

YORKSHIRE & THE HUMBER REGIONAL POLICE AND CRIME COMMISSIONERS' CONTRACT REGULATIONS

1. INTRODUCTION AND COMPLIANCE

- 1.1. All orders and contracts for works, goods or services made by or on behalf of the Yorkshire and the Humber Regional Police and Crime Commissioners (the PCCs) shall be made in accordance with these Contract Regulations.
- 1.2. All contracts shall comply with statutory requirements including, but not limited to, UK legislation, Directives of the European Community, and relevant Government Guidance.
- 1.3. The PCCs require all procurement activity to be undertaken in a transparent, fair and consistent manner, ensuring the highest standards of probity and accountability. All procurement undertaken on behalf of the PCCs will operate under robust principles and procedures to ensure best value.
- Detailed procedures will be published in Procurement Policy and Procedures.
- 1.4. No exceptions shall be made to these Regulations otherwise than reasons stated in Section 5.
- 1.5. Every Officer in any of the YatH Regional Police Forces and every employee of the PCCs shall comply with these Regulations; any failure to do so may result in disciplinary action.
- 1.6. Any dispute regarding the interpretation of these Contract Regulations will be referred to the Regional Collaboration Board and its decision will be final.

2. GLOSSARY OF TERMS

These terms will have the following meanings in the Regulations;

YatH	The Yorkshire and the Humber Region
YatH PCCs	The Yorkshire and the Humber region's Police PCCs, i.e. Humberside Police PCC, North Yorkshire PCC, South Yorkshire PCC and West Yorkshire PCC
Chief Executives	The Chief Executives or Chief Executive Officers of the YatH PCCs
YatH Forces	The Humberside Police, North Yorkshire Police, South Yorkshire Police and West Yorkshire Police
Chief Constables	The Chief Constables of the YatH Forces
Chief Officers responsible for Finance	The Chief Constables Chief Finance Officers within each of the YatH Forces
YatH Regional Procurement Department	The Regional Procurement Department operating on behalf of the YatH PCCs
Regional Procurement Director	The Officer responsible for the Regional Procurement Department.
Chief Officers	Officers who are members of the

	Command Team in each of the YatH Forces
Divisional/Departmental Head	The most senior officer in any Division, Department or Branch in the YatH forces.
Officers	All Police officers and Police civilian staff of the YatH Forces and the staff of the PCCs
Single Tender Action (STA)	The selection of a supplier to provide works, goods or services without competition.
Regional Procurement Policy and Procedures	All Procurement Policy, Procedures and Procedures published by the Regional Procurement Department.
Collaborative Contract	A contract for the provision of works, goods or services to more than one police force or public entity
Framework Agreement	A contract set up by a public sector organisation for some or any public sector organisations to use. The Agreement sets out terms and conditions under which specific purchases can be made throughout the term of the Agreement. The Agreement will typically have been awarded under the EU Procurement rules.

3. COMPETITIVE PROCUREMENT

- 3.1. The use of central contracts that have been set up by the YatH Regional Procurement Department or individual YatH forces for certain works, goods and services is mandatory.
- 3.2. For works, goods or services not available from an existing contract, the acceptance of quotations and bids will be based on the principle of best overall value for money, i.e. the most economically advantageous offer. Criteria for the award of contracts shall be recorded in advance of the invitation and strictly observed by officer's evaluating the bids. The criteria may include cost and qualitative elements and shall take into account whole life costs. The evaluation process must be objective, systematic, thorough and fair.
- 3.3. Evaluation models shall generally be weighted such that the overall percentage score allocated to cost is not less than 50%. In exceptional circumstances the Regional Procurement Director or his/her deputy may agree a different cost/quality ratio.
- 3.4. The table below describes the procedure and authority levels dependent on the estimated value of the procurement.
- 3.5. Estimated value is deemed to be the aggregate cost, in any Force or the Region that is reasonably anticipated over the lifetime of the provision. If the lifetime is unknown, then the aggregate cost should be based on 48 months.

- 3.6. Requirements must not be disaggregated in force or in the region in order to avoid competitive procurement under any circumstances.
- 3.7. The authority levels shall apply to variations to contract, i.e. any additional costs resulting from the variation must be aggregated with the original contract value for the purposes of authorisation.

