteAssets%2FSitePages%2FGovernance%2DGuidance&OR=Teams%2DHL&CT=1713349584540&clickparams=eyJBcHBOYW1lIjoiVGVhbXMtRGVza3RvcCIsIkFwcFZlcnNpb24iOiI0OS8yNDAzMTQxNDcxOCIsIkhhc0ZlZGVyYXRlZFVzZXIiOmZhbHNlfQ%3D%3D) to be used for any decision that meets the KD threshold of expenditure/savings of £500k or more and/or has a significant impact on the community in two or more wards. Should also be used for all Portfolio decisions whether they are Key or Non-Key. |
| Supplier | A person/ company/legal entity that will provide Goods, Service or Works to the Council. A bidder within a competitive process. |
| [Supplier Resilience Tool](https://enfield365.sharepoint.com/%3Ax%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B073A1A77-E4A2-4238-9C1C-664FF9666E36%7D&file=Supplier-Resilience-Tool.xlsx&action=default&mobileredirect=true) | Tool used to ascertain the risk in the supply chain and the Supplier risk. |
| [Transparency](https://www.local.gov.uk/our-support/research-and-data/data-and-transparency/local-government-transparency-code) | Local Government Transparency Code relating to what is to be published in the public domain in connection with Contracting Activity |
| Teckal Company | Is a specific type of entity used by Public Authorities to deliver services without going through a competitive Tender Process. See Vertical & Horizontal arrangements. |
| Tender | A bid submitted in response to an invitation to Tender,  |
| [Termination](https://www.procurementpathway.civilservice.gov.uk/documents/procurement-act-2023/contract-termination-notices) | Where a Contract or procurement activity is stopped or ends. |
| The Council | London Borough of Enfield |
| Threshold | The value at which Contracting Activity must follow Procurement Legislation processes. See Procurement Code |
| [Value for Money (VFM)](https://www.gov.uk/government/publications/the-official-procurement-act-2023-e-learning/module-1-scope-definitions-and-general-principles) | Value for Money (VFM) is a balanced judgement about finding the best way to use public resources to deliver policy objectives.  |
| Variation | Any alteration, modification, addition to or deletion of any requirement of the Contract terms or specification. |
| [Vertical Arrangement](https://www.procurementpathway.civilservice.gov.uk/documents/procurement-act-2023/para-2-vertical-arrangements) | A Contract between a contracting authority and a person that is controlled by— * + - * the contracting authority,
			* the contracting authority acting jointly with one or more other contracting authorities,
			* another contracting authority, where that authority also controls the contracting authority referred to in paragraph (a), or
			* another contracting authority acting jointly with one or more other contracting authorities, where the authorities acting jointly also control the contracting authority referred to in paragraph (a).
 |
| [Works](https://www.gov.uk/government/publications/the-official-procurement-act-2023-e-learning/module-1-scope-definitions-and-general-principles) | The outcome of building or civil engineering as defined under the Procurement Legislation.  |

# Useful Documents

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| --- | --- |
| **Document** | **Supports** |
| Procurement Code | How to carry out procurement and what steps to take (this document) |
| [Sustainable & Ethical Procurement Policy](https://enfield365.sharepoint.com/sites/intranetprocurement/Shared%20Documents/Procurement%20Policy%20%26%20Guidance/Enfield_Sustainable_Procurement_Policy.pdf)[Sustainable procurement check list](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7BDD722179-754E-4306-8995-9BEF1F7659E4%7D&file=Sustainable_Procurement_Check_List_may%202020.doc&action=default&mobileredirect=true&DefaultItemOpen=1) | Council’s Policy on Sustainable and Ethical Procurement |
| [Procurement Checklist](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B7D4592E8-D4AB-4DDA-A5A4-C022BFF64022%7D&file=Procurement_checklist_2020.doc&action=default&mobileredirect=true&DefaultItemOpen=1) | Ensures that all elements of the procurement activity are carried out compliantly. This should be used to support all procurement activity |
| [Contract Management Framework](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7B80A098B0-3D11-4FB4-B614-76771505108E%7D&file=Contract%20management%20Guide%202019.docx&action=default&mobileredirect=true) | Ensures that Contracts are managed effectively |
| [Procurement Quick Quote guidance](https://enfield365.sharepoint.com/%3Ax%3A/r/sites/intranetprocurement/_layouts/15/Doc.aspx?sourcedoc=%7BE33B0C8D-E8CB-43D0-99B1-724B551A0C48%7D&file=Quick%20Procurement%20Guidance%202.xlsx&action=default&mobileredirect=true&DefaultItemOpen=1) | Helps guide you into what process to follow |
| [London Tenders Guidance](https://enfield365.sharepoint.com/sites/intranetprocurement/SitePages/procurement-ltp.aspx) | London Tenders Portal Guide.This is a step-by-step user guide for LTP |
| [Equalities in Procurement Guide to Suppliers.](https://www.enfield.gov.uk/__data/assets/pdf_file/0021/20379/Equalities-in-procurement-suppliers-guide-Business-and-licensing.pdf)[Fairer Enfield Policy](https://enfield365.sharepoint.com/sites/Intranetchiefexec/SitePages/Equality%2C-Diversity-and-Inclusion.aspx) | Equalities in Procurement guides to follow.Enfield’s Fairer Enfield Policy |
| [Suite of Request for quotation documents](https://enfield365.sharepoint.com/sites/intranetprocurement/SitePages/procurement-selfservice%C2%A350k%2B.aspx) | Request for quotation pack to be used for self-service:* [Self-Serve Process Flow](https://enfield365.sharepoint.com/sites/intranetprocurement/SiteAssets/Forms/AllItems.aspx?id=%2Fsites%2Fintranetprocurement%2FSiteAssets%2FSitePages%2Fprocurement%2Dselfservice%C2%A325k%2B%2FSelf%2DServe%2DProcess%2D%2D6%2D%2Epdf&parent=%2Fsites%2Fintranetprocurement%2FSiteAssets%2FSitePages%2Fprocurement%2Dselfservice%C2%A325k%2B)​
* [Specification Guidance & Template](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranetprocurement/Shared%20Documents/Procurement%20Policy%20%26%20Guidance/Specification%20Writing%20Guidance%20%26%20Template.docx?d=w81a9d4a1497e4a2e8fdfc994fba7406d&csf=1&web=1&e=Ko0g1i)​
* [Invitation to quote (ITQ)](https://enfield365.sharepoint.com/sites/intranetprocurement/Shared%20Documents/ITQ%202023/Invitation%20to%20Quote%20%28ITQ%29.docx?web=1)​
* [Contract Templates](https://enfield365.sharepoint.com/sites/intranetlawandgovernance/legal/Forms/AllItems.aspx?FolderCTID=0x0120007A34B4D14EA06948B462CD523C4B4A40&id=%2Fsites%2Fintranetlawandgovernance%2Flegal%2FLegal%20Precedents%2FContracts%20Legal%20Precedents%20v%205&viewid=1c56929d%2D0865%2D493e%2Da9c6%2D6989f14e4fca)\*
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1. \*The Procurement Legislation thresholds change regularly, so please refer to the Procurement Code or intranet pages for up-to-date figures. [↑](#footnote-ref-2)
2. \*The Procurement Legislation thresholds change regularly, so please refer to the [Procurement Code](https://enfield365.sharepoint.com/sites/intranetprocurement/Shared%20Documents/Procurement%20Policy%20%26%20Guidance/Procurement%20Manual.pdf) or intranet pages for current thresholds. [↑](#footnote-ref-3)