



**BOROUGH OF
BROXBOURNE**
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Contract Standing Orders

May 2025

1 INTRODUCTION

Contract Standing Orders are designed to promote good purchasing practice and accountability. They provide a framework within which officers can manage the procurement of goods, works and services in a pragmatic and appropriate manner and ensuring compliance with current legislation. They link closely with National Government and Council corporate priorities, which are founded on the guiding principles of achieving value for money and meeting the needs of residents within the resources available. They apply to all areas of the Council's organisational structure, including service organisations and wholly owned subsidiary companies.

The Procurement Act 2023 (PA23) came into effect on 24 February 2025 and this along with the Procurement Regulations 2024 set out how local authorities must undertake 'covered' procurements (those above threshold value) and in some respects below threshold procurements. The Procurement Act 2023 regulations cover the whole procurement lifecycle from pre-procurement through to contract termination.

Contract Thresholds, including VAT, are:

- Works - £5,372,609
- Goods & Services - £214,904

PA23 lays out the following principles of Procurement:

- Non-discrimination
- Equal treatment
- Proportionality
- Mutual recognition
- Transparency

PA23 aims to simplify processes and increase transparency by default, Authorities should have regard to the following objectives when carrying out a covered procurement,

- Delivering Value for Money;
- Maximising Public Benefit;
- Sharing Information for the purpose of allowing suppliers and others to understand the authority's procurement policies and decisions; and
- Acting, and being seen to act with integrity.
- Have regard to the fact that small and medium enterprises may face barriers to participation and;
- Consider whether such barriers may be removed or reduced.

Authorities must have regard to the following when carrying out a covered procurement:

- Treat suppliers the same unless a difference between the suppliers justifies different treatment.

- If different treatment is justified in a particular case, must not put a supplier at an unfair advantage or disadvantage.

Tenders should now be assessed against the Most Advantageous Tender (MAT) rather than the previous Most Economically Advantageous Tender (MEAT), acknowledging that cost is not the most important consideration.

Regulated Below Threshold Contracts

These are contracts that are below the threshold but above £30,000 (inc VAT). Whilst all the principles of covered procurement should be considered the below are stipulated in the Act:

- Authorities should have regard to the fact that small and medium enterprises may face barriers to participation and whether such barriers can be removed or reduced;
- Not restrict submissions of tenders on an assessment of a supplier's suitability to perform the contract (legal, financial or technical capability)

Procurement and contracts that started or were let prior to 24 February 2025 will continue to be managed under the Procurement Contract Regulations 2015.

PA23 has simplified the procurement processes and now allows for two competitive procedures for 'covered procurements':

- Open procedure
- Competitive Flexible Procedure (a multistage procedure allowing authorities to design their own procedures)

Contracting authorities can still purchase via frameworks and dynamic markets. Direct awards, not undertaken through a framework, are permitted only under exceptional circumstances such as extreme urgency.

A new Central Digital Platform (CDP) has been set up by central government which is an enhancement of the previous Find a Tender Service. It is designed to be a central platform where suppliers can log all their basic information rather than submitting for each separate tender. All covered procurements must be published on this platform before anywhere else. There are a number of notices that must be published dependant on the type of procurement which can be found in Appendix A.

Below threshold procurements can be restricted to invitation only, see section 3, and in these cases only a Contract Details Notice needs to be published on the CDP. If advertising as an open tender this must first be published on the CDP via a Tender Notice followed by a Contract Details Notice.

These Contract Standing Orders do not cover the entire new legislation under PA23 and officers should refer to further guidance available on Staff Hub or contact the Procurement Officer. Staff are required to familiarise themselves with these documents, attend relevant

internal training sessions and, where necessary, seek advice before taking any purchasing action.

A glossary of terms used in this document is included in Section 7.

