# ARMAGH CITY, BANBRIDGE AND CRAIGAVON BOROUGH COUNCIL

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#### AMENDMENT RECORD SHEET

Remove and destroy old pages. Insert new pages as indicated.

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# CONTRACT MANAGEMENT POLICY AND PROCEDURE 2023

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#### Introduction

Contract Management is the process that enables both parties to a contract to meet their obligations in order to deliver the objectives required from the contract. It enables the Council to ensure that it is receiving the goods / services that it has procured, on time, at the agreed price and at the requisite quality. It also involves building a good working relationship between customer and provider. It continues throughout the life of a contract and involves managing proactively to anticipate future needs as well as reacting to situations that arise.

## **Purpose**

The purpose of this Contract Management Policy is to provide a clear and standardised approach to managing and administering contracts for goods, services and works purchased from suppliers by driving continuous improvement and performance in the delivery of contracted goods and services. This includes, but is not limited to, delivery of savings identified through procurement or service innovation, deriving social value and sustainability, contract efficiencies and additional value from the supplier relationship whilst ensuring that the reputation of the Council is maintained. Contract Management follows on the commissioning (strategic) and procurement (delivery) phases of the Commissioning and Procurement cycle.

## **Benefits of Policy**

The benefits of the contract management policy include:

- Delivering end user outcomes in line with the Council Objectives by maximising outcomes through supplier performance management; maintaining quality; improving productivity; and identifying opportunities for improvement and innovation;
- Demonstrating Value for Money by realising savings identified during the
  procurement process, or during the contract lifecycle and driving additional value
  through ongoing performance improvements and innovation in the supply chain;
- Providing effective risk management by identify and reduce contractual risks through engagement, challenge and monitoring.
- Informing future commissioning to help shape decisions around service design & delivery and the best route to source future services.

These benefits will be monitored and reported through the effective maintenance of records.

# Scope

This Policy commences in the Post-Contract-Award stage of the Procurement Life-Cycle.

The Pre-Contract Award stage is covered by Council's Procurement Procedure Rules and Procurement Handbook

The Council's Contract Procedure Rules cover the Contract forming stage.

This Contract Management Policy applies to all Council staff and contractors that are involved in the management of supplier Contracts on behalf of Council.

This Policy applies to all Contracts and any other documents that create legally binding obligations on the Council for the procurement of goods, services and works which may include procurements which are simple in nature and low risk. Further, it applies to a Contract until all contractual obligations have been completed.

The following are excluded from this Policy:

- · Employment contracts,
- · Non-binding Memoranda of Understanding,
- Partnering and collaborative contracts within the Council or other public sector organisations.
- Supply of works, goods and services by the Council or one of its public sector partners. However, the Council's legal advisers must be consulted where the Council is contemplating this route,
- · Funding & Sponsorship agreements,
- Works Contracts (managed by Capital Projects team)
- · Leases and Licences

## **Policy Detail**

#### **Contract Management**

For the purposes of this document Contract Management is defined as "the management process that ensures an agreement for the delivery of outcomes and benefits envisaged, with any market advantage secured during the tendering phase of a procurement process, realised and improved through proactive performance management during the term of the agreement and throughout the contract close out phase."

The management of a Contract may extend beyond the current term of the contract when there are ongoing obligations associated with maintenance agreements, warranties and quarantees.

#### **Objectives of contract management**

Through the procurement process, the Council seeks to enter into a contract which represents the best Value for Money. Throughout the procurement process, the Council will agree on:

- The volume of goods / services to be provided
- The *price* at which the goods / services will be provided
- The agreed level of service of performance standard (i.e. quality)
- The *timing* of delivery of the goods / services

The objectives of contract management are to ensure that the contract terms and conditions are met, such that the Value for Money agreed during the procurement phase is achieved / realised in practice.

