



STANDING ORDERS

for the

REGULATION OF CONTRACTS

| DOCUMENT HISTORY | | |
|-------------------------|--|--|
| 24 April 2012 | New Standing Orders approved following Corporate Procurement Review | Council Executive (with effect from 1 June 2012) |
| 1 January 2013 | Amendment to Clause A.7 in relation to Bribery Act 2010 | Head of Finance & Estates in consultation with Chief Solicitor |
| 1 July 2013 | Amended to reflect Corporate Procurement Strategy 2013/18 | Council Executive, 4 June 2013 |
| 31 December 2014 | Amended following adoption of Best Value Framework | Council Executive, 5 June 2014 |
| | Amended to reflect changes to procurement and exemption thresholds | Council Executive, 19 August 2014 |
| August 2017 | Amended under delegated powers to reflect management changes and new legislation | |
| March 2019 | Amended under delegated powers to amend errors in spelling, terminology and formatting | |

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A. INTRODUCTION

1. The purposes of these Standing Orders are:-
 - to ensure that uniform contracting procedures of the highest standard are laid down for use throughout the council,
 - to secure competition and compliance with the law with respect to all contracts,
 - to ensure the council obtains best value in its procurement and contracting,
 - to provide a framework for detailed Procurement Procedures which can be made by Senior Officers under delegated powers, and
 - to afford protection to the council and its staff

2. Legislation regulates how contracts can be made by or on behalf of the council. In this context, “contract” means any agreement:-
 - with an individual, company or other organisation
 - for the execution of building and civil engineering works or
 - for the supply of goods, materials or services, and
 - which is authorised to be entered into by the council or one of its committees or sub-committees, usually in writing, or
 - which is entered into, either in writing or verbally, by an officer of the council, acting under their delegated powers to do so, and
 - which commits the council to the outcome of the agreement and, therefore, is legally enforceable by either the council or the other party or parties to the agreement.

3. In particular, the Local Government (Scotland) Act 1973, section 81 requires the council to make Standing Orders with respect to the making of contracts by or on behalf of the council for both works and for the supply of goods and materials. Such Standing Orders must include provision for securing competition for such contracts and for regulating the manner in which tenders are invited by the council. Section 81 also gives the council the power to make, if it chooses, Standing Orders for contracts for the supply of services, as distinct from the supply of goods and materials. These Standing Orders cover contracts for services as well.

Section 81 allows the council to exempt any contract from this requirement for competition where the council decides that it is satisfied that the exemption is justified by special circumstances. However, this exemption from competition can only apply to contracts where the aggregated estimated cost is less than the relevant EU threshold under the European Procurement Directives. Even in some of those cases, consideration is still required about the appropriate method and extent of advertising or publicity. These Standing Orders contain procedures for the granting of such exemptions.

The council has in particular decided that contracts covered by the West Lothian Health & Social Care Partnership which are health and social care services covered by Appendix 7 should be exempt from the full rigour of these Standing Orders. Such contracts are treated differently in procurement legislation and regulations, and are of a particular nature where the needs of service users are of over-riding importance. They are governed by a separate

and distinct process and set of procurement and reporting arrangements (Appendix 6).

4. European legislation also regulates the making of contracts by the council. Some is of direct effect and some is translated into UK and Scots law by domestic legislation. This legislative framework seeks to ensure that public sector bodies such as the council award contracts in an efficient and non-discriminatory manner. It sets out general duties for public bodies to follow and more specific duties for specified types of procurement activity. Regulations set out the procedures to be followed at each stage of the procurement process leading to the award of contracts above certain financial thresholds for works, supplies and services by the council and other public bodies. They take account of modern techniques such as e-procurement and the provision of framework agreements, as well as the extent to which sustainable procurement and social and environmental issues can be considered during the procurement process.

5. In addition, the Local Government in Scotland Act 2003, section 1 requires the council -

- to secure best value in the performance of its functions,
- to balance the quality and cost of the performance of its functions and the cost of council services to service users,
- to have regard to efficiency, effectiveness, economy and the need to meet equal opportunity requirements in maintaining that balance, and
- to discharge its duty to secure best value in a way which contributes to the achievement of sustainable development.

The council has adopted a Best Value Framework to ensure compliance with the relevant legislation and statutory guidance. The Framework applies across the council to all services and areas of activity and is of particular relevance to the procurement process, as part of making the decision to procure goods, materials, services and works from external providers and in seeking to achieve Best Value procurement. In making decisions about procurement and in applying these Standing Orders, officers must have regard to and comply with that Framework. Best Value procurement is a process that considers and returns more than just best price. It is a process that takes account of the whole life cost of buying products, services or works. Best Value includes financial and non-financial elements such as time, administration, sourcing and benchmarking.

6. The council's Scheme of Delegation to Officers sets out the powers which have been delegated by the council to senior officers. Subject to certain general conditions set out in this Scheme, such as the requirement to follow council policies, the day-to-day running of council services is delegated to the Chief Executive and Depute Chief Executives, and also to Head Teachers under the council's Scheme of Devolution of School Management. These senior officers are also authorised to delegate any of their authority to other officers under their direction and who are appropriately qualified and experienced. This means that, in the context of the making of contracts on behalf of the council, the Chief Executive, Depute Chief Executives, Heads of Service, as well as Head Teachers, must ensure that those officers whom they authorise to perform procurement functions and tasks on their behalf have sufficient training, knowledge and experience to determine

relevant procurement issues and are aware of the extent and limitation of their delegated authority. Regardless of any delegations by them, the final responsibility for ensuring compliance with the “Responsible Officer”. Following approval of the Corporate Procurement Strategy on 4 June 2013, there is one Responsible Officer for all types of procurement by the council, presently the Head of Corporate Services.

7. All officers exercising delegated powers in relation to procurement and contracting functions must comply with these Standing Orders, with the relevant Procurement Procedure as approved by the Head of Corporate Services, and with the Employee Code of Conduct. They must also be aware of the provisions of the Bribery Act 2010 in relation to giving or accepting a financial or other advantage and the potential for personal and corporate criminal liability. Any failure in or disregard of these requirements may amount to gross misconduct or misconduct under the council’s Disciplinary Code and may result in disciplinary action.
8. The council’s Scheme of Delegation to Officers sets out which officers can sign formal deeds to which the council is a party. Apart from certain named officers for deeds dealing with particular council functions, the Chief Solicitor and senior colleagues in Legal Services are the officers designated to sign formal deeds on behalf of the council. This means that these officers must sign contracts where they are constituted on the basis of requiring formal execution, such as a minute of agreement. The majority of contracts, however, do not require such formal signature and can be signed by the Chief Executive, relevant Depute Chief Executive, or Head Teacher, or any officer to whom they have delegated authority to do so.

The council’s Corporate Procurement Strategy 2013/18 sets out the framework by which the council will ensure it maximises effective service delivery and the provision of best value for money through a corporate and strategic approach to procurement. The Strategy was approved by the Council Executive on 4 June 2013 as a development of the council-wide “Modernising Procurement Review” (28 June 2011) through “Delivering Effective Procurement”. These Standing Orders reflect the outcome of that Review and its later revision in June 2013.