3.8. PROCUREMENT COMPETITION PROCEDURES AND AUTHORITY LEVELS

* Estimated Value £	Quotation / Tender Requirements	Levels of Delegated Authority and Contract Signature Thresholds
> 50,000	<p>All procurement to be managed by the Regional Procurement Department.</p> <p>At least three Tenders shall be obtained, where the aggregated value of the contract is in excess of EU thresholds, tender procedures will be in accordance with EU Procurement Directives.</p>	<p>Contracts will be signed locally by officers with relevant authority. See 3.11 and 3.12 below for the North Yorkshire PCC's authorisation framework.</p> <p>Subject to 3.12 below, Collaborative Contracts will be signed as follows;</p> <p>£50,000 - £75,000 Category Manager/Contract Manager £75,000 - £500,000 Head of Procurement/Head of Contract Management £500,000 - £1,000,000 Director of Procurement £1,000,000 - £5,000,000 Assistant Chief Officer, relevant Yath Force > £5,000,000 relevant PCC</p>

* Estimated values are calculated over the life of the contract.

- 3.9. The Officer with delegated authority to authorise orders or contracts committing the expenditure does so on behalf of the /PCCs.
- 3.10. Whilst mandatory involvement of the Regional Procurement department is required for contracts valued over £50,000, at the request of the local force, the Department will provide advice and guidance on all procurement matters and contracts under £50,000.

- 3.11 The Police and Crime Commissioner for North Yorkshire requires that the following authorisations are obtained before proceeding with any procurement exercise which will commit resources under the control of the Police and Crime Commissioner for North Yorkshire or the Chief Constable for North Yorkshire
- Before commissioning the Regional Procurement Team to undertake any procurement activity for goods services and/or works, approval is required by:
 - the Chief Constable's Chief Finance Officer where the anticipated value is up to £150,000
 - the Commissioner's Chief Finance Officer where the anticipated value is up to £250,000
 - the Police and Crime Commissioner where the anticipated value is in excess of £250,000
 - Approval of the budget holder is required for
 - Any Pre Qualification Questionnaire and the Selection Process for any project.
 - The incorporation of any specification into any tendering exercise.
 - Any Tender Package and Evaluation Criteria for any project.
- 3.12 The Police and Crime Commissioner for North Yorkshire requires that all contracts supported by Regional Procurement for the provision of goods, services or works be supported by a process summary document (to be completed by Regional Procurement) in a format to be agreed between Regional Procurement and the Commissioners Chief Finance Officer. Process summaries will be accepted by, and contracts will be signed by
- the Chief Constable's Chief Finance Officer for contracts in respect of which North Yorkshire expenditure is up to £150,000.
 - the Commissioner's Chief Finance Officer for contracts in respect of which North Yorkshire expenditure is up to £250,000
 - the Chief Executive Officer for goods, services and/or works with a value in excess of £250,000.

The Budget Holder, Chief Constable's Chief Finance Officer, the Commissioner's Chief Finance Officer and/or the PCC's Chief Executive Officer within these limits, may authorise Regional Procurement Department staff to sign contracts on behalf of the North Yorkshire PCC that are entered into on a collaborative basis.

4. FINANCIAL AND CONTRACTUAL DELEGATION

- 4.1. The Chief Officer responsible for Finance in each Force or Chief Executive will be responsible for determining authorised signatories within each Force area. Those authorised signatories and sub delegation rules will be described and documented in each Force/PCC's Financial Instructions.
- 4.2. Authorised signatories will ensure that the purchase is compliant with all financial instructions, and ensure that sufficient resources are available within the revenue budget or capital programme.

5. EXCEPTIONS TO NORMAL PROCEDURES/SINGLE TENDER ACTION

5.1. Exceptions

5.1.1 All exceptions to normal procedures must be approved in accordance with the arrangements set out in the Police and Procedures for local and collaborative contracts.