2 BASIC PRINCIPLES

2.1 General

These purchasing procedures have the following aims:

- Achieving the best possible value for public money spent;
- Maintaining the highest standards of integrity;
- Transparency
- Ensuring fairness in allocating public contracts;
- Ensuring compliance with all legal requirements; and
- Supporting the Council's corporate aims and central Government's mission
- Reducing barriers for SME's (Small and Medium Enterprises) and VCSE's (Voluntary, Community and Social Enterprises)

The Government issued a National Procurement Policy Statement in February 2025 which requires Local Authorities to consider national policy outcomes, alongside local ones, in any procurement exercise, in particular local authorities must have regard to the importance of delivering value for money through

- driving economic growth and strengthening supply chains by giving small and medium-sized enterprises (SMEs) and voluntary, community and social enterprises (VCSEs) a fair chance, creating high quality jobs and championing innovation;
- delivering social and economic value that supports the Government's missions including by working in partnership across organisational boundaries where appropriate; and
- ensuring the right commercial capability and standards are in place to procure and manage contracts effectively and to collaborate with other contracting authorities to deliver best value.

Officers should take steps during the procurement exercise to encourage a diverse and competitive supply market, and in particular should ensure the notification of opportunities to local businesses, small firms, social enterprises, and voluntary and community sector suppliers. Officers must ensure that they are able to account for all the actions and decisions they take, and that all processes are transparent, can be audited and documentation is retained for the required time limits.

2.2 Compliance with Contract Standing Orders and Legislation

All procurement processes must comply with relevant legislation, these Contract Standing Orders, the associated guidance notes available on Staff Hub, and the Council's Financial Regulations. Failure to comply with Contract Standing Orders could lead to disciplinary action.

It shall be a condition of any contract between the Council and anyone who is not an employee of the Council, but who is authorised to carry out any of the Council's contract

functions, that they comply with these Contract Standing Orders and the Financial Regulations as if they were an employee of the Council.

Before entering into any procurement officers should first determine if an existing contract is in place.

2.3 Estimated Value

The procurement process to be followed depends on the estimated value of the works, goods or services required. This is the total cost, excluding VAT, which the Council expects to pay over the life of the contract. Where the length of the contract is not specified, the total cost to be used for these purposes is four times the annual cost.

Enquiries of suppliers may be made before tenders or quotations are invited in order to:

- establish whether the goods, works or services are available, and within what price range; and/or
- prepare the relevant documents.

In making enquiries, it must be made clear to suppliers that the information they offer will not necessarily lead to them being invited to tender or quote or awarded the contract. In addition, such suppliers must not be treated preferentially in the evaluation of tenders. Engage with more than one supplier prior to tendering constitutes pre-market engagement and a Pre-Market Engagement Notice must be published on the CDP prior to any engagement.

2.4 Specifications

All tenders for the execution of works or the supply of goods or services in excess of £30,000 must be based on a written specification. In some cases, it may be applicable that expenditure under £30,000 is also based on a written specification where of a technical or specialised nature. Specifications shall where appropriate, include requirements relating to methods of construction, design and costing, tests, quality assurance, inspection and acceptance. When referring to UK standards these must include the appropriate international equivalent.

With regard to building works contracts legal advice should be sought as to the most appropriate form of contract.

2.5 Declaration of Interests/Conflicts of Interest

In accordance with the Officer Code of Conduct, all staff, including any external consultants appointed, must declare any connections which they or family members may have with potential tenderers that may affect the tendering process, and must exclude themselves from the evaluation of tenders and any decisions with regard to appointment.

For all covered procurement a conflict-of-interest assessment must be undertaken at the outset and reviewed throughout the procurement lifecycle, including contract management. This should be a set agenda item at every pre contract award meeting and then reviewed annually through the contract lifetime.

2.6 Contracts Register

The Local Government Transparency Code 2015 puts onus on the Council to publish all expenditure over £500 and all public contracts over £5,000 on a quarterly basis. The Contracts Register is the repository for all contracts over £5,000. This data is published on the Council's website in order, not only to comply with the Local Government Transparency Code 2015, but also to address the Council's local economy policy objectives by providing suppliers of goods and services with clear information on the Council's procurement activity. It is therefore important that the relevant information is entered into the Contracts Register on a timely basis and is the responsibility of the officer responsible for the specific procurement.

