

SCHEDULE 9

PROCUREMENT PROTOCOL

1. General Principles

- 1.1 The flow chart “Shared Service Procurement Protocols” appended to this Schedule summarises the processes from end to end for a Shared Technology Services procurement.
- 1.2 The Joint Management Board shall determine whether a Contract shall be procured by Shared Technology Services (Brent as Host Council undertaking procurement services) and whether each Council will enter into its own contract with the provider/supplier following award, or whether Brent is to enter into a contract on behalf of the other Councils (as applicable) as part of Shared Technology Services. If Brent is to procure as part of Shared Technology Services, Brent will in most cases enter into one contract on behalf of the relevant Councils (except in very exceptional cases where the provider requires licences or contracts to be made separately with each Council).
- 1.3 Wherever Brent undertakes the procurement services or activities supporting the other Councils, this shall be deemed to be part of Shared Technology Services and Brent shall be entitled to recover its costs in relation to the procurement services or activities as part of Shared Technology Services Costs incurred pursuant to this Agreement.
- 1.4 In the event that Lewisham Council asks Brent to undertake a procurement on its behalf for a separate Lewisham-only contract, Brent shall comply with Lewisham’s Constitution and the Public Contract Regulations 2015 (where applicable), and must obtain their own legal advice unless otherwise agreed in specific cases. In the case of any procurement carried out by Brent on behalf of Southwark Council, principle 1.5 below applies as Southwark Council has fully delegated the procurement of ICT contracts within the scope of this Shared Technology Services to Brent.
- 1.5 Where Brent is procuring on behalf of the other Council(s), Brent shall follow its own Constitution and the Public Contracts Regulations 2015 (where applicable).
- 1.6 In the case of any conflict in practice in terms of compliance with the requirements of the respective constitutions of the Councils it is an accepted principle that for the purposes of Shared Technology Services operation and performance obligations, the Brent Constitution shall prevail; and compliance with the Brent Constitution shall be deemed as compliance with the requirements of this Procurement Protocol.
- 1.7 The criteria for determining whether a proposed decision as to a procurement is a Key Decision will be as set out in each Council’s constitution.
- 1.8 Where the decision to authorise procurement, award a contract, or vary or extend a contract is a Key Decision the decision shall be subject to the scrutiny process of each of the Councils in the case of Brent and Lewisham expenditure, but for Southwark expenditure Brent’s Key Decision scrutiny process shall apply as Southwark has delegated the ICT procurement function for ICT contracts within the scope of this Shared Technology Services in full. Where a decision is subject to scrutiny, the Managing Director of Shared Technology Services shall be responsible for putting the

decision on each Council's Key Decision Plan within the required timescales. In certain exceptional cases as mentioned in 1.4 above it will be necessary to comply with the scrutiny procedures of Brent Council and Lewisham Council and the Managing Director of Shared Technology Services shall be responsible for notifying the decision as a Key Decision for this purpose.

- 1.9 In the case of an emergency or urgent requirement for procurement for Shared Technology Services, the urgency procedure in Brent's Constitution shall apply as a general principle. If any such cases occur the Managing Director of Shared Technology Services shall take the necessary steps to update and report the situation to the Joint Management Board at the next meeting and to notify Appointed Directors in the meantime. The Managing Director of Shared Technology Services shall also take necessary steps for notification and update to Cabinet, Leader or Deputy Leader and Lead Member under the Brent Constitution.
- 1.10 Brent's constitutional requirements may change from time to time and reference to them in this protocol shall be deemed to include any updates. Whenever such changes are proposed or approved the proposed or approved amendments will be notified to Lewisham and Southwark.

