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| NORTH WARWICKSHIRE BOROUGH COUNCIL  |

Contract Standing Orders

## Table of Contents

[Table of Contents 2](#_Toc192170230)

[PURPOSE OF CONTRACT STANDING ORDERS 3](#_Toc192170231)

[SCOPE 3](#_Toc192170232)

[PRINCIPLES APPLYING TO ALL CONTRACTS AND PROCUREMENTS 4](#_Toc192170233)

[PROCUREMENT PLANNING 5](#_Toc192170234)

[QUOTATIONS AND TENDERING 10](#_Toc192170235)

[TENDERING PROCEDURES –LEVEL B, C AND COVERED PROCUREMENTS 11](#_Toc192170236)

[SELECTION AND CONTRACT AWARD 12](#_Toc192170237)

[NOMINATED OR NAMED SUB-CONTRACTORS AND NOMINATED SUPPLIERS 13](#_Toc192170238)

[CONTRACTS AND TERMS 13](#_Toc192170239)

[USING CONTRACTS 14](#_Toc192170240)

[DISPOSAL OF ASSETS 15](#_Toc192170241)

[LAND AND PROPERTY TRANSACTIONS 15](#_Toc192170242)

[OTHER DISPOSALS 16](#_Toc192170243)

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## PURPOSE OF CONTRACT STANDING ORDERS

Procurement decisions and processes are important because the money involved is public money. These Contract Standing Orders (CSOs) are made in accordance with the requirements of Section 135 of the Local Government Act 1972. The purpose of these CSOs is to provide a structure within which purchasing decisions are made and ensure that the Council:

* furthers its corporate objectives,
* uses its resources efficiently,
* purchases quality goods, services and works that are best value for money,
* grants service concessions,
* safeguards its reputation from any implication of dishonesty or corruption, and
* protects individuals from undue criticism or allegations of wrongdoing.

Procurement by the Council, from planning to delivery, shall incorporate (where applicable):

* sustainability,
* efficiency,
* equality,
* social value,
* whole life costings, and
* cost savings.

Senior officers are accountable for purchasing and compliance in the sections or divisions for which they are responsible.

Council employees and all contracts entered into by the Council must comply with these CSOs, the Councils Financial Regulations (FRs) and the Council’s Procurement and Commissioning Strategy.

Any dispute or difference in the interpretation of CSOs and the FRs or any other relevant policy or document shall be resolved by the Head of Legal Services or the Chief Executive.

Advice on the application of these CSOs is available from the Procurement Manager and the Head of Corporate Services.

## SCOPE

These CSOs apply to:

* the purchase of works,
* the purchase of goods,
* the purchase of services ,
* contracts entered into by, or on behalf of, the Council, including purchase orders,
* the granting of exemptions,
* concession contracts, (these are subject to the Concession Contacts Regulations 2016),
* the disposal of land, property, or other assets (including surplus goods), and
* involvement by the Council in partnerships and other joint working where the money, including external funding, passes through the Council’s financial accounts.

CSOs **do not** apply to service contracts under Regulation 10 of the Public Contract Regulations, e.g.:

* the purchase or hire of property,
* arbitration and conciliation services,
* permanent, interim or agency staffing,
* engagement of legal Counsel or expert witnesses, or instructions to Solicitors to act on the Council’s behalf provided this is done with prior approval of the Head of Legal Services,
* loans - lending or borrowing of money,
* grants from the Council (except where they are to buy services),
* sponsorships,
* goods, services or works purchased through an existing, valid contract, and
* services provided by another division within the Council.

## PRINCIPLES APPLYING TO ALL CONTRACTS AND PROCUREMENTS

All purchases shall be electronic, and a purchase order must be raised on the Council’s finance system prior to goods or services being ordered or works commenced. The Council operates a ‘No PO No Payment’ system for invoices.

The Council must comply with relevant legislation and directives and with Codes of Conduct, Protocols and FRs as set out in the Council’s Constitution when dealing with procurement and contractual matters.

