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**NORTH WALES CORPORATE JOINT COMMITTEE**

**21 March, 2025**

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**TITLE:** Contract Procedure Rules

**AUTHOR:** Iwan Evans, Monitoring Officer

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**1. DECISION SOUGHT**

- 1.1. To adopt the amendments to the Contract Procedure Rules and that the Constitution be updated accordingly.
- 1.2. To delegate to the Monitoring Officer the power to make the following minor variations to the Constitution: (a) legal or technical amendments that do not materially affect the Constitution (b) changes required to be made to remove any inconsistency, ambiguity or typographical error (c) wording so as to put into effect any decision of the CJC or its sub-committees or officer exercising delegated powers (d) changes required to reflect any changes to job or role titles

**2. REASON FOR THE DECISION**

- 2.1. The CJC adopted its Contract Procedure Rules in May 2023. The Procurement Act 2023 has since come into force on 24 February 2025, along with specific procurement responsibilities and duties on public sector organisations in Wales further to the Social Partnership and Public Procurement (Wales) Act 2023. In light of this recent legislation the Contract Procedure Rules have been reviewed and updated and require adopting into the CJC's Constitution.

**3. BACKGROUND AND RELEVANT CONSIDERATIONS**

- 3.1. Following the United Kingdom leaving the European Union the UK Government has undertaken a review of legislation related to public sector procurement, which has led to the coming into force of the Procurement Act 2023. In addition, the Welsh Government has passed the social Partnership and Public Procurement (Wales) Act 2023 which places more responsibilities and duties on public sector organisations in Wales who are involved in procurement, including the CJC.
- 3.2. The purpose of the Contract Procedure Rules is to set out the process the CJC should follow when carrying out a procurement exercise, and in particular a procurement exercise which does not fall under the Act or Regulations. The Rules set out the different methods and when they should be used. The Rules need to be updated to reflect the change in procurement legislation and to ensure compliance by reviewing the CJC's procurement processes. It is also an opportunity to ensure that the Contract Procedure Rules are flexible enough to allow officers to carry out procurement practice in the most efficient and effective way. The principles and objectives that must underlie the awarding of a public contract are that contracting authorities must have regard to delivering value for money, maximising public benefit, transparency and acting with integrity

The key takeaway points are:

- changes in the terminology to reflect what is in the Act
- internal thresholds remain the same
- change to the procedures accordingly to open, competitive flexible and direct award
- a new consideration to social value, but not included is the weight to be applied
- change to standstill process and notice for award of more than £30k
- at least 2 people with relevant expertise on the evaluation team
- the choice to award a contract changed from most economically advantageous tender, to most advantageous tender

3.3. By ensuring appropriate control in any procurement exercise leads to value for money for the CJC, and in reviewing and amending the Rules the CJC minimises the risk of legal challenge for failing to comply with the legislation, or criticism from auditors and regulators.

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## APPENDICES:

### Appendix 1: Contract Procedure Rules

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## STATUTORY OFFICERS RESPONSE:

i. **Monitoring Officer:**

Author of the report.

ii. **Statutory Finance Officer:**

The Contract Procedure Rules need to be updated to reflect the latest legislative requirements. I support the Decision Sought from the perspective of the proper financial administration of the Corporate Joint Committee.