

## **IMPORTANT GUIDANCE – RE: REVISED PROCESS FOR WAIVER OF CONTRACT PROCEDURE RULES**

The waiver of the Contract Procedure Rules should only be used in exceptional circumstances and in line with Rules E4 and E23 of the Council's Constitution which set the context for the use of Delegated Decisions (DD).

**Delegated Decisions are not to be used as a matter of course for approving procurement decisions** although it is recognised that there may sometimes be exceptional circumstances where this might be necessary.

**It is inappropriate to use Delegated Decisions to approve retrospective procurement activity where budget has already been spent or where a “contract” is already in place.** Such eventualities are in effect breaching Contract Procedure Rules and need to be dealt with as an issue of “Non-compliance”.

Following several instances of inappropriate use of Delegate Decisions the overall approach for dealing with procurement decisions via this route has been revised. The new approach will bring more rigour to the process by the involvement of the Head of Service, Corporate Management Team and the appropriate Portfolio Holder. It aims to encourage greater compliance in the procurement of goods and services going forward.

This guidance provides the following:

- A flowchart outlining the revised process for Delegated Decisions and issues of Non Compliance
- A guidance note on the Contract Procedure Rules and appropriate use of Delegated Decisions
- A Delegated Decision template to be completed and processed in line with the flow chart.
- A Non Compliance template to be completed and processed in line with the flow chart.

### **The revised process is to be used with immediate effect**

If you are in any doubt about the new process or which route to follow please contact the Procurement Helpdesk 01270 686440 or e mail

[Procurement@cheshireeast.gov.uk](mailto:Procurement@cheshireeast.gov.uk)



Flow Chart.doc



Delegated Decision  
Guidance...doc



Delegated Decision  
Form.doc



Non Compliance  
Form.doc