To minimise the risk of fraud, bribery, and corruption within procurement, tendering and contracts particular attention should be made to:

* the Council’s Counter Fraud Policy,
* the Modern Slavery Act 2015,
* the Council’s Anti-Bribery Policy,
* the Council’s Information Security Policy,
* the Local Government Transparency Code,
* GDPR,
* Freedom of Information, and
* Subject Access Requests.

The Council must take appropriate measures to avoid, or properly declare, possible conflicts of interest (economic, financial, or personal interests) which might be seen to compromise their impartiality or independence in the context of a competitive tendering procedure.

Every contract entered into on behalf of the Council must comply with these CSOs. However, national legislation, regulations and directives take precedence.

All purchases made, or procurements carried out, must be approved by officers with the appropriate delegated authority regardless of the value, procurement route or method of payment.

An officer may only procure, raise an order, or enter into a contract where there is approved funding, e.g. provision in the Revenue budget or as part of a scheme in the agreed Capital Programme.

Any contract award that involves the transfer of staff (TUPE) from the Council to a third party needs the involvement of the Human Resources Manager and the approval of the Chief Executive.

Officers are expected to manage contracts to cost, quality, time and budget. In the event of variation to any one of these, officers will follow the relevant guidelines in the Procurement Act 2023 (PA23).

The length of a contract should be appropriate for the goods, services or works being procured. A contract should be for no longer than 4 years unless it is tied to:

* the completion of a specific job or project,
* the supply of a fixed quantity of goods, or
* the nature of the procurement demands a longer timeframe, and an extension is available.

When using a framework agreement or a contract let by another public sector body the procuring officer must ensure they comply with the contract terms and any award conditions or restrictions.

All contracts must be checked and agreed by the Head of Legal Services, the Chief Executive (if a practising solicitor) or in their absence a member of the Legal team prior to signing by completing the [Contracts Register](https://forms.office.com/Pages/ResponsePage.aspx?id=B55DB4ThdEWI27dNcUbEEbXDfw_FgIBGgL7xuHaN8RNUQUUzQVZUV1A4Vk9BQkhDUFQ0S0VEWU1aOS4u&origin=Invitation&channel=0) form, to enable the Council’s contract register to be updated automatically. The Council is obliged by the Local Government Transparency Code 2015 and FRs to publish to the Councils website annually.

## PROCUREMENT PLANNING

Need & Specification

Before starting any procurement, it is essential that the procuring officer:

* is satisfied that the goods, service or works are needed,
* has considered any alternative options for meeting the need, and
* sought advice from the Procurement Manager or Head of Corporate Services if the procurement is at tender levels or if unsure about how to proceed.

The procuring officer must consider which procurement route is most appropriate at level B and above. The routes are:

1. Competitive procurement process,
2. Framework Agreement, or
3. Exemption.

A specification of what is needed must be produced, regardless of the value of the procurement. This may range from a simple description and an estimated price to detailed specifications for high value, complex procurements. Specifications must not include requirements that are discriminatory, or which may distort competition or contain non-commercial interests.

The Councils [Terms and Conditions](https://www.northwarks.gov.uk/site-search/results/?q=terms+and+conditions) will form part of any tender specification and contract documentation, and the procuring officer must inform the supplier of these.

Overall Value FOR CONTRACTS

An estimate of the total value of the procurement must be calculated at the outset to ensure the correct procurement route is selected. The whole life cost, including VAT, must be used to calculate the **Overall Estimated Value** which can be established by using one of the following methods:

* the expected annual amount (purchase cost and on-going cost) multiplied by the number of years the contract is expected to operate, (e.g. if the contract is a 2+1+1 the years should be equal to 4),
* the value of past annual expenditure multiplied by the number of years the contract is expected to operate,
* the estimated cost of the goods or service for a one-off purchase, or
* a value established through market testing e.g. indicative costs from suppliers.
* this must also include any potential extensions to the contract.

The Council has a duty, under the Public Services (Social Value) Act 2012, to consider how what is being procured might improve the economic, social, or environmental well-being of the Borough.

