

**GOVERNANCE AND AUDIT COMMITTEE
23 NOVEMBER 2010**

**CONTRACT STANDING ORDERS
(Director of Corporate Services)**

1 PURPOSE OF DECISION

- 1.1 To approve proposed amendments to the Council's Contract Standing Orders

2 RECOMMENDATION

- 2.1 **That the amendments to Contract Standing Orders summarised in this report and set out in the draft attached at Annex A are recommended for adoption by the Council**

3 REASON FOR RECOMMENDATION

- 3.1 To give effect to minor amendments to Contract Standing Orders.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None.

5 SUPPORTING INFORMATION

- 5.1 The current Contract Standing Orders were adopted by the Council in 2009. Experience of working with them has suggested a number of areas in which some alterations and improvements can be made.
- 5.2 In paragraph 1, it has been made clear that the Orders apply to the provision of services for adults and children's care services. Paragraph 2.3.15 introduces a new obligation for Directors to make arrangements for the publication on the Council's website of the required details of tenders and contracts awarded, in accordance with guidance to be issued by the Department for Communities and Local Government, which is awaited.
- 5.3 Paragraph 4.1 exempts procurements of residential placements for care, care and support for people in their homes or for SEN placements of young people from the requirements of the Orders. Procurement of these services has been problematic under the competition requirements of the Orders, preventing the procurement of services as speedily as can be necessary. The proposed amendment enables spot purchasing to be carried out in accordance with guidelines to be established by the relevant Director, with the approval of the Executive Member, and with the advice of the Borough Solicitor and the Head of Procurement. This will allow quicker placements to be made in cases of need, while still seeking value for money.
- 5.4 Amendments have been made to Paragraph 7 to ensure the advice of the Head of Procurement is given in addition to the existing requirement for advice from the Borough Solicitor when waivers of the Orders are sought. Further guidance will be

given in the Procurement Manual regarding the circumstances in which approval can be given for the variation of terms contained in a contract that has been let by the Council. Variations can be agreed if they do not amount in law to the award of a new contract, in breach of the Public Contracts Regulations. In Appendix 1, the threshold above which the advertisement of a requirement on the South East Business Portal has been reduced to £35000 for greater publicity of tenders and requests for quotations.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 The Borough Solicitor is the author of this report

Borough Treasurer

6.2 No comments.

Equalities Impact Assessment

6.3 The matters contained in this report are not considered to have any equalities impact.

Strategic Risk Management Issues

6.4 The amendments proposed by this report are intended to improve the effectiveness of controls in place over the procurement system.

Workforce Implications

6.5 None

7 CONSULTATION

Principal Groups Consulted

7.1 Strategic Procurement Team, Corporate Procurement team, Head of Audit and Risk Management.

Method of Consultation

7.2 Meetings and Internal correspondence

Representations Received

7.3 None.

Background Papers

Contract Standing Orders 2010 (attached)

Contact for further information

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Doc. Ref
Contract Standing Orders 2010