

PART 5.1

Part 5.1 Procurement Regulations

Contracts

This Section contains the Council's statutory standing orders about the making of contracts in accordance with section 135 of the Local Government Act 1972.

Anyone undertaking procurement activity for or on behalf of the Council is required to act in the best interests of the Council and with high standards of probity; specifically to achieve:

- Best Value for public money spent;
- An open fair and transparent procurement process;
- The Council's policy aims and objectives;
- Compliance with all relevant Health and Safety, Risk, Business Continuity and Diversity requirements; and
- Social Value outcomes.

The Joint Chief Executive, LGR, Devolution, Transformation and Change must issue Procurement Rules which comply with the requirements of the Procurement Act 2023, Procurement Regulations 2024 and Health Care Services (Provider Selection Regime) Regulation 2023 and shall be published on the Council's website. All contracts being entered into by the Council must comply with the Council's Procurement Rules.

The Procurement Rules must specify:

1. That there is no requirement to secure competition in contracts whose total value is below a value prescribed in the Procurement Rules ("the low value");
2. That contracts with a value which exceeds the low value but does not exceed the high value prescribed in the Procurement Rules ("the high value") shall be exposed to competition by means of inviting competitive quotations;
3. That contracts with a value which exceeds the high value but which do not exceed the threshold in (5) below shall be let following public notice on 'Contracts Finder' or other government prescribed national register which invites competitive tenders;
4. That any competitive quotation or tender process is conducted using the Council's electronic tendering system or, if where this is not possible, that any bids received are kept unopened, in a secure location until the expiry of the deadline for the receipt of tenders;
5. That contracts with a value exceeding the relevant threshold prescribed in accordance with the Procurement Act 2023 or Health Care Services (Provider Selection Regime) Regulations 2023, shall be advertised (where applicable) on Find A Tender) or successor journal and awarded in a manner which complies with those rules;

6. The circumstances in which the Council is permitted to purchase via a collaborative agreement or framework;
7. That contracts awarded by the Council shall be managed to ensure delivery of required outcomes, contractual compliance and continue to offer Best Value; and
8. That in addition to the exemptions from competition permitted under the provisions of these Standing Orders; the Joint Chief Executive, LGR, Devolution, Transformation and Change, may grant a waiver from a requirement in these Standing Orders or the Procurement Rules if he considers the exemption is lawful and justified by circumstances of civil or other emergency, where the continuity of service is at risk, where the contract involves the appointment of legal Counsel or any goods, services or works specifically excluded from the requirement to comply with the Procurement Act 2023.

The Procurement Rules may also specify such further rules as the Joint Chief Executive, LGR, Devolution, Transformation and Change may require ensuring compliance with relevant statutory requirements or government advice.

The Joint Chief Executive, LGR, Devolution, Transformation and Change may from time to time supplement Procurement Rules by providing guidance and training to officers on best practice on the subject of procurement.