

Which process do you need?

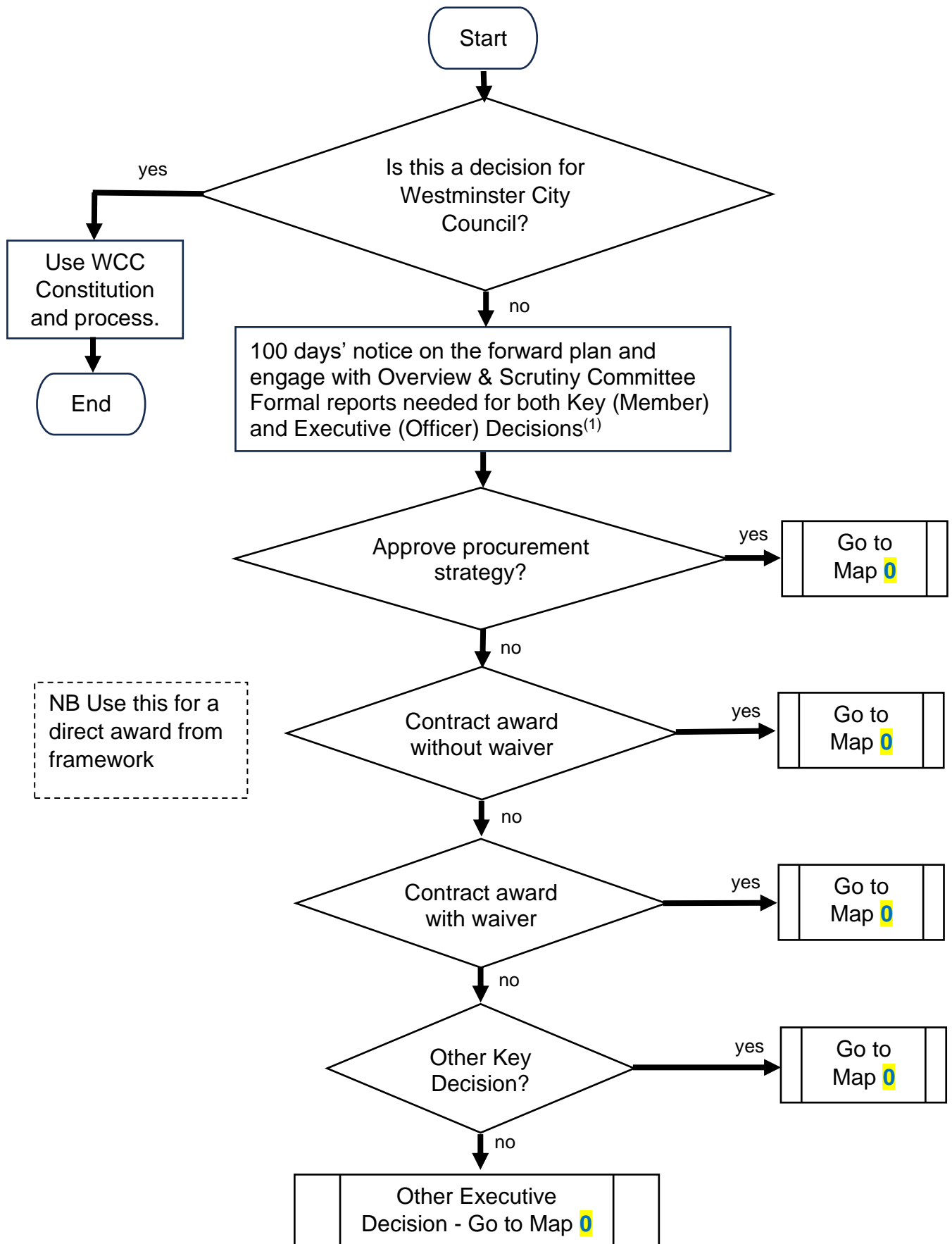


Chart One: Key or Executive Decision – approval of Procurement Strategy

