

Report to: Constitution Working Party
Date of meeting: 22 September 2016
Report of: Head of Democracy and Governance
Title: Updates to Contract Procedure Rules

1.0 **Summary**

1.1 The Contract Procedure Rules are a part of the Council's Constitution.

1.2 The updates take account of changes due to the enactment of the Public Contracts Regulations 2015. They include revisions to better fit with current practice and for correcting typos, grammar, formatting etc.

2.0 **Recommendations**

2.1 That the Constitution Working Party recommends approval of the Council's updated Contract Procedure Rules.

Contact Officer:

For further information on this report please contact:

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Report approved by: Carol Chen, Head of Democracy and Governance

3.0 Detailed proposal

- 3.1 Updates are required to the Council's Contract Procedure Rules (CPRs) to keep them up to date and to reflect best practice in procurement.

The principal changes arise from the enactment of the Public Contracts Regulations 2015 (PCR2015). Most changes in the Regulations were already in our CPRs as they had been updated to take account of case law preceding the consolidation of the case law in the new Regulations.

Wording has been added relating to SMEs under Part 4 of the new Regulations, which reflect the Lord Young reforms to support small businesses.

PCR2015 revisions to the procurement procedures are shown including those to the Competitive Procedure with Negotiation, Competitive Dialogue and the new Innovation Partnerships procedures. References to the new Concession Contracts Regulations 2016 have also been added.

The wording for the exceptional circumstances Exemptions has been revised to better fit with current practice and recent approvals.

The use of the e-procurement portal for the electronic submission of tenders provides the necessary safeguards and audit trail to remove the old practice for a minimum of two officers when opening tenders.

The wording in the CPRs has been updated to allow tenders to be opened by the Head of Democracy & Governance, or nominated officer, or the Corporate Procurement Manager. This accords with the practice of other authorities, including Herts CC, where one senior officer may open electronic tenders received via the portal.

The opportunity has also been taken to correct various minor typos, poor grammar, poor formatting etc.

4.0 Implications

4.1 Financial

- 4.1.1 None

4.2 **Legal Issues** (Monitoring Officer)

The contract procedure rules provide good governance rules and it is important to keep them up to date.

4.3 **Equalities**

4.3.1 Not applicable.

4.4 **Potential Risks**

Potential Risk	Likelihood	Impact	Overall score
Potential poor application of Regulations and good practice in procurement procedures.	1	2	2

4.5 **Staffing**

4.5.1 There are no staffing implications from this report.

4.6 **Accommodation**

4.6.1 There are no accommodation implications from this report.

4.7 **Community Safety**

4.7.1 There are no community safety implications from this report.

4.8 **Sustainability**

4.8.1 There are no sustainability implications from this report.

Appendices

Appendix A: Draft updated Contract Procedure Rules version 8

Background Papers

None

File Reference

None