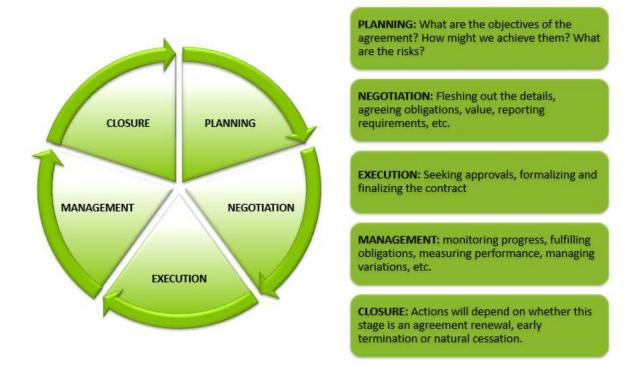
Where poor/unsatisfactory performance is identified, prompt action can then be taken to:

- · Facilitate improvement; or
- In exceptional cases, to permit early recourse to the Council's rights under the contract default provisions.

## **1.0** Phases of Contract Management

Contract Management describes the activities undertaken to monitor the promises made in an agreement, ensuring that all parties meet their contractual obligations. It is the processes and procedures that we implement to manage the tender, execution, performance, modification and closure of contracts. Contract Management activities will vary in rigour, resources and effort, dependent on the risks and value associated with the agreement.

The phases of contract management are:



#### **Mandatory Requirements applying to contracts**

The following **minimum requirements** apply to all Council contracts **valued at £20,000 or more**:

- **a)** Staff must adhere to Council's procurement policies, procedures and processes, specifically the Contract and Procurement Procedure Rules.
- **b)** All Contracts must be formed in accordance with the Councils (Legal Department) Contract Procedure Rules and using the relevant Contract Template.
- **c)** Specific advice should be sought from Councils Procurement and Legal teams during the planning and tender stages of procurement to determine the appropriate terms and conditions that should apply and develop the procurement and contract management strategy to be adopted.

- **d)** Specific contract details must be registered into Council's Contracts Register and receive a unique Contract number issued by the procurement department
  - I. Unique Contract Number must be entered on all requisitions when creating an order on the finance system.
- e) A Contract Manager must be formally appointed.
  - i. The Contract Manager may manage a contract valued at more than their level of financial delegation. However, the Contract Manager must not approve or incur expenditure on goods, services or a project valued at more than their level of financial delegation. Note, this also applies to any changes (variations) to the original price of procurement.
- f) Agree with Procurement the 'classification' of the contract.
- **g)** Council developed **Contract Management Templates** must be used where appropriate.
- h) Ensure all contract variations are permissible, have appropriate approvals and are administered in accordance with Councils Contract Procedure rules.
- i) Maintain validity of all relevant approvals and licences during contract lifetime.
- j) Contract performance of all contracts valued at £20,000 or more must be regularly monitored, evaluated and reported.
  - i. This is required at least annually over the term of the contract, and upon conclusion of a contract.
  - ii. Complete and document performance evaluations.
  - iii. Monitor spend throughout the life of the contract life to ensure value of the contract is not exceeded.
  - iv. Escalate potential contract overspend and non-performance

# **Role and Responsibilities**

#### HOD/Directors/Executive Team

Overall implementation of the Policy oversight/challenge etc. towards members

#### Contract Owner/Department Manager

- Accountable for the budget / cost centre that funds the contract and monitoring spend on the contract
- Employee with delegation to approve payments and variations
- Appoint contract management roles
- Senior employee whose area of responsibility is impacted by the contract outcomes
- First point of escalation for contractual issues
- Provide assurance on the performance of the contract. Via Six monthly assurance statement
- Ensure contract are recorded on Departmental Contracts Register.

#### **Contract Manager**

- Complete and maintain contract details via recording on Departmental Contracts Register
- Manage contract through post award cycle
- Point of contact for supplier on contract matters
- Leads monitoring contract performance and compliance through regular supplier meetings
- Has relevant commercial skills
- Liaise with senior management and other stakeholders to help shape future activity
- Perform administrative activities supporting the contract
- Supports regular contract review meetings

It is vital that the contract manager understands what is in the contract. The Contract Assessment template (as provided in the accompanying handbook) enables contract managers to understand the specifics of the contract and the contract management arrangements in place. It also assists in the identification of improvements to those contract management arrangements.

