

## **PART 3.6 – CONTRACT STANDING ORDERS (CSOs)**

### **3.6.1 Introduction – Purpose of the Contract Standing Orders**

3.6.1.1 Purchasing decisions and processes are important because the money involved is public money. The purpose of these Contract Standing Orders is to provide a structure within which purchasing decisions are made and implemented and which ensure that the Council:

- 3.6.1.1.1 Furthers its corporate objectives.
- 3.6.1.1.2 Uses its resources efficiently.
- 3.6.1.1.3 Purchases quality goods, services and works.
- 3.6.1.1.4 Safeguards its reputation from any implication of dishonesty or corruption.

3.6.1.2 Purchasing by the Council, from planning to delivery, shall incorporate (where appropriate) principles of sustainability, efficiency, whole life costings and cost savings.

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

3.6.1.4 These Contract Standing Orders do not provide guidelines on the best way to purchase works, supplies (goods) and services but set out minimum requirements to be followed. Further information and guidelines are set out in the Council's Purchasing Guide, Procurement Strategy, Code of Conduct, Safety Policy, Equal Opportunities Policy, Local First Policy, Safeguarding Policy, Commissioning Framework, Protected Disclosure Policy (Whistleblowing) and Data Quality Standard.

### **3.6.2 General Principles – Application and Compliance with Contract Standing Orders**

3.6.2.1 These Contract Standing Orders apply to the purchase by or on behalf of the Council of works, supplies (goods) and services.

3.6.2.2 These Contract Standing Orders apply to all contracts including all purchase orders, concessions and contractual arrangements entered into by or on behalf of the Council, except for the specific types of contracts and purchasing methods which are listed in 2.3.

3.6.2.3 These Contract Standing Orders do not apply to:

- 3.6.2.3.1 Employment contracts;
- 3.6.2.3.2 Contracts relating solely to the purchase or sale of interests in land;
- 3.6.2.3.3 Contracts for retention of legal counsel and the appointment of expert witnesses in legal proceedings;

- 3.6.2.3.4 Service level agreements setting out the conditions which the Council applies to its funding of particular voluntary sector bodies;
- 3.6.2.3.5 Contractual arrangements with other local authorities or similar bodies where the Council is not the lead authority in which case the lead authority's Standing Orders shall prevail. For contracts involving shared services, the CSO of the lead authority in the partnership shall apply even if different from the Council's;
- 3.6.2.3.6 Framework Agreements providing that the Head of Mid Kent Legal Services and Finance has agreed the terms of the Framework Agreement.
- 3.6.2.3.7 Election expenditure under the UK threshold.

### **3.6.3 General Principles Applying to All Contracts**

- 3.6.3.1 All orders used in connection with Contracts shall be on the Council's official order template;
- 3.6.3.2 The Council's standard contract clauses or other terms and conditions approved in advance by Legal and Finance, shall be used in all contracts of a value of £30,000 (including VAT) or more. The standard contract clauses are issued by Legal Services and can be found on the intranet;
- 3.6.3.3 As a minimum, all contracts of a value of £30,000 (including VAT) or more shall include clauses which set out:
  - 3.6.3.3.1 The works, supplies (goods), services, material, matters or things to be carried out or supplied;
  - 3.6.3.3.2 The time within which the contract is to be performed;
  - 3.6.3.3.3 Quality requirements and / or standards which must be met. Including arrangements for securing good data quality;
  - 3.6.3.3.4 Requirements on the contractor to hold and maintain appropriate insurance/s / licences;
  - 3.6.3.3.5 What happens in the event that the contractor fails to comply with its contractual obligations (in whole or in part);
  - 3.6.3.3.6 Requirements on the contractor and sub-contractors to comply with all relevant equalities and health and safety legislation;
  - 3.6.3.3.7 That the Council shall be entitled to cancel the contract and recover losses in the event that the contractor does anything improper to influence the Council to give the contractor any contract or commits an offence under the Prevention of Corruption Acts 1889 to 1916 or s117(2) Local Government Act 1972;
  - 3.6.3.3.8 Arrangements required to address Public Interest Disclosure (Whistleblowing) issues that arise;

