

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE AUDIT COMMITTEE - 24 JULY 2017

SUBMITTED TO THE COUNCIL MEETING – 17 OCTOBER 2017

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr John Gray
Cllr Nicholas Holder

Cllr Jerry Hyman
Cllr Richard Seaborne

Apologies

Cllr Mike Band and Cllr Anna James

Also Present

Iain Murray and Sophia Brown from Grant Thornton
Graeme Clark, Strategic Director – Finance and Resources; Peter Vickers, Head of Finance; Gail Beaton, Internal Audit Client Manager; Walter Stockdale, Financial Services Manager; Vicky Basley, Senior Accountant; and Patrick Tuite, Procurement Officer.

1. APPOINTMENT OF CHAIRMAN (Agenda item 1.)

RESOLVED that Cllr John Gray be appointed as Chairman of the Audit Committee for the Council year 2017/18.

2. APPOINTMENT OF VICE CHAIRMAN (Agenda item 2.)

RESOLVED that Cllr Richard Seaborne be appointed as Vice Chairman of the Audit Committee for the Council year 2017/18.

3. MINUTES (Agenda item 3.)

RESOLVED that the Minutes of the Meeting held on 21 March 2017 be confirmed and signed.

4. APOLOGIES FOR ABSENCE (Agenda item 4.)

Apologies for absence were received from Councillors Mike Band and Anna James.

5. DISCLOSURE OF INTERESTS (Agenda item 5.)

There were no disclosures of interest in relation to items on the agenda.

6. QUESTIONS BY MEMBERS OF THE PUBLIC (Agenda item 6.)

There were none.

PART I - RECOMMENDATIONS TO THE COUNCIL

Background Papers

Unless specified under an individual item, there are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to the reports in Part I of these minutes.

7. REVISION OF THE CONTRACT PROCUREMENT RULES (Agenda item 10.)

Patrick Tuite, Procurement Officer, presented the updated Contract Procurement Rules to the Committee. The revised CPRs are attached at Annexe 1 to these minutes. The Committee was informed that the Contract Procurement Rules (previously the Contract Procedure Rules) were last updated in 2015. A re-write was therefore required to incorporate:

1. updated thresholds with regards to our internal value bands and the European Union regulation thresholds;
2. new procedures as permitted in the Public Contract Regulations 2015 that allow us to vary our route to market dependant on what we are purchasing;
3. a new approach to the opening of tenders;
4. the councils responsibility to incorporate the Social Value Act 2012 in our tenders; and
5. a comprehensive glossary to reflect the members requirement for an accessible and useable document.

The Committee queried whether Britain's withdrawal from the EU would affect the CPRs, however officers assured members that at present there were unlikely to be any changes as a result of Brexit as the European regulations were predominantly based on WTO guidelines which would remain unaffected.

The Committee thanked Patrick Tuite for the work he had put in in bringing the CPRs up to date and for presenting them in such a clear and accessible manner. The Audit Committee therefore

RECOMMENDS that:

1. **The revised Contract Procurement Rules be approved, and for them to come into use effective immediately.**

PART II - MATTERS OF REPORT

The background papers relating to the following items are as set out in the reports included in the original agenda papers.

8. EXTERNAL AUDIT 2016/17 AUDIT FINDINGS REPORT (Agenda item 7.)

Sophia Brown, Grant Thornton Engagement Manager, presented the 2016/17 Audit Findings Report to the Committee. She explained that since its publication, some of the areas shown as outstanding in the report had now been completed; these included work on plant, property and equipment; and work on financial instruments. The key messages of the report were that the draft financial statements had been prepared to a very high standard and that a minimal level of issues had been identified. Sophia added that Waverley was well placed to meet the earlier statutory accounts deadlines from next year.

It was queried whether from next year some areas would be able to remain outstanding as they did in this report. Sophia Brown clarified that this would be acceptable at this stage next year, as there were certain pieces of work that could only be completed at the end of the process. Iain Murray, Grant Thornton Engagement Lead, added that the County Council had been signing off their accounts at the end of July for the last two years, so there were no problems anticipated in respect of linking up with the County.

The Committee was informed that the Grant certification work on the Council's Housing Benefit subsidy on behalf of the DWP would be completed by the end of November and that time had been allocated in October to undertake this. Iain Murray added that Grant certification work had not been included within the recent procurement process for the Council's auditors and therefore this would need to be undertaken separately.

There had been no significant issues identified in regard to the risks as set out in the report, additionally Sophia Brown updated the Committee that there were no significant issues identified in relation to valuation of plant, property and equipment; or valuation of pension fund net liability as this work was shown as still outstanding at the time of producing the report.

One internal control issue had been identified regarding to related party transactions. At the time of drafting the report, eight declarations from councillors had been outstanding, however they had since all been received. Sophia Brown explained that this was still an issue as they should have been received before the financial statements were drafted, however, now that all declarations been received, there was no longer a need to include a specific reference to this in the letter of representation. Graeme Clark added that there had been a change to the way the information had been collected this year, using an online survey method. The response to this had been very good overall however inevitably there were some members who needed to be reminded. An ideal opportunity would have been to remind councillors at the April Council meeting, and this would be done in future years. It was also agreed that next year Graeme Clark and Cllr Gray would write a joint email to all councillors emphasising the importance of completing the declaration promptly.

The report set out the impact of one uncorrected misstatement from the prior year. This had been in relation to assets that had been incorrectly included in the Housing Revenue Account asset register. Cllr Holder queried how the new properties at Ockford Ridge were being recorded on the asset register. Graeme Clark explained that these were considered 'assets under construction' and he confirmed that any demolished properties had been removed from the register. Graeme added that the housing accountant worked very closely with the development team to ensure that everything was correctly recorded at year end.

In regard to Value for Money, two key risks had been set out in the audit plan, and the key findings in relation to these were set out in the report. The overall conclusion was that the council had proper consideration for Value for Money.

In conclusion, Graeme Clark stated that working to the new timetable had been a challenge, but that the Council had maintained a good relationship with the external auditors and he was pleased with the overall outcome. Iain Murray added that the accounts were of a high quality, and he had no concerns going forward. He

complimented the Council on its ability to present the accounts in a clear and reader-friendly manner, which was particularly challenging given the frequently changing requirements for disclosure.

The Committee RESOLVED that the External Audit Findings Report be endorsed.

9. STATEMENT OF ACCOUNTS 2016/17 (Agenda item 8.)

The Audit Committee received the report on the Statement of Accounts for 2016/17; the Committee had received a briefing on the accounts on 20 June which both members and officers agreed had been a very constructive session. Officers had taken on board members comments and had been able to incorporate many of these into the final version. The document had also been independently proof-read by a member of Council staff.

Following confirmation from Sophia Brown that it was no longer required, Graeme Clark proposed removing paragraph 25, regarding related party transactions, from the letter of representation.