Officers must not deliberately split requirements to reduce the value of a contract in order to avoid certain procurement routes or to fall below procurement thresholds.

Procurement Routes and Values

The Corporate Director - Resources, the Chief Executive, the Head of Corporate Services or the Head of Legal Services may revise these figures, however they must be approved by the relevant Board.

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| **Levels and Procurement Route**  |

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| --- | --- | --- | --- | --- | --- |
| **Level**  | **Amount** | **Route**  | **Competitive Tendering Procedure** | **Award** | **Notices** |
| Level A | Up to £29,999 | Quotations in writing, from at least 2 suppliers and procuring officer must retain an electronic copy for evidence  | Not required | Ordered using an official Purchase Order or purchase card. | None required |
| Level B | £30,000 to £110,000 | Tender procedure- responses in writing, responses from at least 3 suppliers | Invitation to Tender on relevant procurement portal for at least 10 working days.  | Confirmed by Contract Award Notice & ordered against contract and/or Council Purchase Order (PO) | Below Threshold Tender Notice & Contract Details Notice  |
| Level C | £110,001 to Covered Procurement Levels  | Tender Procedure- Responses in writing, responses from at least 3 suppliers  | Invitation to Tender on relevant procurement portal for at least 14 working days.  | Confirmed by Contract Award Notice & ordered against contract and/or Council Purchase Order (PO) and Contract must be sealed  | Below Threshold Tender Notice & Contract Details Notice |
| Covered Procurement | \*Services and Supplies = £213,447inc VAT Works = £5,372,609 inc VAT | Covered procurement/ Find a Tender Service | Covered procurement rules  | Seek advice from Procurement Manager and Contract must be sealed | Seek advice from Procurement Manager |

\*As at 1 January 2024 – 31 December 2025

Competitive tendering procedure

**Level A quotations**

All quotations must be electronic and must be kept as evidence. These may be required by:

* Internal or External Audit,
* the budget holder, or
* the Procurement Team.

**Level B tender value**

Where the minimum number of required suppliers has not been achieved, approval must be sought from the Procurement Manager or the Head of Corporate Services so they can determine that no discrimination has taken place to limit participation prior to continuing with the tender.

**Level C tender value**

Where the minimum number of required suppliers has not been achieved, approval must be sought from the Procurement Manager or the Head of Corporate Services so they can determine that no discrimination has taken place to limit participation, and further approval must be sought from the Corporate Director – Resources or the Chief Executive prior to continuing with the tender.

**Covered Procurement**

Contracts to which covered competitive tendering procedures apply will be awarded in accordance with the rules and approved procedures set out in PA23

**Competitive tendering procedure** **(for Level B and above)**

The following characteristics can help determine which procedures could be used:

|  |  |  |
| --- | --- | --- |
| **Open Procedure** | **Competitive Flexible Procedure** | **Direct Award** |
| Known requirement | Unknown solution  | Prototypes and development |
| Simple requirement | Complex requirement | Single supplier where only one supplier exists due to technical or Internet Protocol reasons |
| Emerging market (SMEs) | Novel/innovative goods and services | Purchase of any additional or repeat goods from existing supplier |
| Small market | Large market | Pursuant to regulations made by a Minister of the Crown |
| Established/known market | Would require formal engagement with bidders during the process (i.e. negotiation or dialogue) | Purchase of commodities |
|  | Small specialist market | Urgent requirements |

The Procurement Manager or Head of Corporate Services must be consulted well in advance of any planned covered procurements to ensure compliance with regulations, directives, timescales and procedures.

Any Level B or above tender must be advertised and processed on the Council’s e-tendering portal. This function is carried out by the Procurement Team, including publishing and administration of the tender. The procuring officer must ensure that an officer is available during this duration to answer any clarification questions.

EXEMPTIONS TO CONTRACT STANDING ORDERS

The requirement for the Council to purchase using a [competitive process](#_TENDERING_PROCEDURES_–) can be waived in certain circumstances.

