



**Cumbria Office of the Police and Crime Commissioner
& Cumbria Constabulary**

Joint Procurement Regulations

January 2019

Joint Procurement Regulations

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To be read in conjunction with the Procurement Contracting Procedures Handbook providing details of Public Procurement Regulations, Procurement Routes and Procurement Processes.

Definitions

'Authorised Officer' – means any officer who by the nature of his or her job, or as directed by a manager, is authorised to place orders.

'Award Criteria' - means the criteria upon which the decision for the award of the contract is based.

'Blue light'-means the Commissioner's and Constabulary e-Tendering Portal.

'Chief Constable' – means the Chief Constable for Cumbria Constabulary.

'Chief Executive' – means the person appointed by the Commissioner to be Head of the Commissioner's staff as defined within the Police Reform and Social Responsibility Act 2011.

'Code' – means the Business Code of Conduct.

'Commissioner' – means the Police and Crime Commissioner for Cumbria.

'Commissioners Monitoring Officer' – means the Chief Executive.

'Constabulary' – means Cumbria Constabulary.

'Consultancy Services' – means the provision of expert or professional advice by a third party.

'Contract Change Notice' – means formal notice agreed by all parties recording a variation to the existing contract.

'Contracting Authority' – means the State, Regional or Local Authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law, and includes central government authorities, but does not include Her Majesty in her private capacity;

'COPCC' – means Cumbria Office of the Police & Crime Commissioner.

'CSD' – means Central Services Department.

'Customer' – means a person or organisation that buys goods, services, or works produced by another business.

'DPA' – means the Data Protection Act 1998, 2003, 2018.

'EU Procedure' – means the set of established, detailed procedural rules which must be observed when awarding works, supplies, and services contracts which are intended to promote fair and open competition and a single European Market under The Public Contract Regulations 2015.

'Existing Contract' – means an existing agreement to purchase, goods, services or works from a supplier.

'FOI' – means The Freedom of Information Act 2000.

'Framework Agreement' – means an agreement between one or more contracting authorities and one or more economic operator(supplier), the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and where appropriate, the quantity envisaged (Regulation 2 (1) The Public Contract Regulations 2015).

'Funding Arrangement' – means the arrangement made between the Commissioner and the Chief Constable for the provision of funding.

'GDPR' – means the General Data Protection Regulation 2018

'ITT' – means the Invitation to Tender.

'ITQ' – means Invitation to Quote.

'Joint CFO' – Means the Joint Chief Finance Officer (Joint role shared between the Commissioner and Chief Constable).

'Letter of Intent' – means a document outlining the general plans of an agreement between two or more parties before a legal agreement is finalised.

'MEAT' – means most economically advantageous tender.

'Officer' – means an employee of the COPCC or Constabulary.

'Organisation' – means the Police and Crime Commissioner for Cumbria.

'Organisations' – means The Police and Crime Commissioner for Cumbria and The Chief Constable for Cumbria Constabulary.

'Relevant Contract' – means a contract (not being a contract of employment) made by, or on behalf of, the Police and Crime Commissioner for Cumbria for the carrying out of works or for the supply of goods, materials or services.

'SME' – means Small and Medium sized Enterprises.

'Specialist Procurers' – means Authorised Officers that undertake procurement exercises that require specialist market knowledge.

'Total Value' – means the anticipated total spend over the lifetime of a requirement for goods, services or works. Depending on the nature of the contract, this may include implementation costs, ongoing operational costs, and end of life disposal.

'Value for Money' – means the optimum combination of whole life costs and quality (or fitness for purpose) to meet the user's requirement.

Introduction

This document sets out the Joint Procurement Regulations for the Cumbria Office of the Police and Crime Commissioner (COPCC) and Cumbria Constabulary (Constabulary). It describes the rules to be applied by staff and suppliers before, during and throughout the period that COPCC / Constabulary spends money on the supplies, services and works needed in order to deliver our services. They apply to any contracts or Purchase Orders resulting in a payment being made by the COPCC / Constabulary. The contents of this document outline procedures ensuring those engaged in buying/providing goods and services conduct business professionally in accordance with the procurement principles:

- **Equal treatment:** that all processes of commissioning and procurement are fair, and non-discriminatory. A Breach of this for example would be if you discriminated against a supplier based on location, nationality or any other bias.
- **Transparency:** a duty to ensure all commissioning and procurement processes are transparent, so that all potential bidders can clearly see and understand the procurement and benefit from the same process, purpose and broad activity of the subsequent contract. As a part of this, public bodies must make available to all participating or interested parties, the criteria on which they will be evaluating bids for tenders in the tender documents -so that all potential suppliers can respond accordingly.
- **Proportionality:** a duty to ensure procurement process, evaluative criteria for bids and contract terms are proportional to the size and technicality of the service and goods being purchased. For example, they cannot ask for unrealistic history of financial standing well above the necessary level required to deliver the contract, or insist on qualifications and accreditations not necessary, or above national standards.
- **Free movement and non-discrimination:** a duty not to discriminate between suppliers by way of geography or member states of trade unions. As a result of this, contracts cannot be awarded on the basis of a potential supplier being 'local'.

All contracts must be in the name of the “**The Police and Crime Commissioner for Cumbria**” (the Commissioner). Where appropriate the Commissioner may consent to the Chief Constable contracting and in those cases the contract must be in the name of “**the Chief Constable for Cumbria Constabulary**” (the Chief Constable). If there is any doubt, advice should be sought from the Procurement Department or Legal Services.

Public procurement is a complex process strictly governed by rules and regulations subject to fines and repeals of contracts when breaches of process have been challenged. The Joint Procurement

Regulations aim to ensure the freedom of opportunity to trade with Organisations and to ensure Organisations are open and transparent in the way they undertake business aiming to ensure that Value for Money in all aspects of public sector procurement is achieved along with the right balance between quality, performance and price, when we purchase goods services and works. Following the Joint Procurement Regulations helps ensure we make the best use of diminishing public resources and prioritise essential services.

The Joint Procurement Regulations will be reviewed annually by the Head of Procurement. Any legislative changes that come into force during such periods will be incorporated into the regulations at the most appropriate earliest revision point in time. The next review is scheduled for November 2019.

The Joint Procurement Regulations do not apply to the policy and procedures for issuing grants. For awards of grant agreements please refer to our Grant and Funding Agreement Regulations.

The Constabulary must adopt the standards within this document for the conduct of Constabulary business as part of the terms of the Funding Arrangement that exists between the Commissioner and the Chief Constable. The Joint Procurement Regulations are a collective document comprising:

- *The business code of conduct:* This sets out the principles that we will abide by when conducting business and covers issues such as gifts and hospitality. It aims to ensure high standards of integrity in all our business relationships.
- *Procurement & contracting policy and procedures:* These set out the detail of the procurement and contracting rules and processes including the level of authorisation, delegations and responsibilities that exist. They specify the minimum standards we expect our staff to comply with when purchasing goods and services and provide a guide to the steps they must follow as part of each step in the process. They ensure we maximise the opportunities for competition and value for money whilst providing a balance between the amount of administration involved and the value of the items being procured. Procurement and contracting may only be carried out by Authorised Officers. Authorisations are set out in the **COPCC Scheme of Delegation.**

For practitioners there is a Procurement Contracting Procedures handbook providing details of Public Procurement Regulations, Procurement Routes and Procurement Processes.

The Business Code of Conduct

Purpose

This is the Business Code of Conduct for the COPCC / Constabulary. The purpose of this document is to advise the minimum standards required of staff in any commercial relationships and also to ensure fairness and consistency of approach in line with sound commercial practice.

Application

All staff employed by the Commissioner must abide by this Code in the conduct of the business of the office. In addition, staff and police officers of Cumbria Constabulary are expected to abide by the standards within this code as part of the funding arrangement that exists between the Commissioner and the Chief Constable (CC).

Staff should regard the Code as the basis of best conduct. Staff should raise any matter of concern of an ethical nature with their Line Manager, the Joint Chief Finance Officer (Joint CFO) or the Chief Executive, irrespective of whether it is addressed in this Code. Constabulary Officers and Staff should raise any concerns with their Line Manager, the Joint Chief Finance Officer (Joint CFO) or the Chief Constable. Staff should also ensure that they comply with the relevant Organisations **Anti-Fraud and Corruption Arrangements/Policy** [\(Insert Link\)](#) requirements in respect of gifts, gratuities and hospitality. Any matters arising which are outside the bounds of this Code should be referred immediately to line management.

