
Contract Procedure Rules

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Contract Procedure Rules

1. Introduction

1.1. What are the Contract Procedure Rules?

- (a) The Contract Procedure Rules (CPRs) provide the framework for procurement activity across Rykneld Homes Limited (RHL), setting out how goods, works, services, utilities should be put in place and managed, and detailing the record keeping and reporting requirements related to all procurement activity.
- (b) The CPRs should not be seen in isolation, but rather as a part of the overall regulatory framework of the organisation as set out in the Financial Regulations.
- (c) These CPRs observe the requirements of UK legislation, Public Contracts Regulations 2015 (PCR2015), Procurement Regulations 2024, and the Procurement Act 2023 (PA23), and in addition to ongoing amendments as issued by the Cabinet Office in the form of Procurement Policy Notes (PPNs) and updates on the National Procurement Policy Statement (NPPS).

2. Basic Principles

2.1. All procurement procedures must:

- (a) Realise value for money by seeking to achieve the optimum combination of whole life costs and quality of outcome.
- (b) Be consistent with the highest standards of integrity.
- (c) Operate in a transparent manner.
- (d) Ensure fairness in the allocation of public contracts.
- (e) Support all relevant RHL priorities, values, and policies.
- (f) Be funded through the allocation of an appropriately established budget.
- (g) Comply with RHLs Finance Strategy and policies, along with the Procurement Strategy.
- (h) Comply with procurement principles of transparency, equal treatment, proportionality, and mutual.

3. Rykneld Homes Staff Responsibilities

- 3.1. Staff will comply with these CPRs, the Financial Regulations and all relevant legal requirements. Staff must ensure that all contractors acting on behalf of RHL also comply.
- 3.2. Staff will:
 - (a) Keep a record of all procurement activities.

- (b) Prior to letting a contract on behalf of RHL, staff must check the Contracts Register, liaise with the Head of Finance or Procurement Manager, to see if there is already a contract in place. Where there is a contract in place, then this must be used unless it can be established that the contract does not fully meet RHLs requirements. To establish if this is the case, full disclosure of needs is to be addressed with the Procurement Manager or the Head of Finance.
 - (c) Staff should not employ a Contractor/Supplier to deliver any goods, services or works where there is no contract to deliver such requirements. Staff should note that suppliers can only be used where there is a valid contract and only for the goods, services or works that they have been contracted to carry out.
 - (d) When a contract has lapsed, staff should not use these suppliers to deliver any goods works or services that they were contracted to carry out.
- 3.3. Failure to comply with any of the provisions of these CPRs, the Financial Regulations of RHL or any legal requirement, should be reported to the Head of Finance. Depending on the nature of non-compliance, disciplinary action may be taken.

4. Variations to Contract Procedure Rules

- 4.1. Except where the procurement regulations Public Contract Regulations (2015) and the Procurement Act (PA2023) apply (which cover procurement regulatory requirements), the Directors and Senior Management Team have the power to waive any requirements within these CPRs for specific projects. The following criteria will have to be met:
- (a) Where an organisation has already been engaged by RHL for a similar or related procurement, where there is significant benefit to extending the contract to cover this additional requirement only, without exposing RHL to any significant risk of challenge or damage to reputation.
 - (b) Involving cases of genuine, unforeseen urgency where it would not be possible to comply with the CPRs.
 - (c) In relation to time limited grant funding from an external body where the time limitations would not allow for a competitive procurement process to be completed and where the grant conditions would allow this.
- 4.2. All staff must follow appropriate approval processes to allow for the variation to the CPRs to happen. However, in exceptional circumstances, the Directors can vary requirements to the CPRs in agreement with the MD, but these arrangements must be reported to the next scheduled Board meeting or in a significant case, to the Chair between meetings. Once this has been approved an appropriate Transparency Notice should be issued or an amendment to the original FTS notice.

****** Use of the variation route should always be discussed with the Procurement Manager and Head of Finance prior to engaging with a contractor. This will allow for checks to be made on whether a supplier is on the debarment list or not.

5. Exemptions

5.1. The following areas are exempt from the CPRs:

- (a) Statutory fees for areas such as Drive and Vehicle Standard Agency (ex VOSA), Disclosure and Barring Service.
- (b) Subscriptions and membership fees (this does **not** include ICT licenses).
- (c) Contracts of employment.
- (d) Contracts for legal representation by a lawyer in arbitration or conciliation proceedings or judicial proceedings before the Courts.
- (e) Fees payable to a qualification awarding body for a professional or vocational qualification being undertaken by a staff member on behalf of RHL.
- (f) Agreement regarding the acquisition, disposal, or transfer of land.
- (g) Temporary accommodation – due to the urgency and sensitive nature this should be exempt from formal procurement. (Review on an annual basis to understand if there is a need for a formal procurement to take place).
- (h) The payment of grants to third parties (this does not cover loans they are not exempt).
- (i) Service Level Agreements with North East Derbyshire District Council (NEDDC).
- (j) Arrangements with HMRC and other relevant Government agencies.