**Level A**

Exemptions are not required if two or more quotes can be obtained, however if only one quote can be sourced an exemption must be done over the value of £10,001, under £10,001 authorisation must be obtained from the procuring officers line manager.

**Level B and C**

Where an officer is intending to seek an exemption they should complete [Contract Standing Orders – Exemption Request Form Updated with Manager Approval](https://forms.office.com/pages/responsepage.aspx?id=B55DB4ThdEWI27dNcUbEEbXDfw_FgIBGgL7xuHaN8RNUME1TSlc5RDM2RVNIQzdIVVMwV1I5VlVXMi4u&route=shorturl). All exemptions must be authorised by a senior manager, the Procurement Manager or Head of Corporate Services and Section 151 Officer or the Monitoring Officer. The exemption process for level B and C is listed below:

**Covered Procurement**

Approval must be sought from the Chief Executive (CE) and the relevant Board or CE using emergency powers.

Reasons for an exemption are: -

1. **Framework or collaboration**
Purchases made using a Framework Agreement made by a Central Purchasing Body or collaborative contracts, e.g. with other Contacting Authorities
2. **Emergency or in exceptional circumstances**
The purchase of works, goods or services required in an emergency or in exceptional circumstances or so urgently that competition would not be in the Council’s best interests or possible.
3. **Disproportionate technical difficulties or financial disbenefit**
Where the purchase of goods, services or works from a different supplier would result in incompatibility with existing goods, services or assets or would result in disproportionate technical difficulties or financial disbenefit.
4. **Unique supply**
When there are justifiable technical, specialist or supply market reasons and the works, goods, materials or services can only be obtained from one supplier, and no reasonably satisfactory alternative is available.
5. **Best value for money by purchasing pre-owned items**Best value for money can be achieved by the purchase of used or pre-owned vehicles, plant, equipment or materials.
6. **Purchase or sale of properties, equipment or vehicles**
The purchase or sale of property or articles at an auction sale.
7. **Extension to existing contract**
Where the work to be done or the goods to be supplied constitute a valid extension to an existing contract and it is in the Council’s best interest to negotiate with the existing contractor/supplier.
8. **Unsuccessful competitive tendering procedure**
Due to an unsuccessful competitive tendering procedure, the Council is permitted to continue with the incumbent supplier, subject to evidence.
9. **Contract or co-operation between public bodies**
When the contract or co-operation is between public bodies and provided that specific conditions around control, service provision and private sector involvement are met, (for example grants).

## QUOTATIONS AND TENDERING

Before seeking quotations or tenders the procuring officer must:

* satisfy themselves that the Council does not already have a contract in place for supplying the required goods, services or works,
* decide if there is a case for an exemption, and
* decide if the potential works or services could be carried out or supplied by another division of the Council.

All tenders must be published on the Council’s e-tendering portal and set out details of the proposed procurement by:

* describing the required goods, services or works to be carried out,
* a timetable for submitting bids, including closing date and contract award date,
* include the criteria that the Council will be using to evaluate responses and award the contract, including scoring weightings,
* request relevant supplier declarations, and
* financial information for credit checks.

The procuring officer must decide on the process, any relevant criteria and weightings that will be ultimately used to select a successful supplier, which must be documented and published.

The aim of the evaluation process is to ensure that a supplier who has submitted a tender can understand why the tender was either successful or unsuccessful. It also allows unsuccessful suppliers to see how the Council has determined the most advantageous tender (MAT) in accordance with the award criteria and assessment methodology.

The Procurement Team can advise on weightings.

## TENDERING PROCEDURES –LEVEL B, C AND COVERED PROCUREMENTS

Prior to any tender the following must be adhered to:

* any early market engagement or discussions with suppliers, or subject matter experts, prior to starting the procurement have ceased,
* authority to tender and budget provision has been obtained and that the appropriate tender procedure has been selected,
* that relevant evaluation and tender documentation has been produced in terms of the specification of requirements, selection and award criteria and evaluation method, and
* the Council will produce an advert, relevant notice(s) and documentation for potential suppliers of the Council’s requirements in line with PA23 regulations.

communications

All communications with potential suppliers during a tender stage will be handled by the Procurement Team on the e-tendering portal. Officers must not have any contact with potential suppliers at this stage. This includes any alterations to tenders, abnormal tenders or post tender negotiations.