- 3.6.3.3.9 Reference to the Bribery Act 2010;
- 3.6.3.3.10 All contracts above the relevant UK threshold must contain reference to the Social Value Act, consideration of the Act should also be made in relation to contracts below the relevant UK threshold.
- 3.6.3.3.11 Reference to the Data Protection Act 2018.
- 3.6.3.3.12 All contracts with a bronze, silver or gold level of safeguarding assurance must have adequate provision to ensure that appropriate safeguarding measures are in place throughout the life of the contract.
- 3.6.3.3.13 Reference to the Freedom of Information Act 2000
- 3.6.3.3.14 Reference to the Modern Slavery Act 2015
- 3.6.3.3.15 Reference to the Government's Prevent requirements.

3.6.3.4 Written contracts shall not include non-commercial terms unless these are necessary to achieve best value for the Council. In this context, "non-commercial" means requirements unrelated to the actual performance of the contract.

3.6.3.5 All contracts shall include relevant specifications and / or briefs / technical requirements which are prepared taking into account the need for effectiveness of delivery, quality, sustainability and efficiency (as appropriate) and the information set out in the Council's Purchasing Guide. All procurement documentation including specifications and / or briefs / technical requirements and relevant contractual documentation need to be advertised all at the same time regardless of the procurement procedure.

3.6.3.6 All contracts of a value of £120,000 (including VAT) or more or which involve a substantial risk to the Council are subject to a written risk assessment, which should be kept on the contract file and updated when required.

#### **3.6.4 Regulatory Context**

3.6.4.1 All purchasing shall be conducted in accordance with Regulatory Provisions which are:

- 3.6.4.1.1 All relevant statutory provisions;
- 3.6.4.1.2 The Council's Constitution including these Contract Standing Orders, the Council's Financial Regulations and Scheme of Delegation;
- 3.6.4.1.3 The Council's Purchasing Guide and other policies and procedures of the Council as appropriate;

3.6.4.2 In the event of conflict, UK legislation will take precedence followed by the Council's Constitution, the Council's Purchasing Guide, guidelines, policies and procedures.

### **3.6.5 Responsibilities of Directors and Responsible Officers**

3.6.5.1 Each Director / Head of Service shall:

- 3.6.5.1.1 be responsible for the purchasing undertaken by their Directorate or Service;
- 3.6.5.1.2 be accountable to the relevant committee for the performance of their duties in relation to purchasing;
- 3.6.5.1.3 comply with the Council's decision-making processes including, where appropriate, implementing and operating a Scheme of Delegation;
- 3.6.5.1.4 take immediate action in the event of breach of these Contract Standing Orders.

3.6.5.2 A Responsible / Lead Officer is an officer with responsibility for conducting purchasing processes for the purchase of works, supplies (goods) or services on behalf of the Council.

3.6.5.3 A Responsible / Lead Officer's duties in respect of purchasing are to ensure:

- 3.6.5.3.1 compliance with all Regulatory Provisions and integrity of the tender process;
- 3.6.5.3.2 compliance with the relevant statutory provisions and the Council's requirements relating to declarations of interest affecting any purchasing process;
- 3.6.5.3.3 that there is an appropriate analysis of the requirement, timescales, procedure and documentation to be used;
- 3.6.5.3.4 the purchasing process, from planning to delivery incorporates (where appropriate) principles of sustainability, efficiency, whole life costings and cost savings;
- 3.6.5.3.5 compliance with the Council's decision-making processes;
- 3.6.5.3.6 that all contracts of a value of £5999 (including VAT) or more are included on the Council's Contract Register;
- 3.6.5.3.7 that proper records of all contract award procedures, waivers, exemptions and extensions are maintained, with separate files for each purchase of a value of £30,000 (including VAT) or more;
- 3.6.5.3.8 All Contracts over £30,000 (including VAT) will be:
  - 1. In the form approved by Legal Services;
  - 2. executed;
  - 3. a minimum of three copies of this contract are required; one to be stored in the Council's strong room; the second to be sent to the winning bidder/s and the third to be sent to the lead officer or their

staff. An electronic copy of the signed / sealed contract is to be emailed to Procurement.