2.7 Training

Before undertaking any procurement related activity, officers are required to read these Contract Standing Orders and the Financial Regulations and undertake any training available.

3 VALUE THRESHOLDS, PROCEDURE AND SIGN OFF

When undertaking any procurement officers should give due consideration to the PA23 principles and objectives set out in section 1, particularly those that relate to 'covered procurements'.

3.1 Goods, works and services not exceeding £10,000 (excluding VAT)

- A minimum of one quote should be obtained, this can be oral, written or a comparison of prices through the Internet. The Procuring Officer must be able to demonstrate that value for money has been achieved and must maintain appropriate records. Budget provision must be in place, agreed by the budget holder and authorised signatory. Purchase orders must be raised via the e5 system in accordance with Financial Regulations.
- All expenditure over £5,000 must be entered on to the Contracts Register by the Procuring Officer.

The relevant Director is responsible for ensuring that appropriate control mechanisms are in place in their Directorate.

3.2 Goods, works and services exceeding £10,001 but not exceeding £24,999 (excluding VAT)

- A minimum of three written quotes to a specification where appropriate. The Procuring Officer must obtain prices from at least three potential suppliers, one of which must be a Broxbourne Borough based organisation, where such an organisation exists. and must retain all relevant documentary evidence. Where officers are regularly undertaking procurement of a similar nature then one new supplier should be included for each procurement to ensure new suppliers are given the opportunity to bid for work with the Council.
- The Service Manager must ensure that the procedure achieves demonstrable value for money and that the selection process is fair and equitable, with no favouritism

being shown to any one supplier. Budgetary provision must be in place, agreed by the budget holder and authorised signatory. Purchase orders be raised via the e5 system in accordance with Financial Regulations.

- Where applicable the 'Quick Quote, Simple' procedure on Supply Herts can be used
- All expenditure must be entered on to the Contracts Register by the Procuring Officer.
- All documentation should be retained in the relevant Quotation folder found on this link [..\..\Quotations](#)

The relevant Director is responsible for ensuring that appropriate control mechanisms are in place in their Directorate.

3.3 Goods, works and services exceeding £25,000 but not exceeding £100,000 (excluding VAT)

- A minimum of three written quotations to a specification, or a formal tendering procedure, both which must be managed via the Supply Herts system. The Procuring Officer must obtain prices from at least three potential suppliers, one of which must be a Broxbourne Borough based organisation, where such an organisation exists and must retain all relevant documentary evidence. Where officers are regularly undertaking procurement of a similar nature then one new supplier should be included for each procurement to ensure new suppliers are given the opportunity to bid for work with the Council.
- The Service Manager must ensure that the procedure achieves demonstrable value for money and that the selection process is fair and equitable, with no favouritism being shown to any one supplier. Budgetary provision must be in place and agreed by the Service Manager. Purchase orders must be raised via the e5 system in accordance with Financial Regulations.
- Tenders may also be advertised elsewhere as appropriate, such as in specialist publications, but only after a notice has been published on the CDP.
- A below threshold contracts notice must be placed if undertaking an open tendering process on the CDP
- Relevant and appropriate award criteria must be clearly detailed and should give due consideration to social value and environmental aspects.
- The Council has a duty to have regard to the fact that SMEs may face particular barriers in competing for a contract and consider whether such barriers can be removed or reduced, before commencing the procurement
- Bidders should be advised of their award scoring on completion of the evaluations and that of the winning bid.
- A contract details notice should be published as soon as possible after award of the contract. This is mandatory for all regulated below threshold contracts even when a tender notice has not been published.
- Retention of all quotation / tender documentation, bids and evaluation and award criteria.
- All expenditure must be entered on to the Contracts Register by the relevant Procuring Officer.