#### **Procurement**

- Development of the Policy
- Provide advice and support during contract close out, set up transition
- Provide advice and support on contract, communication and relationship issues, challenges and other risks associated with the contract
- Oversight of the Procurement pipeline, to supervise timescales available for contract review and implementation
- Facilitate review of contract performance
- Analyse and classify contracts as per classification matrix
- Liaise with Lead Officers to ensure appropriate performance management and contract management arrangements are built into tenders and contracts

#### **Related Policies**

- Council Constitution 2021
- Financial Regulations
- Procurement Handbook
- Conflict of Interest Policy (Draft)
- Procurement Policy
- Procurement Policy Note 01/21 (Thresholds and Inclusion of VAT)
- Public Contracts Regulations

## Appendix 1 – Equality Screening

#### **Policy Scoping**

Policy Title: Contract Management

Brief Description of Policy (please attach copy if available). Please state if it is a new, existing or amended policy.

This is a new Policy. Contract Management is the process that enables both parties to a contract to meet their obligations in order to deliver the objectives required from the contract. It enables the Council to ensure that it is receiving the goods / services that it has procured, on time, at the agreed price and at the requisite quality.

#### Intended aims/outcomes. What is the policy trying to achieve?

The Contract Management Policy is to provide a clear and standardised approach to managing and administering contracts for goods, services and works purchased from suppliers by driving continuous improvement and performance in the delivery of contracted goods and services. Contract Management follows on the commissioning (strategic) and procurement (delivery) phases of the Commissioning and Procurement cycle.

#### **Policy Framework**

Has the policy been developed in response to statutory requirements, legal advice or on the basis of any other professional advice? Does this affect the discretion available to Council to amend the policy?

The Contract Management Policy makes reference to the Public Contract Regulations 2015 which applies to all tendered spend over a specified threshold value. The rest of the policy is guided by best practice contract management across the public sector and in particular Northern Ireland Public Procurement policy and Procurement Guidance Note - PGN 01/02 Contract Management Principles and Procedures , although this is not applicable to local authorities.

Are there any Section 75 categories which might be expected to benefit from the policy? If so, please outline.

In compliance with the guidance issued by the Equality Commission for Northern Ireland and the Central Procurement Directorate, the relevance of the statutory equality duties will be considered by the commissioning department before procurement begins and then, if relevant to the procurement exercise will be included in the planning, scoping, deciding the strategic objectives, the specification, when writing the project documentation and during the performance of the contract. Questions relating to the statutory equality duties are included in the Tender Request Form.

# Who initiated or wrote the policy (if Council decision, please state). Who is responsible for implementing the policy?

Who initiated or wrote the policy?	Procurement Manager		
Who is responsible for implementation?	The Council, Procurement Manager and		
	Heads of departments		

Are there any factors which might contribute to or detract from the implementation of the policy (e.g. financial, legislative, other)?

<b>.</b> .		
NO		

#### Main stakeholders in relation to the policy

Please list main stakeholders affected by the policy (e.g. staff, service users, other statutory bodies, community or voluntary sector, private sector)

Manahara and Ctaff	water may remain
Members and Staff,	rale pavers

Are there any other policies with a bearing on this policy? If so, please identify them and how they impact on this policy.

Council Constitution 2021

Financial Regulations

**Procurement Policy** 

PGN 01/02 Contract Management Principles and Procedures

Conflict of Interest Policy (Draft)

Procurement Policy Note 01/21 (Thresholds and Inclusion of VAT)

Public Contracts Regulations 2015

#### **Available Evidence**

Council should ensure that its screening decisions are informed by relevant data. What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories. For up to date <a href="S75 Borough">S75 Borough</a> Statistics

Section 75 category	Evidence
Religious belief	The Policy takes account of current UK and EU legislation and NI Public Procurement Policy and incorporates the principles of equal treatment, non-discrimination, proportionality and transparency. In compliance with the guidance issued by the Equality Commission for Northern Ireland and the Central Procurement Directorate, the relevance of the statutory equality duties will be considered by the commissioning department before procurement begins and then, if relevant to the procurement exercise will be included in the planning, scoping, deciding the strategic objectives, the specification, when writing the project documentation and during the performance of the contract. Questions relating to the statutory equality duties are included in the Tender Request Form.