3.6.5.3.9 that value for money is achieved;

3.6.5.3.10 that a risk assessment is carried out to ascertain whether a bond or guarantee is required to protect the Council in the event of non-performance.

3.6.5.4 In considering how best to procure works, supplies and services, Directors / Heads of Service and / or Responsible Officers (as appropriate in the context), shall take into account wider contractual delivery opportunities and purchasing methods including the use of Purchasing Schemes and e-procurement / purchasing methods, and the availability of local authority charging and trading powers under the Local Government Act 2003.

3.6.5.5 It is a disciplinary offence to fail to comply with these Contract Standing Orders and the Council's Purchasing Guide. All employees have a duty to report breaches of Contract Standing Orders to the Director of Resources.

3.6.5.6 Any officer or Member who suspects any misconduct or corruption in relation to the purchase by or on behalf of the Council of works, supplies (goods) and services must immediately report that suspicion to the Head of Internal Audit.

### **3.6.6 Scheme of Delegation**

3.6.6.1 Council purchasing may only be undertaken by officers with the appropriate delegated authority to carry out such tasks as set out in the Council's Scheme(s) of Delegation. Officers with delegated authority may only delegate to other officers who have the appropriate skills and knowledge for the task and such delegation shall be recorded in writing by the officer delegating the task and notified to the relevant Director or Head of Service.

3.6.6.2 Officers shall, where appropriate, be informed by their Director or Head of Service of the extent of any delegated authority and applicable financial thresholds.

### **3.6.7 Financial Thresholds and Procedures**

3.6.7.1 The table below sets out the general rules applying to the choice of purchasing procedure for contracts at the stated threshold values. All figures quoted in this document are inclusive of VAT.

3.6.7.2 There is a general presumption in favour of competition. Wherever possible, contract opportunities should be advertised by way of a public notice. At the time of writing, the Council must consider the potential effect of a contract on interstate trade (at a European level). If a contract may be of interest to contractors from other member states then this may result in a need to advertise in a manner which ensures that potential contractors from other member states are aware of the opportunity, even for small value contracts or contracts under the UK Threshold levels outlined below.

3.6.7.3 The public notice referred to at 7.2 may take the form of a notice or advertisement in an electronic or paper format, on an easily accessible website

or other electronic media and / or in the press, trade journals or Find a Tender Service (from 1 January 2021), as appropriate. The Responsible / Lead Officer may choose to place one or more public notices in different media. As a minimum any Request for Quotation or tender valued at £30,000 (including VAT) or above will be advertised on [www.swale.gov.uk](http://www.swale.gov.uk), the Council's E-procurement System and Contracts Finder.

#### 3.6.7.4 Table setting out financial thresholds and procedures

Total value (including VAT)	Type of contract	Procedure to be used
£0 - £5999	works, supplies and services	<p><b>a) At least one quotation in advance</b></p> <p>b) All purchases however small to be in writing, on an official order;</p> <p>c) Approved by the relevant Head of Service or authorised officer;</p> <p>d) Officer should be able to provide a rationale for why they selected the provider used.</p> <p>e) All consultancy spend should be in agreement with the relevant Committee Chair</p>
£6000 - £29,999	works, supplies and services	<p><b>a) At least one quotation in advance</b></p> <p>b) One off, non-routine spend should be agreed by relevant Committee Chair</p> <p>c) Commissioning &amp; Procurement need to be made aware of any procurement where the whole life value is &gt;£6,000.</p> <p>d) All purchases however small to be in writing, on an official order;</p> <p>e) Approved by the relevant Head of Service or authorised officer;</p> <p>f) Officer should be able to provide a rationale for why they selected the provider used;</p> <p>g) Contract award details provided to procurement for publication on the contract register for transparency purposes at award stage.</p>
<p><b>Procedure to be used</b></p> <p>£30,000 to £119,999</p>	works, supplies and services	<p><b>a) Request for quotation advertised on <a href="http://www.swale.gov.uk">www.swale.gov.uk</a>, the Council's <a href="#">E-procurement System</a> and <a href="#">Contract Finder</a>;</b></p> <p>b) Spend should be agreed by relevant Committee Chair;</p> <p>c) Consideration given to Purchasing Scheme's e.g. to provide better V.F.M.;</p> <p>d) Financial appraisals shall be carried out by Financial Services prior to award;</p> <p>e) Approved by the relevant Head of Service or authorised officer;</p> <p>f) Contracts in writing using the standard clauses and to include the core clauses as set out within the CSOs document or other terms and conditions approved in advance by Legal and Finance;</p> <p>g) Records maintained to demonstrate probity and V.F.M. obtained.</p> <p>h) Contract award details provided to procurement for publication on the contract register for transparency purposes at award stage.</p>