The Strategy is aligned to the pursuit of the Scottish Government’s objectives of promoting collaborative procurement opportunities and the implementation of leading practice whilst promoting economic wellbeing and sustainable development. It requires in particular the use of a Contracts Strategy Template (Appendix 1), adherence to Procurement Process Flowcharts (Appendix 2) and Procurement Journeys mapping out the procurement process.

These Standing Orders should be read in conjunction with the relevant Procurement Procedure and in the context of the Corporate Procurement Strategy.

9. Amendment or replacement of these Standing Orders requires a decision of full council or an appropriate committee, except that:-
 - The Head of Corporate Services, in consultation with the Chief Solicitor, may make minor administrative changes required from time to time to any part of this document without reference to committee (arising from, for example, changes in legislation or changes in management structures)

- The Head of Corporate Services, in consultation with the Chief Solicitor, may revise and amend this Introduction section (A), and the documents comprised in the Appendices.

B. DEFINITIONS

| TERM | MEANING |
|--|--|
| 2015 Regulations | The Public Contracts (Scotland) Regulations 2015 (SSI 446/2015) |
| Best Value Framework | The regime adopted at Council Executive on 10 June 2014 to guide the council in securing best value and complying with the relevant legislation and statutory guidance. |
| Collaborative Contracts | All contracts (including Framework Agreements) placed in conjunction with local authorities or other public bodies, by the council or another authority or body, or through joint committees, Boards or public procurement agencies, or in partnership with other parties |
| Committee | Full council, or the committee established by the council with a remit which includes corporate procurement (presently Council Executive) |
| Contract Strategy Template | The template and related guidance approved by the Head of Corporate Services to be used by officers in carrying out procurement exercises, contained in Appendix 1 |
| Contract Value | The estimated aggregate purchase value (total estimated value), excluding VAT, over the entire term of the Contract and use across the whole council, including all options, permitted extensions and variations. (Section 5 of the 2014 Act and Regulation 6 of the 2015 Regulations) |
| Corporate Procurement Board | The group of officers chaired by the Chief Executive and responsible for the oversight and control of the corporate procurement function of the council |
| Corporate Procurement Strategy 2013/18 | Council-wide procurement strategy approved at Council Executive on 4 June 2013 |
| Cross Border Interest | The means of assessment of the need for extra-statutory advertising and publicity of a proposed contract (Regulation 8(21) of the 2012 Regulations) (See Appendix 5) |
| Delivering Better Procurement | Report to Council Executive on 4 June 2013 through which was approved the Corporate Procurement |

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| | Strategy 2013/28 |
| General duties | Generally applicable principles of fairness, equal treatment, non-discrimination and transparency and compliance with the sustainable procurement duty (Sections 8 - 10 of the 2014 Act) |
| Framework Agreement – External and Internal | <p>An agreement or other arrangement between one or more contracting authorities and one or more suppliers which establishes the terms (in particular the terms as to price and, where appropriate, quantity) under which the supplier will enter into one or more contracts with a contracting authority in the period during which the framework agreement applies (Section 6 of the 2014 Act and Regulations 2(1) and 34 of the 2015 Regulations)</p> <p>An “internal framework agreement” is where the council is the body letting the contract to a number of suppliers, an “external framework agreement” is where another body lets the contract but the council is entitled to participate in the contract</p> |
| Modernising Procurement Review | The review of council procurement practice and procedures concluded in 2011, and the associated report and recommendations approved at Council Executive in June 2011 |
| Negotiated Procedure | A procedure leading to the award of a contract whereby the council negotiates the terms of the contract with one or more economic operators selected by it (Regulations 2(1) and 33 of the 2015 Regulations) |
| OJEU, or Official Journal | Official Journal of the European Union |
| Open Procedure | A procedure leading to the award of a contract whereby all interested suppliers may tender for the contract (Regulations 2(1) and 28 of the 2015 Regulations) |
| Social and other specific services | (Sections 12 and 13 of the 2014 Act and Regulations 74 – 76 of the 2015 Regulations, and see Appendix 7 |
| 2014 Act | Procurement Reform (Scotland) Act 2014 |
| Public Contracts Scotland | The national advertising website for Scottish public sector organisations to post Official Journal of the European Union (OJEU) notices (contracts over the European directive thresholds) and small contracts commonly known as sub-threshold notices on the website and make subsequent awards. It also allows contracting authorities to invite suppliers to submit quotations electronically via the website’s secure tender postbox (Section 22 of the 2014 Act) |

| | |
|--|---|
| | (http://www.publiccontractsscotland.gov.uk/) |
| Quick Quote | An online request for quotation facility provided through the Public Contracts Scotland website, used to obtain competitive quotes for low value/low risk procurement exercises or procurement mini competitions within framework agreements from suppliers who are registered on the website |
| Responsible Officer | For all council contracts (works, services, supplies, goods), the Head of Corporate Services |
| Restricted Procedure | A procedure leading to the award of a contract whereby only economic operators selected by the council may submit tenders for the contract (Regulations 2(1) and 29 of the 2015 Regulations) |
| Scheme of Delegations (to Officers) | The record maintained of all powers enduring for six months or more delegated to council officers by full council or committee |
| Services (and Services Contracts) | The provision of services by a person engaged by the council to do so but not including works or supplies (Regulation 2(1) of the 2015 Regulations) (See Appendix 9) |
| Health & Social Care Partnership Contracts Advisory Group Contracts | Contracts for social and health care services in the West Lothian Health & Social Care Partnership for which a separate procedure has been approved by the council, including derogations and variations on some of the provisions of these Standing Orders and related Corporate Procurement Procedures (Appendix 6) |
| Supplies (and Supplies Contracts) | The purchase or hire of goods, or their siting or installation (Regulation 2(1) of the 2015 Regulations) (See Appendix 9) |
| Thresholds | The limits specified in legislation which determine applicable law and procedures (Regulation 5 of the 2015 Regulations) |
| Works (and Works Contracts) | The carrying out of a work or works for the council, or under an arrangement whereby the council engages a person to procure by any means the carrying out for the council of a work corresponding to specified requirements (Regulation 2(1) and Schedule 2 of the 2015 Regulations) (See Appendix 8) |

C. STANDING ORDERS

1. ROLES AND RESPONSIBILITIES

- 1.1 The Responsible Officer carries ultimate responsibility for the actions of all staff engaged in the procurement and contracting process.
- 1.2 It is the duty of the Responsible Officer to ensure that all staff engaged in the procurement and contracting process are properly authorised to act, are properly trained and supervised, understand these Standing Orders and related Procurement Procedures, and that they comply with them.
- 1.3 All staff engaged in the procurement and contracting process must be properly authorised to act, must be properly trained and supervised, must understand these Standing Orders and related Procurement Procedures, and must comply with them.
- 1.4 In carrying out functions and in the procurement and contracting process all staff must have regard to the need to take legal advice, shall ensure that legal advice is timeously taken where required, and shall record and retain a record of the advice requested and provided.
- 1.5 External specialist advice shall only be purchased when approved by the Responsible Officer in consultation with the Chief Solicitor.
- 1.6 All staff engaged in the procurement and contracting process must act in accordance with these Standing Orders, with the relevant Procurement Procedures made from time to time by the Head of Corporate Services, and with the council's Best Value Framework, and must have regard to the Corporate Procurement Strategy 2013/18.
- 1.7 All staff must ensure that all information in relation to a contract or proposed contract is entered when and where required in the Corporate Contract Management System.

