
THE STORAGE AND DISPOSAL OF CONTRACT DOCUMENTS

Purpose

The following guidance is issued on the recommendation of Internal Audit as stated in their review: -

“We recommend that **clear guidelines** should be issued to staff in relation to the retention and safe keeping of tender and contract documentation. Such guidelines should detail the **documents to be retained, period of retention, the security and safety requirements for these documents (during assessment and following award of contract) and the disposal of un-necessary documents.** In establishing the guidelines Roads Service should consider **Commercial-in-Confidence** issues and the requirements of the **Freedom of Information Act**, and may wish to liaise with, and seek advice from the Departmental Security Officer.”

Scope

In order for a robust system to operate it is imperative that staff refer to and follow the instructions and advice given in this DEM.

Policy

DOCUMENTS TO BE RETAINED AND PERIOD OF RETENTION

- 1.0 The period of retention of documents relating to tenders and contracts shall be as set out in the “Department of the Environment for Northern Ireland, Roads, Water & Works Services, Contracts Codes, Construction Projects”, section 15:26 entitled, “Disposal of Contract Documents and Associated Papers” as follows: -

“By agreement with the Public Records Office, all documents of the following classes and descriptions not being documents of general historical interest or of permanent value as administrative precedents may be destroyed with the approval of the Contracts Organisation.”

The **schedule** below is based on the table in Section 15:26 **in the Contracts Codes referred to above** – clarification as to what the retention period refers to is shown in italics. (Irrelevant sections of the original table have been omitted).

.....

G W Allister
Director of Engineering
March 2005

All enquiries or comments to:
Mr. J. Humphreys
Contracts Section
Rathkeltair House

CLASS OF DOCUMENT	DESCRIPTION OF DOCUMENT	PERIOD AFTER WHICH DOCUMENTS MAY BE DESTROYED
Contracts (Sealed) <i>(European Term Contracts)</i>	Contracts under seal, associated essential papers <i>on file and magnetic media (CDs etc).</i>	Twelve(12) years from the date of issue of the certificate of completion of the work.
Contracts (Unsealed) <i>(Local Measured Term Contracts)</i>	Contracts not under seal associated essential papers <i>on file and magnetic media (CDs etc).</i>	Six (6) years from the date of issue of the certificate of completion of the work.
Tender and quotations	Unsuccessful tenders and quotations, <i>associated essential papers on file and magnetic media (CDs etc).</i> Rejected or unaccepted tender, <i>associated essential papers on file and magnetic media (CDs etc).</i> (i.e. Contract not proceeded with).	Five (5) years. One (1) year.
Firm's files	Records in connection with the operation of an approved list/or consideration of Contractors for a Select List.	Five (5) years from date of removal from the Approved List taking account of any correspondence since that date.
Consultants Commissions	Letters of Appointment and associated documents.	Indefinite. Each file to be considered on its merits.
Policy files Legal Opinions	All files containing Policy and Legal decision and advice	Indefinite. Each file to be considered on its merits.
Project files	Files relating to the actual contract, e.g., acquisition of site, etc.	Indefinite. Each file to be considered on its merits.

2.2 Within this framework, Term Contracts would be treated as “Contracts (Sealed)” by virtue of their European context and retained for **12 years** from the date of completion of the contract. According to the “Department of the Environment for Northern Ireland, Roads, Water & Works Services, Contracts Codes, Construction Projects”, Chapter 15 paragraphs 15.01 and 15.02 the completion of the contract is deemed to be the date of issue of the Certificate of Substantial Completion. Measured Term Contracts being of a more local nature would be classed as “Contracts (Unsealed)” and retained for **6 years** after the issue of the Certificate of Substantial Completion before destruction. One-off contracts will be treated as either of the above depending on whether or not they are sealed.