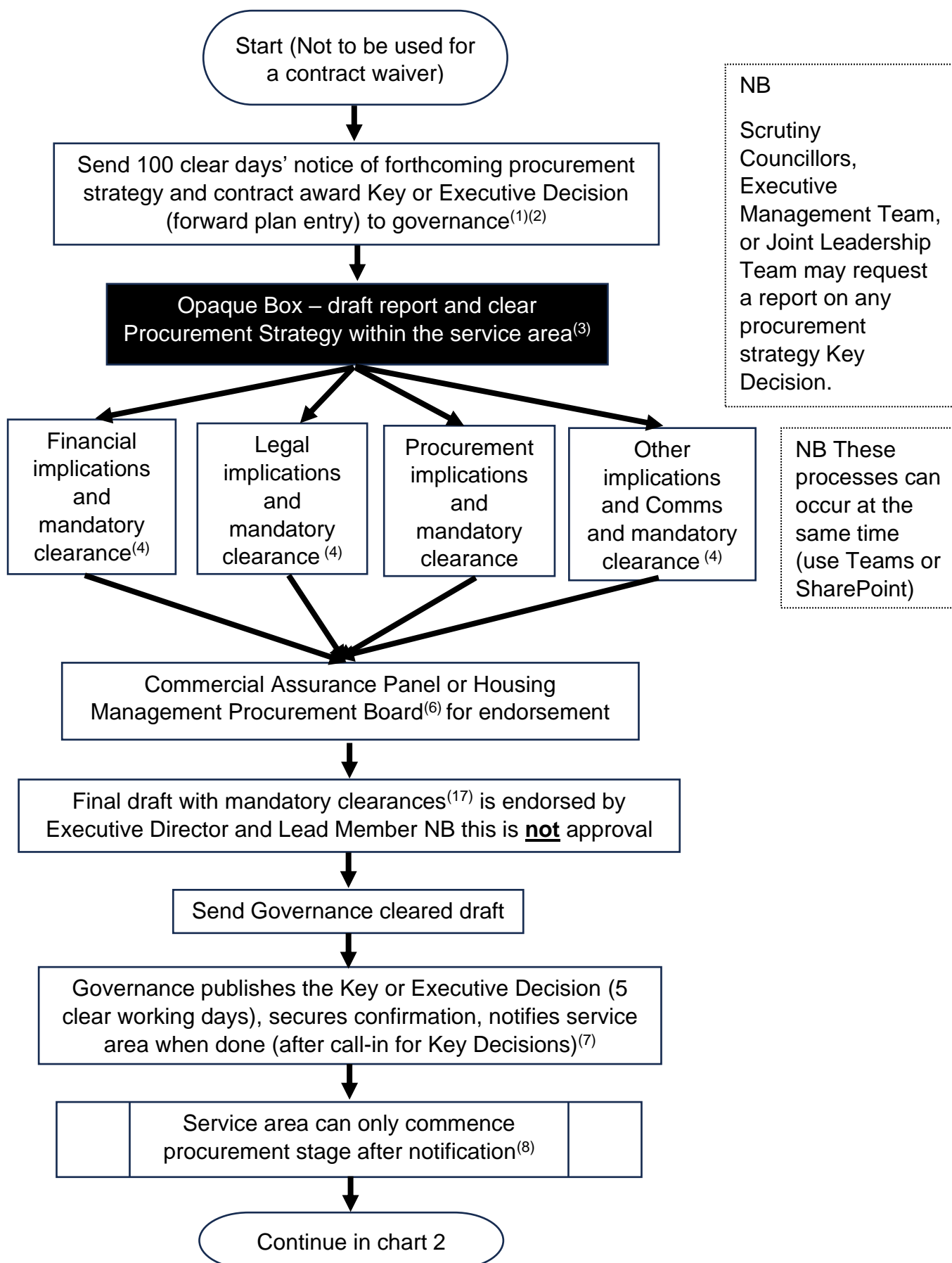


Chart Two: Key, Executive or Director Delegated Decision – Contract Award (no waiver) or direct award from an approved framework agreement