2. Shared Service Gateway 1 Process – Procurement Strategy

- 2.1 The flowchart "Shared Service Gateway 1 Process" appended to this Schedule summarises the process for commencement of procurement.
- 2.2 Where purchases are for or below £50,000 the Managing Director of Shared Technology Services can approve the procurement strategy on behalf of the Councils. The Managing Director of Shared Technology Services must comply with Brent Council's Constitution when procuring goods or services for £50,000 or below.
- 2.3 Where the estimated value of the Contract is above £50,000, authority to procure must first be obtained from or through the Brent Chief Officer following recommendation by the Appointed Directors on the Joint Management Board ("Management Board").
- 2.4 Procurement of Goods or Services above £50,000 (where the contract is led on and the contract shall be entered into by Brent Council on behalf of the Councils within the scope of the contract) shall comply with the following rules:
 - 2.4.1 The final version of the tender documents shall be approved by the Appointed Directors on the Management Board upon the advice of Brent's legal and procurement teams;
 - 2.4.2 The evaluation criteria shall be agreed by the Appointed Directors on the Management Board;
 - 2.4.3 Where requested by Lewisham or Southwark (as applicable), an officer from Lewisham and Southwark shall be entitled to be a member of the evaluation panel.
- 2.5 The general principles set out in section 1 above shall apply to all procurements that are above £50,000 where there is to be one contract awarded to Brent acting for the other council(s).
- 2.6 As per the Shared Service Gateway 1 flowchart appended, the process where the procurement contract value for Lewisham Council is £200,000 or more will require

Lewisham's Mayor & Cabinet approval for Lewisham's share of the expenditure) and where the value is over £2m Brent Cabinet approval (for Brent and Southwark's share of the expenditure). This applies unless the authority to procure is by means of a framework agreement in which case the Cabinet approvals will not be needed until the award of call off Contract under the framework agreement.

3. Shared Service Gateway 2 Process – Award of Contracts

3.1 The flowchart "Shared Service Gateway 2 Process" appended to this Schedule summarises the process for Contract award.

3.2 Award where estimated expenditure is £50,000 or less for one or more Councils

Award of a contract under £50,000 can be approved by the Managing Director of Shared Technology Services. An award report shall be prepared and retained for audit purposes and the JMB shall be advised of all such awards.

3.3 Award where estimated expenditure is more than £50,000 and less than £200,000 for Lewisham or less than £2m for Brent or Southwark Councils.

An award report shall be drafted by the Managing Director of Shared Technology Services for Brent (on behalf of Brent and Southwark) and Lewisham to be presented to the Joint Management Board for award recommendation. The award decision shall be made by the Brent Chief Officer (Brent Appointed Director) or his/her authorised deputy, and in the case of Lewisham award/expenditure, the Executive Director for Customer Service and/or the Executive Director for Resources and Regeneration in accordance with the timescales required. Each report shall be subject to the Key Decision principles and scrutiny in accordance with the general principles detailed in Section 1 above.

3.4 In the case of approval of award of a call off Contract for less than £2m under a Framework Agreement the award process will be the same as for award of other Contracts for that value.

3.5 Award of Contract where the estimated expenditure is more than £200,000 for Lewisham or more than £2m for Brent or Southwark Councils or above

Award reports shall be drafted by the Managing Director of Shared Technology Services for Brent (on behalf of Brent and Southwark) and Lewisham to be presented to the Joint Management Board and subsequently to Brent's Commissioning and Procurement Board and Cabinet (or if less than £5m a Brent Cabinet Member), and in the case of Lewisham award/expenditure, shall be presented to the Mayor & Cabinet (Contracts) for Lewisham in accordance with the timescales required. Each report shall be subject to scrutiny in accordance with the general principles detailed in Section 1 above.

3.6 In the case of approval of award of a call off Contract for £2m or more under a Framework Agreement the award process will be the same as for award of other Contracts for that value.