The relevant Director is responsible for ensuring that appropriate control mechanisms are in place in their Directorate.

3.4 Goods, works and services exceeding £100,001 but not exceeding the Public Contracts Threshold Value.

- Formal Tender via the Supply Herts e-tender electronic portal as per the tendering option procedures
- A below threshold contracts notice must be placed on the CDP via the Supply Herts e-tendering service
- Relevant and appropriate award criteria must be clearly detailed and should give due consideration to social value and environmental aspects.
- The Council has a duty to have regard to the fact that SMEs may face particular barriers in competing for a contract and consider whether such barriers can be removed or reduced, before commencing the procurement
- Bidders should be advised of their award scoring on completion of the evaluations and that of the winning bid.
- A contract details notice should be published as soon as possible after award of the contract.
- The relevant Service Manager must approve the spend and tender opportunity
- The Procurement Officer to be notified prior to tendering
- Legal advice should be sought on contract terms and the signing of the contract prior to contract commencement
- Retention of all tender documentation, bids and evaluation and award criteria
- All expenditure must be entered on to the Contracts Register by the relevant Procuring Officer.

The relevant Director is responsible for ensuring that appropriate control mechanisms are in place in their Directorate.

3.5 Goods, works and services exceeding the Public Contracts Threshold Value

- Procuring officers should decide which procurement procedure is the best fit ie. open, competitive flexible, frameworks or dynamic markets....
- Consideration should be given to whether the procurement can be broken down into lots
- Formal Tender via the Supply Herts e-tender electronic portal as per the tendering option procedures, with all relevant notices being published to the CDP
- If pre-market engagement is to be used a notice must be published on the Central Digital Platform (CDP) via Supply Herts, beforehand.
- Clear, relevant and appropriate award criteria should be developed to include a 10% social value weighting
- A tender notice must be published on the CDP
- Once evaluation is completed an assessment summary must be sent to all bidders outlining their scores, an explanation along with the winning supplier
- The above should be immediately followed by a contract award notice
- The contract award notice kick starts the standstill period which is eight working days
- If there is no challenge during the standstill period a contract details notice must be published within 30 days of the contract being entered into. If the contract is over

£5m this must contain the details of the 3 main Key Performance Indicators (KPIs) that will be used to monitor contract performance

- If the contract value is over £5m a copy of the contract or redacted contract must be published within 90 days of the contract being entered into
- The contract must be signed by both parties prior to commencement of the contract and a copy sent to Legal
- A contract termination notice must be issued via the CDP when the contract finishes, for any reason, including natural completion
- The relevant Service Manager must approve the spend and tender opportunity
- The Procurement Officer to be notified prior to tendering
- The relevant Director or Chief Executive to approve the contract award via signature of contract award form
- Retention of all tender documentation, bids and evaluation and award criteria
- All expenditure must be entered on to the Contracts Register by the relevant Procuring Officer.

When a contract above the Threshold is awarded, there must be a 'Standstill Period' of eight working days before commencement of any formal sign off, this starts on the day the contract award notice is published. This is to allow any losing suppliers to challenge the award decision. If a supplier challenges during the eight day period then the process must be suspended until a satisfactory outcome is achieved.

The relevant Director is responsible for ensuring that appropriate control mechanisms are in place in their Directorate. In addition the relevant Director must ensure that the selection process is fair and equitable, and that no favouritism is shown to any one contractor.

3.6 Framework Agreements

Where appropriate, a Framework Agreement may be used to simplify the procurement process and restrict the number of potential suppliers.

The Responsible Officer must ensure that there is no existing Council contract, framework, or Dynamic Market available before undertaking an additional procurement.

A framework is considered a compliant procurement route when:

- It has been entered into by the Council in compliance with these Rules, or
- Another contracting authority, purchasing consortium or central government has tendered the framework in compliance with national procurement law and the Council is named as a potential user of the arrangement.