2.3 TERM CONTRACTS

Specifically documents relating to Term Contacts within Roads Service will be handled as follows: -

Pre-qualification Stage 1		ACTION
Quality Submission including Accounts	Unsuccessful applicants	Original documents, associated essential papers on file and magnetic media (CDs etc). retained for five years. Copy documents and magnetic media (CDs etc) destroyed after debrief
Tender Stage 2		
Quality Submission	Unsuccessful applicants	Original documents, associated essential papers on file and magnetic media (CDs etc). retained for five years Copy documents destroyed after debrief
Contract document (price)	Unsuccessful applicants i.e. Applicants who fail to meet the quality submission threshold.	Return price documents to applicant unopened on appointment of successful tenderer.
Quality Submission and	Successful applicant	Retain 1 set of the main original documents in locking steel or wooden office furniture, or in a locked storage room set aside for the storage of

Contract document (price)	Successful applicant	documents, for 12 years after date of issue of Certificate of Completion. Retain 1 copy set to use as working file set. Destroy (shred) all remaining copy sets after debriefing.
Contract not proceeded with.		Tender documents, associated essential papers on file and magnetic (CDs etc) retained for one year.

2.4 The main set of original contract documents should be put in labelled boxes and kept in a locked steel or wooden cabinet in the office, or locked room set aside for the storage of documents, for the duration of the contract and should only be accessed for legal reasons or to source an original copy. One hard copy of the contract documents submitted for assessment should be retained as this working set. This set should be kept in a separate locked steel or wooden office furniture with other sets of working contract documents or in a locked room set aside for the storage of documents.

2.5 Papers relating to (a) the contract pre-qualification stage 1, (b) tender stage (approved list) and (c) contract after award, will be kept on separate files bearing a number appropriate to the year of opening.

(a) Papers included on the pre-qualification stage 1 file will be:

Terms of Reference

Advertisement – Local advertisement and Copy of European Journal

Copy of Pre-qualification Questionnaire – stamped by tender board

Copy of Pre-qualification Questionnaire Procedures – stamped in by tender board

Marking system for Assessment of Pre-qualification Questionnaire – stamped in by tender board, with criteria.

Conflict of Interests forms

Correspondence from contractors

Copies of Circular letters

Acknowledgment of Circular Letters

Pre-qualification Submission

Accounts

NIHE Accounts confirmation

E-mail Correspondence

Assessment of competition

Copy of report with Director Approval

Requests for debrief

Debrief reports

Invitation letters to compete on Tender Stage

Award Package

(b) Papers included on tender stage file will be:

Copy of Instructions for completing the quality submission – stamped by tender board
Copy of Tender Assessment Procedures – stamped in by tender board
Assessment model stamped in by tender board
Conflict of Interests forms
Correspondence from contractors
Copies of Circular letters
Acknowledgment of Circular Letters
E-mail Correspondence
Requests for debrief
Debrief reports
Quality Submission in Paper and CD Format
Priced tender SOR&P in paper and CD format
Award Package – Report, Assessment Model, Minutes of Meetings,
Award Letters, Rejection Letters, NI10 form
NI10 Form
Insurance Check / confirmation
Construction Phase Health and Safety Plan
Letter to DRM advising of Planning Supervisor

(c) Papers included on the awarded contract file will be:

Developed H&S plan
Confirmation of Insurance
All other relevant correspondence relating to the contract after award.

N.B. Currently MTC are price only. One off Contracts can be quality / price or price only, or, pre-qualification then Quality / Price.

2.6 MEASURED TERM AND ONE-OFF CONTRACTS

Documents relating to MTC are to be treated as follows: -

Unsuccessful applicants	Originals tender documents, associated essential papers on file and magnetic media (CDs etc) retained for five years. Copy documents destroyed after debrief.
Successful applicant	Original tender documents, associated essential papers on file and magnetic media (CDs etc) retained for 6 years after issue of certificate of Completion Retain 1 copy set to use as working file set.

	Destroy (shred) all remaining copy sets after debriefing.
Contract not proceeded with.	Tender documents, associated essential papers on file, magnetic media (CDs etc) retained for one year.