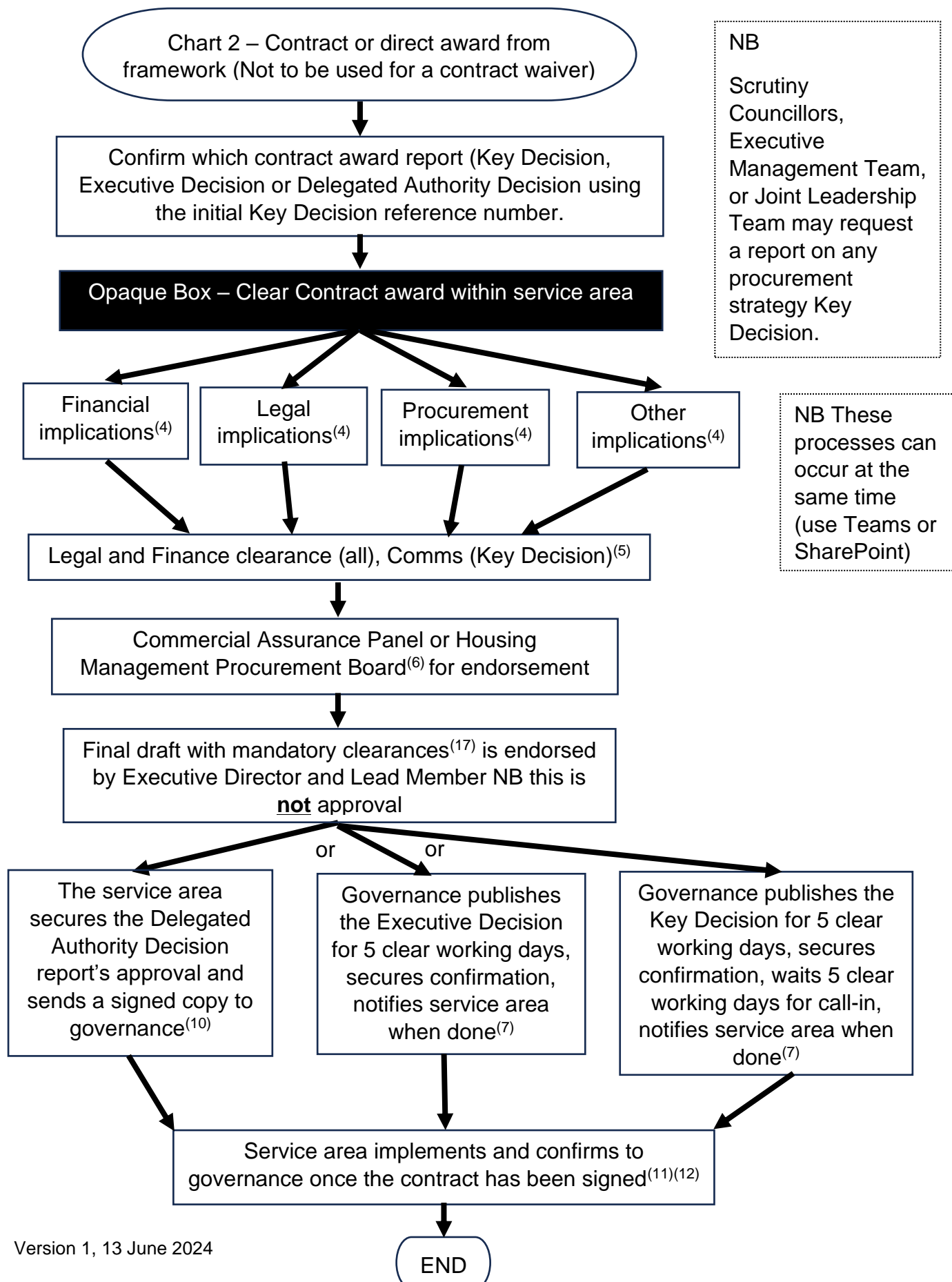


Chart Three: Key or Executive Decision – Contract Award with waiver

