

Appendix I – Proposed changes to Contract Standing Orders

CURRENT

Clause 7.3 of CSO's change from;

'As a minimum any tender valued at £15,000 or above will be advertised on Swale.gov.uk and the South East Business Portal. Any tender as a minimum between £5,000 & £14,999 will be advertised on Swale.gov.uk.'

PROPOSED CHANGE

'As a minimum any tender valued at £15,000 or above will be advertised on Swale.gov.uk, Kent Portal and the South East Business Portals and Contract Finder. Any tender as a minimum between £5,001 & £14,999 will be advertised on Swale.gov.uk.'

CURRENT

7.4 Table setting out financial thresholds and procedures

Total value £	Type of contrac	Procedure to be used
0 - 1000	works, supplies and services	<ul style="list-style-type: none"> a) At least one quotation in advance b) All purchases however small to be in writing, on an official order c) Approved by the relevant Head of Service or authorised officer. d) Officer should be able to provide a rationale for why they selected the provider used.
Procedure to be used 1001 to 5000	works, supplies and services	<ul style="list-style-type: none"> a) At least two quotes in advance b) All purchases however small to be in writing, on an official order c) Consideration given to Purchasing Scheme's e.g. to provide better V.F.M. d) Approved by the relevant Head of Service or authorised officer e) Records maintained to demonstrate probity and V.F.M. obtained

Appendix I – Proposed changes to Contract Standing Orders

<p>Procedure to be used 5001 to 15,000</p>	<p>works, supplies and services</p>	<ul style="list-style-type: none"> a) At least three quotes in advance b) All purchases however small to be in writing, on an official order c) Consideration given to Purchasing Scheme's e.g. to provide better V.F.M. d) Approved by the relevant Head of Service or authorised officer e) Records maintained to demonstrate probity and V.F.M. obtained. f) To be advertised on www.swale.gov.uk
<p>15,001 to 74,999</p>	<p>works, supplies and services</p>	<ul style="list-style-type: none"> a) At least three written tenders in advance. b) Tenders opened at the same time by the Democratic and Electoral Services Manager (or nominee), in the presence of the Responsible Officer (or nominee) and an independent senior officer and also where required or requested in the presence of the cabinet portfolio holder (or nominee). c) Record to be entered on the Council's Contract Register d) Contracts in writing using the standard clauses and to include the core clauses as set out within the CSOs document. e) Award of contract approved by the Responsible Officer plus signed by another officer. f) Risk assessment conducted (in writing) and kept on the file

Appendix I – Proposed changes to Contract Standing Orders

<p>75,000 to 172,514**</p>	<p>works, supplies and services</p>	<p>a) At least three written tenders in advance b) Advertised by public notice c) List of contractors invited to tender approved by the Responsible Officer d) Tenders opened at the same time by the Democratic and Electoral Services Manager (or nominee), in the presence of the Responsible Officer (or nominee) and an independent senior officer and also where required or requested in the presence of the cabinet portfolio holder (or nominee) e) Tenderers subjected to Financial Appraisal prior to invitation to tender. f) Approval required from the Cabinet for award of contract, waiver from CSOs and extensions to contracts g) Contract executed as a deed h) Record of the contract entered on the Councils Contract Register i) Standard contract clauses to be used and to include the core clauses as set out within the CSOs document j) Risk assessment conducted (in writing) and kept on the file</p>
<p>172,514** plus **EU Threshold</p>	<p>Supplies and services</p>	<p>a) EU Rules apply – full competitive process with tenders following advertisement in the OJ for supplies and Part A* services. For Part B* services reduced requirements apply but there is a presumption in favour of advertising and a competitive process. b) Points a; c; d; e; f; g; h; I and j as above for works, supplies and services for £75,000 to £172,514**</p>
<p>172,514to 4,322,012**</p>	<p>Works</p>	<p>a) Points a – j as above for works, supplies and services for £75,000 to £172,514**</p>
<p>4,322,012** plus **EU Threshold</p>	<p>Works</p>	<p>a) EU Rules apply – full competitive process with tenders following advertisement in the OJ b) Points a; c; d; e; f; g; h; I and j as above for works, supplies and services for £75,000 to £172,514**</p>

Appendix I – Proposed changes to Contract Standing Orders

PROPOSED

NOT ADVERTISED – *NO CHANGE*

Total value £	Type of contrac	Procedure to be used
0 - 1000	works, supplies and services	a) At least one quotation in advance b) All purchases however small to be in writing, on an official order c) Approved by the relevant Head of Service or authorised officer. d) Officer should be able to provide a rationale for why they selected the provider used.