Political opinion	
Racial group	
Age	
Marital status	
Sexual orientation	
Men and women generally	
Disability	
Dependants	

#### Needs, experiences and priorities

Taking into account the information gathered above, what are the different needs, experiences and priorities of each of the following categories in relation to this particular policy/decision?

Section 75 category	Needs, experiences and priorities
Religious belief	In compliance with the guidance issued by the Equality Commission for Northern Ireland and the Central Procurement Directorate, the relevance of the statutory equality duties will be considered by the commissioning department before procurement begins and then, if relevant to the procurement exercise will be included in the planning, scoping, deciding the strategic objectives, the specification, when writing the project documentation and during the performance of the contract. Questions relating to the statutory equality duties are included in the Tender Request Form.
Political opinion	
Racial group	
Age	
Marital status	
Sexual orientation	
Men and women generally	
Disability	
Dependants	

# **Screening Questions**

# 1. What is the likely impact on equality of opportunity for those affected by this policy for each of the Section 75 categories?

Category	Policy Impact	Level of impact
		(Major/minor/none)
Religious belief	None	None
Political opinion	None	None
Racial group	None	None
Age	None	None
Marital status	None	None
Sexual orientation	None	None
Men and women generally	None	None
Disability	None	None
Dependents	None	None

# 2. Are there opportunities to better promote equality of opportunity for people within the Section 75 categories?

Category	If yes, provide details	If no, provide reasons
Religious belief		N/A
Political opinion		N/A
Racial group		N/A
Age		N/A
Marital status		N/A
Sexual orientation		N/A
Men and women generally		N/A
Disability		N/A
Dependents		N/A

# 3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion, or racial group?

Category	Details of Policy Impact	Level	of	impact
		(major/mi	nor/none)	
Religious belief		None		
Political opinion		None		
Racial group		None		

# 4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Category	If yes, provide details	If no, provide reasons
Religious belief		No – contract management decisions are made solely on the basis of contract management monitoring and performance
Political opinion		
Racial group		

#### **Multiple Identity**

Generally speaking, people fall into more than one Section 75 category (for example: disabled minority ethnic people; disabled women; young Protestant men; young lesbian, gay and bisexual people). Provide details of data on the impact of the policy on people with multiple identities. Specify relevant s75 categories concerned.

 $\mbox{N/A}-\mbox{Contract}$  management decisions are made solely on the basis of contract management monitoring and performance.

#### **Disability Discrimination (NI) Order 2006**

Is there an opportunity for the policy to promote positive attitudes towards disabled people?

N/A – Contract management decisions are made solely on the basis of contract management monitoring and performance.

Is there an opportunity for the policy to encourage participation by disabled people in public life?

N/A – Contract management decisions are made solely on the basis of contract management monitoring and performance.

#### Screening Decision

#### A: NO IMPACT IDENTIFIED ON ANY CATEGORY - EQIA UNNECESSARY

Please identify reasons for this below

Contract management decisions are made solely on the basis of contract management monitoring and performance. Procurement Regulations are based on the EU Treaty Principles of: 1. non-discrimination 2. free movement of goods 3. freedom to provide services 4. freedom of establishment.

In compliance with the guidance issued by the Equality Commission for Northern Ireland and the Central Procurement Directorate, the relevance of the statutory equality duties will be considered by the commissioning department before procurement begins and then, if relevant to the procurement exercise will be included in the planning, scoping, deciding the strategic objectives, the specification, when writing the project documentation and during the performance of the contract. Questions relating to the statutory equality duties are included in the Tender Request Form.

# B: MINOR IMPACT IDENTIFIED - EQIA NOT CONSIDERED NECESSARY AS IMPACT CAN BE ELIMINATED OR MITIGATED

Where the impact is likely to be minor, you should consider if the policy can be mitigated or an alternative policy introduced. If so, an EQIA may not be considered necessary. You must indicate the reasons for this decision below, together with details of measures to mitigate the adverse impact or the alternative policy proposed.