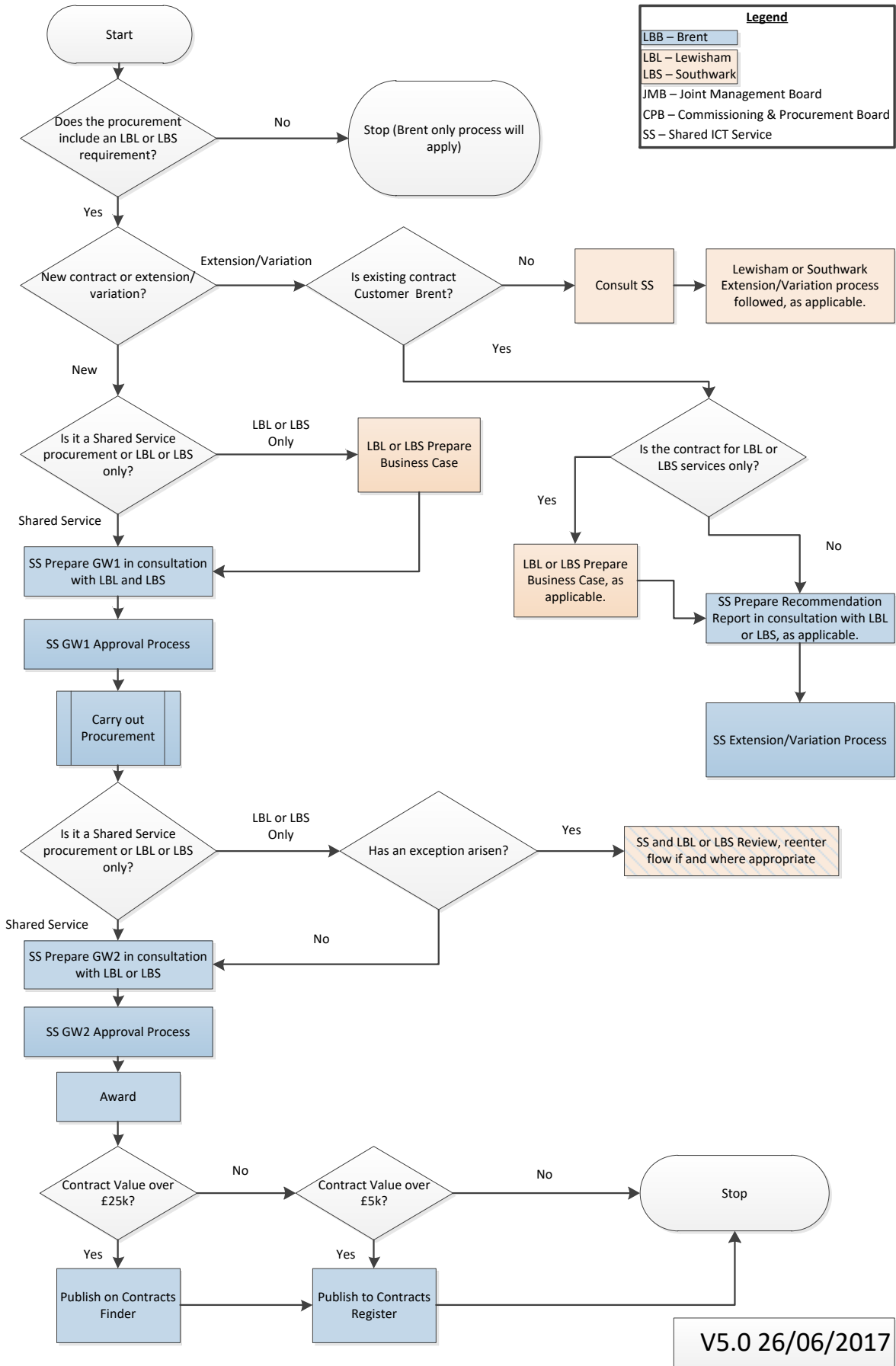
4. Shared Service Variation and Extension of Contracts Process

4.1 The flowchart "Shared Service Variation and Extension Process" summarises the process for variation or extension of Contracts held by Brent as part of Shared Technology Services. This includes variation or extension to Contracts transferred, assigned or novated to Brent from the other Councils for the purposes of Shared

