
CONTRACT STANDING ORDERS & PURCHASING GUIDE

To: **Constitutional Review Working Party**

Main Portfolio Area: **Finance & Corporate Services**

By: **Karen Paton, Procurement and Facilities Manager**

Classification: **Unrestricted**

Summary: Replacement of current Contract Procedure Rules with new Kent standardised Contract Standing Orders

For Decision

1.0 Introduction and Background

1.1 The attached Contract Standing Orders and an associated Purchasing Guide were developed by the Kent Legal Secretaries Group during 2008 to promote and achieve a level of consistency and commonality of approach across Kent local authorities. Most of local authorities have, or are in the process of adopting them in content and it is hope this will not only assist with joint working and collaborative procurement exercises but also give a "level playing field" and a common platform for our suppliers when doing business with us.

2.0 The Current Situation

2.1 A recent internal audit in respect of officer application and compliance with the Council's current Contract Procedure Rules resulted in a limited assurance rating in respect of compliance. It was felt appropriate and timely to review the rules and at the same time look to achieve a level of standardisation with neighbouring local authorities. This will include enhanced monitoring of compliance and improved arrangements for approval of waivers. Reporting of compliance monitoring data and notification of waivers will be made to Cabinet and retrospective waivers will also be reported to Governance and Audit Committee.

3.0 Options

- 3.1 To recommend adoption of the Kent Contract Standing Orders and Purchasing guide.
- 3.2 Retain current Contract Procedures Rules and accept non standardisation with other Kent Local Authorities.

4.0 Corporate Implications

4.1 Financial

4.1.1. Use of developed standardised documents has ensured costs limited to officer resource time incurred whilst undertaking Thanet Council adaptation and consultation with Managers.

4.2 Legal

4.2.1 These Contract Standing Orders are made in accordance with the requirements of Section 135 of the Local Government Act 1972.

4.2.2 Legal Services have been consulted and their advice acted upon in adaptation of content.

4.3 Corporate

4.3.1 These CSO's and purchasing guide are aligned with the Corporate Plan objective, Modern Council containing the core obligations and statutory legal requirements associated with a robust purchasing framework including:

- The relevant EU Rules and EC Treaty Principles that require the Council to ensure in acts in a way that is open and transparent and ensures equal treatment of all contractors, and permits appropriate competition.
- Principles of sustainability, efficiency, whole life costing and cost savings.
- General principles applying to all contracts including legal obligations of contractors to comply with all relevant legislation i.e. equalities, health & safety etc.
- Application mitigates risk of challenge and damage to reputation and reinforces probity of process.

4.4 Equity and Equalities

4.4.1 These Contract Standing Orders and Purchasing guide identify statutory requirement under European and UK law and obligations placed on the contractor to comply with relevant legislation. Application of these CSO's and Purchasing guide are contained within the Equality Impact Assessment for Procurement

5.0 Recommendation(s)

5.1 The Constitutional Review Working Party approve and recommend to Standards Committee and Full Council the adoption of these Contract Standing Orders and Purchasing Guide and associated amendment to the Constitution as required.

6.0 Decision Making Process

6.1 The Contract Standing Orders and Purchasing Guide have been consulted via management and are supported for adoption by CMT. Presented to the Working Party to approve and recommend adoption to the Standards Committee and subsequently Council.

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Annex List

<i>Annex 1</i>	Kent Contract Standing Orders for Thanet
<i>Annex 2</i>	Kent Purchasing Guide for Thanet

Background Papers

Title	Details of where to access copy
EK Audit Partnership – Final report of compliance with Contract Procedure Rules	Procurement Unit

Corporate Consultation Undertaken

Finance	Sue McGonigal, Sarah Martin, Linda Taylor, Ginny Bax
Legal	Judith Woodward
Management Conference delegates	Senior Managers
Corporate Management Team	CMT