N/A		

#### C: MAJOR IMPACT IDENTIFIED - EQIA REQUIRED

If the decision is to conduct an equality impact assessment, please provide details of the reasons.

N/A			

#### Timetabling and Prioritising

If the policy has been screened in for equality impact assessment, please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3 with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Policy Criterion Rating (1-3)

Effect on equality of opportunity and good relations Social need Effect on people's daily lives

The total rating score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the council in timetabling its EQIAs.

Is the policy please give of	,	timetables	established by	other rele	vant public	authorities?	lf yes,

#### Monitoring

Effective monitoring will help the authority identify any future adverse impact arising from the policy. It is recommended that where a policy has been amended or an alternative policy introduced to mitigate adverse impact, monitoring be undertaken on a broader basis to identify any impact (positive or adverse).

Further information on monitoring is available in the Equality Commission's guidance on monitoring (www.equalityni.org).

	l	dentify	/ how	the	impact	of	the	policy	/ is	to	be	moni	tore	ed
--	---	---------	-------	-----	--------	----	-----	--------	------	----	----	------	------	----

#### Approval and Authorisation

A copy of the screening form for each policy screened should be signed off by the senior manager responsible for that policy. The screening recommendation should be reported to the relevant Committee/Council when the policy is submitted for approval.

Screened by	Position/Job title	Date
Zoe Vennard	Procurement Manager	01/03/2023
Approved by	Position/Job Title	Date
Dominic Donnelly	Head of Finance, ICT & Procurement	02/06/2023

Please forward a copy of the completed policy and form to:

mary.hanna@armaqhbanbridgecraigavon.gov.uk

who will ensure these are made available on the Council's website.

The above officer is also responsible for issuing reports on a quarterly basis on those policies "screened out for EQIA". This allows stakeholders who disagree with this recommendation to submit their views. In the event of any stakeholder disagreeing with the decision to screen out any policy, the screening exercise will be reviewed.

# Appendix 2 - Rural Needs Impact Assessment (RNIA)

Appendix 2 Raidi Necus	5 impact Assessment (ititiA)
SECTION 1	
Defining the activity subject to \$	Section 1(1) of the Rural Needs Act (NI) 2016
1A. Name of Public Authority: A	rmagh City, Banbridge & Craigavon Borough Council
•	which describes the activity being undertaken ubject to Section 1(1) of the Rural Needs
Contract Management Policy	
1C Please indicate which categ	gory the activity specified in Section 1B above relates
to:	
Developing a	Policy
Adopting a	
Implementing a	
Revising a	
Designing a Public Service	
Delivering a Public Service	
1D. Please provide the official to	itle (if any) of the Policy, Strategy, Plan or Public Service
document or initiative relating to	o the category indicated in Section 1C above
Contract Management Policy	

1E. Please provide details of the aims and/or objectives of the Policy, Strategy, Plan or Public Service

To provide background on the need for contract management, ensure officers are aware of legislative requirements, identify the different levels of contract management, define roles and responsibilities of contract management section.

1F. What definition of 'rural' is the Public Authority using in respect of the Policy, Strategy, Plan or Public Service?

Population Settlements of less than 5,000 (Default definition	
Other Definition (Provide details and the rationale below)	
A definition of 'rural' is not applicable	$\boxtimes$
Details of alternative definition of 'rural' used	
Rationale for using alternative definition of 'rural'.	
Reasons why a definition of 'rural' is not applicable.	
The main objective of this contract management policy is to obtain bes and services having due regard to the needs of the organisation/servi obtained in the procurement phase of the right quality of goods and se right time; delivered to the right place from the right supplier and at the	ice i.e., to realise the advantages ervices in the right quantity, at the
SECTION 2	
Understanding the impact of the Policy, Strategy, Plan or Public	Service
2A. Is the Policy, Strategy, Plan or Public Service likely to impact opeople in rural areas?	on
Yes □ No ☑ If response is No	go to 2E
2B. Please explain how the Policy, Strategy, Plan or Public Service people in rural areas.	is likely to impact on
•	is likely to impact on
•	ct on people in rural