<b>Procedure to be used</b> <b>£120,000 to £214,904**</b>	works, supplies and services	a) <b>At least three electronic tenders;</b> b) Spend should be agreed by relevant Committee Chair; c) Risk assessment conducted (in writing) and kept on the file. d) As a minimum to be advertised on <a href="http://www.swale.gov.uk">www.swale.gov.uk</a> , the Council's <a href="#">E-procurement System</a> plus <a href="#">Contract Finder</a> ; e) 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 a suitable person from Legal Services (or Nominee); f) Financial appraisals shall be carried out by Financial Services prior to award; g) Approval required from the relevant committee for award of contract, waiver from CSOs and extensions to contracts h) Contracts in writing using the standard clauses and to include the core clauses as set out within the CSOs document or other terms and conditions approved in advance by Legal and Finance; i) Record to be entered on the Council's Contract Register at award stage.
<b>Procedure to be used</b> <b>£214,904 ** plus</b>	Supplies and services	a) Public Contracts Regs apply – full competitive process with tenders following advertisement in Find a Tender Service for supplies and services, there is a presumption in favour of advertising and a competitive process. This will also be advertised on the Swale website, The Council's e-procurement system and Contract Finder; b) Points a; b; c; d; e; f; g; h and i as above for works, supplies and services for £120,000 to £214,904**
<b>Procedure to be used</b> <b>£214,904 to £5,372,609**</b>	Works	a) Points a – i as above for works, supplies and services for £120,000 to £214,904**
<b>Procedure to be used</b> <b>£663,540 plus**</b>	Light Touch Regime Services	a) Points a – i as above for supplies and services for £214,904 plus**
<b>Procedure to be used</b> <b>£5,372,609** plus</b>	Works	a) Public Contracts Regs apply – full competitive process with tenders following advertisement in Find a Tender Service. b) Points a; b; c; d; e; f; g; h; and i as above for supplies and services for £214,904 plus**

\*\* or relevant threshold in force at the time under the Public Contracts Regs.

3.6.7.5 Where contracts are of a type and value which means that they are subject to the Public Contracts Regs then there are four main types of procedures available. These are the open, restricted, competitive dialogue and competitive negotiated procedures. Care must be taken to ensure that the correct and most appropriate procedure is used and assistance on the choice and use of procedure should be sought from Legal Services or the Procurement team.

3.6.7.6 Financial appraisals shall be carried out by Financial Services on all contracts over £30,000 (including VAT) prior to award. They shall also have a financial appraisal

undertaken by financial services annually on or near the anniversary date of the contract award date.

3.6.7.7 Contracts with a high degree of complexity or where there is a lack of knowledge in house may require the assistance of a consultant with Director or Head of Service approval.

### **3.6.8 Financial Thresholds and Processes Applying to Approval and Execution of Contracts**

3.6.8.1 For contracts over the relevant UK Threshold (in force at the time), the choice of purchasing procedure to be used and the decision to proceed to advertisement must be authorised in writing by the relevant Director or Head of Service in advance.

