

CONTRACT REGULATIONS - PROPOSALS FOR CHANGES

Document	Suggested Change	Reason
PART 4D - CONTRACT REGULATIONS		
CONTRACT REGULATION NO 1 (COMPLIANCE WITH CONTRACT REGULATIONS)	(2) Contract Regulations apply to the procurement of all goods, services and works as set out in the Commissioning Framework.	To correct an omission from the existing document.
CONTRACT REGULATION NO 1 (COMPLIANCE WITH CONTRACT REGULATIONS)	(5) Every contract made on behalf of the Council shall comply with the Public Contracts Regulations, as amended, and the Council's Commissioning Framework and and all associated guidance and the toolkit.	To update in line with the amendments to the Regulations in relation to the withdrawal of the UK from the EU - Public Procurement (Amendment Etc.) (EU Exit) Regulations 2020 – SI 2020 No 1319 amends PCR 2015. Due to changes in public procurement proposed by the Transforming Procurement Green paper the intention is to make reference to the overall legislation and the Council's Commissioning Framework that will contain the most recent legislation. This will avoid a series of changes to the contract regulations as the government introduces new legislation and measures that governs procurement in 2021 and 2022.

<p>CONTRACT REGULATION NO 1 (COMPLIANCE WITH CONTRACT REGULATIONS)</p>	<p>The Council recognises that, in order to achieve consistency and compliance with these Regulations, there is a need for the involvement of key corporate experts in all significant procurement processes. For contracts below the value of £1 million the role of the Commissioning Governance Board (CGB) is to endorse and recommend to the relevant decision officer for approval. For contracts over £1 million its role is to scrutinise the procurement exercise and to recommend the award to the relevant committee.</p> <p>The CGB will consist of Officers at AD level or their representatives of Financial Services, Procurement, Legal, Monitoring Officer and Chaired by the Executive Director of Corporate and Communities. Assistant Director Representatives must represent their departments in the presentation of decisions being sought by the Board.</p> <p>The CGB aims to ensure that the Council's Contract Regulations and the Scheme of Delegation is implemented in all cases and ensure that all commissioning decisions meet the Council's identified needs and deliver effective outcomes whilst representing best value. The CGB will provide oversight and scrutiny of the Council's commercial activities, and will review and approve commercial activities at key stages of the commissioning and procurement lifecycle</p> <p><u>Compliance</u> Any failure to consult the CGB at the appropriate time shall be deemed to be a breach of these Regulations.</p>	<p>To clarify the role and responsibility of the Commissioning Governance Board (CGB)</p>
<p>CONTRACT</p>	<p>These Contract Regulations must be strictly complied with;</p>	<p>To clarify the role and responsibility of</p>