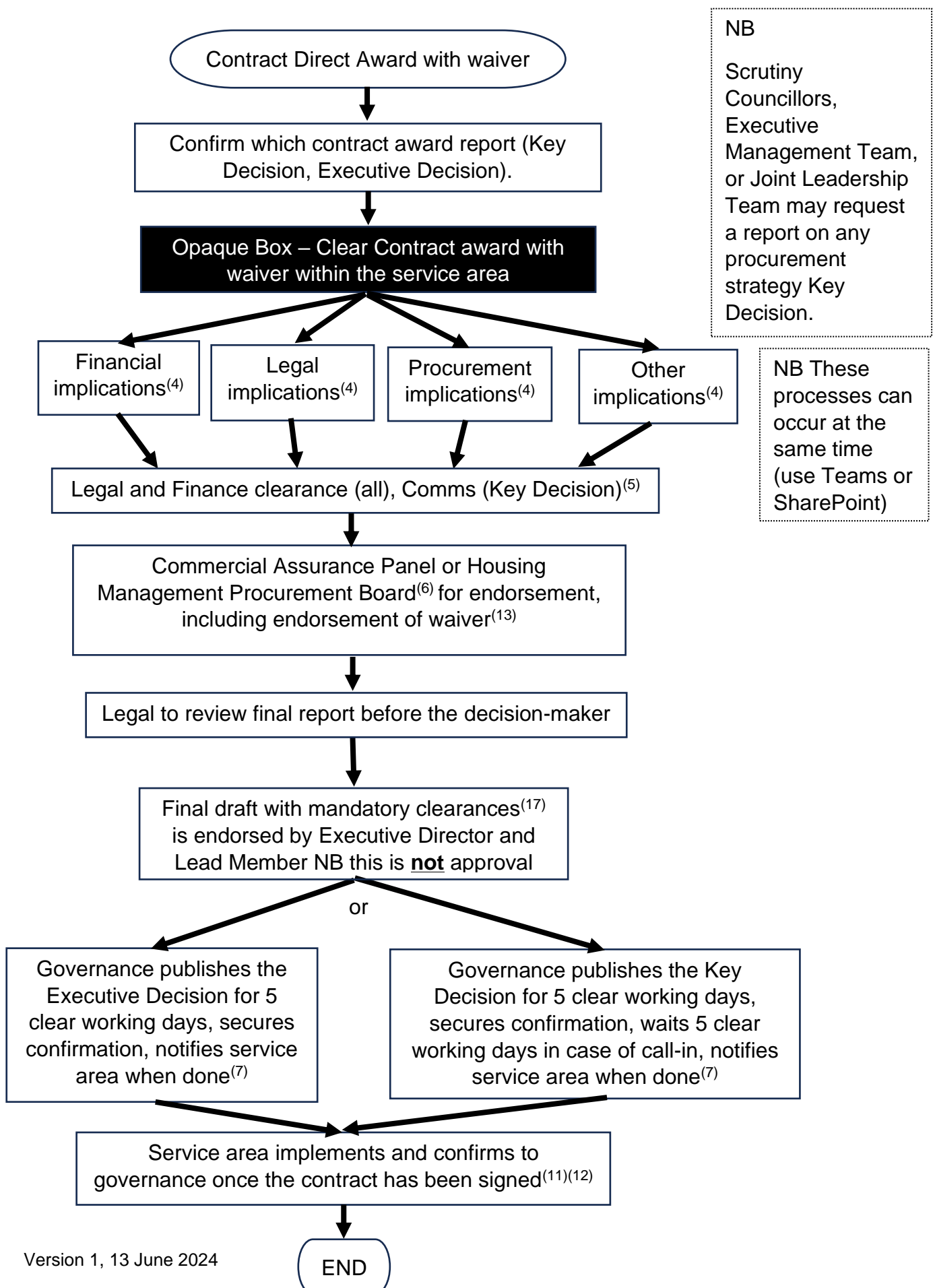


Chart Four: Key Decision (not contract related)