Cllr Hyman asked where the SANG funds were detailed in the accounts. It was explained that this did not have an individual entry, and was incorporated within the 'Section 106 Contributions' line. The Committee agreed that it would be useful to separate this out in future as it was a specific reserve. Graeme Clark added that projections indicated that the SANG reserves were sufficient although this could always be affected by the financial climate.

Cllr Hyman also queried whether the laws referred to in paragraphs 22 and 24 of the letter of representation referred to all legislation, including planning laws, to which Graeme Clark confirmed that this covered all activities of the Council. In view of this, Cllr Hyman chose to abstain from the vote on recommendation 2. Cllr Gray added that he was confident that all legal requirements and process of the Council were being followed correctly, and he was not aware of any issues being suppressed.

The Committee RESOLVED to:

1. Approve the Statement of Accounts for the financial year ended 31 March 2017;
2. Approve the letter of representation for 2016/2017 with the removal of paragraph 25; and
3. Confirm that the accounts have been prepared on a going concern basis.

10. ANNUAL GOVERNANCE STATEMENT (Agenda item 9.)

Peter Vickers, Head of Finance, presented the updated Annual Governance Statement to the Committee. A briefing on the AGS had been held for the Committee on 20 June and at this session, members of the Committee had raised several issues to test against the principles set out in the AGS. Peter Vickers reported that he had met with the Robin Taylor, Head of Policy and Governance, to

review this list and identify any governance issues that should be identified in the AGS according to the statutory guidance.

The first issue related to planning inquiries and judicial reviews. Significant public interest had been generated by this and a minor change to the constitution had been required, however this was now resolved. The Committee felt that it was important to acknowledge that there had been a constitutional issue and to show that it had been dealt with. Peter Vickers concluded that ultimately it was for the Committee to decide whether or not this was a significant governance issue.

Several other issues raised by members of the Committee at the briefing had been reviewed by officers and found to not meet the requirements to be included in the AGS as set out in the Code of Practice.

A further issue had been raised in relation to safeguarding, and while there were no significant governance issues to report in the AGS, the Committee felt that it was important that members were properly included within the policy.

Cllr Gray reminded the Committee that the Council didn't have to be infallible and that as these issues were in the public domain it was important to show that they had been acknowledged and dealt with. While Peter Vickers agreed that it was important to respond to these issues, they weren't all necessarily governance issues.

The Committee felt that it would be useful to review potential governance issues at Audit Committee meetings throughout the year so that they could inform the AGS next year; Cllr Gray also felt that it would be useful for Robin Taylor to attend the meeting to discuss the potential issues. Iain Murray added, from an external audit perspective, that the bar of what needed to be included in the AGS was set very high so there was no specific requirement to include the issues that had been discussed by the Committee, however this didn't prevent the Committee from reviewing such areas. He also reminded the Committee that their remit was risk and assurance, and therefore these were the areas that needed to be focused on when reviewing issues. He also added that it was very positive that the Council was viewing the AGS as a working document, not just a year end task.

The Committee RESOLVED that:

1. the Annual Governance Statement 2016/17 be approved; and
2. the Annual Governance Statement be added to the Committee's work programme for review at the November meeting.

11. ANNUAL INTERNAL AUDIT REPORT (Agenda item 11.)

Gail Beaton, Internal Audit Client Manager, presented the Annual Internal Audit Report to the Committee. She informed members that she had taken on board their comments from previous years, and had revised the content and format of the report. She had made the report more accessible and provided as much information as possible, with clear links to the Audit Plan.

The Committee welcomed the updated format, and was pleased to note the good performance of the contractor. Cllr Holder queried whether it would be possible to

reduce the target for the average number of day between Contractor exit meeting and the issue of the draft report, as this had been consistently over achieved for the past three years. Gail Beaton explained that this was a contractual target but that she could look to review it in the future.

Cllr Seaborne emphasised the importance of ensuring that where identified, remedial actions were embedded within the organisation. Gail Beaton explained that tests would be carried out by ongoing sampling; additionally, she was pitching audit reviews to Heads of Service as a good thing, as it effectively constituted free consultancy.

The Committee expressed particular concern over IA17-17 – Procurement Arrangements, where five areas for improvement had been identified, including the fact that 75% payments to contractors had not been supported by a purchase order. Officers explained that a new purchase order system had recently been implemented which would force officers to follow correct procedures. Cllr Gray felt that this was a significant issue that should be brought to the attention of the Executive. Officers reported that they were already aware of this issue, and had sought to put mitigation in place, including the appointment of the new Procurement Officer. Cllr Hyman queried what, if any, financial impact there was of not following the correct procedures. Graeme Clark explained that it was difficult to quantify this, but the important thing was getting the proper controls in place going forward.

Having commented on the contents of the report, the Committee RESOLVED that the Annual Internal Audit Report be noted.

12. INTERNAL AUDIT PLAN PROGRESS 2016/17 AND 2017/18 (Agenda item 12.)

Gail Beaton updated the Committee on progress with the 2016/17 and 2017/18 Audit Plans. There were only two reviews outstanding from the 2016/17 plan; the approval of invoices on Agresso had been carried forward to the 2017/18 plan, and the report on data protection was now available.

In regard to the 2017/18 plan, members noted that the review of petty cash was considered to be a high priority. Gail Beaton explained that it had been given this rating was because it was an area that had not been reviewed for some time, rather than being an area of specific concern. It was also queried why the Agresso review, which had been deferred from the previous year had been scheduled for Quarter 4 rather than earlier in the year. Peter Vickers explained the Finance Service was currently implementing a programme of improvements with the financial systems, and that as the integration with the housing 'Orchard' system was not yet up and running, it would therefore be more appropriate to conduct the review in Quarter 4 when the integration was in place.

Cllr Holder noted that the Gas Maintenance and Asbestos reviews had been scheduled for Quarter 4 and Quarter 3 respectively, and asked whether these should be conducted sooner. Gail Beaton explained that these reviews had both been carried out two years ago, and the reason for adding them to the 2017/18 plan was to ensure that the recommendations from the previous review were embedded.

The Committee noted the proposed inclusion of a review of Fire Safety Assessment Checks. Gail Beaton explained that there was ongoing reporting of Fire Safety

Assessments to Management Board, however the Head of Housing Operations had sought further assurance by requesting an audit opinion. The Committee therefore suggested that the auditor's report draw out the fact that several measures were already in place, and the purpose of the review was more for assurance purposes.

The Committee RESOLVED to:

1. Note the progress from the Internal Audit Plan 2016/17; and
2. Note the progress for the Internal Audit Plan 2017/18 and endorse the inclusion of the additional reviews covering the Production of the Final Accounts Process and the Completeness of the Fire Safety Assessment Checks.