2. APPLICATION AND EXCEPTIONS

- 2.1 These Standing Orders shall apply to the placing of any contract. All such contracts, and extensions to contracts, must be made within the terms of the relevant legislative framework and statutory guidance, the EU procurement rules, these Standing Orders and the council's Procurement Procedures issued by the Head of Corporate Services. The council's duty at all times will be to achieve best value.
- 2.2 Except where prohibited by legislation, committee may decide that these Standing Orders, or parts of them, shall not apply to a specific contract or to a specific class or category of contract, if it is satisfied that there are circumstances, such as arising from geographical, sole provider, technical, artistic or urgency factors, to justify the exemption. Certain officers may grant such exemptions where the contract value is less than £50,000 (SO2.3) but exemptions where the contract value is £50,000 or more may only be granted by the relevant council committee.
- 2.3 In exceptional circumstances, such as arising from geographical, sole provider, technical, artistic or urgency factors, where the contract value is less

than £50,000 certain officers may decide that the provisions of Standing Order 4.4 to 4.8 in relation to the obtaining of estimates, quotations or tenders shall not apply. Such exemptions may only be granted as follows:-

- (a) For a contract value of less than £1,000 (Standing Order 4.4), no exemption is required or available
- (b) For a contract value of between £1,000 and £4,999, by the relevant Head of Service (and by no other officer on his or her behalf, except in his or her absence from the service, the appropriate Depute Chief Executive) on completion of the form contained on Appendix 3A and compliance with Corporate Procurement Procedures (Standing Order 4.5)
- (c) For a contract value of between £5,000 and £49,999, by the Head of Corporate Services (and by no other officer on his or her behalf, except in his or her absence from the service, the appropriate Depute Chief Executive) on completion of the form contained in Appendix 3B and compliance with Corporate Procurement Procedures (Standing Order 4.6)
- (d) For a contract value of £50,000 or more, by the relevant council committee on a recommendation from the Head of Corporate Services (Standing Order 2.2)

The officer granting such an exemption shall ensure that a record is kept.

- 2.4 External Framework Agreements may only be used with the prior written approval of the Responsible Officer (except for Health & Social Care Partnership Contracts Advisory Group Contracts) and as required in accordance with the council's Procurement Procedures.
- 2.5 Pilot Schemes set up in accordance with the council's Procurement Procedures may only be used where approved by the Responsible Officer and only when a business case has been prepared and the Pilot Scheme provider has been identified following a competitive tender exercise.

3. BEFORE COMMENCING THE PROCUREMENT PROCESS

- 3.1 The Responsible Officer shall ensure compliance with the council's Best Value Framework in relation to the procurement strategy and decision, and shall determine:-

- The nature of the contract (wholly works, wholly supplies and services, or, where the contract shall include both, the category into which it falls)
- Where the contract is for supplies and services, the type of services (whether or not within the category of social and other specific services, or, where the contract shall include both, the category into which it falls)
- Where the contract is for social or health care services , whether or not it is a Health & Social Care Partnership Contracts Advisory Group Contract
- Whether or not the Contract Value will be less than £1,000
- Whether or not the Contract Value will be greater than £1,000 but less than £5,000
- Whether or not the Contract Value will be greater than £5,000 but less than £50,000
- Whether or not the Contract Value will be greater than £50,000 but less than a relevant threshold

- Whether or not the Contract Value will be greater than the relevant threshold
 - Whether there is Cross Border Interest (Appendix 5) which indicates a wider advertising is needed despite the value of the contract being below the relevant EU threshold
 - Whether there are any existing, forthcoming or potential Collaborative Contracts or Framework Agreements, internal or external, which may be utilised
- 3.2 Where the Responsible Officer identifies an existing Collaborative Contract or Framework Agreement (Internal or External) which may be utilised then (except for Health & Social Care Partnership Contracts Advisory Group Contracts) that must be used unless the Responsible Officer obtains committee approval to proceed in another way.
- 3.3 Committee approval must be obtained for the tender award criteria and the proposed strategy for the proposed procurement for all contracts where the contract value is over the relevant threshold (other than those which are Health & Social Care Partnership Contract Advisory Group Contracts).
- 3.4 In all other cases, the Responsible Officer shall determine the quotation or tender award criteria and the proposed strategy for the proposed procurement but the Responsible Officer may ask committee to do so if he believes there is good reason.
- 3.5 The tender award criteria may include price, period for completion, running costs, profitability, technical merit, health and safety competence, and social, economic and environmental sustainability, community benefits or any other permitted criteria which committee or the Responsible Officer choose to adopt.
- 3.6 The Responsible Officer shall prepare such documentation as is necessary to obtain competitive quotations or tenders for all contracts. The documentation shall be prepared and issued in accordance with the council's Procurement Procedures.

4. ISSUING DOCUMENTATION AND ADVERTISING

- 4.1 The Responsible Officer shall issue contract documents and invitations to quote and to tender for all contracts in accordance with the council's Procurement Procedures.
- 4.2 Contract documentation shall utilise the relevant set of the council's standard Terms and Conditions of Contract, and any departure from them must be approved in writing by the Responsible Officer.
- 4.3 The Responsible Officer may utilise electronic tendering and electronic auction techniques where appropriate and as required in accordance with the council's Procurement Procedures.
- 4.4 Where the contract value is less than £1,000 the procurement shall be carried out in such manner as the relevant Head of Service may determine, subject to the requirements to demonstrate best value and retain adequate records to substantiate the decision.

- 4.5 Where the Contract Value is £1,000 or more but less than £5,000, the procurement shall be carried out in such manner as the relevant Head of Service may determine, subject to the requirement to obtain at least two competitive quotations.
- 4.6 Where the Contract Value is £5,000 or more but less than £50,000, the procurement shall be carried out by using QuickQuote and a minimum of three quotations must be sought.
- 4.7 Where the Contract Value is £50,000 or more but below the relevant threshold the procurement (except for Health & Social Care Partnership Contracts Advisory Group Contracts) must be carried out through Public Contracts Scotland, seeking a minimum of three tenders, but the Responsible Officer shall in addition consider and arrange for such additional advertising or publicity as may be required to secure compliance with the law in relation to Cross Border Interest (Appendix 5).
- 4.8 Except for CHCP Health, Care and Support Services Contracts Advisory Group contracts, where the Contract Value is over the relevant threshold), the procurement must be carried out through Public Contracts Scotland, seeking a minimum of five tenders for use of the open and restricted procedures and three for use of the negotiated procedure and the competitive dialogue procedure. By using Public Contracts Scotland or otherwise, the Responsible Officer shall advertise the commission in the Official Journal and ensure that the procurement process complies with the appropriate EU procurement rules and the council's Procurement Procedures.
- 4.9 If the estimated cost of carrying out work under any one Works Contract is more than £1,000,000 the council shall ask for security for completing the contract, and the tender and conditions of contract shall set out the nature and amount of the security.
- 4.10 The council may ask for security on any other contract where considered appropriate and the tender and conditions of contract shall set out the nature and amount of the security.
- 4.11 After due consideration, but only where permitted by law, committee may decide that a tenderer or a contractor shall not be invited to or be allowed to quote or tender for any future contract for any part of the council.