<p>REGULATION NO 1 (COMPLIANCE WITH CONTRACT REGULATIONS)</p>	<p>they are the Council's minimum requirements.</p> <p>The Executive Director has responsibility for all contracts tendered and let by their Directorate.</p> <p>Executive Directors are accountable for the performance of their duties in relation to contract letting and management and they will:</p> <ul style="list-style-type: none"> - Ensure that the provisions of these Regulations, the relevant Commissioning Frameworks and associated policies and toolkits, and their spirit and intent, are brought to the attention of staff and other persons responsible for procurement / contracts; - Ensure that the relevant provisions of public procurement law, statutory guidance and locally approved procedures are brought to the attention of Officers and other persons responsible for Contracts; - Officers attend training to ensure they know how to use the e-tendering system; - Ensure appropriate arrangements are in place within his/her department for the storage of original Contracts not sealed as a Deed once completed (signed and dated). - Ensure officer enter the details of all completed contracts over £5,000 onto the Contracts Register - Take immediate action, which must include informing the Chair of the Commissioning Governance Board, the Assistant Director (Finance) and Assistant Director and/or Corporate Head of Commissioning, in the event of a breach of these Regulations within the Directors 	<p>SLT Members and Executive Directors in the decision making process</p>
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	<p>area of responsibility. Any breach may lead to investigation and managed in line with the Council's disciplinary procedures.</p>	
<p>CONTRACT REGULATION NO 3 (PROCEDURES AND APPROVAL PROCESS FOR THE COUNCIL'S TENDERING AND REQUEST FOR QUOTATION ACTIVITIES)</p>	<p>(2) Where the estimated level of the contract exceeds the threshold laid down in the Public Contracts Regulations 2015 as at the end of the Transition Period, notice shall be given to the UK e-notification service Find a Tender Service (FTS). Notice periods as set out in the Public Contracts Regulations 2015 must be adhered to.</p> <p>(3) For the purpose of these Contract Regulations the Threshold means the threshold as set out within the Public Procurement Regulations , as amended and referenced in the Council's Commissioning Framework and the associated guidances and toolkit.</p>	<p>As above, the requirement to publish notices on a new UK e-notification system called Find a Tender Service (FTS), follows changes to post - Brexit procurement. This replaces OJEU for new procurement. <u>Note</u>: For procurements on-going at 31/12/20 there is no change to the publication of notices to OJEU</p> <p>Thresholds are set in the Public Contracts Regulations 2015 and are reviewed annually. The next review of the thresholds will be implemented by January 2022 by amendments to the public procurement regulations.</p>
<p>CONTRACT REGULATION NO 5 (EVALUATION CRITERIA)</p>	<p>(4) When awarding on the basis of MEAT, the split between cost, and quality and social value should normally be between 60-40% cost and 30-50% quality and 10-20% social value. Where the Officer responsible does not consider a split within this range appropriate, the reasons for the use of an alternative percentage split must be substantiated in the Sourcing Strategy. Where, under the MEAT approach, quality is adopted as a criterion, it must be further defined by reference to sub-criteria. There is no definitive list of quality criteria that should be applied. Social value should be a</p>	<p>To give effect to the agreed outline principle for measuring social value through procurement, as set out in the RBK Social Value Framework</p> <p>A range of weighting between 10% to 20% of will be assigned to social value, as a standalone evaluation criteria</p>

	standalone evaluation.	Proposal to amend Quality/ Price range of 40-60 to 30-50 Quality and 40-60 Price
CONTRACT REGULATION 6 (WAIVERS)	(d) Where the proposed contract circumstances are covered by the UK legislative exemptions set out in the Public Contract Regulations.	As above, to update in line with the amendments to the Regulations in relation to the withdrawal of the UK from the EU - Public Procurement (Amendment Etc.) (EU Exit) Regulations 2020 – SI 2020 No 1319 amends
CONTRACT REGULATION 6 (WAIVERS)	<p>For a waiver to be granted, it must meet one or more of the following:</p> <p>(a) the nature of the market for the Goods, Works or Services has been investigated and it is demonstrated that a departure from this Contract Regulations is justified;</p> <p>(b) the circumstances of the proposed contract are covered by legislative exemptions whether under Public procurement legislation and PPN guidance</p> <p>(c) there are circumstances which are genuinely urgent, and/or;</p> <p>(d) it is in the overall best interest of the Council</p> <p>Additionally, in exceptional circumstances, authorities may need to procure goods, services and works with extreme urgency and without competition. This is permissible under current public procurement regulations, or as updated for time to time. AD/ ChoS for Corporate Commissioning should assess the commercial risks of such decisions for purchases above the threshold.</p>	<p>To clarify the circumstances in which a waiver may be permitted, reflecting on the Public Procurement Regulations and the Procurement Policy Note 01/21: Procurement in an Emergency. Additionally, to align with tested governance procedures and guidance developed during Covid-19 response to ensure consistency.</p>

Options that may be considered in exceptional circumstances include:

- call off from an existing framework agreement or dynamic purchasing system;
- call for competition using a standard procedure with accelerated timescales;
- extending or modifying a contract during its term;
- direct award due to absence of competition or protection of exclusive rights;
- direct award due to extreme urgency under public procurement regulation

A Waiver Request can be included in a procurement strategy or award report but this decision cannot be enacted until the waiver is approved first. Retrospective waivers cannot be granted but will be noted.

As with any other procurement activity, when requesting a waiver officers should document the progress of all procurement procedures, ensuring that they keep sufficient documentation to justify decisions taken in all stages of the procurement procedure.

Where required, a contract award notice should be issued on the Find a Tender service (FTS) for a direct award.