Receipt, Opening and Registration of Tenders

Tenders and quotes received via the e-tendering portal are held securely and will not be opened until the published closing date and time, after which they will be opened by a member of the Procurement Team who will then send electronically to the procuring officer.

All tenders must be evaluated by at least three knowledgeable officers, one of whom should be the procuring officer and one of whom should be a subject matter expert. For a complex tender you may wish to appoint a panel of subject matter experts for specific areas of the tender (e.g. HR, IT or Finance).

Alterations to Tenders, Abnormal Tenders and Post Tender Negotiations

No alteration of any tender will be allowed after the date and time specified for the receipt of tenders, except:

* Alterations - where typographical, arithmetical errors or discrepancies are found. The tenderer can be given an agreed period to confirm or correct the error or to withdraw the tender,
* Abnormal tenders - if the procuring officer believes a tender to be abnormal given the requirements, the overall estimated value or in comparison with other tenders, the tenderer may be asked to explain and clarify its tender or parts of it,
* Post tender negotiation - this is permissible when a procurement route which allows some negotiation (i.e. Competitive Flexible Procedure) has been used. Otherwise, discussions with tenderers after the submission of a tender and before award with a view to obtaining adjustments in price, delivery or content must only take place in consultation with Legal Services and the Procurement Team and in exceptional circumstances such as where the lowest tender received exceeds the approved budget,
* Disqualified tenders - no tender responses have been submitted or the budget has been exceeded. The procuring officer must terminate the current tender, publish a Procurement Termination Notice and then revise tender documentation and republish should they so wish.

## SELECTION AND CONTRACT AWARD

Tenderer Notification and notices

Once the decision to award a contract is made, each tenderer, including unsuccessful tenderers, must be notified electronically. The procuring officer must produce an Assessment Summary and Contract Award Notice and send to the procurement team so they can publish to the e-tendering portal. They should cover:

|  |  |
| --- | --- |
| **Unsuccessful tenderer(s)** | **Successful tenderer** |
| Issue Assessment Summary (stating why they did not win the tender) | Issue Assessment Summary (stating why they did win the tender)  |
| The title, breakdown, weighting, score and the reason behind the scoring of the criterion  | The title, breakdown, weighting, score and the reason behind the scoring of the criterion  |
| the score of the successful tenderer | their score against the criteria |
| the name of the successful tenderer | the standstill period |
| their score against the criteria |  |
| the standstill period  |  |

If the Council disqualifies a tender at the evaluation stage, then an Assessment Summary is still required stating the reasons for disqualification.

You must not issue the Contract Award Notice until after issuing the Assessment Summary to all tenderers. Once the Assessment Summary has been produced and the tenderers have been notified you must publish the Contract Award Notice to the successful tenderer.

Assessment summaries are not required for:

* Contracts awarded under a framework, and
* Below threshold contracts (level A, B & C procurements).

Consultation with the Procurement Manager or Head of Corporate Services should take place.

Assessment Summaries will be published on the e-tendering portal, the Contract Award Notice will be published on the Central Digital Platform and is available publicly. These functions will be carried out by the Procurement Team.

Standstill period

For all tenders (level B and above) the standstill period starts on the day that the Contract Award Notice is published and is for a minimum **8** working days between the publishing of the Contract Award Notice and signing of the contract. There should be no direct communication with any of the tenderers during this period and the contract cannot be commenced until the standstill period has expired, dependant on there being no challenges received, and an official purchase order must be raised. This may be extended if a challenge is lodged by a tenderer, in which case the Procurement Team will advise.

