

### **Working Paper: General Purposes Committee 8 March 2018: Proposed changes to Contract Standing Orders.**

1. As part of the review of the Constitution, it is necessary to consider whether it is appropriate to amend Contract Standing Orders (CSO) to ensure the content reflects current legislation and requirements.
2. Purchasing decisions and processes are important because the money involved is public money. The purpose of Contract Standing Orders is to provide a structure within which purchasing decisions are made and implemented and which ensure that the Council furthers its corporate objectives.
3. Even when a tender process is not required under the Directives, for example because the estimated value of a contract falls below the relevant threshold, EU Treaty-based principles of non-discrimination, equal treatment, transparency, mutual recognition and proportionality apply and some degree of advertising, appropriate to the scale of the contract, is likely to be necessary to demonstrate transparency. This is in line with the UK objective of achieving value for money in all public procurement, not just that which is covered by the procurement Directives. The proposed amendments recognise and comply with the principles of the EU Treaties, which at the current time are also enshrined in UK law and so will continue even after Brexit.
4. The aim has been to create a balance between the need for scrutiny and checks via thresholds of spend, templates for audit purposes and the involvement of Members in the decision making but also making it easier for officers to procure the service required and also for local businesses to bid for the work.
5. Appendix I identifies the detailed changes to CSOs together with the rationale for such changes, as the basis for consideration by the Committee. Annex II shows the full CSO document.
6. Research has been undertaken with other Kent authorities in helping to make the suggested changes.

**RECOMMENDATION:** It is proposed that the amendments are made to CSOs as set out in Appendix I, are recommended to Council

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