Any decisions for contract awards valued £1m and above, made under the urgency procedures, where a waiver is sought, Committee urgency procedures will be followed, as

	<p>outlined in the section 4A of the Constitution.</p> <p>In the absence of the Chair of the Commissioning Governance Board, the Vice-Chair can approve a waiver in consultation with the Chair with the Corporate and Resource Committee.</p>	
<p>CONTRACT REGULATIONS NO 7 (JOINT COMMISSIONING)</p>	<p>Such a procurement exercise must have included the issue and award of tenders conducted in a transparent, fair and competitive manner, subject to independent scrutiny and audit and must be compliant with Public Procurement regulations, as amended.</p> <p>Where it is proposed that the Council shall act as “Lead Authority” in a Collaborative procurement/Joint Commissioning exercise with one or more public authorities, the terms of these Contract regulations shall apply to the procurement process and the written agreement of the other parties to the Collaboration, in the form of a Memorandum of Understanding or Inter Authority Agreement, shall be obtained to this effect.</p>	<p>To update in line with the amendments to the Regulations in relation to the withdrawal of the UK from the EU - Public Procurement (Amendment Etc.) (EU Exit) Regulations 2020 – SI 2020 No 1319 amends</p> <p>To clarify the role of the local authority when acting as a lead authority in a collaborative procurement/ joint commissioning exercise</p>
<p>CONTRACT REGULATION NO 8 (INVITATION OF TENDERS)</p>	<p>If the Contract involves works or services where the Council could make recovery of costs from leaseholders pursuant to s20 of the Landlord and Tenant Act 1985 the rights of the leaseholders must be taken into account and a consultation must be completed when considering the competition for the works or services.</p>	<p>To clarify requirements for advertising works and services pursuant to s20 of the Landlord and Tenant Act 1985</p>
<p>CONTRACT</p>	<p>(1) The Corporate Commissioning representative will be</p>	<p>To ensure the appropriate level of</p>

<p>REGULATION NO 9 (RECEIPT OF TENDERS)</p>	<p>responsible for ensuring that all tenders/quotations received are opened as soon as possible after the time limit for their return.</p> <p>(3) In exceptional circumstances, the deadline for receipt of tenders may be extended, but only with the agreement of the Corporate Head of Commissioning or their nominee, and only if such extension of time will not disadvantage tenderers. No extension to the deadline can be given once the original deadline has passed unless no tenders have been received or the extension is granted to all tenderers.</p>	<p>delegation reflects the current practice.</p>
<p>CONTRACT REGULATION NO 11 (AWARD OF TENDERS PROCUREMENT GATEWAY #2: CONTRACT AWARD FORM)</p>	<p>(i) A decision to award any contract with a value of over £150,000 must only be made after the Award Report has been reviewed by the Assistant Director Contracts and Commercial or their nominee and, approved by the relevant persons, in consultation with the Commissioning Governance Board or the relevant Committee in line with the threshold set out in Contract Regulations 3 (5):</p> <p>(2) Written notification of tender award shall only be given in accordance with the Commissioning Framework and the associated guidance and toolkit.</p> <p>For any contracts with a value of £150,000 and over, the lead officer must publish an officer decision notice in the Council's website.</p>	<p>To clarify requirements for the approval of a contract award and steps to be taken to ensure compliance with the publication of the officer decision for contracts valued £150k and above.</p>
<p>CONTRACT REGULATION NO 13 SOCIAL VALUE AND</p>	<p>(1) Social value must be considered in all commissioning activity and must inform all decision making process. If social value is considered not to be relevant, the reasons for this</p>	<p>To update in line with the agreed principles set out in the RBK Commissioning Strategy and Social</p>

SMEs	<p>must be clearly set out in the Sourcing Strategy. This means that officers must consider how the service they are procuring might improve the economic, social and environment well-being of the area and the procurement process should support Council outcomes to generate community benefits.</p> <p>Officers should work proactively with the market to deliver the objectives set out in the Council's Commissioning Framework and its associated policies, including paying staff working on council contracts the London Living Wage, adopting a robust approach to Modern Slavery, promoting good mental health in the workplace and ensuring equality and diversity considerations permeate all aspects of their delivery, and responding to the climate change emergency.</p> <p>(2) Social value should form part of the tender evaluation process and supplier obligations should form part of the written contract document. A minimum of 10% evaluation weighting to social value is mandated for all procurements that are tendered through open competition.</p> <p>(3) When planning a procurement, officers should consider how the tender opportunity could be organised in order to improve accessibility of Council contracts to Small and Medium Enterprises.</p>	Value framework, as part of the cross party members working group.
CONTRACT REGULATION NO 14 (SEALING OF CONTRACTS)	Contracts valued under £500,000 shall be electronically signed by the appropriate officer in accordance with the Financial Scheme of Delegation using a secure electronic method for recording their signature. A record should be shared with the Commissioning Team and the legal	To clarify the requirements for the execution of contract below £500,000 where the current provisions are silent.

