

REPORT TO CABINET

Open		Would any decisions proposed :			
Any especially affected Wards	Mandatory	Be entirely within cabinet's powers to decide		NO	
		Need to be recommendations to Council		YES	
		Is it a Key Decision		NO	
None					
Lead Member: Cllr Brian Long E-mail: cldr.brian.long@west-norfolk.gov.uk			Other Cabinet Members consulted:		
			Other Members consulted:		
Lead Officer: Tony Hague, Procurement E-mail: tony.hague@west-norfolk.gov.uk Direct Dial: 01553 616791			Other Officers consulted: Extended Management Team and Procurement Team		
Financial Implications NO	Policy/Personnel Implications YES	Statutory Implications YES	Equality Impact Assessment YES If YES: Pre-screening	Risk Management Implications YES	Environmental Considerations NO

Date of meeting: 7th January 2020

REVIEW AND UPDATE OF CONTRACT STANDING ORDERS

Summary

Since the current version of Contract Standing Orders was approved by Council on 24 September 2015 there have been several changes in procurement policy. These changes take account of the Council's current Procurement Strategy adopted in April 2018, the transition to electronic tendering and the focus on social value. Contract Standing Orders have been reviewed and amendments are proposed that include measures to take account of the changes mentioned above.

Recommendation

It is recommended that Cabinet accept the new version of Contract Standing Orders and that they recommend acceptance by full Council. It is also recommended that Delegated Authority is granted to the Leader and Chief Executive, in consultation with the Monitoring Officer, to make minor changes from time to time to make CSO consistent with legal requirements, changes in Council structures and personnel and best practice; and that Delegated Authority is granted to the Leader, appropriate Portfolio Holder, and the Chief Executive, to add a section on compliance with the Council's Environmental Policy, when that policy has been completed and adopted.

Reason for Decision

To ensure that the Council's purchasing and disposal procedures continue to reflect best practice in order to obtain best value and to guard against corruption, discrimination and breaches of public procurement regulations.

1. BACKGROUND

1. The current version of Contract Standing Orders was approved by Council on 24th September 2015. In April 2019 a review commenced, with the object of bringing Contract Standing Orders up to date with the uses of new technology and policy changes and at the same time create a more user friendly document. There has also been a strong focus on the impact assessments of the following: Data Protection; Equality in Procurement and Safeguarding. The updated version of Contract Standing Orders includes simple, easy to use Pro Forms which are to be completed for each of these potential issues. Environmental Impact was also considered but is not ready to be included within Contract Standing Orders at this stage whilst a new Council Environmental Policy is in preparation.
2. The new draft of Contract Standing Orders has now been circulated amongst the Extended Management Team and a number of other key officers, and their views and suggestions have been incorporated into the document where appropriate.
3. The layout has changed so significantly that it is not possible to highlight particular paragraphs or items that have changed. However the main changes are as follows: -
 - a) Update of Officer Responsibilities highlighting the necessity of early Procurement involvement (CSO 15 and Appendix 10)
 - b) Inclusion of TUPE regulations (CSO 16-18)
 - c) Inclusion of information regarding Concession Contracts (CSO 31-32)
 - d) Updates to the Procurement Tender thresholds (CSO 34)
 - e) Major changes to short-listing reflecting new regulations banning Pre-Qualification Questionnaires altogether and being replaced by Standard Selection Questionnaires (CSO 37)
 - f) New section detailing the new Request for Quotation (RFQ) procedure (CSO 38-42)
 - g) Suggestion that price should not account for more than 70% of the evaluation criteria on any services or works contracts.
 - h) Major changes to Submission, Receipt and Opening of Tenders procedure regarding e-tendering and retention of documents (Appendix 2)
 - i) Improvement of Safeguarding Policies section (Appendix 11)
 - j) Addition of Equality in Procurement section with pro forma for Client Officers to complete (Appendix 12)
 - k) Addition of Data Protection Impact Assessment Pre-Screening Tool (Appendix 13)
 - l) Inclusion of a Template RFQ for Client Officers to use as a starting point when creating an RFQ document for their requirements. (Appendix 14)

2. Options Considered

We considered moving the tender thresholds up to £50,000 but we decided that this would increase the risk of not achieving the best value for money on contracts between £25,000 and £50,000.

3. Policy Implications

Contract Standing Orders dictate the Council's procurement policy and forms part of the Council's Constitution.

4. Financial Implications

There are no direct financial implications from the proposed changes although, of course, one of the main objectives of Contract Standing Orders is to obtain best value for the Council.

5. Personnel Implications

N/A

6. Environmental Considerations

Although there are no direct environmental implications as a result of this report, as mentioned in Item 1 above, this has been considered and the Recommendation of this report includes provision for reference to the Council's Environmental Policy to be added to Contract Standing Orders, once the policy is adopted by Council.

7. Statutory Considerations

The proposed changes in part take into account new law and Government guidance, and the Standing Orders refer to EU Procurement regulations and other statutory considerations.

8. Equality Impact Assessment (EIA)

Completed pre-screening form attached

9. Risk Management Implications

Potential costs to the Council could be substantial if regulations and guidelines are not complied with and, as a result, a successful challenge to a contract award is made. It is therefore vital that Contract Standing Orders are kept up to date and the compliance with those Orders is promoted by Members and senior Officers.

10. Declarations of Interest / Dispensations Granted

N/A

11. Background Papers

Proposed new version of Contract Standing Orders

Current version of Contract Standing Orders (2016) – available on the website

<https://www.west->

[norfolk.gov.uk/downloads/download/345/procurement_rules_documents](https://www.west-norfolk.gov.uk/downloads/download/345/procurement_rules_documents)

Pre-Screening Equality Impact Assessment

Borough Council of
King's Lynn & West Norfolk



Name of policy/service/function	Contract Standing Orders				
Is this a new or existing policy/service/function?	Existing				
<p>Brief summary/description of the main aims of the policy/service/function being screened.</p> <p>Please state if this policy/service is rigidly constrained by statutory obligations</p>	<p>Controls on purchasing and disposals designed to ensure best value for the Council and to ensure that Public Procurement Regulations are complied with.</p>				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			X	
	Disability			X	
	Gender			X	
	Gender Re-assignment			X	
	Marriage/civil partnership			X	
	Pregnancy & maternity			X	
	Race			X	
	Religion or belief			X	
	Sexual orientation			X	
	Other (eg low income)			X	

Question	Answer	Comments
<p>2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?</p>	No	
<p>3. Could this policy/service be perceived as impacting on communities differently?</p>	No	
<p>4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?</p>	No	
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions?</p> <p>If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	N/A	<p>Actions:</p>
		<p>Actions agreed by EWG member:</p> <p>.....</p>
<p>If 'yes' to questions 2 - 4 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary:</p> <p>N/A</p> <p>Decision agreed by EWG member:</p>		
<p>Assessment completed by:</p> <p>Name</p>	<p>James Hawes</p>	
<p>Job title</p>	<p>Trainee Procurement Officer</p>	
<p>Date</p>	<p>7th November 2019</p>	