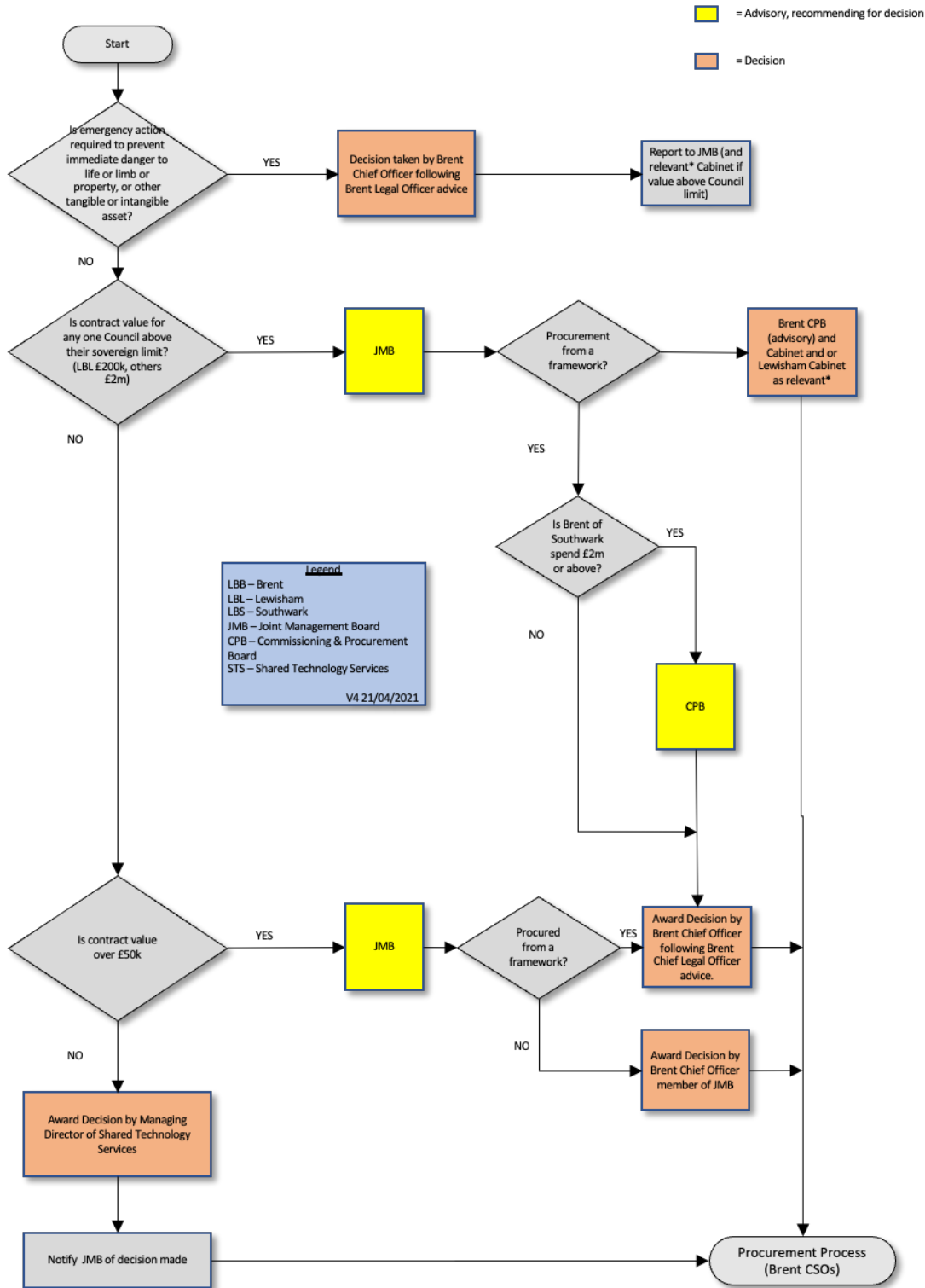
Technology Services, and changes to new Contracts placed in the name of Brent acting on behalf of the other Councils (as applicable).

- 4.2 Variation of Contracts held or placed in the name of Lewisham or Southwark Councils (rather than in Brent's name) shall be carried out in accordance with the processes and Contract Standing Order requirements of the relevant Council. It is anticipated that such cases shall be exceptional rather than the norm in operation of Shared Technology Services.