3.6.8.2 When a decision is made to award a contract then the Responsible Officer must, in addition to complying with their general obligations under these Contract Standing Orders ensure, in particular that:

3.6.8.2.1 the appropriate approvals have been obtained to authorise that decision; and;

3.6.8.2.2 where appropriate, a standstill period complying with the Public Contracts Regs is incorporated into the final award process.

3.6.8.3 All contracts valued at £120,000 or above (including VAT) must be reported to the relevant committee for approval and shall be executed as a deed by Legal Services, All other contracts may be signed by officers with appropriate delegated authority.

3.6.8.4 Electronic signatures may be used by both the Council and the supplier in accordance with the Electronic Signature Regulations 2002. provided the sufficiency of security arrangements has been approved by the Director of Corporate Services. The Council shall use suitable, free software, such as Adobe, to create electronic signatures.

### **3.6.9 Calculating the Contract Value**

3.6.9.1 The starting point for calculating the contract value for the purposes of these Contract Standing Orders is that it shall be the genuine pre- estimate of the value of the entire contract (whole life value) including Value Added Tax. This includes all payments to be made, or potentially to be made, under the entirety of the contract and for the whole of the predicted contract period (including proposed extensions and options).

3.6.9.2 Contracts may be split into lots where it is practical to do so. However, the aggregated cost of the lots shall determine the contract's whole of life value and the procurement process to be followed. Artificial splitting of a contract to avoid the application of the procurement rules or these CSOs is not permitted. However, should lots not be used for tenders over the UK threshold, then Reg. 84 applies i.e. individual report as to why lots were not used.

3.6.9.3 The Public Contracts Regs cover contracts which are below the stated UK threshold where they constitute repeat purchases and / or purchases of a similar type in a specified period. Responsible Officers should therefore seek advice on the



application of the rules where they envisage that they may require repeat purchases and / or purchases of a similar type.

### **3.6.10 Principles Underlying Tendering Processes and Tender Evaluation**

3.6.10.1 All tendering procedures (including obtaining quotes), from planning to contract award and signature, shall be undertaken in a manner so as to ensure:

- 3.6.10.1.1 Sufficient time is given to plan and run the process;
- 3.6.10.1.2 Equal opportunity and equal treatment;
- 3.6.10.1.3 Openness and transparency;
- 3.6.10.1.4 Probity;
- 3.6.10.1.5 Outcomes which deliver sustainability, efficiency and cost savings (where appropriate).

### **3.6.11 Submission and Opening of tenders**

3.6.11.1 An Invitation to Tender shall be issued by the Council for all contracts over £120,000 (including VAT) using the Council's e-procurement system and tenders shall be submitted in accordance with the requirements of the Invitation to Tender.

3.6.11.2 Any tenders received (other than those received electronically, to which 11.3 shall apply) shall be:

- 3.6.11.2.1 addressed to the Democratic and Electoral Services Manager;
- 3.6.11.2.2 in a sealed envelope marked "Tender" followed by the subject matter to which it relates and not displaying the name of the tenderer;
- 3.6.11.2.3 kept in a safe place by the Democratic and Electoral Services Manager;
- 3.6.11.2.4 retained unopened until the date and time specified for its opening.

3.6.11.3 Where the Council has indicated in the Invitation to Tender that a tender can or must be submitted electronically, then those tenders shall be submitted via the Council's [E-procurement System](#) or:

- 3.6.11.3.1 addressed to the e-mail address as notified in the Invitation to Tender;
- 3.6.11.3.2 in the format specified in the Invitation to Tender;
- 3.6.11.3.3 stored in a secure mailbox, which requires a code or other appropriate security measure, to open it;
- 3.6.11.3.4 retained unopened until the date and time specified for its opening;

- 3.6.11.4 No tender received after the time and date specified for its opening shall be accepted or considered by the Council unless the relevant Director or Head of Service, having consulted Procurement and Legal Services, is satisfied that there is sufficient evidence of the tender having been dispatched in time for it to have arrived before the closing date and time, or other exceptional circumstances apply and the other tenders have not been opened.
- 3.6.11.5 All tenders of £120,000 (including VAT) and above are to be opened in the presence of the Democratic and Electoral Services Manager (or nominee), and a suitable person from Legal Services (or Nominee).
- 3.6.11.6 An immediate record shall be made of the tenders received including names and addresses and the date and time of opening, this record to be retained by the Democratic and Electoral Services Manager and Procurement.