5.2. Single Tender Action (STA)

5.2.1. STA should only be used in very exceptional circumstances. The Chief Constables and Chief Executives or their delegated authorities will consider requests for exceptions to normal procedures under the following circumstances;

- (a) Where it can be evidenced that only one supplier is able to carry out the work or service or to supply goods for technical reasons or because of exclusive rights;
- (b) Extensions to existing contracts where there is a genuinely justifiable case to use an existing contractor/supplier to maintain continuity of supply or site experience;
- (c) The contract has been classified as secret by a Chief Officer making the use of a particular contractor essential or a limited competition to a select list of contractors and the avoidance of advertising requirements in the public domain;
- (d) The contract is required so urgently that competition is impracticable. For example a genuine unforeseeable operational need arises. However failure to take action within appropriate timescales does not constitute grounds for an urgency exception.

5.2.2. Any STA over £50,000 shall be requested via the Regional Procurement Director and the appropriate Chief Officer/s. The formal procedure shall be described in the Regional Procurement Policy or Procedures. In North Yorkshire, approval of:

- the Commissioner's Chief Finance Officer will be required before proceeding with any STA up to £100,000
- the Chief Executive Officer will be required before proceeding with any STA up to £250,000
- The Police and Crime Commissioner will be required before proceeding with a STA over £250,000.

6. COMPETITIVE PROCUREMENT USING TENDERS

6.1. The Regional Procurement Director will have responsibility to ensure appropriate Procurement Policy and Procedures are in place covering matters such as;

6.1.1. The procedures to be applied in respect of the whole tendering process i.e. initial tender, specifications and standards, and evaluation and appointment of contractors and consultants.

- 6.1.2. Processes regarding the use of sub contractors.
- 6.1.3. Processes regarding variations to contract.
- 6.1.4. The process to be undertaken in relation to declarations of interest in a contract.
- 6.1.5. The procedures to be followed in relation to Collaborative Contracts.
- 6.1.6. The adoption of Framework Agreements.
- 6.1.7. The Procedures to be followed in applying for an exception to Regulations, including:
 - The formal procedure to be adopted to evidence alternative provision is not available;
 - The formal justification of emergency provision.
- 6.1.8. The achievement of Value for Money, and the minimisation of risks to Forces and PCCs.
- 6.2. The Procurement Policy and Procedures will set out arrangements for the recording and retention of information in relation to procurement activity.
- 6.3. The Procurement Policy and Procedures will also detail the arrangements for reporting procurement activity to meet the requirements of the individual PCCs together with addressing the need to publish information in accordance with Government requirements.
- 6.4. The Chief Officers responsible for Finance will ensure appropriate Financial Instructions are provided for use by staff within their respective forces.

7. TENDER CUSTODY AND OPENING

Electronic Tendering

- 7.1. The PCCs support the use of electronic means for the invitation and receipt of tenders through the selected e-tendering system in line with the system requirements.

Tender custody and opening if non electronic means are utilised

- 7.2. In the event of operating non electronic procedure, tenders shall be stored in a secure and confidential manner as required by sealed bid procedure.
- 7.3. The opening of these tenders and recording of details shall be subject to the following regulations:-
- They shall not be opened before the appointed time;
 - They shall be opened at one time by not less than two persons approved by the Regional Procurement Director for the purpose.
 - The appropriate tender details shall be recorded on the Tender Opening Certificate which shall be ruled off (to prevent the addition of further entries) and then signed by each member of the tender opening panel.
- 7.4. Once the tenders have been opened they must be circulated only to those directly involved in tender evaluation and contract letting activities prior to awarding the contract.

8. FORM OF CONTRACT

- 8.1. All contracts shall be in writing. If appropriate, legal advice should be sought in relation to contracts through the Regional Procurement Department. The form of contract shall be in line with the ACPO Procurement Portfolio guidance and other best practice.
- 8.2. The Procurement Department will advise on the appropriate use of Performance Guarantee Bonds or the provision of liquidated damages where necessary.

9. COLLABORATIVE CONTRACTS AND FRAMEWORK AGREEMENTS

- 9.1. Where tenders are invited on behalf of the region or include other police forces or public sector organisations, they will be invited on a Lead PCC basis and comply with these Contract Regulations.

10. REVIEW

- 10.1 These Contract Regulations will be reviewed on an annual basis by the Chief Executives.