6. Relevant Contracts

6.1. All relevant contracts must comply with these CPRs. A relevant contract is classed as any arrangement made by or on behalf of RHL for the supply of goods, or the carrying out of works or services. These include arrangements for:

- (a) The supply or disposal of goods.
- (b) The hire, rental or lease of goods and equipment.
- (c) The delivery of services, including but not limited to, those related to the recruitment of staff, land and property transactions and financial and consultancy services.

6.2. A contract awarded under the exemptions criteria.

6.3. A contract will not be considered as relevant where there is evidence of non-compliance and misuse of contracts by staff members.

7. Staff Responsibilities

7.1. The Managing Director is responsible for making sure that all tendering procedures carried out by the Company and all contracts awarded by it comply with these Rules and Financial Regulations.

7.2. In particular, the Managing Director must make sure that:

- (a) any employee directly involved in the tendering, award or management of a contract is adequately trained, so they have a proper understanding of these Rules and Financial Regulations.
- (b) the records required by these Rules and Financial Regulations are maintained and retained for the specified periods.
- (c) they obtain appropriate advice where there is any doubt on how to proceed or to apply these Rules from the Head of Finance.

8. Risk Assessment

- 8.1. Projects of strategic importance, high value or complexity require appropriate risk assessments to be undertaken.
- 8.2. To ensure RHL meets its duties under the Public Services (Social Value) Act 2012 and PA2023, they must consider what social value can be included in any procurement activity.

9. Pre-Tender Market Testing and Consultation

- 9.1. Under PA2023, the requirement to consult with the market is now mandatory for specific processes and requires publication of the relevant notices. If there is no market engagement before tendering, this needs to be noted as it will be included in any subsequent tenders' notices.
- 9.2. Sufficient lead time should be built into the procurement timeline to allow for a considered approach and specification development.
- 9.3. When engaging with potential suppliers, RHL should not accept or seek technical advice on the preparation of tender documents from anyone who may have a commercial interest in them.
- 9.4. Staff should consider the use of registering conflicts of interest at this stage.

10. Competition Requirements

- 10.1. Staff must establish the total value of the procurement, including whole life costs and incorporating any potential extension periods which may be awarded.
- 10.2. All tenders and Request for Quotations (RFQs) must be electronic via an e-tendering portal. All quotations should be in written format and on an RHL email.
- 10.3. Based on this value, written quotations, RFQs or tenders must then be invited and appropriately advertised.

Procurement Value	Procurement Process	Comments
Up to £5,000	Quotation	One written quotation to be obtained
Up to £20,000	Quotations	Three written quotations to be obtained
£20,001, but below £49,000	Formal request for quotation/ further competition from a framework	This process must be undertaken via the e-tendering portal
£50,000 to below threshold	Open tender process /further competition from a framework	A full tender must be undertaken in accordance with the relevant procurement legislation via the e-tendering portal
Above threshold	Full tender process	A full tender must be undertaken in accordance with the relevant procurement legislation via the e-tendering portal

- 10.4. Staff must consult with Procurement or Finance to understand which process should be followed, especially if it is above the relevant thresholds stated in PA2023 and in line with the financial regulations. The thresholds are updated once every two years in January.
- 10.5. Where there is evidence of failed procurement or a direct award to a supplier, consultation with Procurement should be undertaken. They will advise on the appropriate notice to be published and documentation to be completed, and which subsequent procurement process should be undertaken.

11. Invitation to Tender/Request for Quotation

- 11.1. Invitation to Tenders (ITTs), RFQs (Request for Quotation), Further Competitions must be issued in accordance with these CPRs.
- 11.2. All procurements that are not subject to the single quotation threshold, or the three quotations up to a value of £20,000 should be published via RHLs e-tendering portal. Under no circumstances should paper tenders be accepted or used for processes that are published on the e-tendering portal.
- 11.3. When advertising a contract, staff should ensure that all appropriate notices are published. Failure to do so will result in the procurement process being put at risk and having to restart.

12. Shortlisting

- 12.1. Any shortlisting should be in line with the relevant legislative requirements and what was stated in the actual tender process. Any deviation from this process will put the entire process at risk of having to be re-started or abandoned.
- 12.2. Do not introduce new criteria or suppliers during the shortlisting process.

13. Submission, Receipt and Opening of Tenders or RFQs

- 13.1. Under procurement legislation PA2023 and further competitions with frameworks carried out under the PCR2015 regulations, bidders must be given adequate time to prepare a tender submission.
- 13.2. Tenders submitted via the e-tendering platform will be opened by the procurement lead of the process. In the absence of procurement lead the Head of Finance will open tender submissions.
- 13.3. No hard copies or paper copies of tenders will be allowed.
- 13.4. No late tender submissions will be accepted.