13. PROGRESS ON THE IMPLEMENTATION OF INTERNAL AUDIT RECOMMENDATIONS (Agenda item 13.)

The Committee reviewed the report detailing the latest position regarding the implementation of Internal Audit Recommendations. Officers provided an update on the three overdue recommendations relating to Information Security Governance; they explained that the Information Security Group had now met, however it had become apparent that the current resourcing for this role was not sufficient to do it justice. Some catch-up work would be required and there was a need to maintain good policies and procedures. A new Information Governance Board had now been established and would be chaired by the Strategic Director – Finance and Resources.

Cllr Hyman noted that the recommendations showed 50% progress and asked what work had been done to support this figure. Graeme Clark explained that the 50% figure was a judgement based on the extent to which the Council had met the recommendations. Generally, Waverley had a good track record with information governance but this was an incredibly important piece of work to enable the Council to consolidate and build on its current position.

Cllr Gray endorsed the comments made by Cllr Hesse at the last meeting where he had emphasised the importance of having the correct processes in place. This was not a criticism of the Legal Service, but they had numerous work pressures which meant that additional resources were needed. Graeme Clark added that several other local authorities were appointing dedicated Information Managers to ensure correct custody and usage of data.

Officers emphasised that the Council did manage data well, and had passed all government requirements such as PSN compliance, however the existing resource didn't have sufficient capacity to meet the growing demands and new legislation, and there was a need to invest more in order to move forward. The Committee felt it was important that the Council was seen to be prioritising information governance and therefore agreed to forward their concerns over this matter to Executive, endorsing any requests for additional resource/growth that may be required in order to take this forward.

In regard to the recommendation regarding Financial Regulations and CPRs, Officers reported that a lot of work had already been completed by Patrick Tuite, but that the Financial Regulations also required updating. The Audit Committee would

be involved in this process, with a briefing to be scheduled in due course. The updated Financial Regulations would be presented to the Audit Committee in November and Council in December 2017. The Committee agreed, that given the fact that the new Financial Regulations would be approved in December 2017 and the implementation of the enhanced Agresso functionality would be in place by the end of January 2018, the deadline for this recommendation (IA16/12.001) be extended to 31 January 2018.

The Committee RESOLVED to:

1. Pass its concerns to the Executive over the delay in implementing the recommendations relating to Information Security Governance, emphasising the importance of this area of work, and endorsing any additional resource requests that may be required in order to move this forward; and
2. Agree that the implementation date for IA16/12.001 – Sharepoint Official Orders be amended to 31 January 2018.

[Cllr Nicholas Holder left the meeting at 9.22pm prior to the consideration of the Committee Recurrent Work Programme]

14. COMMITTEE RECURRENT WORK PROGRAMME (Agenda item 14.)

The Committee considered its recurrent annual work programme, and agreed to review it in more detail at the September meeting.

RESOLVED that the recurrent annual work programme be noted, with the inclusion of the Annual Governance Statement to be brought back to the meeting in November.

The meeting commenced at 7.00 pm and concluded at 9.26 pm

Chairman

CONTRACT PROCUREMENT RULES

(CPRS – JULY 2017)

Owned by:	Procurement Advisory Board
Created Date:	30/05/2017
MB Approval Date:	05/07/2017
Audit Committee Approval Date:	24/07/2017
Date for review:	01/04/2018
Version	2.0

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These Contract Procurement Rules (CPRs) should be read in conjunction with the council's Financial Regulations, Scheme of Delegation and Authorised Signatory List.

GENERAL

1. INTRODUCTION

- 1.1 These CPRs set out the minimum requirements the council must follow when procuring and/or entering into Contracts for the supply of goods, works and services including consultants.
- 1.2 The CPRs are put in place to ensure that the council gets value for money for residents, complies with all legal requirements, minimises the risk of challenge / undue criticism, supports social value and sustainability and provides transparency as to how it spends public money.
- 1.3 All purchasing and resulting Contracts made by or on behalf of the council must also comply with:
 - 1.3.1 all applicable statutory provisions;
 - 1.3.2 the Public Contracts Regulations 2015 and separate EU Directives which govern the award of higher value Contracts; and
 - 1.3.3 the council's constitution, including the Financial Regulations and the Scheme of Delegation to Officers.

If there is any conflict between the above, the EU law takes precedence, followed by UK legislation, the council's constitution and these CPR 's, in that order.

- 1.4 Further information and guidelines on best practice are set out in the council's internal Purchasing Guide.
- 1.5 The Thresholds referred to in these CPRs and the appropriate process to follow is set out in the table on page 11.
- 1.6 The Procurement Officer is responsible for ensuring the CPRs are up to date and reflect current legislation.
- 1.7 The Section 151 Officer (referred to as the S151 Officer) is ultimately responsible for the content of the CPRs.

2. SCOPE

2.1 These CPRs do not apply to the following types of Contract:

Type of Contract	Policy/ Law which covers Contracts out of scope
Contracts of employment for permanent / fixed term employees / agency staff	HR / Recruitment policies
Land transactions;	In accordance with the Local Government act 1972/ Housing act 1985 or any related acts or authorities
Where the Contract relates to a financing transaction;	Not subject to competition due to their nature
Works orders placed with statutory undertakers;	Not subject to competition due to their nature
Grants being given by the council;	Governed by Grant Funding -Service Level Agreements 2017-18
Contracts for goods and services estimated to be below Threshold 4 which have been dealt with or jointly procured by another local authority, public sector consortium or collaboration of which the council is a party but where the council is not the lead authority and the Contract is to be procured in accordance with the applicable Contract standing orders of that public authority; and	The procurement of Contracts of this nature will be governed by the Constitution of the Contracting authority
Orders for goods and services estimated to be below Threshold 4 placed against a call-off Contract or Framework Agreement where the call-off Contract or Framework Agreement has been awarded in accordance with these CPRs.	The establishment of the call-off Contract or Framework Agreement will be governed by the CPRs in the first instance, as such any call offs / mini competitions ran under such agreement will have already complied with these CPRs.
Where good, services or works are awarded as a result of a declared emergency as authorised by the Emergency Planning and Resilience Officer, where any Contracts awarded are not to exceed the estimated period of recovery	Business continuity management policy March 2016 Version 2
Where the Executive Director has activated the council's 'Emergency Plan' or a business recovery plan (as outlined in the business continuity management strategy) in response to a Major Incident being declared by resilience partners	Business continuity management policy March 2016 Version 2

2.2 All other Contracts made by or on behalf of the council must comply with these CPRs unless there is an Exception, Waiver or Joint Commissioning (CPR 9).

3. COMPLIANCE

- 3.1 Any members of staff purchasing on behalf of the council is expected to comply with these CPRs.
- 3.2 Where there is evidence of deliberate non compliance with the CPRs disciplinary action may be taken.
- 3.3 Staff must not deliberately break down a Contract with the intention of disaggregating spend for the purpose of avoiding the appropriate governance.