5. RECEIVING QUOTATIONS AND TENDERS

- 5.1 All quotations and tenders shall be received and opened by the Responsible Officer in accordance with the relevant Procurement Procedure.
- 5.2 In the event that Public Contracts Scotland has not been utilised, all quotations and tenders not received at the specified return address by the specified closing date and time will not be considered, and shall be returned unopened. Quotations and tenders must be submitted in the form specified.
- 5.3 In the case of unsatisfactory performance or conduct by any person submitting a quotation or tender before a decision is made as to which should be accepted, the Responsible Officer may, in consultation with the Chief Solicitor, disqualify that person from further participation or reject the quotation or tender, after considering any representations made.

6. EVALUATION

- 6.1 Quotations and tenders shall be evaluated by the Responsible Officer in accordance with relevant Procurement Procedure.
- 6.2 Quotations and tenders shall be evaluated in accordance with the quotation or tender award criteria and the agreed strategy for the proposed procurement, and on the basis of establishing which offer is the most economically advantageous and provides Best Value to the council.
- 6.3 A written record must be maintained outlining the evaluation process, recording the process followed and the criteria applied, and detailing the reasons for the decision.

7. SELECTION AND ACCEPTANCE

- 7.1 The decision as to which quotation or tender to accept shall be taken by the Responsible Officer, unless the Responsible Officer is required by a decision of the council to refer the decision to committee, or in any other case in which the Responsible Officer decides that committee approval is desirable.
- 7.2 Quotations and tenders shall thereafter be accepted by the Responsible Officer, in accordance with EU rules, national legislation and the relevant Procurement Procedure. In particular, the Responsible Officer shall observe any standstill period required before acceptance of a quotation or tender.

8. CONTRACT MONITORING

- 8.1 The Responsible Officer shall ensure that the performance of the contract is monitored and reviewed, and shall maintain a record of those processes which is proportionate in light of the value, duration, subject matter, risk rating and complexity of the contract.
- 8.2 In a case of unsatisfactory performance or conduct by a contractor following the award of a contract, the Responsible Officer may, in consultation with the Chief Solicitor, take action in terms of the contract to terminate the contract.

9. EXTENSIONS AND RENEWALS

- 9.1 Subject always to compliance with EU procurement rules and the relevant Procurement Procedure, the Responsible Officer may vary, alter, extend (but only where the contract allows the council those options) or renegotiate any part of a contract to achieve best value for the council.
- 9.2 A written business case (Appendix 4) justifying the reasons for this course of action together must be prepared and retained before proceeding.
- 9.3 A detailed written record of all negotiations and discussions with the contractors must be maintained and retained.

10. RECORDS AND REPORTING

- 10.1 Heads of Service shall report to the Head of Corporate Services all contracts let and other information required under the Corporate Procurement Strategy,

and shall comply with the reporting procedures put in place by the Corporate Procurement Steering Board.

- 10.2 Unless an exception is made by the council for any class or value of contracts, the Responsible Officer shall ensure that reports are brought to committee in months 4, 6, 9 and 12 of each financial year on those matters specified in the Corporate Procurement Strategy and otherwise as required by the Council Executive or the Corporate Procurement Steering Board. The Responsible Officer shall maintain a contracts register, comply with the statutory requirements for annual procurement reports, and comply with publication duties, all in accordance with the 2014 Act.

11. DISPOSALS

- 11.1.1 The Head of Finance and Estates is responsible for disposing of assets and materials (including land and buildings) which are not needed on behalf of all council services, except for the disposal of IT hardware and software which is the responsibility of the Depute Chief Executive (Corporate, Operational & Housing Services).
- 11.2 All disposals of assets and materials except for IT hardware and software shall be undertaken in accordance with procedures approved by committee or issued by the Head of Finance and Estates under delegated powers.
- 11.2.1 All disposals of IT hardware and software shall be undertaken in accordance with the procedure issued by the Depute Chief Executive Corporate, Operational & Housing Construction and Building and Operational Services).

APPENDIX 1

CONTRACT STRATEGY TEMPLATE

SECTION ONE – CONTRACT SUMMARY

| | | | |
|--|---|-------------------------|---------------------------|
| 1.1 CONTRACT DETAILS | | | |
| Contract Title | Click here to enter text. | | |
| Created By | Click here to enter text. | | |
| Tender Document No/ PID Reference | The tender document number is the automated number allocated by the e-tender system if a tender is created. | | |
| Date Created | Click here to enter text. | | |
| 1.2 EXECUTIVE SUMMARY | | | |
| Click here to enter text. | | | |
| 1.3 SERVICE STRATEGY/FORWARD PLAN | | | |
| This section should include a summary of the Service's / customer's strategy and their forward plan to ensure that the commodity strategy and the procurement approach is in line with their future plans. It is important that these are considered as part of the process. | | | |
| Click here to enter text. | | | |
| 1.4 CONTRACT OBJECTIVE | | | |
| This section should include a summary of the objectives of the contract based on the analysis undertaken prior to the completion of the contract strategy. | | | |
| Click here to enter text. | | | |
| 1.5 AGREED BUDGET | | | |
| Budget Amount | Click here to enter text. | Funding Approval Report | Click here to enter text. |
| Cost Code | Click here to enter text. | Subjective Code | Click here to enter text. |
| Budget Holder Signature: | Click here to enter text. | | |
| Print Name: | Click here to enter | Date: | Click here to enter text. |

| | | | |
|--|-------|--|--|
| | text. | | |
|--|-------|--|--|

SECTION TWO – CURRENT CONTRACT INFORMATION

| 2.1 CURRENT SITUATION/CONTRACT STATUS | | | |
|---|---------------------------|---------------------------|---------------------------|
| This section should include details of the present position and highlight appropriate background information e.g. what volume/value is currently being bought, when and why. Current contract status (if applicable), highlighting where either current practice or contract could be improved (i.e. lessons learned from current contract, service area or suppliers). | | | |
| Click here to enter text. | | | |
| 2.2 HISTORICAL SPEND INFORMATION | | | |
| Department | Total Expenditure (p.a.) | Suppliers | Comments |
| Click here to enter text. | Click here to enter text. | Click here to enter text. | Click here to enter text. |
| Click here to enter text. | Click here to enter text. | Click here to enter text. | Click here to enter text. |

SECTION THREE –RESOURCES

| 3.1 RESOURCES (USER INTELLIGENCE GROUP) | | |
|--|---------------------------|------------------------------|
| For this Section, please refer to Contract Strategy Development Guidance document. | | |
| Project Role | Area of Expertise | Name/Department/Organisation |
| Project Lead | Click here to enter text. | Click here to enter text. |
| Project Sponsor | Click here to enter text. | Click here to enter text. |
| Procurement Lead | Click here to enter text. | Click here to enter text. |
| Other (e.g. Corporate IT, Health & Safety) | Click here to enter text. | Click here to enter text. |

SECTION FOUR - PROPOSED CONTRACT STRATEGY

| |
|---|
| 4.1 SUPPLY MARKET STATUS |
| This section should include a summary of the market analysis undertaken as part of the strategy development process. It should detail the current position within the supply market with regards to the goods and/or services required. |

Click here to enter text.