	representative upon the execution of the contract.	
CONTRACT REGULATION NO 15 (MATTERS TO BE SPECIFIED IN CONTRACTS)	<p>The updated contract regulation will clarify the matters and minimum requirements that should be specified in the form of contract for purchases over £25,000. It will further clarify that all contractors pass on to their subcontractors no less favourable payment terms than they receive from the Council.</p> <p>Contractors must comply with prompt payment code and have effective payment systems in place to ensure the reliability of their supply chains. Where contractors are not required to publish the payment data in accordance with the Reporting on Payment Practices and Performance Regulations 2017, they must demonstrate their compliance in line with the BEIS Guidance to Reporting Payment Practices and Performance. Officers must include appropriate mechanisms to verify the contractor continues to meet the criteria, and how to deal with deterioration in payment performance during the life of the contract, utilising the default provisions to ensure the supplier's performance returns to the required standard.</p> <p>The Council is Living Wage Foundation accredited. The accreditation requires that all contractors/subcontractors working on Council contracts are paid in line with or above the London Living Wage Foundation rates.</p>	<p>To clarify the requirements relating to the content of the Council's terms and conditions and reflect new requirements set out in the PPN 07/20 effective from 1 April 2021</p> <p>('PPN') 07/20 titled - 'Taking account of a bidder's approach to payment in the procurement of major contracts' – which updates and replaces PPN 04/19 with effect from 1 April 2021.</p>
CONTRACT REGULATION 16 (EXTENSIONS, VARIATIONS AND	<p><u>Permitted Extension</u> Clarifying/ updating provisions for enacting an extension option within a contract that was included in the original award and contract documentation. All other changes will be dealt</p>	Existing drafting is ambiguous. Updates are required to enhance the clarity and understanding of the governance for extensions and variations

<p>MODIFICATIONS)</p>	<p>with as variations and must be compliant with Public Contract Regulations.</p> <p>Enacting a permitted extension within a contract (that was included in the original award) for:</p> <p>(i) contracts with the aggregated value of more than £1m, or which take the aggregated value of a contract to more than £1m, can be determined by Officers under delegated powers in consultation with the CGB.</p> <p>(ii) contracts with the aggregated value below £500k, subject to satisfactory performance of the contract and no significant risks/ issues identified, approval is from the relevant Executive Director, in accordance with Financial Scheme of Delegation.</p> <p>(ii) CGB virtual approval for contracts with the aggregated value £500k-£1m</p> <p><u>Extensions by way of variation and modifications</u> Any variation in which the revised value exceeds £150k must be approved by CGB</p> <p>Implementing a three- tiered approach (below 10%, 10%-49%, 50%+) of the value of the variation against the total value of the contract, streamlining the decision making process for approving variations at CGB & Committee whilst maintaining commissioning oversight for any variations over 10%.</p> <p>Removing the 25% threshold - as indicated by benchmarking</p>	
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and comparison with PCR

Original contract value £150k-£500k & Revised contract value £150k- £500k, approval as follows:

- Modification Below 10%: Delegated Authority in accordance with Financial Regs (ExD up to £500k).
- Modification 10-49%: Delegated Authority in accordance with Financial Regs (ExD up to £500k) in consultation with Commissioning CHOs or AD
- Modification 50%+: CGB

Original contract value £500k-£1m & Revised contract value over £500k-£1m

- All modifications to be approved by the CGB

Original contract value £1m+ & Revised contract value £1m+

- Modification up to 49% - CGB approval
- Modification over 50%: Committee approval

Under Urgency

• **Original contract value £150k-£1m & Revised contract value £150k-£1m**, approval as follows:

- Modification Below 10%: Delegated Authority in accordance with Financial Regs
- Mod 10%-49%: Reg 16(7) Chair CGB (no CE)
- Mod 50%+: Reg 16(7), Chair CGB + CE