2D. Please indic or Public Service				Policy, Strategy, Plan	
Rural Businesse	•	arily impact	OII.	П	
Rural Tourism					
Rural Housing					
Jobs or Employn	nent in Rural Are	as			
Education or Tra	ining in Rural Are	eas			
Broadband or Mo	obile Communica	tions in Rura	al Areas		
Transport Servic	es or Infrastructu	re in Rural A	reas		
Health or Social		Rural Areas			
Poverty in Rural					
Deprivation in Ru					
Rural Crime or C	•	′			
Rural Developme					
Agri-Environmen Other (Please sta					
Other (Flease st	ate)				
If the response to	o Section 2A was	S YES GO TO	Section 3A.		
2E. Please explaimpact on people	•	cy, Strategy	, Plan or Public Sei	vice is NOT likely to	
This policy is for	internal use only	. However, t	he relevance of the sta	atutory rural duty will be conside	red
by the commiss	ioning departmen	t before proc	urement and contract	management begins and there	າ, if
relevant, to the	procurement exer	cise will be in	ncluded in the plannir	ng, scoping, deciding the strate	gic
objectives and t	he specification i	n writing proj	ect documentation a	nd during the performance of	the
contract.					
3A. Has the Pub	lic Authority take	en steps to i	of Persons in Rural and dentify the social and Policy, Strategy, Plan	d economic needs of	
Yes □	No	×	If response is No	go to 3E	
				on sources were used eds of people in rural	
Consultation with Consultation with Published Statist Research Papers Surveys or Ques	n Other organisat ics s tionnaires				
Other Publication	าร				

Other Methods or Information Sources (include details in Question 3C below)
3C. Please provide details of the methods and information sources used to identify the social and economic needs of people in rural areas including relevant dates, names of organisations, titles of publications, website references, details of surveys or consultations undertaken etc.
3D. Please provide details of the social and economic needs of people in rural areas which have been identified by the Public Authority?
If the response to Section 3A was YES GO TO Section 4A.
3E. Please explain why no steps were taken by the Public Authority to identify the social and economic needs of people in rural areas?
This policy is for internal use only. However, the relevance of the statutory rural duty will be considered
by the commissioning department before procurement and contract management begins and then, if
relevant, to the procurement exercise will be included in the planning, scoping, deciding the strategic
objectives and the specification in writing project documentation and during the performance of the
contract.
SECTION 4 Considering the Social and Economic Needs of Persons in Rural Areas
4A. Please provide details of the issues considered in relation to the social and economic needs of people in rural areas.
N/A
SECTION 5 Influencing the Policy, Strategy, Plan or Public Service
5A. Has the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, been influenced by the rural needs identified?
Ves □ No ⊠ If response is No go to 5C

influenced by the rural needs identified	Service, has been

If the response to Section 5A was YES go to 6A.

5C. Please explain why the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or the delivery of the Public Service, has NOT been influenced by the rural needs identified.

5B. Please explain how the development, adoption, implementation or revising of the

This policy is for internal use only. However, the relevance of the statutory rural duty will be considered by the commissioning department before procurement and contract management begins and then, if relevant, to the procurement exercise will be included in the planning, scoping, deciding the strategic objectives and the specification in writing project documentation and during the performance of the contract.

# **SECTION 6**

# **Documenting and Recording**

6A. Please tick below to confirm that the RNIA Template will be retained by the Public Authority and relevant information on the Section 1 activity compiled in accordance with paragraph 6.7 of the guidance.

I confirm that the RNIA Template will be retained a	nd relevant information compiled.
Rural Needs Impact Assessment undertaken by	Zoe Vennard
Position:	Procurement Manager
Department / Directorate:	Finance, ICT & Procurement
Signature:	Zoe Vennard
Date:	01/03/2023
Rural Needs Impact Assessment approved by:	Dominic Donnelly
Position:	Head of Finance
Department / Directorate:	Deputy Chief Executive
Signature:	Dominic Donnelly
Date:	02/06/2023