4. GENERAL PRINCIPLES APPLYING TO CONTRACTS

- 4.1 There are four financial value thresholds:
 - Threshold 1: £0 - £4,999
 - Threshold 2: £5,000 - £24,999
 - Threshold 3: £25,000 - £99,000
 - Threshold 4: £100,000 +
- 4.2 All Contracts must be in writing (which can include emails for Contracts valued within Threshold 1).
- 4.3 The value of any Contract must be determined by its aggregate or total spend forecast.
- 4.4 Every Contract valued within Threshold 4 or above must be under the seal of the council.
- 4.5 For every Contract estimated to be within Threshold 1, quotations and tenders may be sought using the council's electronic tendering portal, the South East Shared Services e-sourcing Portal provided by "In-Tend", otherwise quotes can be solicited via email.
- 4.6 For every Contract estimated to be within Threshold 2 or above, all quotations and tenders must be sought using the council's electronic tendering portal, the South East Shared Services e-sourcing Portal provided by "In-Tend".
- 4.7 In the case of recurring procurements for the same goods and services, prior written approval from the S151 Officer must be obtained in order to request quotations from the same suppliers on more than three consecutive occasions.
- 4.8 Details of all Contracts awarded valued at £5,000 and above more must be added to the council's Contract Register on the E-tendering portal together with all supporting documentation.
- 4.9 With regards to non OJEU Tenders, no supplier may be awarded a Contract if this would result in 50% or more of that supplier's turnover being generated from the council's Contracts, unless the prior written approval of the Management Board has been obtained.
- 4.10 Prior to any invoices being received a purchase/ official order must be raised on the councils official order system or Orchard.
- 4.11 Prior to any procurement a contract manager should be identified who will be responsible for ensuring the delivery of the contract.

5. SOCIAL VALUE

- 5.1 The Public Services (Social Value) Act came into force on 31 January 2013. It places a requirement on people who commission, or buy, public services to consider securing added economic, social or environmental benefits for their local area.

5.2 The Act currently applies only to service Contracts over the EU threshold but should be considered in all procurements where applicable.

6. TRANSPARENCY

6.1 **Publication of spend, Contract opportunities and awards** – in accordance with government requirements we publish all council expenditure with suppliers that exceeds £500 and post all Contracts valued at £5,000 and above on our publicly accessible Contracts register, this can be found on the councils public website. Any advertised opportunity valued over £25,000 must be advertised on Contracts finder, for Contracts over £25,000 a Contract award notice must also be published.

6.2 **Freedom of Information** – in accordance with the Freedom of Information Act (FOIA) 2000 and Environmental Information Regulations (EIR) 2004, we have an obligation to publish specific information and to provide information to members of the public upon request. By exception confidential or commercially sensitive information may be withheld. Suppliers should be given the opportunity to identify areas of their tender submission they do not wish to be disclosed.

PREPARING FOR THE PROCUREMENT

7. PRE-CONTRACT CONSIDERATIONS / SIGN OFF

7.1 Before commencing a procurement process, officers must ensure:

7.1.1 They have conducted an options appraisal and that a procurement is required

7.1.2 that there is adequate budgetary provision for the goods, services or works that they are procuring

7.1.3 that they have the appropriate level of (delegated) authority to procure the goods or services on behalf of the council

7.1.4 that there is no existing Contract or framework that is appropriate and that

7.1.5 where appropriate they have engaged with the procurement officer

7.1.6 that each tender package / request for quotation be accompanied by a comprehensive specification

7.1.7 an assessment, appropriate to the scale and scope of the Contract, of associated risks shall be undertaken by competent officers or consultants to include, but not limited to, technical, commercial, health and safety and reputational risks posed to the council.

7.1.8 that the chosen route to market has been signed off by the appropriate authority (see table page 11)

8. DECLARATION OF INTERESTS

During the procurement process, if an officer becomes aware that he has a direct or indirect pecuniary interest in a Contract which the council has entered into, or proposes to enter into, their interest must be recorded on the register maintained by the council's Committees team for this purpose.

9. EXCEPTIONS, WAIVERS AND JOINT COMMISSIONING

9.1 The CPRs will not apply in the circumstances set out in CPRs 9.2 (Exceptions) 9.3 (Waivers), or 9.4 (Joint Commissioning) provided that the S151 Officer has given his prior approval to the exception, waiver or joint commissioning before the Contract is entered into.

9.2 **Exceptions** - there may be an exception to the CPRs where:

9.2.1 there is an extension to the duration and/or value of an existing Contract provided that the extension is (i) on the same terms as the original Contract, (ii) is for a maximum period of 2 years (iii) is less than 20% in value of the original Contract value, and (iv) adequate budgetary provision has been made. If the sum of the proposed extension and any previous extension(s) is more than 2 years or more than 20% in value of the original Contract value,

(a) For Contracts where the original Contract value was within Threshold 3 or below, the prior written approval of the S151 Officer is required to award the proposed extension; or

(b) For Contracts where the original Contract value was within Threshold 4 or above, the prior written approval of the Executive is required to award the proposed extension.

9.2.2 there is insufficient credible competition and the S151 Officer has agreed the competition assessment;

9.2.3 there is a variation (additional work) to an existing Contract where the variation is outside the scope of the Contract but it would be inappropriate to offer the additional work to competition; or

9.2.4 the S151 Officer is satisfied that it is appropriate for a single tender or quotation and that

9.2.4.1 it does not breach the council's statutory obligations,

9.2.4.2 the request considers the requirements of CPR 4, GENERAL PRINCIPLES APPLYING TO CONTRACTS

9.2.4.3 there is adequate and appropriate reason for awarding a Contract without competition,

9.2.4.4 the award of a Contract would provide good value for money and shall specify the evidence to be supplied to evidence this,

9.2.4.5 the necessary checks regarding the proposed Contractor have been undertaken in accordance with CPR 10 ASSESSMENT OF SUPPLIERS (as appropriate) and that the results do not indicate that a Contract award presents an undue risk to the council, and

9.2.4.6 an assessment of any associated risks has been undertaken.

9.3 **Waivers** –the CPRs may be waived only in exceptional circumstances where:

9.3.1 there is a demonstrable and justifiable need to waive or vary one or more of the CPRs on the grounds of urgency; and

9.3.2 if the estimated value of the Contract falls below the EU threshold the prior written approval of the S151 Officer has been obtained; or

9.3.3 if the estimated value of the Contract falls within Threshold 4 or above the S151 Officer has obtained the prior written approval of the Executive.

9.4 **Joint Commissioning** –the CPRs may be waived for Contracts where the council:

9.4.1 wishes to become party to a Contract with a consortium, which has undertaken the task of obtaining competitive prices;

9.4.2 seeks to jointly commission a Contract with other local authorities or organisations; or

9.4.3 seeks to jointly deliver services in partnership with other local authorities or organisations.