2.7 QUOTATIONS OR ONE-OFF CONTRACTS

Value of contract under £xK	Unsuccessful applicants and successful applicants	Originals tender documents, associated essential papers on file and magnetic media (CDs etc) retained for five years.
Value of contract over £ x K		
Unsealed contract	Unsuccessful and Successful applicants.	Original tender documents, associated essential papers on file and magnetic media (CDs etc) retained for 6 years after issue of certificate of Completion Copy documents destroyed after debrief.
Sealed contract	Unsuccessful and Successful applicants.	Original tender documents, associated essential papers on file and magnetic media (CDs etc) retained for 6 years after issue of certificate of Completion Retain 1 copy set to use as working file set. Destroy (shred) all remaining copy sets after debriefing.
Contract not proceeded with.		Tender documents, associated essential papers on file and magnetic media (CDs etc) retained for 1 year

Papers relating to tenders for Measured Term Contracts and One –Off Contracts will have a file for the competition stage and a separate file after award of the contract.

Original CDs in relation to MTC and one-off contracts will be re wrapped in cellophane and retained in a locked steel or wooden office furniture, or in a locked room set aside for the storage of documents, for the same retention period as the original tender documents.

3.0 SECURITY AND STORAGE ARRANGEMENTS FOR CONTRACT DOCUMENTS DURING ASSESSMENT AND FOLLOWING AWARD OF CONTRACT.

3.1 Throughout the process documents relating to a contract before or after award are classified “Restricted” in that they will contain commercial information and a breach of proper undertakings to maintain the confidence of information provided by third parties could cause financial loss or loss of earning potential to, or facilitate improper gain or advantage for, individuals or companies. Improper disclosure would also breach statutory restrictions on disclosure of information, impede the effective development or operation of government policies, disadvantage government in commercial or policy negotiations with others and undermine the proper management of the public sector and its operations. Where various types of material held are classified Restricted, the security classification should be followed by a descriptor, e.g. “Restricted – Contracts” to differentiate it from other restricted material. The descriptor does not effect the classification.

3.2 In line with CSC 8/94 restricted documents are to be kept in locked office furniture. In addition to this the key to such furniture is to be locked in a secure wall safe. The combination to the wall safe should be changed at least every six months. This instruction applies equally to a locked room, and the key to such a room, set aside for the storage contract documents.

3.3 MAILING OF CONTRACT DOCUMENTS.

If copies of contract documents are being sent to an officer at a separate location they should be double wrapped. The inner envelope should bear the person’s name and address to which they are being sent, a return address label and the Restricted security classification marking. The outer envelope should bear the person’s name and address to which they are being sent and a return address but no security marking.

3.4 ELECTRONIC COMMUNICATION OF PROTECTED INFORMATION (i.e. by Email, FAX or telephone)

Protected information about contracts is best communicated, if it must be, by email as the Departmental emailing system is accredited to handle material of a Restricted security classification. Where a fax is being used the covering sheet should bear the protective marking and the sender should ensure that the addressee is manning the recipient machine. Great care should be taken when dialling the number as this is

the most common breach of security that occurs and for this reason email is preferable to fax. Discussions about contract related matters over the telephone should only occur where the need to communicate the information outweighs security concerns. Care should be taken during the conversation and guarded language used where possible.

4.0 DISPOSAL

4.1 DEFINITION OF DISPOSAL

4.2 Disposal, in the context of records management, may not mean just destruction: it embraces any action taken (or yet to be taken) to determine the fate of records including transfer to other media or to permanent archive. Disposal can mean any one of three things:

- (i) Review
- (ii) Deposition in permanent archives
- (iii) Destruction

Contract Documents should be reviewed at the end of the retention period i.e. before destruction, to ensure there are no possible legal matters pending. Any documents relating to legal disputes should be stored apart from the rest to prevent accidental destruction.

Where contract documents are concerned, disposal will normally mean destruction. This will normally be done by shredding.

4.3 TIMING OF DESTRUCTION

Records should be retained for minimum period possible to reduce the cost of storage, yet this has to be balanced with other issues relating to contracts, such as past or possible pending legal action. For this reason contract documents will be retained for periods stated section 2 above.

4.4 DISPOSAL SCHEDULE

The “Northern Ireland Records Management Standard” published by PRONI gives the following advice: -

A disposal schedule should contain all the following elements:

- Name of the operational area creating or holding the records described in the schedule
- Schedule reference and version number
- Reference numbers (where applicable) of the records
- Descriptions of the records retention period and /or disposal action
- Signatures of the DRO/IM, etc

- Date on which the schedule was agreed and signed
- Date on implementation of the schedule

In line with this guidance form PRONI each set of contract documents should be accompanied by a notice / schedule which states the period of retention and the date after which the papers should be reviewed before destruction.