4.2 COLLABORATION CONSIDERATIONS

This section should detail the collaboration opportunities that could be available for the required commodities and whether they are appropriate to be utilised by the council. Where a collaborative contract is available then the commodity strategy relating to this contract should be obtained for review. Please note that the council should always ascertain if Scotland Excel has awarded a contract for the commodity, or intend to embark upon a tender exercise for it in the near future.

| | |
|--|---------------------------|
| Collaboration Opportunity | Choose an item. |
| Lead Authority | Click here to enter text. |
| Other Organisations involved | Click here to enter text. |
| Other commodities/work streams dependent or to be considered in conjunction with this contract | Click here to enter text. |
| Further Comments | Click here to enter text. |

4.3 OUTSOURCING CONSIDERATIONS

This section should identify if there is an outsourcing opportunity for the contract and whether this has been considered.

| | |
|-------------------------|---------------------------|
| Outsourcing Opportunity | Choose an item. |
| Further Comments | Click here to enter text. |

4.4 SUSTAINABILITY/COMMUNITY BENEFITS CONSIDERATIONS

Sustainable procurement is concerned with identifying the potential environmental, social and economic aspects that could be incorporated within a procurement process through the development of a relevant specification or through contract Ts and Cs. It can even be achieved through voluntary contract management.

This section should include the potential sustainability areas that are relevant to the goods and/or services required and how they might be specified within the procurement process.

A Sustainability Test should be performed which takes full account of sustainability issues.

| | |
|--------------------------------------|---------------------------|
| Environmental Factors to incorporate | Click here to enter text. |
| Economic Factors to incorporate | Click here to enter text. |

| | |
|---|---------------------------|
| Social Factors to incorporate | Click here to enter text. |
| Community Benefits to incorporate | Click here to enter text. |
| 4.5 OPTION APPRAISAL | |
| This section should describe the strategic option to be implemented. | |
| | |
| 4.6 CONCLUSION/PROCESS TO BE ADOPTED | |
| This section should explain the reasons for the choice of procurement approach and utilise the conclusions/recommendations made throughout this commodity strategy to support the decision. Please refer back to relevant sections of this strategy where required. Please refer to the Suggested Price/Quality Ratio in the Guidance Document. | |
| Click here to enter text. | |
| Type of Procedure | Choose an item. |
| Procedure to be adopted | Choose an item. |
| Can an eAuction be utilised? | Choose an item. |
| If No (eAuction), please provide reasons | Click here to enter text. |
| Contract Type | Choose an item. |
| Award Criteria (Price/Quality Ratio) | Click here to enter text. |

SECTION FIVE - PROPOSED CONTRACT BENEFITS

| | |
|--|---|
| 5.1 CONTRACT SPEND INFORMATION (ESTIMATED) | |
| Annual Contract Value | Click here to enter text. |
| Total Contract Value | Click here to enter text. |
| Length of Proposed Contract Period (+ Optional Extension) | Click here to enter text. Date from and to |
| 5.2 PLANNED CASHABLE SAVINGS TARGET | |
| All potential procurement cashable savings identified must be verified by the council's Financial Management Unit. | |

| Value | Percentage | Description | Financial Year |
|--|---------------------------|---------------------------|---------------------------|
| Click here to enter text. | Click here to enter text. | Click here to enter text. | Click here to enter text. |
| Click here to enter text. | Click here to enter text. | Click here to enter text. | Click here to enter text. |
| Additional Comments | | | |
| Click here to enter text. | | | |
| 5.3 PLANNED CONTRACT BENEFITS – NON-FINANCIAL | | | |
| Description | | Comment | |
| Click here to enter text. | | Click here to enter text. | |
| Click here to enter text. | | Click here to enter text. | |
| This section should include the planned contract performance measures that could be incorporated into the procurement process. | | | |
| Description | Type | Comment | |
| Click here to enter text. | Choose an item. | Click here to enter text. | |
| Click here to enter text. | Choose an item. | Click here to enter text. | |
| Click here to enter text. | Choose an item. | Click here to enter text. | |
| Click here to enter text. | Choose an item. | Click here to enter text. | |

SECTION SIX - PROCUREMENT PROCESS

| 6.1 KEY ACTIVITIES | | | |
|---------------------------|---------------------------|---------------------------|---------------------------------|
| Key Milestone | Start Date | Completion Date | |
| Click here to enter text. | Click here to enter text. | Click here to enter text. | |
| Click here to enter text. | Click here to enter text. | Click here to enter text. | |
| 6.2 KEY RISKS | | | |
| Risk | Probability (L/M/H) | Impact (L/M/H) | Actions required to manage Risk |

| | | | |
|--|---------------------------|---------------------------|---|
| e.g. financial stability of a supplier | Click here to enter text. | Click here to enter text. | Initial Equifax financial evaluation. Set up Equifax alerts/triggers (ongoing through the period of the contract) |
| Click here to enter text. | Click here to enter text. | Click here to enter text. | Click here to enter text. |

SECTION SEVEN - STRATEGY APPROVAL

| | |
|--|--|
| This section of the strategy required sign off from the appropriate Manager. The relevant levels are detailed below. Please delete as appropriate. | |
| CONTRACT VALUE LESS THAN £500,000 | |
| Signed by Service Unit Authorised Signatory | |
| Printed | |
| Date | |
| Signed by Category Manager | |
| Printed | |
| Date | |
| CONTRACT VALUE OVER £500,000 | |
| Signed by Head of Service | |
| Printed | |
| Title | |
| Date | |
| Signed by Corporate Procurement Manager | |
| Printed | |
| Date | |

APPENDIX2

APPENDIX 2 – PROCUREMENT PROCESS FLOWCHARTS

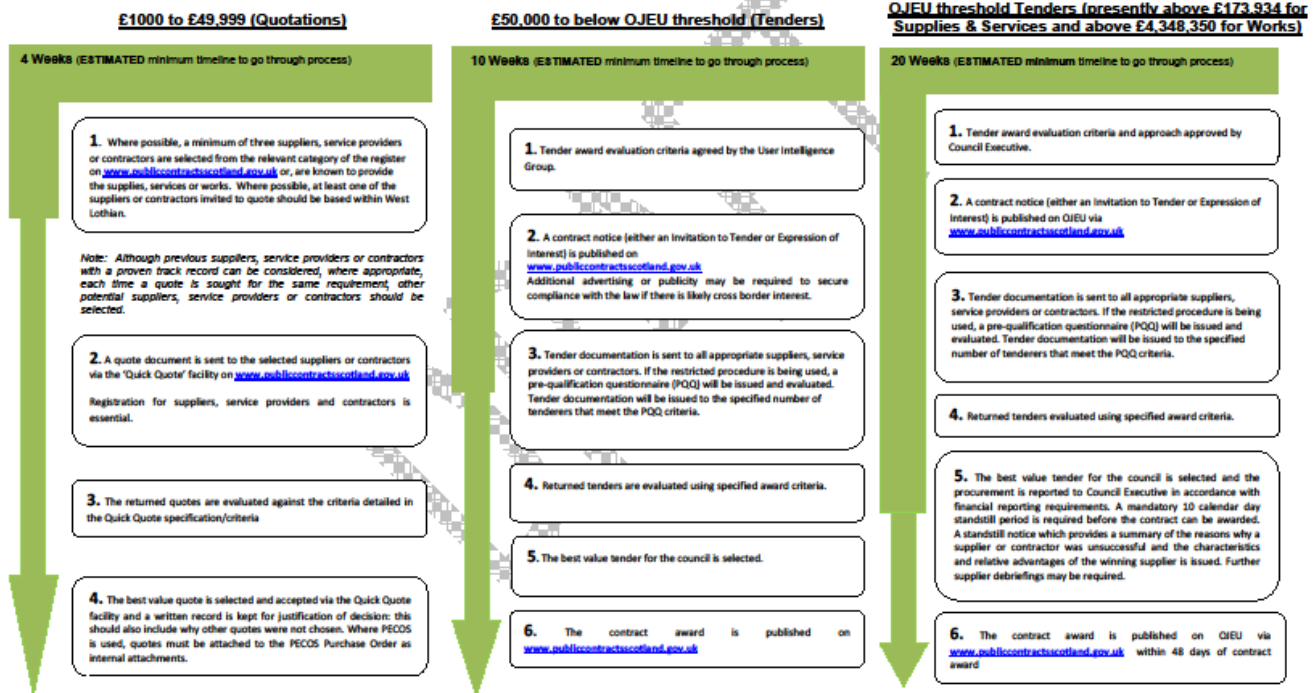
West Lothian Council Procurement Processes: Supplies, Services and Works.