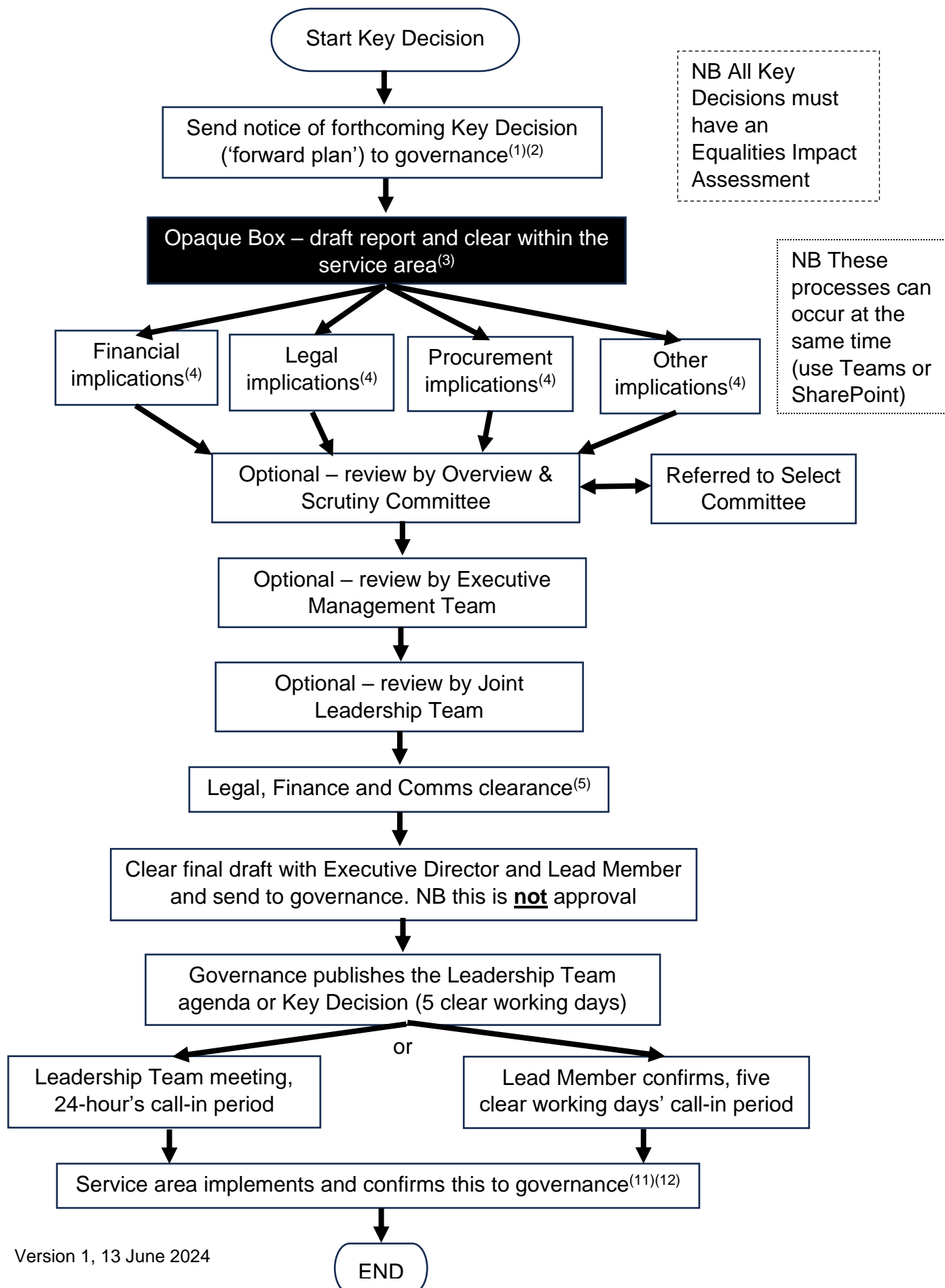
