

## Appendix 3

### Procurement Protocol

#### Joint Working between CCC and PCC Procurement Teams

##### 1 Background

1.1 The Joint Working Agreement between Peterborough City Council and Cambridgeshire County Council sets out the principles and protocols which govern the way in which both authorities identify and integrate their services, whilst protecting their separate legal and political identities. This Procurement Protocol identifies key principles and protocols that are to govern the process whereby the Councils undertake joint procurements.

1.2 Cambridgeshire County Council has an in-house Procurement and Commercial Team that is responsible for supporting all procurement activity valued over £100,000.

1.3 Peterborough City Council have for a long period outsourced their procurement function to SERCO, as of the 1<sup>st</sup> November 2022 this was brought back in house. The in-house Procurement Team is responsible for supporting all procurements of any value.

1.4 Due to the strategic shared arrangements between the 2 Councils, a number of service areas undertake joint procurements, for example adults and children's social care, public health and IT.

1.5 Nothing in the Joint Working Agreement has (or is intended to have) the effect of transferring statutory or discretionary functions from CCC to PCC or vice versa. Functions may only be delegated to each other in exercise of the powers contained in sections 101 and 113 of the Local Government Act 1972, and sections 19 and 20 of the Local Government Act 2000 and the regulations made under these Acts. In the event that each Council agrees to conduct a joint procurement then the necessary administrative arrangements must be considered on a case-by-case basis.

1.6 In order to decide which arrangements are the most suitable option when procuring services jointly, a process is required within which the options available are formally considered.

1.7 This paper sets out how those joint procurement arrangements are managed now that there is no Joint Procurement Board.

1.8 A simple process flow is included to outline how the process of assigning Lead Authority will operate.

##### 2 Procurement Planning

2.1 Both the Councils intend to have published work plans available at the beginning of each financial year, the CCC and PCC plan will cover the next 3 years. This will enable the identification of potential joined up working.

2.2 In some cases the Councils have joint commissioning/governance arrangements, such as the Joint Commissioning Board in social care, both procurement teams sit at this Board and therefore receive early notice of potential joint procurement activity.

2.3 When joint procurements are identified that have not been identified and agreed in both procurement teams' work plans, the commissioner submits a Procurement Requirement Form (PRF) via the PCC online system. This form is then circulated to both Heads of Procurement. The Heads of Procurement determine jointly which Council will take on responsibility for managing the procurement. This decision is made on the basis of both capacity, the balance of funding and any expressed wishes from the Commissioner. There has never been a circumstance where an agreement on this basis wasn't able to be reached.

2.4 If the procurement is allocated to CCC, the procurement lead will work with the Responsible Officer to agree the Procurement Plan. If the procurement is allocated to PCC, the procurement lead will work with the Responsible Officer to agree the Tollgate 1 report.

### 3 The Procurement Process

3.1 The Commissioners are responsible for instructing the relevant legal team at the start of the process. Both legal teams advise upon the appropriate administrative arrangements, contract mechanisms etc. for each joint procurement matter and draft the required documentation to ensure both Councils are acting within their powers and the exclusive rights given to local authorities to undertake administrative arrangements of this nature. The required documentation shall cover the completion of the procurement process and the subsequent roles and responsibilities of each Council. Advice must also be sought on the appropriate governance documentation to authorise administrative arrangements, collaborations, contract award etc.

3.2 The procurement process is completed by the responsible procurement team in compliance with its own Contract Procedure Rules/Standing Orders and the appropriate documentation governing the joint procurement.

3.3 If CCC is running the procurement, an award report is completed at the end of the procurement. This award report needs signing off by an officer with suitable authority to allow the award to be made. If PCC is running the procurement, the Tollgate 2 report is required to be completed before contract award can be made.

### 4 Conclusion

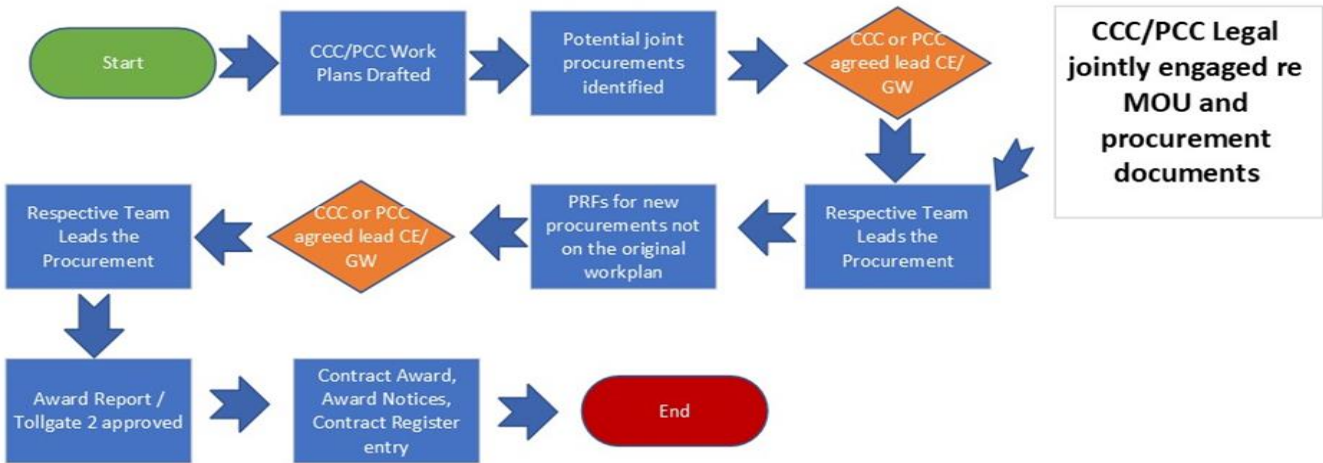
4.1 There is robust governance in place throughout the process, in part set out by the relevant Contract Procedure Rules/Standing Orders and in part due to the early involvement of the relevant legal team.

4.2 The allocation of procurements is completed in a way that seeks to balance a number of practical considerations, the PRF and agreed work plans provide sufficient information to allow this decision making process to be made quickly and efficiently.

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## Process Flow for Joint Procurements PCC/CCC



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