- 4.5 Any documents deemed as unnecessary, such as copy documents relating to unsuccessful applicants pre-qualification and after debriefing, should be detailed on a disposal request form, (See Annex A), authorised at Grade 7 and strip or crosscut shredded under witnessed conditions and placed in paper rubbish sacks for collection by an approved disposal firm. The disposal form should be signed by both officers and returned to the grade 7 for signing off and filed appropriately.

Contract documents whose security life has expired should be disposed of by shredding as detailed above in 4.5 above or by arrangement through DOE/GPS shredding service.

5.0 MAGNETICALLY STORED INFORMATION

5.1 STORAGE OF MAGNETICALLY STORED INFORMATION

Contract information stored on CD from both successful and unsuccessful applicants should be classified Restricted be labelled as such. They should also bear a label stating the contract title and contractors name and stored in an appropriate storage container in lockable office furniture. If the CD is ever accessed a note detailing the date and reason for accessing the document and bearing the signature of an Authorised Officer should be enclosed with the document. This audit trail and the fact that the information is in PDF read only format, should maintain the integrity of the document should it ever be required to be produced as evidence in a Court of Law. Magnetic information classified Restricted if down loaded to a PC should be password protected and the password only given out on a need to know basis. The passwords themselves should be treated as needing protection i.e. committed to memory. Passwords should never be written down.

5.2 DISPOSAL OF MAGNETIC MEDIA

Information held on magnetic media should be destroyed by means of incineration. The disposal form at Annex A should be completed authorised and witnessed. (NB. Magnetic media should only be recycled when it is in an unused condition and sealed in the original manufacturers wrapping).

6.0 REQUIREMENTS OF THE FREEDOM OF INFORMATION ACT & COMMERCIAL IN CONFIDENCE ISSUES.

Under Article 41(1) (a) of the Freedom of Information Act, information is exempt if it was obtained by the public authority from any other person (including another public authority), and (b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of

confidence actionable by that or any other person. For this reason and bearing in mind the commercial in confidence nature of tender documents such information will not be accessible to the public, (see also point 3.1 above). However where a contractor submits a written request to access material and information held which is specific to him, such request will be met.

DISPOSAL REQUEST FORM

ROADS SERVICE CONSULTANCY – CONTRACTS SECTION

TITLE OF COMPETITION _____

REFERENCE NUMBER _____

DESCRIPTION OF INFORMATION TO BE DESTROYED

Is the material - Paper documents or Magnetic media (Please tick)

Description: _____

REASON FOR DESTRUCTION

Prepared by: Name (BLOCK CAPS) _____

Signature _____

Date: ___ / ___ / _____

Authorised by: Name (BLOCK CAPS) _____

Signature _____

Grade: _____

Date: ___ / ___ / _____

Information destroyed by:

Witnessed by:

Name (BLOCK CAPS) _____

Signatures _____

Date: ___ / ___ / _____

___ / ___ / _____

CONTRACT DOCUMENTS DISPOSAL SCHEDULE

These documents are the property of ROADS SERVICE CONSULTANCY,
RATHELT AIR HOUSE DOWNPATRICK.

Contract Title: _____

Description of records contained in this schedule of disposal: -

- 1 _____
- 2 _____
- 3 _____
- 4 _____
- 5 _____
- 6 _____

Date after which documents can be destroyed, subject to review: _____ / _____ / _____

1. LOCATION WHERE STORED _____
 FROM _____ TO _____

2. LOCATION WHERE STORED _____
 FROM _____ TO _____

Schedule prepared by: NAME (BLOCK CAPS) _____

Signature: _____

Date: ____ / ____ / _____

Authorised by: NAME (BLOCK CAPS) _____

Signature: _____

Grade: _____

Date: ____ / ____ / _____

N.B. A COPY OF THIS SCHEDULE IS TO BE ATTACHED TO THE CONTAINER HOLDING THE DOCUMENTS AND A COPY RETAINED ON FILE. SUBSEQUENT MOVEMENT OF DOCUMENTS SHOULD BE NOTED BOTH COPIES.