Conduct

Staff shall always seek to uphold and enhance the reputation of the Organisation and always act professionally by:

- maintaining the highest possible standard of probity in all commercial relationships, inside and outside the Organisation;
- rejecting any business practice which might reasonably be deemed improper and never using authority for personal gain;
- enhancing the proficiency and stature of the Organisation by acquiring and maintaining current technical knowledge and the highest standards of ethical behaviour;
- ensuring the highest possible standards of professional competence, including technical and commercial knowledge;

- optimising the use of appropriate resources to provide the maximum sustainable benefit to the Organisation.

Complying both with the letter and the spirit of:

- all legislation governing the procurement activity and the Procurement and Financial Regulations;
- guidance and professional advice and contractual obligations

Prevention of Fraud and Corruption

Authorised Officers must comply with the COPCC / Constabulary Business Code of Conduct and **Anti-Fraud and Corruption Arrangements/Policy** and must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the Authorised Officer to prove that anything received was not received corruptly. High standards of conduct are obligatory. Corrupt behaviour will lead to disciplinary proceedings.

The following clause should wherever possible be put in every written contract:

*“The Commissioner may terminate this contract, under notice, and recover all its loss if the Contractor, its employees or anyone acting on the Contractor’s behalf commits any of the offences as stated in Regulation 57 (Mandatory Exclusion) of the public contract regulations 2015
Any clause limiting the Contractor’s liability shall not apply to this clause.”*

For example

The offence of bribery, where the offence relates to active corruption;

The offence of cheating the Revenue;

The offence of conspiracy to defraud;

If in doubt consult your Procurement Business Partner or Head of Procurement.

The Commissioner / Chief Constable could be liable where someone who performs services for example an employee or agent, accepts/pays a bribe specifically to get business, keep business, or gain a business advantage for the organisation.

Staff must never allow themselves to be deflected from this Code. Failure to do so may result in disciplinary action. In abiding by this code, the rules set out below must be followed:

Declaration of Interest

Any personal interest which may affect or be seen by others to affect your impartiality in any matter relevant to your duties must be declared. Declarations must be made in any or all of: the register of

interests, secondary employment register, and annual related party transaction employee declaration.

Code of Conduct Declaration Form

This Form must be completed by all parties involved in a procurement exercise prior to the commencement of the procurement exercise and a completed and signed copy(s) retained with the tender documents.

Confidentiality and Accuracy of Information

The confidentiality of information received in the course of duty must be respected and must never be used for personal gain. Information given in the course of duty should be honest and clear.

Competition

The nature and length of contracts and business relationships with suppliers can vary according to circumstances. These should always be constructed to ensure deliverables and benefits. Arrangements which might in the long term prevent the effective operation of fair competition should be avoided.

Business Gifts

Gifts other than items of small value (not exceeding £10) should not be accepted but should be declined courteously. Where it may cause offence to decline a gift, the Chief Executive or relevant Commander / Director must be consulted who may make a decision with regard to accepting the gift on behalf of the COPCC / Constabulary. All such acceptances must be recorded in the Gifts and Hospitality Register with a record maintained of where the gift is held.

Hospitality

The recipient should not allow themselves to be influenced, or be perceived by others to have been influenced, in making a business decision as a consequence of hospitality. The frequency and scale of hospitality accepted should be managed openly and with care. It should not be greater than that which the Organisation would reciprocate and which would be acceptable to the public as a use of public funds. Business hospitality must be recorded in the Gifts and Hospitality Register.

Supplier Contact Form

When purchasing from a new supplier or amending supplier details a supplier contacts form must be completed before any contract is entered into [\(Link\)](#)

Procurement & Contracting Policy and Procedures

Introduction

Procurement and Contracting Policy and Procedures aim to ensure that the supply of goods, services and works are procured in accordance with relevant legislation and in the most cost effective manner. They also aim to ensure that procurement activity is undertaken in a fair, transparent and consistent manner, ensuring the highest standards of probity and accountability. These procedures define the minimum processes expected of staff engaged in the procurement of goods, services or works on behalf of the COPCC. The Constabulary must adopt the standards within this document for the conduct of Constabulary business as part of the terms of the Funding Arrangement that exists between the Commissioner and the Chief Constable.