NOT ADVERTISED – *PROPOSED CHANGE*

Procedure to be used 1001 to 5000	works, supplies and services	a) At least two quotes in advance b) All purchases however small to be in writing, on an official order c) Consideration given to Purchasing Scheme's e.g. to provide better V.F.M. d) Approved by the relevant Head of Service or authorised officer e) Records maintained to demonstrate probity and V.F.M. obtained
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Appendix I – Proposed changes to Contract Standing Orders

PROPOSED CHANGE – ITEM B

<p>Procedure to be used 5001 to 15,000</p>	<p>works, supplies and services</p>	<p>a) At least two quotes in advance.</p> <p>b) <i>Advertised on www.swale.gov.uk</i></p> <p>b) All purchases however small to be in writing, on an official order</p> <p>c) Consideration given to Purchasing Scheme's e.g. to provide better V.F.M.</p> <p>d) Approved by the relevant Head of Service or authorised officer</p> <p>e) Records maintained to demonstrate probity and V.F.M. obtained.</p> <p>f) To be advertised on www.swale.gov.uk</p>
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PROPOSED CHANGE - ITEM B

<p>15,001 to 74,999</p>	<p>works, supplies and services</p>	<p>a) At least three written tenders in advance.</p> <p>b) <i>Advertised on www.swale.gov.uk and the Kent, South East Business Portal and Contract Finder</i></p> <p>b) Tenders opened at the same time by the Democratic and Electoral Services Manager (or nominee), in the presence of the Responsible Officer (or nominee) and an independent senior officer and also where required or requested in the presence of the cabinet portfolio holder (or nominee).</p> <p>c) Record to be entered on the Council s Contract Register</p> <p>d) Contracts in writing using the standard clauses and to include the core clauses as set out within the CSOs document.</p> <p>e) Award of contract approved by the Responsible Officer plus signed by another officer.</p> <p>f) Risk assessment conducted (in writing) and kept on the file</p>
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Appendix I – Proposed changes to Contract Standing Orders

PROPOSED CHANGE – ITEM B

<p>75,000 to 172,514**</p>	<p>works, supplies and services</p>	<ul style="list-style-type: none"> a) At least three written tenders in advance b) <i>Advertised on www.swale.gov.uk, Contract Finder and the Kent and South East Business Portals.</i> c) List of contractors invited to tender approved by the Responsible Officer d) Tenders opened at the same time by the Democratic and Electoral Services Manager (or nominee), in the presence of the Responsible Officer (or nominee) and an independent senior officer and also where required or requested in the presence of the cabinet portfolio holder (or nominee) e) Tenderers subjected to Financial Appraisal prior to invitation to tender. f) Approval required from the Cabinet for award of contract, waiver from CSOs and extensions to contracts g) Contract executed as a deed h) Record of the contract entered on the Councils Contract Register i) Standard contract clauses to be used and to include the core clauses as set out within the CSOs document j) Risk assessment conducted (in writing) and kept on the file
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Appendix I – Proposed changes to Contract Standing Orders

PROPOSED CHANGE TO ITEM A

172,514** plus **EU Threshold	Supplies and services	a) EU Rules apply – full competitive process with tenders following advertisement in the OJ for supplies and Part A* services. For Part B* services reduced requirements apply but there is a presumption in favour of advertising and a competitive process. <i>This will also be advertised on the Swale website the Kent and the South East Business Portals and Contract Finder.</i> b) Points a; c; d; e; f; g; h; I and j as above for works, supplies and services for £75,000 to £172,514**
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11.1 CURRENT

11.1 An Invitation to Tender shall be issued by the Council for all contracts over; **£75,000** and tenders shall be submitted in accordance with the requirements of the Invitation to Tender.

11.1 PROPOSED

11.1 An Invitation to Tender shall be issued by the Council for all contracts over; **£15,000** and tenders shall be submitted in accordance with the requirements of the Invitation to Tender.

13.1 CURRENT

13.1 The requirement for the Council to conduct a competitive purchasing process for contracts in excess of **£1000** may be waived in the following circumstances;

13.1 PROPOSED

13.1 The requirement for the Council to conduct a competitive purchasing process for contracts in excess of **£5,001** may be waived in the following circumstances;

Appendix I – Proposed changes to Contract Standing Orders

13.3.3 CURRENT

13.3.3 Subject to approval in advance by the Head of Commissioning and Customer Contact, in consultation with the Heads of Legal and Audit Services as appropriate, who shall, for contracts exceeding £15,000 but not exceeding £74,999, record that they have considered the reasons for the waiver and that they are satisfied that the circumstances justifying the waiver are genuinely exceptional. Waiver from competitive purchasing process for contracts of £75,000 and above must be approved in advance by the Cabinet.

13.3.3 PROPOSED

13.3.3 Subject to approval in advance by the Head of Commissioning and Customer Contact, in consultation with the Heads of Legal and Audit Services as appropriate, who shall, for contracts exceeding £15,000 but not exceeding £74,999, record that they have considered the reasons for the waiver and that they are satisfied that the circumstances justifying the waiver are genuinely exceptional. Waiver from competitive purchasing process for contracts of £75,000 and above must be approved in advance by the Cabinet. ***In the report to Cabinet a recommendation; “Cabinet agree to the waiver requested in relation to the [works, goods / services] contract and that the Head of Commissioning and Customer Services be authorised to complete the necessary documentation”. Prior to Cabinet, the waiver should still be considered by the Heads of Legal and Internal Audit Services***

13.3.4 CURRENT

13.3.4 Subject to approval in advance by the Head of Commissioning and Customer Contact, or representative in consultation with the Procurement Team or the Heads of Legal and Audit Services as appropriate for contracts exceeding **£1,000** but not exceeding £15,000. For contracts exceeding £15,000 refer to 13.3.3.

13.3.4 PROPOSED

13.3.4 Subject to approval in advance by the Head of Commissioning and Customer Contact, or representative in consultation with the Procurement Team or the Heads of Legal and Audit Services as appropriate for contracts exceeding **£5,001** but not exceeding £15,000. For contracts exceeding £15,000 refer to 13.3.3.