Where frameworks offer a further competition process, this should be used rather than a Direct Award. Where an Officer wishes to use a Direct Award, they must ensure that the framework clearly outlines this option.

For above threshold values a tender award notice and a contracts details notice are required and if the value is above £5million then publication of the contract, the main three KPI's and annual performance notice must be published.

For below threshold values only a contract details notice is required.

The contract must be signed by both parties prior to commencement of the contract and a copy sent to Legal

All contracts over £5,000 must be entered on to the contracts register by the Procuring Officer.

The CDP will in time hold a list of available frameworks

3.7 Sub-Contracts and Nominated Suppliers

Where a sub-contractor is to be nominated to a main contractor the following provisions shall have effect:

3.5.1 Where the estimated amount of a sub-contract exceeds £50,000, tenders must be invited and dealt with in accordance with these Contract Standing Orders as if they were for a direct contract with the Council.

3.5.2 Any nominated sub-contract must be coterminous with the main contract.

3.8 Emergency Works

Emergency works estimated to cost less than £25,000 do not require written quotations. For emergency works over £25,000, it is not necessary to seek tenders, but written quotations must be obtained. The minimum number of quotations required is the same as for non-emergency works.

3.9 Social Value

The Council must have due regard to the Public Services (Social Value) 2012 Act and all covered procurement should include a 10% weighting dedicated to social value.

Officers should consider the Council's priorities and objectives and those included in the current National Procurement Policy Statement when reviewing Social Value.

Examples of social value could be:

- Economic – employment, training and work experience for local people; using local suppliers
- Environmental – reducing carbon footprint; minimising waste; sustainability
- Social – supporting local communities and charities, community engagement, fair working conditions, fair pay, volunteering

These requirements do not override the fundamental competition provisions that prohibit any discriminatory measures in favour of local suppliers.

3.10 Serious and Organised Crime/Fraud Prevention

Some procurements may seek goods and services from sectors which may attract organised crime groups.

The Procuring Officer must consider the risk of serious and organised crime groups being involved in the business sector from which goods and services are being procured. If a risk is identified additional checks should be included in both the selection and award stages of the procurement.

Procuring Officers should be alert to the potential of fraud and bribery by both officers and potential suppliers and make themselves familiar with the Council's Anti-Fraud and Corruption Strategy. This is why it is important to retain evidence to demonstrate that the Council's Contract Standing Orders have been adhered to and to ensure current declarations of interests are maintained. Should fraud be suspected this should be reported to the S151 Officer and/or Internal Audit for further investigation. Any bribes offered should be refused and referred to Internal Audit.

3.11 Modern Slavery

The Procuring Officer should seek assurances from suppliers, at both the selection and award stages of procurement, that they comply with the requirements of the Modern Slavery Act 2015. This applies to the suppliers themselves and the supply chains they utilise when delivering services to the Council.

3.12 Exceptions to the Contract Standing Orders

Exceptions to Contract Standing Orders are only permitted with the agreement of the Chief Executive or the S151 Officer and must be formally approved by means of a concurrence.

The use of an alternate method of supplier selection must still be able to demonstrate propriety, value for money and compliance under PA23.. Approval for an exception to any part of these Contract Standing Orders must not be sought unless there is a clear advantage to the Council or there is a clear need to avoid breaches of statutory requirements. Exceptions will not normally be authorised where lack of foresight has given rise to difficulties. Advice should be sought from the Procurement team on the specific requirements that apply to procurements above the threshold values

The following are examples, but not a definitive list, of situations where a departure from Contract Standing Orders may be permitted:

- (i) The time limits for tendering cannot be met for reasons of extreme urgency and the reasons were unforeseen and not attributable to the Council.
- (ii) Additional works, services or supplies (not exceeding 50% of the value of the original procurement) have become necessary and a change of contractor cannot be made for technical or economic reasons and would also cause significant inconvenience.
- (iii) New works or services are required which are a repetition of works or services carried out under the original contract.
- (iv) Goods are required as a partial replacement for or in addition to existing goods or installations and obtaining these from another contractor would result in incompatibility or disproportionate technical difficulties in operation or maintenance.