Purpose

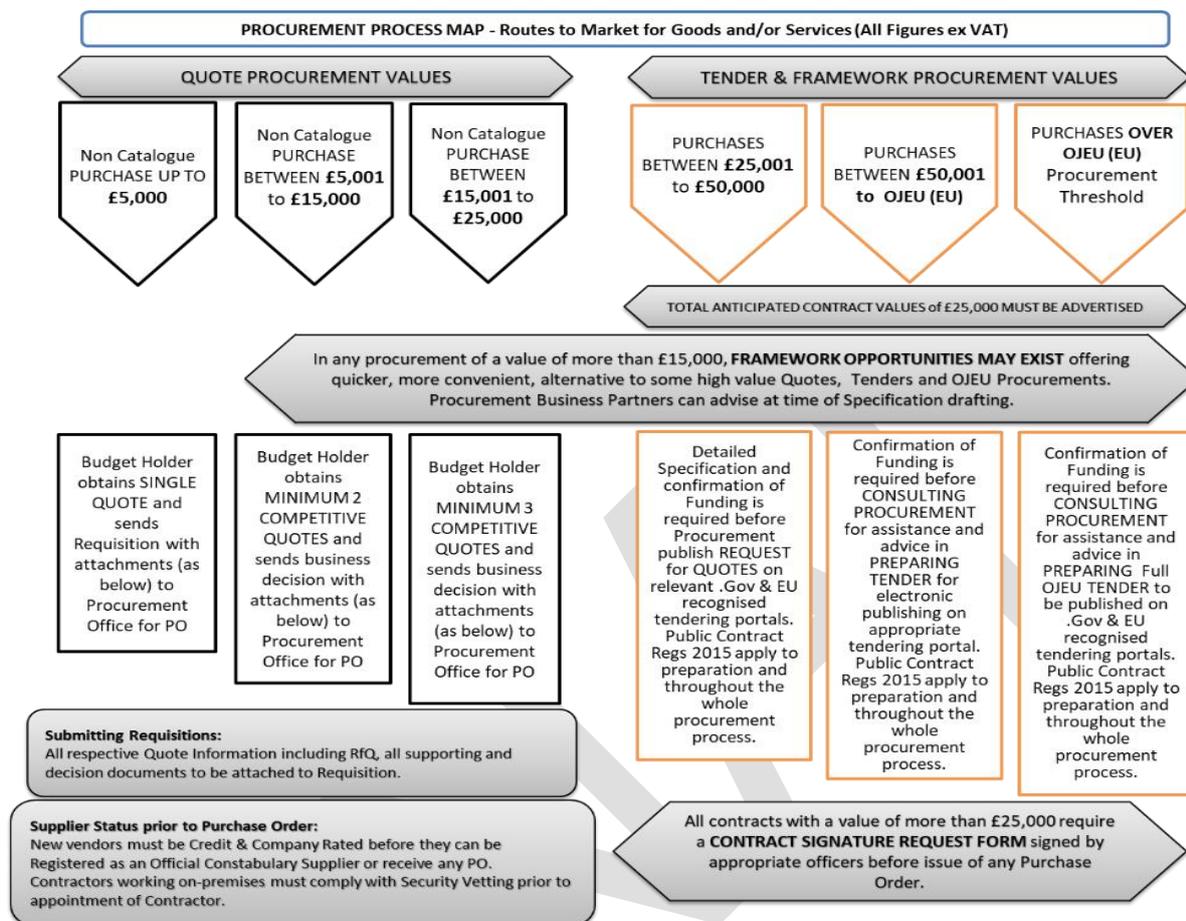
The regulations seek to ensure that we:

- achieve best ethical value for money for public funds spent and support the corporate aims and policies of the COPCC / Constabulary;
- be consistent with the highest standards of integrity and probity and ensure fairness in allocating public contracts;
- have due regard to the relevant Public Procurement and/or Treaty based principles of non-discrimination, equal treatment, transparency, mutual and proportionality;
- comply with all legal requirements, particularly in relation to Treaty and Public Procurement Regulations, other relevant Statutory Instruments and guidance notes published, from time to time, by Crown Commercial Services;
- constantly promote and procure secure robust and transparent governance in respect of decisions to enter into contracts.

Scope of the Regulations

All staff employed by the Commissioner and the Chief Constable must abide by the Joint Procurement Regulations in the conduct of the business of the office. In addition, Staff and Police Officers of Cumbria Constabulary are required to abide by the standards within the Joint Procurement Regulations. Failure to comply may result in disciplinary action.

Spend Limits



Procurement Responsibilities

The Joint CFO *is responsible for* maintaining the Joint Procurement Regulations. The day to day activity of procuring goods, services and works is delegated to Authorised Officers in accordance with the **Commissioner's and Constabulary's Scheme of Delegation** [\(Insert Link\)](#) and must be conducted in accordance with the principles and rules of this document and the **Financial Regulations** [\(insert Link\)](#).