## NOMINATED OR NAMED SUB-CONTRACTORS AND NOMINATED SUPPLIERS

These CSOs apply where a sub-contractor or a supplier is to be nominated to an existing main contractor or contract (subject to contract terms and conditions): -.

* Where it is not reasonably practicable to obtain competitive tenders, the appropriate senior officer may nominate or agree the nomination of a sub-contractor or supplier,
* Where competitive quotes or tenders are available, then dependent on the estimated value of the sub-contract or the estimated value of goods or materials to be supplied by a nominated supplier, tenders or quotations must be invited,
* The terms of any invitation for nominated sub-contractors or suppliers must require that, if selected, the firms would be willing to enter into: -

(a) a contract with the main contractor on terms which indemnify the main contractor against the main contractor’s own obligations under the main contract in relation to the work and goods or materials included in the subcontract; and

(b) an agreement to indemnify the Council in such terms as may be prescribed.

The provisions of these CSOs relating to the submission of quotes or tenders; their opening and registration; late tenders; alterations to tenders; and tender acceptance apply to this CSO.

## CONTRACTS AND TERMS

Before entering into a contract with any supplier, the appropriate senior officer must:

* ensure that a financial check of all suppliers is carried out by our Financial Services Team,
* ensure that all Contracts at Level C and above are signed under seal by the Legal Team,
* at the senior officer’s discretion and for all tenders at Level B and above the procuring officer must consult with the Corporate Director - Resources to determine if the contract is to include Parent Company Guarantees, Bonds or Liquidated Damages,
* ensure that the supplier is aware of the Councils terms and conditions
* if processing personal data, a Data Protection Impact Assessment must be carried out.

Using other Organisations or fraMEWORK Contracts

The Council may choose to use contracts and contract terms other than its own, if the senior officer determines the needs of the Council can be met. This can be efficient, reducing contracting activity, and may include the following types of contracts:

* ICE (Institute of Civil Engineers) and JCT (Joint Contracts Tribunal) Contracts and Agreements and NEC Contracts,
* contracts established by organisations with the legal remit to award public contracts such as Professional Buying Organisations e.g. ESPO,
* contracts tendered and awarded by Government or public sector organisation, which are open to Local Government or this Council, provided they have been let compliantly, legally and under their CSOs.

It is the responsibility of the procuring officer or senior officer to ensure that such contract terms are appropriate, and that Legal Services has had the opportunity to review any contract and decide if such a contract is applicable and acceptable to the Council.

If necessary, it is the responsibility of the senior officer to negotiate modifications to the contract to properly represent the requirements of the Council. Any substantive change must be agreed with the Head of Legal Services. The grounds for modifications under PA23 are as follows:

* urgency and the protection of life, etc,
* materialisation of a known risk,
* for defence authority contracts on developments in technology,
* for defence authority contracts to ensure continuous supply,
* provided for in the contract,
* unforeseeable circumstances,
* additional goods, services or works,
* transfer on corporate restructuring,
* non-substantial modifications, and
* below-threshold modifications

Variances to Terms and Conditions

Any variations to the Councils Standard Contract Terms and Conditions submitted by suppliers shall not be accepted without advice from the Head of Legal Services.

Contract Disputes

The Council will identify a Dispute Resolution Process. The principles of such will be to establish mutually acceptable resolution of any dispute; to maintain good working relations and avoid lengthy and costly delays.

## USING CONTRACTS

Variations within Contracts

All variations must be in the form of written instruction to the contractor. The validity and likely cost effect of each variation should be assessed before the issue of the instruction to proceed.

If the variation is valid and its cost can be contained within the contract price and approved budget the instruction may be approved by the procuring officer at level A and by the relevant senior officer at level B and above.

Any variation, which will result in the approved budget being exceeded by £10,000 or 10% of the contract sum (whichever is the greater) must be reported to the appropriate board by the senior officer in accordance with FRs.

If the variation would cause the contract price to be exceeded but is within the tolerance defined in FRs (£10,000 or 10% of the contract sum), the senior officer should liaise with the Corporate Director - Resources to establish how any overspend could be contained within approved budgets. If alternative funding cannot be found, the appropriate board will need to submit a supplementary estimate request to Executive Board.