- (v) The goods, works or services are of a specialist nature or are obtainable from only one or a limited number of suppliers and there are no other satisfactory alternatives.
- (vi) Exceptional circumstances show that it is clearly in the best interests of the Council to negotiate a new contract with an existing supplier.
- (vii) Where a tender for similar goods and services has already been tendered in the past twenty-four months

3.13 Late Tenders or Quotations

Any tender or quotation received after the advertised closing time and date shall not be considered, unless the tenderer can prove that the submission was made in time or that technical issues prevented online submission. The Procuring Officer must contact the tenderer as soon as possible to advise them of the situation and subsequently confirm it in writing.

3.14 Errors

If an error in the specification is identified before the closing date for the return of tenders, all tenderers must be informed and invited to adjust their tenders. If appropriate, the closing date may be deferred.

If an error in the specification is identified after the closing date for the return of tenders, all tenderers must be given details of the error and afforded the opportunity of withdrawing their offer or of submitting an amended tender. Where appropriate, the closing date should be deferred in order to give tenderers sufficient time to modify their submissions.

Where examination of tenders reveals errors or discrepancies that would materially affect the tender figure in an otherwise successful tender, the tenderer should be given the details and afforded an opportunity of confirming, correcting or withdrawing their offer.

3.15 Evaluation of tenders

The Procuring Officer must define and document award criteria that are appropriate and relevant to the contract before tenders are sought. The invitation to tender should define the award criteria in the form of an evaluation framework that assigns a weighting to each criterion, and sub criterion where applicable. Some modifications are allowed for covered procurements but there are strict guidelines and officers should check with the Procurement Officer before applying any modifications. The evaluation framework and other relevant documents must be retained and made available for audit if required. Evaluation criteria must be designed to secure that the contract is awarded to the most advantageous tender.

In determining the relative weighting of price and quality factors, price should account for no more than 80% and no less than 20% of the total. The approval of the Chief Executive must be sought for weightings outside these limits.

Officers must consider the criteria, and sub criteria, carefully and where applicable relate them both to the subject matter of the procurement and national and local priorities.

Covered procurements must include a 10% Social Value weighting.

Preliminary Market Engagement is encouraged particularly for procurements that are:

- Specialist, complex or niche
- Where the market is unknown or limited
- Where the requirement is known but there is a need to understand further what is available
- Where there is a wish to test the potential procedure to see whether it is suitable
- To assist in the design and development of conditions of participation, award criteria or contractual terms.

Where undertaking pre-market engagement a pre-market engagement notice must be published on the Central Digital Platform (CDP), via Supply Herts.

For covered procurement following the evaluation of the tenders and the selection of the winning tender, assessment summaries are required to be sent to all suppliers before the contract award notification is made. These should set out the individual suppliers scores and the winning bid against the methodology set in the tender, along with an explanation. These summaries should be issued at the same time. This is mandatory for covered procurement but recommended for below threshold values to provide feedback to suppliers.

It is important that the evaluation process is properly recorded and retained. In the event of a challenge this will form evidence of the process followed. Therefore, at least two officers must be involved in the tender evaluation process and evidence of this retained for all procurement above £30k (including VAT)

Where the purchased goods or supplies are to be received over a period of time or where an ongoing service (e.g. maintenance) will be required and the estimated cost of the contract will exceed £30k (including VAT), the Procuring Officer must ensure that the financial standing of the winning tenderer has been properly assessed by the Treasury, Insurance & Risk Manager.

4 LETTING THE CONTRACT

4.1 General Provisions

No contract may be awarded unless the expenditure has been included in approved revenue or capital budgets or has been otherwise approved by or on behalf of the Council. In any case the appropriate approval process as mandated in the Financial Regulations must be adhered to.