Shared Service Procurement Protocols



STS GATEWAY 1 PROCESS

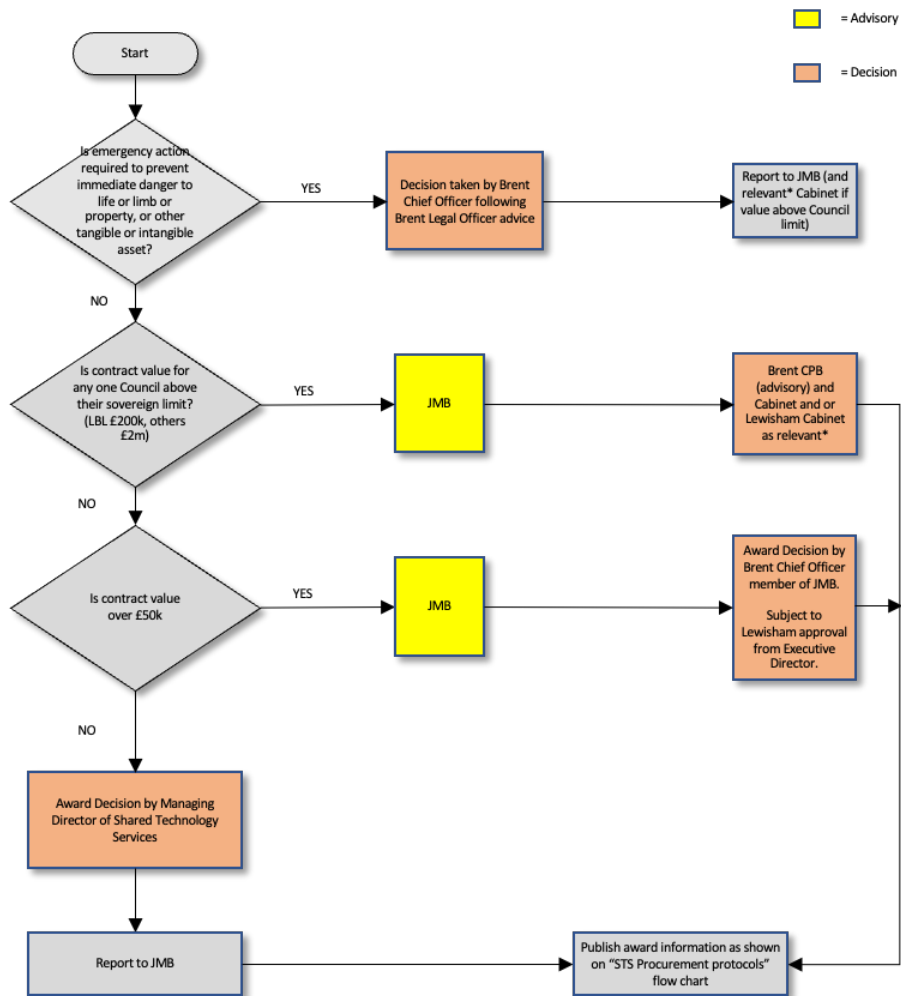


Note: Refer to Procurement Protocol (Schedule 9) for Key Decision requirements.

All proposed framework usage requires approval by both Chief Legal Officer and Chief Officer.

***"relevant" Cabinet means Lewisham Mayor and Cabinet (Contracts) if Lewisham spend is £200k or above. And Brent Cabinet if spend for Brent or Southwark is £2m or above.**