• **Original contract value £150k-£1m & Revised contract value £1m+**

- Align to Part 4A of the Constitution - Procedure Rules

• **Original contract value £1m+ & Revised contract value**

	<p>£1m+</p> <ul style="list-style-type: none"> - Modification up to 49%: Reg 16(7) applies. Approval by Chair CGB in consultation with the CE - Modification 50%+: Urgency Powers Part 4A of Constitution 	
<p>ANNEX 1 STATEMENT OF PRACTICE BY THE COUNCIL IN RELATION TO THE DISPOSAL OF LAND</p>	<p>Sale to a public body (e.g. a Registered Social Landlord or other partner) at less than market value where other benefits are offered to the Council, provided that such sale is within the General Disposal Consent (England) 2003, (see paragraph 7 below) and subject to the provisions set out in Chapter 3 of Title XI of the Trade and Cooperation Agreement (the 'TCA' European legislative requirements relating to State Aid.</p> <p>Minor changes to reflect updates to the responsibilities of the Assistant Director / Head of Service and the relevant boards where a property as surplus to operational requirements will need to be approved; clarify the circumstances in which the land transactions can fall under the PCR 2015 and considerations that should be given in such case; and refresh all relevant sections of this annex to reflect existing and best practice.</p>	<p>To reflect existing practice with regard to decision making and provide updates to the terminology/ legislation.</p> <p>EU State aid rules no longer apply to funding and other forms of support measures granted to business by UK public authorities.</p> <p>New provisions are set out in Chapter 3 of Title XI of the Trade and Cooperation Agreement (the 'TCA') and the UK's European Union (Future Relationship) Act 2020 incorporated the TCA into UK domestic law (by virtue of s 29).</p>
<p>ANNEX 2 PROCEDURES FOR LOW VALUE PROCUREMENTS WITH AN ESTIMATED VALUE NOT EXCEEDING £150,000</p>	<p>Decisions and the reasons for awarding contracts below £150k must be formally recorded in order that they can be defended if challenged (either informally or through the Courts) and to evidence that the delegated authority is used correctly.</p> <p>A Delegated Decision record must be produced as soon as</p>	<p>To bring in line with the current practice and enhance understanding of the requirements. To avoid challenge.</p>

reasonably practicable after the decision making officer has made the decision and must contain the following information:

- The date the decision was taken;
- A record of the decision taken along with the reasons for the decision;
- Sourcing strategy - details of alternative options, if any, considered and rejected, if relevant;
- Results of the competition and the Quotations or Tenders received;
- The registered name of the contractor to be awarded the Contract;
- Details of the contract price and relevant budget that will be funding the Contract;
- Commencement and expiry dates;
- Confirmation that officers involved in the decision making process are not conflicted, and have declared a conflict of interest in relation to the decision.
- Any reason where there is a variance to the procedures, requiring approval from the Head of Commissioning or Assistant Director for Contracts & Commercial
- Approval from the authorised officer in line with the Financial Scheme of Delegations

Decisions relating to the appointment of Consultants or Contractors must be documented and carried out in accordance with the Council's recruitment policies and the IR35 toolkit.

The Lead officer shall set out the justification for seeking any

variation to the low value procedures in the delegated decision form. Any variance to the procedures set out in Annex 2, must be approved by the Corporate Head of Commissioning. This includes seeking a direct award (not following a quotation process for contracts valued £5k to £25k) and/or not using the Council's e-tendering system for contracts over £25k. Retrospective waivers cannot be granted but will be noted.

To clarify that for contract valued £5k up to £25k, officers can either:

- Seek three written quotes (two local suppliers) preferably sought using e-tendering portal, with a preference to sourcing from providers based in the borough; or
- Advertise opportunity inviting Quotations or Tenders using the e-tendering system
- Call off from suitable third party framework or DPS using the e-tendering system

To clarify that for contract valued £25k up to £150k officers can either:

- Advertised opportunity inviting Quotations or Tenders using the e-tendering system
- Call off from suitable third party framework or DPS using the e-tendering system

Decisions for extensions and contract modifications below £150k:

- Extensions and Variation up to 49%, aggregated value below £150k: Any officer in accordance with Financial