Contracts with a value up to £150,000 may generally be evidenced by the issuing of an official order by the relevant Procuring Officer or his nominated substitute, although the Head of Legal Services should be consulted to ascertain whether or not the specific circumstances require a written contract to be in place.

All contracts with a value of over £150,000 (or where the Head of Legal Services so decides) must be signed and a copy logged with Legal Services before the contract commences.

Every contract above the threshold values (and in any other case where the Head of Legal Services so determines) must be under the Council's Common Seal. Contracts not under seal must be signed by two officers.

Emergency contracts need not be in writing before commencement but must be confirmed in writing as soon as possible.

4.2 Bonds and Parent Company Guarantees

Security to cover the risk associated with the performance of the contract must always be considered. In the case of a contract for goods, payment on or after receipt will normally suffice. A bond may be required for contracts with an estimated value of over £150,000 and possibly even for lower values depending on the amount of any retention, the nature of the works or services, the length of the contract and the status of the contractor. A parent company guarantee may be acceptable where the tenderer is a subsidiary.

With regard to minor building works covered by industry standard Joint Contracts Tribunal contracts, the Council shall hold a retention of 5% of the total contract value until the Procuring Officer agrees practical completion. The Council shall hold 2.5% of the total contract value for twelve months after practical completion to allow for any defects that may arise in the works during that period.

4.3 Specifications

Technical specifications should be defined by reference to relevant British and European specifications or standards but must include the phrase 'or equivalent'.

4.4 Health and Safety

Officers should take steps during the procurement exercise and in the drafting of the contract to ensure that health and safety issues are appropriately considered. Further guidance can be obtained from the Council's Health and Safety Manager.

4.5 Equal Opportunities

The Council must have due regard to the Equalities Act 2010 when procuring goods, works or services and ensure that suppliers adopt and pursue an equal opportunities policy in compliance with statutory obligations.

4.6 Payment

Every contract must contain the following provisions:

- (i) Payment must be made no later than 30 days after receipt of a valid and undisputed invoice;
- (ii) Any subcontract awarded by the supplier must contain the same provisions with regard to payment;
- (iii) Any subcontractor must incorporate the above provisions in its own contracts.

4.7 Reporting

All contracts let which are above £50,000 in value will be reported to Cabinet.

5 CONTRACT MANAGEMENT

5.1 Process

Directors are responsible for ensuring that contracts are managed effectively, whether they are long term service agreements or shorter-term construction contracts. A suitably trained and experienced officer (a Contract Officer) should be appointed to monitor the supplier's performance and ensure compliance with the provisions of the contract.

The Contract Officer should set up regular meetings with the supplier to discuss and resolve any performance issues and should maintain written records of such meetings and decisions taken.

Periodic reviews of contract management processes will be carried out by the Lead Procurement Officer and/or the Project Management Board to ensure the sharing of best practice and the highlighting of any issues.

There are specific provisions in PA23 relating to the publication of a Contract Performance Notice for all contracts over £5 million in value and officers should familiarise themselves with this requirement.

5.2 Variations

A contract may, if it is set out in the original tender documents, be extended for the period set out.

Modifications to contracts are permitted under the PA23 but there are strict guidelines as to what is allowed and the notices that need to be published. Officers should check with Legal Services or the Procurement Officer before modifying or extending any contracts.

6 JOINT PURCHASING

Any joint procurement arrangements with other local authorities or public bodies including membership or use of purchasing consortia must be approved by the relevant Director or the Chief Executive prior to the commencement of any procurement on behalf of the Council. In any joint procurement arrangements with other organisations, these Contract Standing Orders apply unless otherwise agreed by the Chief Executive or the S151 Officer.

6.1 Formal Collaborative Arrangements

Where the Council enters into formal joint buying or consortium purchasing arrangements, the related agreement and procurement strategy must protect the Council to a level proportionate to the risk involved, whilst at the same time providing the basis for a partnering approach and delivery of best value.