14. Evaluation Criteria and Standards

- 14.1. The procurement documentation should clearly explain the basis of the decision to bidding organisations, making clear how the evaluation criteria specified in the process will be applied, the overall weightings to be attached to each of the high-level criteria, how the high-level criteria are divided into any sub-criteria and the weightings attached to each of those sub-criteria.
- 14.2. The Procurement lead should establish an evaluation panel for the assessment of any Technical Questions at shortlisting and/or Invitation to Tender stages. Each element of the evaluation may have its own panel, provided that all of the responses to each Technical Question are evaluated by the same panel members. The panel should have at least two members. The Procurement lead should act as moderator and may also take part in the evaluation in exceptional circumstances.
- 14.3. Before evaluation is undertaken all panel members should be trained and a record of their training should be kept.
- 14.4. Evaluation should be carried out in line with the tender documents, and no subsequent criteria should be introduced.
- 14.5. RHL can ask any bidding organisations for clarification on their tender submission. All clarifications must be raised via the e-tendering system.
- 14.6. Unless negotiation was clearly described in the tender documentation it cannot be used to establish contractual requirements under PA23. If there is a failed procurement under a further competition from a framework established under the PCR2015, there is an opportunity to negotiate.

15. Award of the Contract and Debriefing

- 15.1. RHL is required by law to notify the successful and unsuccessful bidders of the outcome of the procurement process.
- 15.2. Where the procurement process is part of the PA2023, a standstill period of eight working days must be included. Where the procurement process is part of a further competition from a framework established under the PCR2015, the standstill period is voluntary for a period of 10 calendar days.

16. Notification of Awarded Contracts

- 16.1. All contracts should be published in line with the requirements of the PA2023, or where applicable under PCR2015.
- 16.2. The appropriate contract for the services or works being delivered in the contract should be used.
- 16.3. Contracts must always be included in award notification where the process was an RFQ or Tender process.
- 16.4. Any contract that is issued should always be accompanied by an appropriate notice to be published on the Find a Tender Service (FTS). This covers procurement activities under PA23 and call off contracts from those frameworks or DPS published under PCR2015.

17. Contract Documents

- 17.1. The contract signature must be undertaken as expressly stated in the contract terms and conditions; this would be:
 - (a) Where the contract is in the form of a deed, be made under the RHLs seal and attested as required by the financial regulations; or:
 - (b) Where the contract is in the form of an agreement, by a Board Member and the Company Secretary. (Please refer to the delegated authority).
 - (c) When the chair is not available for signature this should automatically be delegated to the Managing Director or the Company Secretary.
 - (d) Attention should be paid to potential conflicts of interest when signing contracts. If there is a conflict this should be registered (in line with the documentation used during the tender process) and delegated approval should be given to the next suitable person to sign.
 - (e) Generally, only one signature is required for the signing of contracts. However, when delegation is given to sign on behalf of the original signatory, two signatures should be used.
 - (f) For the purposes of delegated authority contracts of a value in line with the Financial Regulations:

Position	Value
Managing Director and Company Secretary	From £100,001 and above
Director	From £50,001 - £100,000
Head of Service	From £10,001 - £50,000

18. Approved Lists

- 18.1. Approved lists must **not** be used where they are prohibited under procurement legislative requirements. Only compliantly procured suppliers can be accessed and only then for the contract that they tendered for. Where there is a contract for a specific supplier to deliver specific goods, works or services – they must not be used for any other purpose.

19. Framework Agreements

- 19.1. Where Frameworks are established with several organisations, contracts based on Framework Agreements may be awarded in one of two ways, as follows:
- (a) Where the terms of the agreement are sufficiently precise to cover the particular call-off, by applying the terms laid down in the Framework Agreement without re-opening competition; or:
 - (b) Where the terms laid down in the Framework Agreement are not precise or complete enough for the particular call-off, by holding a further competition.
 - (c) Appropriate award notices must be published on award of any contracts issued as a result of accessing a framework.

20. Records

- 20.1. Records must be kept on all procurement activities.
- (a) Relevant notices.
 - (b) Conflict of interest declarations.
 - (c) Evaluation panel members training.
 - (d) Award notifications.
 - (e) Any clarifications either during tendering or evaluations.
 - (f) Reasons for selection.
 - (g) Names of bidding organisations both successful and unsuccessful.
 - (h) Details of the contracts to be held on file.
 - (i) Modification and variation of contracts.
- 20.2. No contract shall be awarded without sign off of the Procurement Acceptance Report or approval from the Senior Leadership Team.

21. External Body Grant Funding

- 21.1. Where a procurement process is funded, in whole or part, by grant funding which has been awarded to RHL by an external funding body, staff must ensure that any rules or grant conditions imposed by the funding body are adhered to, in addition to the requirements of these CPRs.

21.2. Where there is any conflict between these CPRs and the rules or conditions imposed by the funding body, the stricter requirement should be followed.

22. Contact

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