Note: Process does not apply to contracts covered by the Social Policy Contracts Advisory Group Process



Please ensure that:

- requirement falls within definition of supplies, services or works detailed within Appendices 7, 8 & 9 of Standing Orders
- you are authorised to purchase
- you have checked to ensure that the requirement cannot be met from an existing council contract
- you have estimated aggregate purchase value. If above £50,000, you must contact Corporate Procurement Unit
- you have obtained two quotes for non contract purchases below £1000



APPENDIX 3A

**BUSINESS CASE TEMPLATE FOR DEPARTURE FROM STANDING ORDERS
(£1,000 TO £4,999)**



| |
|------------------------|
| HEAD OF SERVICE |
|------------------------|

| |
|---|
| BUSINESS CASE TEMPLATE FOR EXEMPTION FROM STANDING ORDERS FOR ORDER VALUES BETWEEN £1,000 AND £4,999 |
|---|

PLEASE NOTE THAT THIS FORM IS AN EXCEPTIONAL PROCEDURE AND IS ONLY PERMISSIBLE WHERE THE AGGREGATED PURCHASE VALUE IS BETWEEN £1,000 AND £4,999. LEAD OFFICERS SHOULD COMPLETE THIS FORM AND PASS TO THE RELEVANT HEAD OF SERVICE FOR APPROVAL.

| | |
|--|---|
| Service Area: | |
| Lead Officer: | |
| Description of Goods/Services/Works Required: | |
| One Off or Ongoing: | |
| Contract Period: | |
| Aggregated Purchase Value: | £ |
| Supplier(s): | |

| |
|--|
| Please state reasons why this procurement cannot be subject to competition. (Reasons may include, but are not limited to : sole/unique supplier, geographical considerations, technical factors, urgency) |
| |

| Approvers | Signature | Date |
|--|-----------|------|
| Prepared by Lead Officer (Service Area) | | |
| Approved by Head of Service | | |

APPENDIX 3B

**BUSINESS CASE TEMPLATE FOR DEPARTURE FROM STANDING ORDERS
(£5,000 TO £49,999)**

| |
|-----------------------------------|
| HEAD OF CORPORATE SERVICES |
|-----------------------------------|

| |
|--|
| BUSINESS CASE TEMPLATE FOR EXEMPTION FROM STANDING ORDERS FOR ORDER VALUES BETWEEN £5,000 AND £49,999 |
|--|

PLEASE NOTE THAT THIS FORM IS AN EXCEPTIONAL PROCEDURE AND IS ONLY PERMISSIBLE WHERE THE AGGREGATED PURCHASE VALUE IS BETWEEN £5,000 AND £49,999. LEAD OFFICERS SHOULD COMPLETE THIS FORM AND PASS TO THE RELEVANT CATEGORY MANAGER IN THE CORPORATE PROCUREMENT UNIT.

| | |
|--|---|
| Service Area: | |
| Lead Officer: | |
| Description of Goods/Services/Works Required: | |
| One Off or Ongoing: | |
| Contract Period: | |
| Aggregated Purchase Value: | £ |
| Supplier(s): | |

| |
|---|
| <p>Please state reasons why this procurement cannot be subject to competition. (Reasons may include, but are not limited to : sole/unique supplier, geographical considerations, technical factors, urgency)</p> |
| |

| Approvers | Signature | Date |
|--|-----------|------|
| Prepared by Lead Officer (Service Area) | | |
| Reviewed by Corporate Procurement Manager | | |
| Approved by Head of Corporate Services | | |

APPENDIX 4

BUSINESS CASE TEMPLATE FOR RENEWAL OR EXTENSION



CONTRACT EXTENSION/RENEWAL AUTHORISATION

| | |
|--|--|
| Reference | |
| Title | |
| Supplier name | |
| Contract Start Date | |
| Original Contract Term & Extensions | |
| Extensions to Date | |
| Original Annual Value £ | |
| Actual Annual Value £ | |
| Proposed Extension Period | |
| Value of Proposed Extension £ | |

Business Case for Extension/Renewal (Please specify reasons for proposed action):

| | | |
|---------------------------------------|--|--------------|
| Procuring Officer Signature: | | Date: |
| Responsible Officer Signature: | | Date: |

APPENDIX 5

CROSS BORDER INTEREST AND ADEQUATE ADVERTISING AND PUBLICITY

EU and domestic procurement law categorise contracts between those above and those below a financial threshold.

For those above the threshold, detailed statutory rules apply to secure EU wide publicity and to promote equality of opportunity for all EU suppliers to bid for business.

Those detailed statutory rules do not apply to sub-threshold contracts, but it is still a legal requirement that those contracts are placed following a degree of advertising and publicity which is appropriate and proportionate to the particular contract concerned (Regulation 8(21) of the 2012 Regulations).

The short-hand way of referring to this issue is in relation to “cross border interest” – taking into account all relevant facts and circumstances, is there likely to be interest shown in the contract from a supplier based in another EU state? This Appendix sets out the relevant facts and circumstances to assist officers in answering that question, and so determining if some degree of extra-statutory advertising and publicity is called for.

Not all of these will be present in every case, and there is likely to be some degree of interaction or inter-dependence amongst them.

The subject matter of the contract being evaluated

Some contracts will be of more interest to other non-UK tenderers than others because of their subject-matter, probably combined with their value.

Those located outside Scotland may be willing to “travel” if a contract is unique in some way, or is seen to be prestigious, or to involve some element of innovation in terms of design or working practices, or is seen as the fore-runner to a potential series of similar contracts in the future.

On the other hand, a contract may not attract cross-border interest because it is run-of-the mill, or will involve too much upheaval if the contract were won, or the acquisition of local or specialist knowledge is required at too much cost.

The estimated value of the contract

A contract in which the value is “very modest” is not likely to have cross-border interest, whereas a contract which is “a significant amount” is likely to have that interest.

The closer the value gets to the relevant threshold, the more likely there is to be cross-border interest.

There should be some consideration about whether there is likely to be “repeat business” in future – a relatively small-value contract may become more attractive if it may be repeated and so there may be a perception of a foothold being gained in the local market.