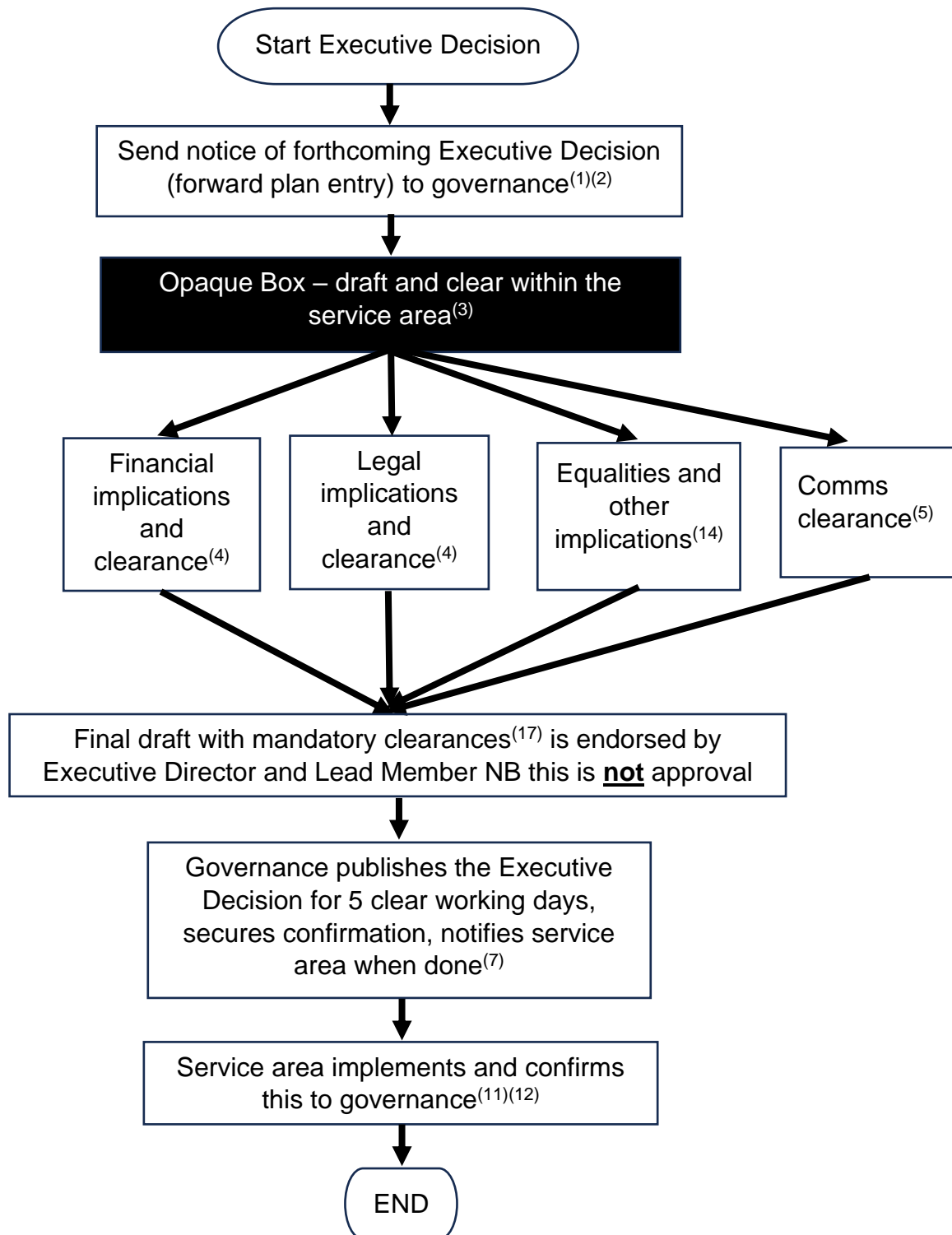