In cases when a variation is urgent and requires immediate action the instruction may be issued by the appropriate senior officer in consultation with the Chief Executive with regard to using their emergency powers. Details of the cost of the variation or overspend and the reason(s) for it, must be reported to board as soon as practicable in accordance with FRs.

Adjustments and Extensions to Contracts

Where the timing of any contract changes for reasons beyond the control of the procuring officer, a contract may be lengthened or adjusted with the approval of the appropriate senior officer. Such discretion is to recognise the efficiency in procurement in situations where issues pull forward or delay a particular programme of expenditure.

The appropriate notices will need to be published in consultation with the Procurement Manager or Head of Corporate Services.

TERMINATING Contracts

The Council is obliged under PA23 to publish a Contract Termination Notice when a contract is terminated or expires on the Central Digital Platform, this function is carried out by the Procurement Team.

## DISPOSAL OF ASSETS

Assets are:

* property,
* land,
* vehicles,
* equipment (IT kit, tools, leisure equipment, etc.),
* furniture.

If assets are no longer required, they should be sold or disposed of in accordance with the law, FR and any Council Protocol for Disposal of Assets.

Assets may be disposed of by submission of electronic bid for “highest bidder wins” on the Councils website and social media up to the value of £10,000.

The Facilities Team, the Financial Services Team and the Legal Team (if property) should be informed of disposals to ensure the Councils Asset Register is maintained.

## LAND AND PROPERTY TRANSACTIONS

These CSOs apply where there is a land transaction. Except for any reference to the Council’s Constitution.

Approval of Major Disposals

The method of each major disposal must be approved by the Chief Executive. When determining such matters the Chief Executive shall:

* specify the land to be disposed of,
* confirm that the land has been declared surplus to the Councils requirements,
* advise upon the proposed method of disposal and set out the reasons for selecting that method,
* in matters where the Council must achieve best consideration, confirm that the proposed method of disposal which has been selected, is most likely to achieve this; and
* in matters where it is proposed that the disposal is for less than best consideration, give reasons for and against and detail the relevant legal powers of the Council.

The principal terms of major disposals (except where the approved method of disposal is by auction) must be approved by the Council on the recommendation of the Resources Board. When determining such matters, the Board shall ensure, after considering advice from a valuation carried out on behalf of the Council, either that the consideration agreed represents best consideration, or following advice from the Head of Legal Services that the Council has the relevant legal powers to accept less than best consideration.

In major disposals where the approved method of disposal is the inviting of formal tenders or informal offers, the disposal must be advertised on the Council’s website and social media, and in at least one local, national or specialist newspaper or publication as determined by the Head of Legal Services. Tenders shall be submitted in accordance with the Councils e-tendering portal, this function will be carried out by the Procurement Team.

## OTHER DISPOSALS

These CSOs apply to vehicles, equipment (IT kit, tools, leisure equipment, etc.) and furniture.

Approval of OTHER Disposals

The method of each major disposal must be approved by the Head of Legal Services or Corporate Director - Resources. When determining such matters the Head of Legal Services or Corporate Director - Resources shall:

* specify the asset(s) to be disposed of,
* confirm that the asset(s) has been declared surplus to the Councils requirements,
* advise upon the proposed method of disposal and set out the reasons for selecting that method,
* in matters where the Council must achieve best consideration, confirm that the proposed method of disposal which has been selected, is most likely to achieve this; and
* in matters where it is proposed that the disposal is for less than best consideration, give reasons for and against and detail the relevant legal powers of the Council.

For disposals more than £10,000 they must be advertised on the Council’s website and social media, as determined by the Head of Legal Services.

Tender Procedures

**Dealing with formal tenders and informal offers**

All tenders and offers shall be opened by the Procurement Team. All contracts must be checked by the Legal Team or the Chief Executive (if a practising solicitor) and contracts above £110,000 must be sealed and must be electronic.