The duration of the contract period

A contract for, say, one year is not likely to be seen as attractive to a non-UK tenderer as one for three years. The work and expense needed to perform a contract abroad for a short period of time may not justify interest, whereas a three year period (or more) may justify the time and cost and effort involved.

There may however be instances where a tenderer is already established here, and the contract will represent add-on business and add-on value to what is already there.

The place of performance or delivery

Performance of a contract close to a national border is more likely to stimulate cross-border interest.

The border concerned must be one between member states of the EU. Scotland is not a member state, so the border is the UK border, and not the border between Scotland and England.

West Lothian is reasonably far removed from the UK border with other EU member states, and where closest to the border (the east coast), is reasonably remote (across the North Sea) from other member states.

West Lothian is therefore more likely to be successful in applying this criterion when compared, say, to Kent County Council (only 20 miles across the Channel) or to Derry City Council (immediately adjacent to part of Eire).

The size and structure of the market, and the general practices and habits and customs in that market

This will involve giving some consideration to things like:-

- The number of potential tenderers – is the subject-matter “ordinary” which means there are likely to be a large number of interested parties, here and abroad/
- Is this a “one-off” or specialist contract, which may make it more likely to attract foreign players?
- The way in which the market is “divided” – is it largely dominated by a handful of large providers, or is it fragmented amongst many smaller operators?
- Are the players in the market “mobile” – do they tend to operate on a cross-border basis, or remain within domestic borders?

The experience of this council of contracts for the same subject matter and similar value

Our own records will provide information about the source of interest in past contracts for the same sort of value and the same subject-matter. The records involved would have to be reliable and worth consideration – if we have never tested foreign interest in a particular type of contract then we will have no experience to go on.

The experience of other public bodies of contracts for the same subject matter and similar value

Some process of data-sharing or benchmarking will provide data from neighbouring councils or other public bodies from which relevant information may be drawn.

APPENDIX 6

REMIT AND SCOPE OF THE CHCP HEALTH CARE AND SUPPORT SERVICES CONTRACTS ADVISORY GROUP

(This is an extract from the full document approved at Council Executive on 24 April 2012, and adjusted to reflect the approval by Council Executive on 4 June 2013 of “Delivering Better Procurement” and the Corporate Procurement Strategy 2013/18. The main change was the concentration of all procurement in the hands of the Head of Corporate Services, who became the sole “responsible Officer” in terms of these Standing Orders. It shows the remit and scope of the departure from the full range of Standing Orders for particular types of contract. The full document has detailed provision about the principles, approach and procedures to be applied to these contracts).

1. Background and Purpose

1.1 The council makes a range of services available to specified service user groups either by providing services (on its own or in partnership) or by purchasing services from third party providers.

1.2 This document outlines the procedures which govern the procurement of Part B health, care and support services within the remit of the West Lothian Community Health and Care Partnership from third party providers to ensure that services are delivered in a non-discriminatory and transparent manner, meeting the requirements of Best Value and obtaining the best possible balance between quality and price in meeting service users’ requirements.

1.3 Services to be included within these procedures are all those within the West Lothian Community Health and Care Partnership and within the scope of ‘Part B services’ in terms of the Public Contracts (Scotland) Regulations 2012 provided by or procured in pursuit of the council’s statutory social work functions to children, adults and older people.

1.4 These procedures will: -

- Provide clear guidance to council staff about how and from where services can be purchased
- Identify the type of contract that is most appropriate to the service being procured
- Identify the process for approving specialist services
- Identify the process for specifying services
- Identify the roles and responsibilities of identified council officers
- Specify a clear and identified process for monitoring and reviewing how services are procured and delivered
- Meet the requirements of Best Value by taking the cost and quality of services into consideration when commissioning and reviewing services.

1.5 These procedures link to all internal Social Policy policies and procedures and the following guidance on the procurement of care and support services:-

- Procurement of Care and Support Services, Scottish Government, Sept 2010

- Scottish Procurement Directorate: SPPN 10/2008, Social Care Procurement: Advertising and Competition.

1.6 For clarification these procedures apply to services where individual service users have chosen not to commission services themselves via self-directed support, direct payments or individual budgets.

2. Introduction

2.1 The council and its partners seek to ensure that a range of services are available to meet the assessed care and support needs of people who are ordinarily resident in West Lothian. In order to do this, services are either provided directly by the council (on its own or with its partners) or purchased from Third Party providers. The Social Policy Service Statements for individual service user and carer groups outline the overall strategic direction as well as mapping the size and volume of care and support services in each service area. These will be superseded by CHCP Joint Commissioning Plans which will be subject to extensive stakeholder engagement prior to finalisation.

2.2 Services commissioned have an emphasis on devolving responsibility as close as possible to service users and carers. This dimension means that there is a difference from the commissioning of other types of service, as there is generally a need to continue to work with providers where service user choice indicates the continuation of such services.

2.3 The council's Corporate Plan recognises the need for a service response to meet the outcomes and needs of individuals and communities through working with agencies across the public, private, third and voluntary sectors to make best use of the mixed economy of care and support provision.

2.4 It is recognised that care and support service providers operate within a specialist market. It is proposed that the CHCP Joint Commissioning Strategy and CHCP Joint Commissioning Plans will outline the council's future overarching approach to the commissioning and contracting of CHCP health, care and support services in West Lothian which acknowledges the complex nature of service provision.

...

6. Council and Legal Requirements

6.1 The fundamental requirement of social work legislation is to meet the assessed needs of the council's service users. (see West Lothian Council Policy on the Commissioning and Provision of Social Policy Services). In approving these Procedures Council Executive authorisation will permit officers of the council to identify:-

- The services required to be procured
- Type of contracting to be utilised
- Appropriate procurement mechanism.

6.2 The Council Executive will receive annual notification of the award of contracts based on the process outlined within these procedures. The Social Policy PDSP will receive 6 monthly updates of awards of notification of contracts.

6.3 Council Standing Orders require that all contracts and extensions to contracts must be made in terms of the relevant legislative framework, the EU procurement rules, council policy and the council's duty to achieve Best Value.

6.4 Currently the European Union's Public Procurement rules have limited application to health, care and support services therefore fewer requirements of the 2012 Procurement Regulations apply.

6.5 Health, care and support services are classed as "Residual (Part B) Services" and therefore such contracts are not subject to the normal EU tendering regimes. Council Standing Orders enable the delegation of responsibility for contracting of services to the Responsible Officers, through appropriate committees, and through Procurement Services.

6.6 The Council Executive has an overarching responsibility for the commissioning and contracting of care and support services and the authority to decide how these services will be contracted. All CHCP contract awards for care and support services will be notified to the Council Executive annually. Council Standing Orders also allows the delegation through the Responsible Officer to the appropriate procurement officer.

6.7 Where there is any doubt as to whether a particular contract is subject to the EU Procurement or other rules, the council's Procurement Team and Legal Services will be consulted accordingly. Although not currently a requirement of standing orders it is proposed that, in most circumstances, externally purchased Social Policy services shall be subject to a contractual arrangement.

6.8 The process for seeking providers and awarding contracts is outlined in Sections 8 to 10 below and aims to meet the legal and reporting requirements of the Council as well as identifying clear lines of accountability.

