Draughton Parish Council – Meeting on 16 September 2015 – Agenda Item 8

Public Contracts Regulations 2015 - Proposed New Wording for Standing Order 18

*In order to incorporate the effect of the Public Contracts Regulations 2015, the Council is asked to consider approving an amended Standing Order 18, as follows (the revised wording is highlighted in bold):*

18.       Financial controls and procurement  
a.         The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:  
i           the keeping of accounting records and systems of internal controls;  
ii           the assessment and management of financial risks faced by the council;  
iii          the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;  
iv         the inspection and copying by councillors and local electors of the council’s accounts and/or orders of payments; and   
**v          procurement policies for contracts of all levels (subject to standing order 18(c) below) and requirements under the Public Contract Regulations 2015.**  
  
b.         Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.  
  
**c.         Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall satisfy the requirements of the Public Contract Regulations 2015 and will be procured on the basis of a formal tender as summarised in standing order 18(d) below.  The council will advertise the contract opportunity on the Contract Finder website.**d.         Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:  
i           a specification for the goods, materials, services or the execution of works shall be drawn up;  
ii           an invitation to tender shall be drawn up to confirm (i) the council’s specification (ii) the time, date and address for the submission of tenders (iii) the date of the council’s written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;  
iii          the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;   
iv         tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;   
v          tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;   
vi         tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.  
  
e.         Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.  
  
f.          **Where the value of a contract is likely to exceed £172,514 (or other threshold specified by the Office of Government Commerce from time to time) the council must comply with the Public Contracts Regulations 2015 and where applicable, the Utilities Contracts Regulations 2006 (SI No. 6, as amended).  If the 2006 Regulations apply to the contract the council must comply with EU procurement rules.**