Chart Five: Executive Decision (not contract related)



Guidance Notes for the process map

- (1) Submit notice of forthcoming decisions proforma (Forward Plan) 100 days before the decision is due (corporate best practice) and no later than 28 clear calendar days before the decision must be made (statutory deadline). This notice will cover both the procurement strategy and the contract award.
 - a. Please send the completed proforma to governance@rbkc.gov.uk.
 - b. If you need a decision urgently, please email governance@rbkc.gov.uk to discuss the process. You will need good explanations about why the it must be made and why it was not possible to schedule the decision so that it would be taken in the normal timescales.
 - c. Email scrutiny@rbkc.gov.uk to contact the Scrutiny team.
 - d. All procurement-related decisions are likely to be part exempt, please remember to request this – the most likely reason is ‘Part open, part exempt by virtue of the fact the report contains or is likely to contain information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972 and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.’
 - e. The Monitoring Officer or her authorised representative must approve requests to make information exempt. Governance will liaise with her if necessary. NB only the relevant information is not for publication, not a whole report (except in exceptional circumstances).
 - f. The issue (Forward Plan item) is listed as ‘For Determination.’
- (2) Ensure you have the Lead Member and Executive Director’s agreement to add the item to the plan. (You must confirm when you obtained this on the proforma.)
- (3) You can find all templates here: [Forthcoming Decisions \(previously 'the Forward Plan'\) and Reports](#)
- (4) These tasks should be undertaken in parallel. Use a SharePoint or Teams site to ensure there is only one live version of the document.
- (5) Allow ten working days if possible, or at least five clear working days as a minimum, for clearance by Contract legal services. If the matter is urgent, please speak to the relevant lawyer as soon as possible.
- (6) Only contracts £250,000 or greater will go to Commercial Assurance Panel or an equivalent board.

Procurement strategy internal endorsement:

- a. Contact Khadija Sheik to book the procurement strategy onto a Commercial Assurance Panel agenda. procurement@rbkc.gov.uk or

Key and Executive Decisions process maps

Khadija.Sheik@rbkc.gov.uk

- b. To book onto the Housing Management Procurement Board contact: Funmi Adelekan-Adefarkan, Funmi.Adelekan-Adefarkan@rbkc.gov.uk.
- (7) All Key and Executive Decisions must be sent to governance@rbkc.gov.uk to secure approval.
- a. Both are published for five clear working days before a decision can be confirmed. This means you exclude the day the report is published, weekends and public holidays, and the day it can be signed.
 - b. Executive decisions can be implemented the day they are confirmed.
 - c. Key Decisions can only be implemented after five clear working days' call-in period have expired.
 - d. In both cases, there must be a decision sheet that was processed by governance services for the decision to be valid.
- (8) The service area can proceed with applying the procurement strategy. The issue is set to 'awaiting implementation.'
- (9) There are three options.
- a. If the procurement strategy was approved via a Key Decision and authority to award was delegated to an Executive Director, use a Delegated Authority Decision report.
 - b. If the procurement strategy was approved via an Executive Decision, again, use a Delegated Authority Decision report.
 - c. In all other cases, apply the usual Key and Executive Decisions thresholds.
- (10) The signed version is published alongside the procurement strategy.
- (11) The services area informs governance once the recommendation has been implemented or the contract is signed, then the issue is set to 'implemented' on the internet.
- (12) If the decision cannot be implemented, for example the supplier has raised the prices and the contract cannot be signed, the Head of Service or Director must email governance to say that the decision will not be implemented. The status is changed to 'abandoned/withdrawn.'
- (13) Waivers are a breach of the Council's contract regulations unless the strict conditions to obtain a waiver apply.
- a. For contracts with a total value between £25,000 and £100,000. The Director of Audit, Fraud, Risk and Insurance must endorse the waiver.
 - b. If the waiver is requested by the Executive Director of Resources, another Executive Director must approve the Waiver.

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- c. If the contract is between £500,000 and £1.5million the relevant Lead Member must be consulted before the Executive Director can agree via executive decision.
- (14) If the contract is over £1.5 million then the Lead Member or the Leadership Team must agree via a key decision.
- (15) If the aggregate value of the original contract (including all extensions and variations) and the proposed waiver exceed £1.5m approval may be required from the Lead Member, or Leadership Team, as appropriate.
- (16) All Key Decisions must have an Equalities Impact Assessment. This should be started at the beginning of the process and updated as you proceed with the draft. You can find the Equalities Impact Assessment proforma and further information here: Equality Impact Assessments (EqlAs) ([sharepoint.com](#)). Contact mandeep.kaurbains@rbkc.gov.uk for any assistance.
- (17) The final drafts must have the mandatory clearances from Corporate Finance, Legal and Comms if not already provided.