### **3.6.12 Evaluation of Quotes and Tenders**

- 3.6.12.1 All quotes and tenders shall be evaluated in accordance with evaluation criteria notified in advance to those submitting quotes / tenderers. Evaluations shall be undertaken in accordance with the Council's evaluation procedure, P.16.
- 3.6.12.2 Tenders subject to the Public Contracts Regs shall be evaluated in accordance with the Public Contracts Regs.
- 3.6.12.3 Save in exceptional circumstances approved in advance by the relevant Director, all contracts shall be awarded on the basis of the quote or tender which represents the Most Economical and Advantageous Tender to the Council and not on the basis of lowest price.
- 3.6.12.4 Post tender negotiations will only be used in special circumstances and after approval from the relevant Director or Head of Service, having consulted Procurement and Legal Services.

### **3.6.13 Waivers**

- 3.6.13.1 The requirement for the Council to conduct a competitive purchasing process for contracts in excess of £30,000 (including VAT) may only be waived in the following circumstances.
- 3.6.13.1.1 For contracts which are not subject to the Public Contracts Regs, the work, supply or service is required as a matter of urgency and a delay would be likely to lead to financial loss, personal injury or damage to property; or
  - 3.6.13.1.2 the circumstances set out in Public Contracts Regulation 14 apply (whether or not the contract is of a type which is subject to the application of the Regulations); or
  - 3.6.13.1.3 the contract is awarded under a Purchasing Scheme of a type where a competition has already been undertaken on behalf of the Council; or

- 3.6.13.1.4 at the discretion of the relevant Head of Service who may, for contracts exceeding £30,000 (including VAT) but not exceeding £119,999, proceed in a manner most expedient to the efficient management of the service / Council with reasons recorded in writing.
- 3.6.13.2 A Responsible / Lead Officer who seeks a waiver of Contract Standing Orders, shall do so only in advance and only in exceptional circumstances. Further guidance on what may constitute exceptional circumstances permitting waiver of these Contract Standing Orders is set out in the Council's Purchasing Guide.
- 3.6.13.3 All waivers from these Contract Standing Orders must be:
- 3.6.13.3.1 Fully documented;
  - 3.6.13.3.2 Subject to a written report in an approved format. For contracts not exceeding £119,999 the report shall be submitted in advance to Procurement and include the reasons why the waiver is genuinely required. For contracts of £120,000 (including VAT) and above the report shall be submitted to the relevant committee;
  - 3.6.13.3.3 Subject to agreement in advance by the Head of Finance and Procurement in consultation with the Head of Mid Kent Legal Services and the Director of Resources as appropriate, who shall, for contracts exceeding £30,000 (including VAT) but not exceeding £119,999 (including VAT), record that they have considered the reasons for the waiver and that they are satisfied with the circumstances justifying the waiver. Waivers from competitive purchasing processes for contracts of £120,000 (including VAT) and above must be approved in advance by the relevant committee. In the report to the committee a recommendation; "The committee agree to the waiver requested in relation to the [works, goods / services] contract and that the Head of Finance and Procurement be authorised to complete the necessary documentation". Prior to the committee meeting, the waiver should still be considered by the Head of Mid Kent Legal Services and the Director of Resources. In the absence of the Head of Finance and Procurement, the Commissioning Manager has the delegated authority to record that they have considered the reasons for the waiver and that they are satisfied that the circumstances justifying the waiver and sign off waivers over £30,000 (including VAT) in consultation with the Head of Mid-Kent Legal Services and the Director of Resources, waivers above £120,000 (including VAT) are subject to committee approval;
- 3.6.13.4 All decisions on waivers must take into account:
- 3.6.13.4.1 Probity;
  - 3.6.13.4.2 Best value / value for money principles.
- 3.6.13.5 For contracts subject to the Public Contracts Regs, any waiver from the requirement for competition must meet the conditions set out in the Public Contracts Regs in addition to the general requirements above.