The *Chief Executive will be responsible for*:

- Ensuring that staff of the COPCC comply with these regulations and that only Authorised Officers are engaged in procurement.
- Securing the safekeeping of registers of contracts under seal and completed by signature and that records are maintained of contract exemptions.

The *Director of Legal Services* will be responsible for:

- Provision of advice on contracts including provision of standard terms and conditions.

The *Head of Procurement* will be responsible for the following:

- Maintaining a procured goods and services Contracts Register.
- Securely storing all contracts related to the procured goods and services (including those under seal) acquired on behalf of the COPCC/Constabulary by procurement.
- Maintaining records of all contract exemptions available as attachments to the relevant contract or purchase record and also copied in sequential date order in a paper file for Audit purposes.
- Advising Authorised Officers with regards to all aspects of procurement.
- Producing and maintaining procurement guidance in virtual and printable formats.
- Developing and implementing a procurement strategy.
- Monitoring the appropriate use of contracts.
- Monitoring aggregated procurement amounts for recommendation as fit for transferral to properly contracted procurements.
- Producing ad-hoc and annual reports on procurement activity.
- Authorising all approved lists.

All Authorised Officers engaged in procurement and contracting activity are responsible for ensuring they comply with the regulations and that any agents, consultants and contractual partners acting on their behalf also comply. Procurement activity can only be conducted by Authorised Officers.

The Procurement Team will provide advice and leadership on procurement across both Organisations, undertaking the majority of procurement activity, with catalogue and hotel/car bookings services undertaken by the Central Services Department and the business maintaining budgetary and decision making responsibilities in relation to procurement decisions.

A generalised category approach model has been adopted along with the roles of Procurement Business Partners able to provide support within three broad areas of responsibility aligning specific procurement, product and services experience in different areas of the business. The Procurement Business Partner would normally be expected to undertake all technical procurement processes and offer current regulatory advice on commercial aspects of the procurement cycle.

General Category Definitions:

- ICT including Digital requirements
- Operational including Custody Suite, Station requirements, Fleet and Estates.
- Corporate including Commissioner requirements

Procurement Policy

The Procurement Policy of the COPCC is that:

- Procurement activity is undertaken with the primary objective of supporting the COPCC / Constabulary to achieve its priorities and objectives and operate compliantly, efficiently and effectively.
- All procurement should achieve best Value for Money both for outcomes and the efficiency and effectiveness of the procurement process.
- Procurement activity will achieve an appropriate balance between procurement risk, competition, regulatory compliance and the requirements of the business risk. Where there are conflicts between procurement risk and business risk, decision making will be taken at an appropriate level of seniority within the Organisation.
- All procurement activity will be undertaken in a transparent, fair and consistent manner, ensuring the highest standards of probity and accountability.
- All procurement will operate under robust principles and procedures to ensure best value.
- Procurement activity will only be undertaken by staff authorised to do so within the Commissioner's **Scheme of Delegation**. [\(insert Link\)](#)
- All staff involved in procurement activities will familiarise themselves with the Business Code of Conduct and consideration will be given to circumstances where members of staff would need to be excluded where their position may be compromised.
- Consideration will be given to the register of supplier contact.
- All procurement activity will comply with the Joint Procurement Regulations and Financial Regulations and Financial Rules.
- All procurement activity shall comply with statutory requirements including, but not limited to, UK legislation, Directives of the any Treaty bound Community and relevant, published Government guidance including but not limited to Crown Commercial Services guidance.
- All staff will adhere to the policy and procurement procedure information and seek to achieve acceptance and operation of it among colleagues and stakeholders.

To be Read in Conjunction with the Procurement Contracting Procedures handbook providing details of Public Procurement Regulations, Procurement Routes and Procurement Processes.

Links to Forms

- Contract Signature Request Form
- Contract Standing Orders Exemption Form
- Code of Conduct Declaration form
- Equality Analysis Form
- Regulation 84 Report
- Tender Evaluation Report
- Supplier Approval Form
- Framework Process
- Templates
 - ITT – Part 1 – Invitation to Tender
 - ITT – Part 2 – Requirements and Specification
 - ITT – Part 3 – Tender Response
 - Schedule 1 – Terms and Conditions
 - Request for Quote – Letter
 - Invitation to Quote

End of Document