10. ASSESSMENT OF SUPPLIERS

10.1 No assessment of a suppliers financial standing is needed for Contracts estimated to be within Thresholds 1 or 2 unless the goods being purchased are a proprietary item, in which case a financial assessment must be conducted.

10.2 A financial assessment of potential suppliers must be undertaken for all Contracts estimated to be within or above Threshold 3

10.3 If a Contractor has expressed an interest in being included in a Standing List of Suppliers an assessment will be made of a Contractor's:

10.3.1 financial stability and resources;

10.3.2 insurances;

10.3.3 technical and other relevant references;

10.3.4 business continuity plans;

10.3.5 qualifications and experience;

10.3.6 environmental, ethical and employment policies;

10.3.7 previous experiences of dealing with the Contractor;

10.3.8 responsible purchasing policies;

10.3.9 details of other Contracts already, or proposed to be, awarded to the Contractor; and

10.3.10 any other issues that may be considered by the relevant Head of Service as being relevant to the Contract.

10.4 A Contractor that does not meet the council's minimum requirements shall not be admitted to a Standing List of Suppliers.

10.5 Suppliers that are sole traders can be awarded an individual Contract with a value within Threshold 1 or 2 but the approval of the relevant Head of Service must be obtained to approve such an award with a value within Threshold 3 or above.

Contract

11. STANDING LIST OF SUPPLIERS

11.1 The relevant Head of Service may maintain a standing list of suppliers for Contracts up to and including Threshold 3 in value.

11.2 The council's e-tendering portal must be used to obtain expressions of interest from suppliers to join the standing list.

11.3 Potential candidates for inclusion on the standing list of suppliers will be assessed in accordance with CPR 10.

11.4 The standing list must be reviewed at least every 1 year and the assessments set out in CPR 10 repeated.

12. FRAMEWORK AGREEMENT

- 12.1 Prior to entering into a Framework Agreement, approval from the S151 officer must be sought.
- 12.2 A Framework Agreement may be procured using either the Open or Restricted Procedure.
- 12.3 The term of a Framework Agreement must not exceed 4 years.
- 12.4 Contracts based on existing Framework Agreements may be awarded by either:
 - 12.4.1 Applying the terms laid down in the Framework Agreement (where such terms are sufficiently precise to cover the particular call off) without reopening competition; or
 - 12.4.2 Where the terms laid down in the Framework Agreement are not precise enough or complete for the particular call-off, by holding a mini competition.

13. DYNAMIC PURCHASING AGREEMENT (DPS AGREEMENT)

- 13.1 Prior to entering into a DPS Agreement, approval from the S151 officer must be sought.
- 13.2 A DPS Agreement may be procured using either the Open or Restricted Procedure.
- 13.3 The term of a DPS Agreement must not exceed 7 years.
- 13.4 Contracts based on existing DPS Agreements may be awarded by either:
 - 13.4.1 Applying the terms laid down in the DPS Agreement (where such terms are sufficiently precise to cover the particular call off) without reopening competition; or
 - 13.4.2 Where the terms laid down in the DPS Agreement are not precise enough or complete for the particular call-off, by holding a mini competition.

14. TUPE IMPLICATIONS

- 14.1 When an employee of the authority or of a supplier providing a service that may be affected by any staff transfer arrangement, Officers must ensure that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) issues are considered and obtain legal advice from the Borough Solicitor before proceeding with the Tender / Request for Quotation.

15. FINANCIAL VALUES

- 15.1 Prior to commencing a procurement exercise officers must estimate the aggregate value; this will determine which threshold the procurement falls under.
- 15.2 The financial values will be reviewed bi-annually.
- 15.3 If the cheapest tender received is above the upper limit of the estimated CPR financial value as set out in the Threshold Table and/or any approved budget for the procurement of the goods, works or services, the prior written approval of the S151 Officer must be obtained to accept the tender or quotation. Where the OJEU thresholds are crossed a tender must be re-run e.g. if the budget for a services tender is £150k but the received bids all exceed the OJEU limit of £164k then the exercise but be repeated with a more appropriate procedure.
- 15.4 The Threshold Table (page 11) sets out the general rules applying to the choice of purchasing procedure for Contracts at the stated threshold financial values, it states,

15.5 For purchases valued below £5,000

- a) A minimum of one quote must be sought, this is only a required minimum and best practices dictates you seek multiple quotes to prove you are obtaining true value for money.
- b) The quotes can be sourced via In-tend or email.
- c) Local suppliers should be asked to quote where appropriate.
- d) An official order will constitute the Contract
- e) The purchase and written approval / signing of the Contract can be conducted by any authorised officer

15.6 For purchases valued from £5,000 - £24,999

- a) A minimum of three quotes must be sought; fewer than three is required if written approval is given by the relevant head of service.
- b) All quotes must be obtained via In-tend.
- c) All quotes must be sealed
- d) The relevant Head of Service must approve the route to market
- e) The approval / signing of the Contract can be conducted by the relevant Head of Service
- f) An official order will constitute the Contract and must be recorded on In-tend

15.7 For purchases valued from £25,000 - £99,999

- a) A minimum of three quotes must be sought.
- b) All quotes must be obtained via In-tend.
- c) All quotes must be sealed
- d) The S151 Officer or Deputy S151 Officer must sign off on the chosen route to market
- e) Where the opportunity is advertised it must also be advertised via Contracts Finder, as must be the Contract award.
- f) The Contract must be Signed by the S151 Officer or Deputy S151 Officer

15.8 For purchases valued over £100,000

- a) All tenders must be run via In-tend.
- b) A minimum of 4 bidders must be invited to submit a response
- c) All tenders must be sealed
- d) Management Board must sign off on the chosen route to market
- e) The Contract must be signed by S151 Officer

15.8.1 Where the Contract is estimated to be above the relevant OJEU threshold, an OJEU compliant procedure must be used (see CPR section 14, TENDERING PROCEDURES. Current OJEU Limits as of 1st January 2016 are £164,176 for services and £4,104,393 for works.

Procedure for Procurement (minimum requirements)

	Aggregate value	Advertising required	Contract Award Notice required	Minimum No of quotes	Receipt of quotes/ tenders	Financial assessment required?	Approval of chosen route to market	Required Contract type	Who signs Contract/ approves order?
Threshold 1	£0-£4,999	None required	No	Minimum of one quote sought (local suppliers should be used where appropriate)	Via email	No	Authorised Officer	Official Order	Authorised Officer
Threshold 2	£5,000 - £24,999	In-Tend	No	Minimum of three quotes sought (HoS can agree to fewer)	In-tend	No	HoS	Official Order & record on In-tend	HoS
Threshold 3	£25,000 - £99,999	In-tend & Contracts Finder	Yes	Minimum of three quotes sought	In-tend	Yes	S151 Officer or Deputy S151 Officer	Written - record on In-tend	Signed by S151 Officer or Deputy S151 Officer
Threshold 4	Over £100,000	In-tend, Contracts Finder & OJEU if applicable	Yes	Minimum of four tenderers sought, OJEU Procedure where limit exceeded: Goods/Services: £164,176* Works: £4,104,393*	In-tend	Yes	Management Board	Written - agreed by Legal Services & under seal, record on In-tend	Seal witnessed in accordance with Schedule of Authorisations to the Scheme of Delegation

*OJEU thresholds are subject to change, any change in threshold levels will be reflected in an update to these CPRs.