3.6.13.6 A waiver shall not be applied for reasons of poor contract planning.

3.6.13.7 A wavier may only apply to the omission/s of certain item/s therefore, the Responsible / Lead Officer will be required to follow all other criteria in these Contract Standing Orders other than what has been approved and agreed in the submitted waiver.

### **3.6.14 Extensions to Existing Contracts**

3.6.14.1 Where extensions to existing contracts are made the extensions must be determined in accordance with the advertisement / contract terms, for a specified period and made in accordance with the principles set out in the Council's Purchasing Guide.

3.6.14.2 Any extension must be:

3.6.14.2.1 Fully documented;

3.6.14.2.2 Subject to a written report in an approved format, form P.24. For contracts where the extension value is not exceeding £119,999 (including VAT) , the report shall be submitted in advance to the relevant Director or Head of Service and include the reasons why the extension is required. For contracts where the extension value is £120,000 (including VAT) and above the report shall be submitted to the relevant committee;

3.6.14.2.3 Subject to approval in advance by the relevant Director or Head of Service who shall, for contracts where the extension value is not exceeding £119,999 (including VAT), record that they have considered the reasons for the extension, there is an extension option on the contract and that they are satisfied with the performance of the contract. Extensions for contracts where the extension value is £120,000 (including VAT) and above must be approved in advance by the relevant committee.

3.6.14.3 Any extension must take into account:

3.6.14.3.1 Probity;

3.6.14.3.2 Best value / value for money principles.

3.6.14.4 For contracts subject to Public Contracts Regs, any extension must meet the conditions set out in the Public Contracts Regs in addition to the more general requirements set out above.

### **3.6.15 Purchasing Schemes**

3.6.15.1 A Responsible Officer may use Purchasing Schemes subject to the following conditions and the Council's Purchasing Guide.

3.6.15.2 Responsible Officers must check in advance that

3.6.15.2.1 The Council is legally entitled to use the Purchasing Scheme;

- 3.6.15.2.2 The purchases to be made do properly fall within the coverage of the Purchasing Scheme;
- 3.6.15.2.3 The establishment and operation of each Purchasing Scheme is in compliance with the Public Contracts Regs (where they apply) and meets the Council's own requirements.
- 3.6.15.3 A "Purchasing Scheme" may include:
  - 3.6.15.3.1 Framework arrangements (including those set up by the Cabinet Office);
  - 3.6.15.3.2 Purchasing arrangements set up by central purchasing bodies and commercial organisations;
  - 3.6.15.3.3 Consortium purchasing;
  - 3.6.15.3.4 Collaborative working arrangements;
  - 3.6.15.3.5 Formal agency arrangements;
  - 3.6.15.3.6 E-procurement / purchasing schemes and methods;
  - 3.6.15.3.7 Other similar arrangements such as the IDeA Marketplace
- 3.6.15.4 Where a Purchasing Scheme is used then there shall be a whole or partial exemption from the obligations under these Contract Standing Orders in respect of the choice and conduct of procedures to the extent permitted and indicated in the Council's Purchasing Guide.
- 3.6.15.5 Prior to using any purchasing scheme / framework, the Responsible Officer / Lead Officer should consider whether the works, goods or services required can be procured locally.

### **3.6.16 Review and Changes to these Contract Standing Orders**

- 3.6.16.1 These Contract Standing Orders shall be reviewed and updated on a regular basis. Save in the case of revisions to the UK Thresholds amended Contract Standing Orders shall be agreed and adopted by the Council. Revisions to the UK Thresholds shall be dealt with in accordance with the Constitution - Scheme of Delegation to the Head of Legal Partnership. Any other modifications to these Contract Standing Orders outside of the scope above will need to be presented to SMT, Policy and Resources Committee and then to Full Council for approval. These Contract Standing Orders will be updated automatically where there are any changes to legislation affecting them. They will be reviewed at least every three years to ensure that they continue to meet the Council's requirements.