Alteration or errors in tenders and offers and late or otherwise invalid tenders and offers shall be dealt with in consultation with the Legal Team.

Disposals by Auction

In disposals where the approved method of disposal is by auction, the auction shall be conducted by a practising auctioneer instructed by the Council.

The Council will pre-determine the lowestand most acceptable price. The price must be disclosed only to the auctioneer and one of the Council’s legal team who attends the auction.

Accepting Tenders for the Disposal of Land, Property and other Marketable Assets.

Decisions on the acceptance of tenders for the disposal of land, property and other marketable assets will be taken as follows: -

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| **Disposal of Land, Property and Assets** |
| **Circumstance** | **Acceptance by** |
| (a) The highest tender, provided that it is considered to be in the Council’s interests, after taking professional advice. | The Chief Executive, (or in their absence the Section 151 Officer) after consultation with the Leader of the Council |
| (b) A tender other than the highest received, provided that it is considered to be in the Council’s interests; is in accordance with statutory requirements; and a written report has been submitted to the appropriate Board by the relevant Senior Officer. | Appropriate Board |
| Any other circumstances | Appropriate Board |

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| **Glossary of Terms and Abbreviations** |
| Authority to tender | Means there is approved budget and has been agreed in the service plan and approved by a senior officer, Management Tea, or Board as required |
| Bribery | Giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so |
| CDP | Central Digital Platform – where all required notices will be published |
| Competitive Tendering Procedure | A procurement procedure e.g. Open Procedure |
| Contract | Agreement between the Council and a supplier for the carrying out of work, or for the supply of goods or services. Such agreements may be made by contract, purchase order or procurement card |
| Contract Price | The price at which the successful tenderer has agreed to provide the goods, works or services |
| Contractor | A supplier with which the Council enters into a contract |
| Corruption | Offences defined by the Bribery Act 2010 which makes offering or accepting a bribe a criminal offence |
| Council | Any of the following acting under delegated powers: A Board, Committee, Panel, or senior officer |
| CSOs | Contract Standing Orders |
| FTS | Find a Tender Service |
| FRs | Financial Regulations |
| GDPR | General Data Protection Regulation |
| ITT | Invitation to Tender |
| Leader of the Council | The Chairman of the Council’s Executive Board |
| M.A.T. | Most Advantageous Tender |
| Officer | An employee of the Council |
| Order | An official order placed by the Council on its Finance system |

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| Glossary of Terms and Abbreviations |
| Overall Estimated Value | The estimated total of all the costs associated with the goods, services or works being procured over the number of years the contract is expected to operate, including any extensions |
| PA23 | Procurement Act 2023 |
| Partnership | A form of contract between the Council and any supplier that includes some form of arrangement for sharing risk and/or reward in addition to the usual considerations for payment |
| Procuring Officer | An officer who has been given responsibility by a senior officer or budget holder to run procurement exercises and who may be required to establish and manage contracts |
| Professional Buying Organisation | An organisation which is legally able to procure and establishes contracts or framework agreements on behalf of the public sector |
| Quotation | A formal written offer to supply or purchase goods or services or to carry out work where the Overall Estimated Value is expected to be up to £29,999 (Level A) |
| Section 151 Officer | The Local Government Act 1972 requires local authorities to make arrangements for the proper administration of their financial affairs and appoint a S151 Officer |
| Senior Officer | The Chief Executive, Corporate Directors, Assistant Directors, Head of Legal, Head of Corporate Services, Head of Streetscape or Head of Development Control |
| SME | Small to Medium Enterprise – a business with fewer than 250 employees with a turnover of less than £50,000,000 |
| Supplier | A firm with whom the Council has entered into a contract for the supply of goods or services |
| Tender | An offer from a supplier to provide goods, services or works required at a specific cost following a Competitive Tendering Procedure |
| Whole Life Cost | All the costs associated with buying goods, services or works and can include planning, design, construction and acquisition, operations, maintenance and finance, purchase and disposal costs |