PROCEDURAL STEPS OF THE PROCUREMENT

16. TENDERING PROCEDURES

16.1 General:

- 16.1.1 The council may apply any procedure that conforms to the Public Contracts Regulations 2015 in its procurement process.
- 16.1.2 Subject to CPR 9 the appropriate process set out in the Threshold Table must be followed for each procurement determined by the estimated value of that procurement.
- 16.1.3 Invitations to tender or requests for quotations must be issued electronically (via email for Threshold 1 and Via the council's e-tendering portal for and procurement within or exceeding Threshold 2).
- 16.1.4 All tenders or quotations must be returned to the council electronically (via email for Threshold 1 and Via the council's e-tendering portal for and procurement within or exceeding Threshold 2).
- 16.1.5 A Contract Procurement Report must be completed and stored on E-tendering portal for each tender or quotation within or exceeding Threshold 2
- 16.1.6 For all quotes/ tenders the award criteria must be stipulated before request/tender is published, this includes;
 - The assessment criteria
 - The scoring system and weighting to be applied
 - The minimum scores to be achieved (where appropriate)

16.2 Existing arrangements

- 16.2.1 In the first instance anyone purchasing on behalf of the council must check to see if there is an existing arrangement already in place which covers the purchase.
- 16.2.2 Where a framework / dynamic purchasing system / select list has been established to deliver the need, these will be considered alongside other routes in an options analysis.

16.3 Request for Quotation (RFQ)

- 16.3.1 This approach only applies for purchases below £100k where suppliers are requested to submit a quote for the requirements. Like a tender you can apply a price / quality split when evaluating the responses but the award criteria must be stated upfront in the RFQ documentation.

16.4 Open Procedure (One Stage)

The open procedure is where a bidder progresses straight to invitation to tender (ITT), there is no pre-qualification stage involved. This procedure shall apply where:

- a) the value of the Contract award will be below the EU threshold;

- b) the value of the Contract award will be above the EU threshold and the council has decided that a single stage tender is appropriate.

16.5 Restricted Procedure (Two Stage)

- 16.5.1 This procedure can only apply where the value of the Contract award will be above the EU threshold
- 16.5.2 The required advertising and tendering periods must be observed.
- 16.5.3 The advertisement must state that a restricted tendering procedure will be used.
- 16.5.4 Once the closing date for receipt of expressions of interest has been reached a Standard Selection Questionnaire (“SSQ”) must be sent to all suppliers that have expressed an interest in tendering.
- 16.5.5 Upon receipt of the completed SSQ the information will be analysed.
- 16.5.6 Invitation to Tender documents shall be dispatched to a sufficient number of suppliers that have been assessed as meeting the minimum technical and financial requirements.
- 16.5.7 If fewer than the required minimum number of suppliers either meet the minimum qualification requirements or express an interest, the relevant director must be consulted to agree whether to seek additional tenderers or to obtain prior written approval from the Management Board to seek fewer than the minimum number of tenders.

16.6 Competitive with negotiation procedure

- 16.6.1 Prior to undertaking a negotiated procedure approval from the S151 officer and Borough Solicitor must be sought.
- 16.6.2 This procedure can only apply where the value of the Contract award will be above the EU Threshold
- 16.6.3 The competitive with negotiation procedure allows award following the initial ITT stage before negotiations have commenced providing this is stipulated in the tender documentation.

17. OPENING OF QUOTATIONS AND TENDERS

- 17.1 Any quotation or tender received after the specified date and time or at a location other than the one specified will be rejected unless the S151 Officer considers that there are exceptional circumstances that warrant it and this will only be done up to the time when the other tenders are opened.

18. EVALUATION OF QUOTATIONS AND TENDERS

- 18.1 Offers will be evaluated against the award criteria stipulated at the point of publishing a RFQ / Tender. The available options are
 - 18.1.1 **Price only** - accept the offer from the Contractor who, having satisfied the council's minimum requirements, has offered the lowest price.

- 18.1.2 **Price / Quality** – where a price quality split is stipulated, the supplier who ranks highest over all shall be awarded the Contract, this is otherwise known as the Most Economically Advantageous Tender (M.E.A.T).
- 18.1.3 Where the most economically advantageous tender is to be sought, an assessment criteria and associated weightings will be specified in the invitation to tender.

19. CONTRACT SIGN OFF / SCHEME OF DELEGATION

- 19.1 A Contract can only be signed / authorised by an officer for which they have authority / delegated authority under the scheme of delegation. The authority levels are:
- £0-£4,999 – Authorised Officer
 - £5,000 - £24,999 – Head of Service
 - £25,000 - £99,999 – Signed by S151 Officer or Deputy S151 Officer
 - Over £100,000 – Seal witnessed in accordance with Schedule of Authorisations to the Scheme of Delegation

20. CONTRACT EXTENSIONS AND VARIATIONS

- 20.1 Subject to the circumstances set out in CPR 20.2, a Contract may only be extended or varied (where no such terms currently exist in the Contract) as follows:
- 20.1.1 the extension is on the same terms and conditions as the original Contract;
- 20.1.2 the extension may only be for a maximum of 2 years;
- 20.1.3 there is adequate budgetary provision to meet the cost of the extension in any financial year covered by the extension; and
- 20.1.4 the prior written approval of the Executive has been obtained where the proposed extension and cumulatively with any previous extension(s) is more than 2 years or 20% in value of the original Contract value.
- 20.2 Any Contract awarded under 9.2 (Exceptions) or 9.3 (Waivers) may not be extended or varied without the prior written approval of the S151 Officer.

CONTENT OF CONTRACTS

21. FORM OF CONTRACT

- 21.1 No indication of acceptance shall be made to any Contractor except by an officer authorised so to do.
- 21.2 Contracts valued up to and including Threshold 2 in value shall be the subject of a purchase order unless otherwise stated, in which case a formal Contract shall be prepared in accordance with the requirements of the Borough Solicitor.
- 21.3 All Contracts within Threshold 4 and above in value shall be the subject of a formal Contract under seal prepared by the Borough Solicitor.
- 21.4 All Contracts shall:
- 21.4.1 specify the goods, materials or services to be supplied and/or works to be undertaken, price to be paid, payment terms and conditions, details of any discounts or penalties, the period of the Contract and any other terms and conditions that may be agreed;

- 21.4.2 provide for the payment of liquidated damages where they are appropriate;
- 21.4.3 contain details of any security that is required by the council; and
- 21.4.4 prohibit the Contractor from sub-Contracting or assigning all or any part of the Contract without the express consent of the council.
- 21.5 Except in exceptional circumstances with the prior written approval of the Executive Director, all Contracts must be signed or sealed before their commencement.
- 21.6 Every Contract in excess of £100,000 must contain a comprehensive Business Continuity plan.
- 21.7 Every Contract shall require compliance with current legislation with respect to health and safety at work and sexual and racial equality.
- 21.8 Every officer who conducts a procurement in excess of £5,000 is responsible for ensuring the details are updated on the councils Contract register.

