

WAVERLEY BOROUGH COUNCIL

AUDIT COMMITTEE

28/03/2022

Title:

Contract Procurement Rules – 2022 Update

Portfolio Holder: Cllr Mark Merryweather, Portfolio Holder for Finance, Assets & Commercial Services

Head of Service: Peter Vickers, Head of Finance and Property

Key decision: No

Access: Public

1. **Purpose and summary**

- 1.1 The Contract Procurement Rules (CPRs) form part of the Council's Constitutional framework. They should be maintained and updated as and when required to adopt legislative changes, reflect best practice in the industry and support the Council's corporate objectives.
- 1.2 The Contract Procurement Rules were last updated and approved by full Council in February 2020. While the CPRs are still fit for purpose there are a small number of alterations required to reflect amendments to procurement regulations as well as to incorporate recommendations from the most recent procurement audit.
- 1.3 Strategic procurement aspirations will be developed in a Sustainable Procurement Strategy and referenced to in future updates of council policies, including the forth coming Economic Development Strategy
- 1.4 Summary of key changes:

Change	Rationale
Throughout - Update of Public Contract Regulations 2015 (PCR) thresholds as of 1 January 2022	The thresholds are revised every 2 years. This need to be reflected in the CPRs.
CPR 4.12 – Added to allow greater flexibility to low value spend.	Currently there is no ability to spend beyond the tendered sum for low value contracts. Whilst all possible spend should be captured at tender stage there is always the possibility of that additional services may be required after the contract has commenced. The current procedure is

	considered excessive for the sums involved.
CPR 12 / Annex 1 - Addition of DECLARATION REGARDING CONFLICT OF INTEREST & CONFIDENTIALITY form	There is currently not a robust enough process for capturing any conflicts of interest with regards to procurement. The form is being introduced in conjunction with the refresh of the councils code of conduct for officers.

1.4.1

2. **Recommendation**

The Audit Committee recommends to the Council that the proposed amendments to the Contract Procurement Rules be approved and incorporated into the councils constitution.

3. **Reason for the recommendation**

To adopt legislative changes, reflect best practice in the industry and support the Council's corporate objectives.

4. **Relationship to the Corporate Strategy and Service Plan**

4.1 The Contract Procurement Rules (CPRs) form part of the Council's Constitutional framework.

5. **Implications of decision**

5.1 **Resource (Finance, procurement, staffing, IT)**

No direct financial implications arise from this report. Implementation of the updated CPR's will be achieved using current resources.

Through compliance with the CPR's Waverley will continue to seek achievement of value for money with public funds.

5.2 **Risk management**

5.3 **Legal**

The Council must comply with national legislation governing public procurement. These include the Public Contracts Regulations 2015 and the Concession Contracts Regulations 2016.

5.4 **Equality, diversity and inclusion**

There are no direct equality, diversity or inclusion implications in this report.

5.5 **Climate emergency declaration**

Whilst the climate requirements have been bolstered the most significant impact will come from the creation of the Sustainable Procurement Policy.

6. Consultation and engagement

6.1 Input sought from all council services

7. Other options considered

7.1 No other options considered

8. Governance journey

8.1 Audit to recommend approval at council

Annexes:

Annexe 1 – CPRs

Background Papers

There are / are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

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Agreed and signed off by:

Legal Services: 25.02.22

Head of Finance: date

Strategic Director: date

Portfolio Holder: date