As a minimum, the agreement should clearly state:

- the nature and extent of the arrangement;
- legal responsibilities;
- arrangements for governance, accountability and dispute resolution;
- the exit strategy;
- the auditing arrangements;
- the process for the induction of new partners.

6.2 Informal Collaborative Arrangements

Where the Council enters into informal or ad hoc joint buying or consortium purchasing arrangements where no strategic agreement exists, the Council must be protected to a level proportionate to the risk involved, whilst at the same time providing for flexibility and delivery of best value. As a minimum this will typically be compliance with all procurement legislation and regulations and the ability to demonstrate delivery of best value.

Where the Council is not leading the procurement process, the lead authority or agency is required to comply with all relevant procurement legislation and with its own internal rules in undertaking the procurement exercise. The Procuring Officer is required to satisfy himself, as far as it is feasible to do so, that the process is consistent with the Council's requirements as set out in these Contract Standing Orders.

7 GLOSSARY

"CDP" – the Central Digital Platform where all procurement notices must be published for covered procurements and some below threshold. This an enhanced version of the Find a Tender Service.

"Contract Officer" is an officer to whom responsibility for oversight and monitoring of particular contract is assigned.

"Contracts Register" is an electronic database containing details of all Council contracts above £5,000 in value.

"Emergency Works" are works which are necessary to alleviate an immediate threat to life or property or an immediate and serious threat to the functioning of a public service for which the Council has a statutory responsibility.

"Lead Procurement Officer" is the officer with responsibility for the Council's procurement processes.

"PA23" is the Procurement Act 2023 which governs all public procurement from 24/02/2025

"Procuring Officer" is any officer authorised to procure goods, works or services on behalf of the Council.

Appendix A – Summary of Notices

Procurement Lifecycle	Reference	Notice Name	Requirement	Comment
Plan	UK1	Pipeline Notice	Mandatory for organisations spending £100million plus in any financial year	
Define	UK2	Preliminary Market Engagement Notice	Mandatory where pre-market engagement is planned or has taken place (if taken place explain in the tender notice reasons for not publishing)	
Procure	UK3	Planned Procurement Notice	Optional (can reduce tender timescales to 10 days)	
Procure	UK4	Tender Notice	Mandatory when undertaking an open or competitive flexible procedure (including to establish a framework and award a contract under an existing dynamic market) or a regulated below-threshold procedure, if an open tender.	
Procure	UK5	Transparency Notice	Mandatory when undertaking a direct award (publish prior to award)	
Procure	UK6	Contract Award Notice	Mandatory communicates the outcome of the procurement and (commences standstill prior to awarding a contract open or competitive flexible procedure). Not applicable for below threshold contracts.	
Procure	UK7	Contract Details Notice	Mandatory details of the awarded contract (including the redacted contract, for public contracts £5m+ and KPI information). Applicable to above and regulated below threshold contracts.	

Manage	UK8	Contract Payment Notice	Mandatory details of payments over £30,000 made under a public contract (quarterly)	*Does not come into effect when PA23 commences, will be introduced at a later stage
Manage	UK9	Contract Performance Notice	Mandatory to report: a. annual KPI scores for public contracts valued £5m+ b. poor supplier performance / breach of contract (within 30 days of event)	*Does not come into effect when PA23 commences, will be introduced at a later stage
Manage	UK10	Contract Change Notice	Mandatory prior to a qualifying modification taking place (copy of modified contract for public contracts over £5m)	
Manage	UK11	Contract Termination Notice	Mandatory when a public contract ends. (Does not apply to below threshold contracts)	
Procure	UK12	Procurement Termination Notice	Mandatory where, after publishing a tender or transparency notice, the process is terminated without awarding a contract	
Procure	UK 13 - 16	Dynamic Market Notice	Mandatory when advertising, establishing, changing or terminating a dynamic market	
Manage	UK17	Payments Compliance Notice	Mandatory details of contracting authority performance against 30- day payment terms (twice annually)	*Does not come into effect when PA23 commences, will be introduced at a later stage