22. SUB CONTRACTORS

- 22.1 In Contracts where the council wishes to nominate a sub-contractor, the Contract shall specify whether or not the council will be undertaking the tendering process to select the nominated sub-contractor.
- 22.2 The council will apply these CPRs to the tender process to select and assess the nominated sub-contractor.

23. FINANCIAL SECURITY

- 23.1 Adequate financial security and/or a performance bond must be required for all Contracts within Threshold 4 and above in value.
- 23.2 Adequate financial security and/or a performance bond may be required if considered necessary by the S151 Officer Procuring Officer.
- 23.3 f a Contract is varied or extended in accordance with CPR 20, EXTENSIONS AND VARIATIONS
- 23.4 A retention to the Contract sum must be made in respect of all Contracts within Threshold 4 and above unless otherwise agreed by the S151 Officer (HoS can agree if the Contract is for works).
- 23.5 A retention to the Contract sum may be made if the relevant Head of Service determines this to be necessary.

CONTRACT MANAGEMENT

24. MANAGEMENT OF CONTRACTS

- 24.1 Any extensions or variations to a Contract may only be made in accordance with CPR 20, EXTENSIONS AND VARIATIONS.
- 24.2 Any proposed amendments to a partnership Contract shall only be agreed with the prior written approval of the Management Board.
- 24.3 If a Contract is proposed to be terminated for whatever reason, the advice of the Borough Solicitor must be sought in the first instance.

24.4 It shall be a condition of engagement by the council of any person (not being an officer or member of the council) to supervise a Contract that he shall act in full accordance with these CPRs when supervising the Contract as if he were an officer of the council.

24.5 It is the procuring officers responsibility to ensure that there is a robust Contract management plan in place that is proportionate to the scale and scope of the Contract, this should include, but is not limited to:

- a) Regular Contract reviews – to be documented
- b) Clear procedures on the reporting and escalation of Contract failings
- c) Identification of contacts responsible for the Contract within each organisation
- d) The capturing of performance data

25. NOVATION & ASSIGNMENT

The council may agree to the novation or assignment of a Contract if an assessment of the Contractor has been carried out under CPR 10, ASSESSMENT OF CONTRACTORS, and the prior written approval of the Head of Service and S151 Officer has been obtained.

26. DISPOSAL OF COUNCIL ASSETS

Land and buildings

26.1 This section refers to disposals that are subject to market conditions.

26.2 Disposal (including sales, leases, easements and wayleaves) of land and buildings owned and funded by the General Fund shall first be valued by a qualified valuer. The Director of Finance and Resources shall report to the Corporate Management Team to determine whether, in the light of the valuation and location, there are strategic issues, risks or conditions of disposal relative to the Asset Management Plan (or equivalent) and Corporate Plan. If such considerations exist, the disposal shall be referred to the Asset Advisory Group, which will report its views and recommendations to the Corporate Management Team.

26.3 Disposal (including sales, leases, easements and wayleaves) of land and buildings owned and funded by the Housing Revenue Account, with the exception of sales under the Right to Buy Scheme, shall first be referred to the Head of Strategic Housing who shall consult the relevant director (or otherwise as may be specified in the Scheme of Delegation) to consider any risks associated with the disposal and the strategic and long-term issues in the light of the Asset Management Plan (or equivalent). The Head of Strategic Housing shall obtain a current valuation of the land and/or buildings and report his views and recommendations to the council's Corporate Management Team.

26.4 Any resultant proposal to dispose of the land and/or buildings shall then be discussed by the chairman of the Asset Management Team (or equivalent) or the Head of Strategic Housing (as appropriate) with the S151 Officer and the relevant portfolio holders responsible for the services in question and the management of the council's assets. A report outlining the reasons why disposal is recommended, and showing how it would be in accordance with the Asset Management Plan (or equivalent) and the proposed method of disposal of the land and/or buildings shall be presented to the Executive for approval.

Other council assets

- 26.5 Proposed disposals of other council-owned assets, including surplus or obsolete furniture or equipment, shall be discussed with the relevant Head of Service to obtain agreement that there is no further need for the items. Items shall first be offered for transfer to other sections or departments of the council.
- 26.6 The Asset Advisory Group will be consulted on the disposal of assets where deemed appropriate by the relevant head of service.
- 26.7 Any items that remain for disposal shall be sold at the highest price possible. An estimated sale value shall be agreed by the relevant Head of Service and the S151 Officer or Deputy S151 Officer, taking note of any value included in the council's accounts and any professional valuations as may be deemed appropriate by the S151 Officer. A note shall be made and retained on file as evidence to support the adopted approach and the valuation. The method of disposal shall be agreed with the S151 Officer.
- 26.8 If deemed appropriate by the relevant Head of Service and the S151 Officer, items may either be
- 26.8.1.1 sold to a member of staff at an agreed price (where the item is of little or no intrinsic value); or
 - 26.8.1.2 offered for sale to all members of staff at the price agreed; or
 - 26.8.1.3 advertised for sale in local papers or relevant trade magazines, as appropriate, at the price agreed; or
 - 26.8.1.4 sold via an open electronic auction, run on the council's E-tendering portal where appropriate providing its use is approved by Legal and the S151 officer. The relevant Head of Service and the S151 Officer may set a reserve price below which an item may not be sold without the approval of the relevant portfolio holder responsible for the management of the council's assets.
- 26.9 If it is considered that there is a ready market for the item(s) in question, then sealed bids shall be invited from Contractors or organisations that are identified as having a potential interest. The minimum number of bids sought shall be determined in accordance with the thresholds contained in CPR 15.5, 15.6, 15.7 and 15.8.
- 26.10 All sealed bids shall be treated as being tenders and their opening evaluation and acceptance shall be in accordance with CPRs 17, 18 and 19.
- 26.11 Where there is the option of trading an old piece of equipment in part-exchange for a new piece, this option shall be expressly mentioned in any invitation to tender or request for quotation.
- 26.12 Disposal of any stocks and stores that are recorded in the council's accounts shall be disposed of after obtaining the agreement in writing of the relevant director and the S151 Officer and shall be undertaken in accordance with the provisions of the council's Financial Regulations.