6.9 Council Standing Orders in relation to contracting of services generally apply in cases where the legislative framework requires competition or where a decision has been taken by the council, a committee or sub-committee of the council or an officer, as the case may be, to contract for services externally. For CHCP services this means:-

- Social Policy will, in most circumstances, commission contracts for the provision of these services under delegation from Procurement Services
- Standing Orders allows the Council or a Committee to decide that the Standing Orders, or parts of them, shall not apply to a specific contract. The approval by the Council Executive of these procurement procedures will allow contracts to be let by without following a formal tender process, providing Best Value principles, as outlined in this procedure, are followed

6.10 The Responsible Officer will:-

- Report annually to the Council Executive on the contracts awarded, extended or renewed
- Report biannually to Social Policy PDSP
- Ensure that the award of any contract which exceeds the EU threshold applying to Part A services is dispatched to the OJEU for publication within 48 days of the contract award

- Include the details of these contract awards in the annual statistical returns to the Scottish Government
- Add details of the contract awards into the council's corporate contract register
- Comply with provisions of Standing Orders in relation to delegation and training of officers, procurement strategies, use of standard terms of contract, use of the Contracts Register, use of framework agreements and collaborative arrangements, contract monitoring, and reporting to committee and PDSP

Contracts Advisory Group

8.13 The CHCP **Contracts Advisory Group** will have representatives from the council's Procurement Team, Legal Services, Corporate Finance and relevant Social Policy and Health staff and will meet on a 6 weekly basis. Contracts will be notified to the **Contracts Advisory Group** and a record kept of the contracts including contract award in both the centralised and corporate register. The remit of the Contracts Advisory Group will be to advise and assist the Responsible Officer in:-

- Exercising delegated powers in relation to the procurement, commissioning and monitoring of Care and Support Services
- Achieving best value for the council in the provision and procurement of Care and Support Services
- Taking action to promote and enforce compliance by the providers of Care and Support Services with qualitative and quantitative contractual standards
- Complying with the council's Standing Orders for Contracts and its Corporate Procurement Procedures, where applicable
- Adhering to the statutory regime, domestic and European, and including government guidance, governing the procurement of these services

8.14 All Social Policy Senior Managers and Social Policy staff responsible for commissioning and contracting will consult with the Contracts Advisory Group and Responsible Officer on service contracts. This will allow:-

- Decision making about future service usage sufficiently in advance of the termination or renewal of a contract
- A fully considered position to be taken regarding continuing or terminating contracted services
- List of contracted services and service costs to be maintained
- Group manager /team manager to ensure that generic services are purchased from contracted providers

APPENDIX 7

“PART A” SERVICES

(Schedule 3 to the 2012 Regulations)

Maintenance and repair services (excluding the fabric of buildings and other constructions)

Land transport services, including armoured car and courier services, except transport of mail and transport by rail

Air transport services of passengers and freight, except transport of mail

Transport of mail by land, other than by rail, and by air

Telecommunications services

Financial services – insurance services, and banking and investment services

Computer and related services

Research and development services where the benefits accrue exclusively to the contracting authority for its use in the conduct of its own affairs and the services are to be wholly paid for by the contracting authority

Accounting, auditing and bookkeeping services

Market research and public opinion polling services

Management consultancy services and related services (excluding arbitration and conciliation)

Architectural services; engineering services and integrated engineering services; urban planning and landscape engineering services; related scientific and technical consulting services; technical testing and analysis services

Advertising services

Building-cleaning services and property management services

Publishing and printing services on a fee or contract basis

Sewage and refuse disposal services; sanitation and similar services

(Excluded: services involving acquisition or rental, by whatever financial procedures, of land, existing buildings, or other immovable property or concerning rights thereon)

APPENDIX 8
“PART B” SERVICES

(Schedule 3 to the 2015 Regulations)

Hotel and restaurant services

Rail transport

Water transport services

Supporting and auxiliary transport services

Legal services

Personnel placement and supply services

Investigation and security services, except armoured car services

Education and vocational education services

Health and social services

Recreational, cultural and sporting services

Other services

APPENDIX 9

WORKS

(Schedule 2 to the 2015 Regulations)

Construction

Construction of new buildings and works, restoring and common repairs

Site preparation - demolition of buildings and other structures, clearing of building sites

Demolition and wrecking of buildings - earth moving, excavation, landfill, levelling and grading of construction sites, trench digging, rock removal, blasting, etc., site preparation for mining, overburden removal and other development and preparation of mineral properties and sites, building site drainage, drainage of agricultural or forestry land

Test drilling and boring

Test drilling, test boring and core sampling for construction, geophysical, geological or similar purposes

Building of complete constructions or parts thereof; civil engineering

General construction of buildings and civil engineering works - construction of all types of buildings, construction of civil engineering constructions, bridges, including those for elevated highways, viaducts, tunnels and subways, long-distance pipelines, communication and power lines, urban pipelines, urban communication and power lines, ancillary urban works, assembly and erection of prefabricated constructions on the site (excluding the erection of complete prefabricated constructions from self-manufactured parts not of concrete)

Erection of roof covering and frames - erection of roofs, roof covering, waterproofing

Construction of highways, roads, airfields and sports facilities - construction of highways, streets, roads, other vehicular and pedestrian ways, construction of railways, construction of airfield runways, construction work, other than buildings, for stadiums, swimming pools, gymnasiums, tennis courts, golf courses and other sports installations, painting of markings on road surfaces and car parks

Construction of water projects - construction of waterways, harbour and river works, pleasure ports (marinas), locks, etc., construction of dams and dykes, dredging, subsurface work

Other construction work involving special trades - construction activities specialising in one aspect common to different kinds of structures, requiring specialised skill or equipment, construction of foundations, including pile driving, water well drilling and construction, shaft sinking, erection of non-self-manufactured steel elements, steel bending, bricklaying and stone setting, scaffolds and work platform erecting and dismantling, including renting of scaffolds and work platforms, erection of chimneys and industrial ovens

Building installation

Installation in buildings or other construction projects of electrical wiring and fittings and telecommunications systems, electrical heating systems, residential antennas and aerials, fire alarms, burglar alarm systems, lifts and escalators, lightning conductors, etc.

Insulation work activities - installation in buildings or other construction projects of thermal, sound or vibration insulation

Plumbing - installation in buildings or other construction projects of plumbing and sanitary equipment, gas fittings, heating, ventilation, refrigeration or air conditioning equipment and ducts, sprinkler systems

Other building installation - installation of illumination and signalling systems for roads, railways, airports and harbours, installation of fittings and fixtures

Building completion

Plastering - application in buildings or other construction projects of interior and exterior plaster or stucco, including related lathing materials

Joinery installation - installation of non-selfmanufactured doors, windows, door and window frames, fitted kitchens, staircases, shop fittings and the like, of wood or other materials, interior completion such as ceilings, wooden wall coverings, movable partitions, etc.

Floor and wall covering - laying, tiling, hanging or fitting in buildings or other construction projects of ceramic, concrete or cut stone wall or floor tiles, parquet and other wood floor coverings, carpets and linoleum floor coverings, including of rubber or plastic terrazzo, marble, granite or slate floor or wall coverings, wallpaper

Painting and glazing - interior and exterior painting of buildings, painting of civil engineering structures, installation of glass, mirrors, etc.

Other building completion - installation of swimming pools, steam cleaning, sand blasting and similar activities for building exteriors, other building completion and finishing work

Renting of construction or demolition equipment with operator

Renting of construction or demolition equipment with operator