

## Hampshire, Southampton and Isle of Wight CCG

### Extract from Standing Financial Instructions

#### Formal Competitive Tendering

29.2 Formal tendering procedures may be waived in the following circumstances:

- i) in very exceptional circumstances where the Chief Executive ~~or~~, Chief Finance Officer ~~or~~ **delegated Committee together with the Director of Finance or a Deputy Director of Finance,** decides that formal tendering procedures would not be practicable or the estimated expenditure or income would not warrant formal tendering procedures, and the circumstances are detailed in an appropriate CCG record;
- ii) where the requirement is covered by an existing contract and the change is not material to the contract;
- iii) where a framework or other nationally negotiated contract exists, this would not require a tender waiver as the tendering process has already been conducted nationally;
- iv) where the timescale genuinely precludes competitive tendering but failure to plan the work properly would not be regarded as a justification for a single tender;
- v) where specialist expertise is required and it is demonstrated that it is available from only one source where there is no reasonable alternative and not because the requirements have been designed to exclude competition;
- vi) when the task is essential to complete the project and arises as a consequence of a recently completed assignment and engaging different consultants for the new task would be inappropriate;
- vii) where there is a clear benefit to be gained from maintaining continuity with an earlier project. However in such cases the benefits of such continuity must outweigh any potential financial advantage to be gained by competitive tendering;
- viii) for the provision of legal representation providing that any legal firm or partnership commissioned by the CCG is regulated by the Law Society for England and Wales for the conduct of their business (or by the Bar Council for England and Wales in relation to the obtaining of Counsel's opinion) and are generally recognised as having sufficient expertise in the area of work for which they are commissioned (this waive does not apply to legal advice as such).