GLOSSARY OF TERMS

Authorised Signatory List	This is the list of officers authorised to make financial transactions. Head of Service approval is required before an officer may be included in the List.
Call-off Contracts	This term is used to describe a Contract that is entered into for a specified period but where the total value and quantity of items ordered cannot be quantified at the outset. An example might be a Contract for the supply of office stationery. Prices are specified for the duration of the Contract, subject as necessary to fluctuation according to agreed formulae.
Contract	This term is used to refer to any procurement transaction or planned procurement transaction.
Contract	All references to Contract values refer to the estimated value unless otherwise specified. The estimated value is calculated over the entire period of the Contract, including the period of any possible extensions to the term of the Contract. Where the term of the Contract is not known, a term of 4 years must be assumed and applied when calculating the Contract value. The calculation of the value must be assessed exclusive of Value Added Tax.
Corporate Management Team	The Corporate Management Team is the meeting of the Executive Director and Directors, which is advised by Heads of Service and other Officers as appropriate.
EU Directives on procurement	These are rules that override these CPRs for large value Contracts. EU Directives must be applied once the value of the Contract reaches or exceeds the relevant financial threshold. Their application and link to CPRs is outlined above in the introduction. The Directives are implemented into UK law as the Public Contracts Regulations 2015 (“the Regulations”), and reference to those Regulations in these CPRs includes any subsequent amendments to those Regulations and any replacement Regulations (and amendments thereto). The value of Contracts that are subject to these Directives is revised annually and it will be necessary to seek confirmation of current values from the Borough Solicitor.
Financial Regulations	This refers to the set of rules that govern the way the council’s finances are administered and controlled. They are maintained by the Section 151 Officer.
Framework Agreement	A Framework Agreement is an arrangement of one or more Contracting authorities with one or more suppliers in order to establish the terms governing the Contracts awarded and includes both Public Sector Framework Agreements and council Procured Framework Agreements.
Goods/Works/Services	A Contract will be in connection with the acquisition of one or more of these categories of purchases. The use of one of these terms should be taken to mean all the terms unless expressly stated to the contrary.
Highest/lowest price	The term “lowest price” (where payment is to be made by the council) shall also be taken to mean the highest price (where payment is to be made to the council).
Land and buildings	Disposal of land and buildings refers to outright sale and long-term leases. It does not include short-term leases of three years or less. The disposal of small parcels of land, such as to private residents for extension of gardens, may be the subject of standard procedures that

	may be agreed between the relevant director and the Section 151 Officer in accordance with CPR 24.
Lists prepared by third parties	This refers to such lists as “Constructionline” and similar lists of Contractors that have been assessed by other organisations.
Official order	This term is interchangeable with the term purchase order. An official order must be raised prior to receiving an invoice either via the councils official order system or the Orchard system.
Open tendering	Open tendering refers to a situation where all Contractors that have expressed an interest in a Contract are sent an invitation to tender. It is distinct from selective/restrictive tendering in that assessment of the Contractors will take place once the tenders/quotations are received using a questionnaire and an assessment of their financial stability, references and insurances.
Partnership Contracts	Partnership Contracts are designed to enhance cooperation between the council and a Contractor/other parties to the Contract. The purpose is to enable services to be reviewed and delivery arrangements amended at various times within the life of the Contract. Whilst terms and conditions may require amendment as a consequence, it is not intended that this should impede smooth working and transition to new arrangements should be facilitated. Therefore different arrangements will apply to allow amendment to terms and conditions in a planned and controlled manner.
Professional services (“consultants”)	<p>Consultants are used for a wide variety of purposes. Generally the term is therefore used to relate to the providers of professional skills and expertise which, for whatever reason, cannot be provided by the council’s own staff. Regardless of the role to be played, for the purposes of these CPRs Contracts for the provision of professional expertise will be regarded in the same manner as other Contracts for the supply of goods, works and services.</p> <p>Appointment of a person through an employment agency or an appropriate professional body to fulfil duties that otherwise would be performed by a member of staff will not be subject to CPRs. A separate procedure is available from Employee Services concerning this. Engaging a person to undertake a specific piece of work with specific terms of reference is deemed to be consultancy and must be procured in accordance with the CPRs.</p>
Quotation	A price given by a supplier for a specified piece of work, goods or service based largely on the supplier’s terms and conditions but with relevant conditions as determined by the council.
Quotations and tenders	The terms “quotation” and “tender” are used throughout these CPRs. For the purposes of the application of these CPRs the following definitions should be used:
Relevant Director	This term is used to denote the Executive Director, Director of Finance and Resources (Section 151 Officer) or the Director of Operations in person. Where an officer from one service is working in circumstances where they are responsible to another service for the purposes of a procurement exercise, then it is that other director who is the responsible director. In some CPRs the Executive Director and the Section 151 Officer are mentioned by title; where this is done, they are not acting as the relevant director.
Relevant Head of Service	This term is used to denote the head of the service responsible for procuring a Contract.
Relevant Portfolio	This refers to the elected Member of the council who at the time the

holder	procurement exercise is being undertaken is the relevant member of the council's Executive responsible for the service in question.
Responsible Purchasing	The council's overarching approach to the acquisition of goods and services, ensuring that purchasing decisions are made with the best long-term interest of the environment in mind, particularly having regard to sustainability issues.
Section 151 Officer	This refers to the council's Chief Finance Officer, being the officer responsible for the council's financial administration as defined by the Local Government Act 1972.
Scheme of Delegation	This term refers to the council's Scheme of Delegation, which specifies the extent to which the conduct of the council's affairs is delegated to council officers. If at any time there appears to be a conflict between the Scheme of Delegation and Contract Procurement Rules, the former shall take precedence.
Selective/restricted tendering	Selective or restricted tendering refers to a situation where Contractors expressing an interest in tendering/supplying a quotation are asked to complete a pre-qualification questionnaire. The completed questionnaire is assessed, and an assessment of the Contractors' financial stability, references and insurances is undertaken in order to produce a short-list of Contractors that will be invited to tender/provide a quotation.
Specification	The use of the word 'specification' refers to a statement of the council's minimum purchase requirements. For illustrative purposes, it includes as appropriate such matters as: a) Technical drawings b) Recognised international standards c) Method of delivery d) Terms and conditions of supply and delivery e) Responsible purchasing requirements.
Standard Selection Questionnaire	This is the questionnaire which has been developed to simplify the supplier selection process for businesses using the Restricted Procedure to procure goods or services. It has replaced the Pre Qualification Questionnaire.
Supplier/Contractor	Both these terms are used to refer to a provider or potential provider of goods, works or services. Once a Contract has been placed with a supplier, that supplier may be more precisely referred to as a Contractor.
Tender	A price given by a supplier in response to a full specification of the goods, works or services required and based upon terms and conditions specified by the council. These terms and conditions may be as laid out in a commonly used standard form of Contract. The processes for seeking and receiving quotations and tenders are set out within these CPRs. The precise requirements in respect to any specific Contract will have to be assessed according to the nature and complexity of the Contract as well as its value.