STS GATEWAY 2 PROCESS

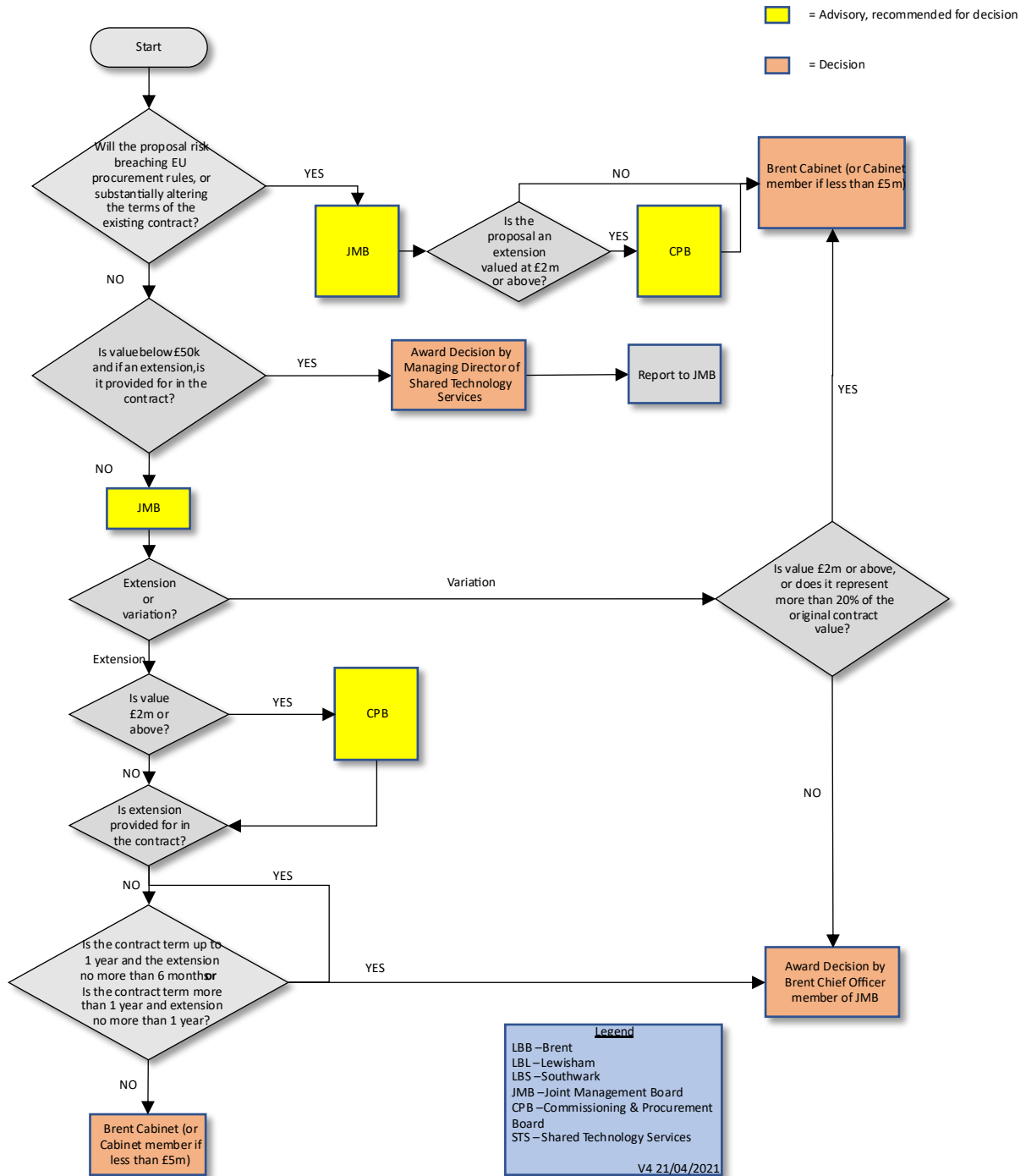


Legend
 LBB – Brent
 LBL – Lewisham
 LBS – Southwark
 JMB – Joint Management Board
 CPB – Commissioning & Procurement Board
 STS – Shared Technology Services
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Note: Refer to Procurement Protocol (Schedule 9) for Key Decision requirements.

****"relevant" Cabinet means Lewisham Mayor and Cabinet (Contracts) if Lewisham spend is £200k or above. And Brent Cabinet if spend for Brent or Southwark is £2m or above.**

STS VARIATION AND EXTENSION PROCESS



Note: Refer to Procurement Protocol (Schedule 9) for Key Decision requirements. Award information to be published as shown on "STS Procurement Protocols" flowchart