	<p>Scheme of Delegation</p> <ul style="list-style-type: none">• Extensions and Variation 50%+, aggregated value below £150k: Any officer in accordance with Financial Scheme of Delegation, in consultation with Corporate Head of Commissioning• Any variation in which the revised value exceeds £150k must be approved by CGB <p>For contracts over £25K a Request for Quotations process, as detailed in the Commissioning Framework, must be undertaken. Details of all contracts that have a value of of £25k and above must be entered on to the Corporate Contract Register by the Lead officer.</p> <p>Details of all contracts that have a value of £5,000 or greater must be published by the Lead Officer in the Corporate Contracts Register on the e-tendering system in accordance with the Transparency Regulations 2015 and the Local Government Transparency Code 2015 published by the Department for Communities & LocalGovernment.</p> <p>In addition, an electronic copy of the completed (dated) Contract, where valued at £25,000 or more, must be uploaded to the e-procurement portal along with a copy of the delegated decision record.</p> <p>Minor changes - To remove the Sourcing Strategy from the table. To remove the text “and when it (e-tendering system)</p>	
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	<p>must be used” to align with the details provided in the low value table.</p>	
<p>Ethics and Conflict of Interest (new Clause)</p>	<p>No officer who has a potential conflict of interest or a direct or indirect pecuniary interest in any Tender is permitted to be involved in the Tendering process.</p> <p>Any conflict of interest in any aspect of the procurement process which may affect the award of a contract under these Regulations must be declared as soon as it arises. Such interests may include the ownership of shares in a potential supplier, previous employment by a potential supplier or the employment of a family member by a potential supplier.</p> <p>Any officer of the Council participating in a contract award decision or Contract Officer managing the procurement must provide the Commissioning representative with a written declaration of any such interests. The Commissioning representative must either certify that such interests are acceptable or take any necessary action in respect of potential conflicts of interest and the officer should not participate in the award of the contract by the Council.</p> <p>All Council officers must comply with the relevant Code of Conduct and the Council’s anti-fraud and corruption policy and must not invite or accept any gift or reward in respect of the award or performance of any Contract. High standards of conduct during a procurement are obligatory. Any gifts and hospitality from suppliers should be declared in</p>	<p>To set out the requirements for managing conflict of interest in procurement. Ethics and Conflict of Interest is not addressed by the existing Regulations. This would be required to ensure compliance, fairness and transparency in the decision making.</p>

	<p>accordance with the Gifts and Hospitality Policy, and while a tender process is ongoing, any such hospitality from suppliers should be declined.</p> <p>Corrupt behaviour will lead to dismissal and can be fraud or another crime as defined under the Bribery Act 2010, and/or section 117(2) of the Local Government Act 1972. Such matters will be investigated and appropriate action taken, including legal proceedings.</p>	
<p>Contract Management, Evaluation and Review (new clause)</p>	<p>All contracts must be managed in accordance with the council's Contract Management Framework. For all high value contracts, or contracts which are considered high risk, the contract managers must ensure the following:</p> <ul style="list-style-type: none"> ● maintain a risk register during the contract period; ● undertake appropriate risk assessments that have considered service continuity, health and safety, fraud and Information management risks; ● for identified risks, appropriate actions should be put in place to manage them; ● escalate high risks to their Head of Service or Director and the relevant departmental management team; ● formally review contracts on a quarterly basis and regularly monitor and report (for contracts valued £1m p/a and above) to the Corporate Commissioning Team using the contract management scorecard; ● compliance with specification and contract costs and identifying as early as possible any potential over-spends; ● any Best Value requirements; ● user satisfaction; and 	<p>To set out the contract management requirements in line with best practice and recent developments to establish a corporate approach to contract management</p>

	<ul style="list-style-type: none">● the data quality and supplier information ensuring that it is fit for purpose. <p>Officers with the responsibility for managing contracts must ensure systematic and efficient management of the contract including recording and execution of any changes to the contracts and analysis for maximising operational and financial performance and minimising risk.</p> <p>Officers checking and approving invoices must ensure invoices are in line with agreed contracts and should challenge suppliers and contractors where necessary before any payments are made and ensure that any penalties or rebates are claimed.</p> <p>All high value contracts, or contracts which are considered high risk, are subject to a Contract Management (Gateway 3 Report) post award, that should be completed annually, and may be called in by the CGB at any point during the life of the contract to review progress and the extent to which the purchasing need and the contract objectives are met by the contract, and any risks are properly managed and mitigated.</p>	