

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

18 JULY 2018

REPORT OF THE MONITORING OFFICER

AMENDMENT TO THE CONSTITUTION AND SCHEME OF DELEGATION OF FUNCTIONS - REVISED CONTRACT PROCEDURE RULES

1. Purpose of report

1.1 The purpose of this report is to seek approval to:

- amend the Constitution to incorporate the revised Contract Procedure Rules; and
- amend the Scheme of Delegation of Functions as set out in paragraph 4.4 of this report.

2. Connection to corporate improvement objectives/other corporate priorities

2.1 This report assists in the achievement of the following Corporate Priority:

Smarter use of resources – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities. It ensures that services are delivered more efficiently and focuses on collaboration and partnership in the delivery of services and maintain strong and sustainable financial performance. Contract Procedure Rules are the internal regulations which govern how contracts for goods, services and works are let. They offer standard procedures which aim to safeguard the Council in terms of risk and compliance with UK and European legislation.

3. Background

- 3.1 The Council is in the process of a corporate procurement review. As part of the review, the Contract Procedure Rules, which form part of the Council's Constitution, have been reviewed and updated.
- 3.2 The Contract Procedure Rules contain the rules and guidelines for procuring goods, services and works. They are designed to ensure compliance with UK and European law, ensure best practice is followed and best value is achieved in the use of public funds.
- 3.3 Due to the implementation of the Public Contract Regulations 2015, the Council's Contract Procedure Rules need to be updated to ensure they are fit for purpose and are compliant with the new legislation.
- 3.4 During the review of the Contract Procedure Rules key officers involved in the procurement of goods, services and works have been consulted.

4. Current situation/proposal

- 4.1 A number of changes have been made to the existing Contract Procedure Rules to ensure compliance with the provisions of the Public Contracts Regulations 2015 and to modernise the way the Council procure goods, services and works. On 19th June 2018, Cabinet approved the revised Contract Procedure Rules (attached as **Appendix 1**) to take effect from 1st August 2018.
- 4.2 The revised Contract Procedure Rules now need to be incorporated into the Constitution.
- 4.3 The following documents are attached as appendices to the Contract Procedure Rules :
- Form of Tender (**Appendix 2**)
 - Summary of Advertising (**Appendix 3**)
 - Procurement Report Contents Checklist (**Appendix 4**)
 - Pre-Tender Client Information Sheet (**Appendix 5**)
- 4.4 Scheme of Delegation of Functions
- 4.4.1 In order to maintain effective decision making processes, the following amendments are required to the Council's Scheme of Delegation of Functions in relation to Council functions allocated to each Chief Officer:

Scheme B2

1.3	<p>In respect of any contract having an estimated value not exceeding £1,000,000:</p> <p>(a) To authorise the invitation of tenders;</p> <p>(b) To accept the most economically advantageous tender received and enter into a Contract, or the highest tender received where payment is to be received by the Council and enter into a Contract.</p> <p>(c) To authorise invitation of tenders, to accept a tender or enter into a Contract in accordance with any exemption under the Council's Contract Procedure Rules.</p> <p>(d) To authorise invitation of tenders, to accept a tender or enter into a Contract in accordance with any permitted waiver under the Council's Contract Procedure Rules.</p>
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- 4.4.2 A report was presented to Cabinet on 19th June 2018 proposing similar changes to the Scheme of Delegation of Functions for Executive decisions.

5. Effect upon policy framework and procedure rules

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

5.2 The Scheme of Delegation of Functions will require amendment as shown above.

6. Equality Impact Assessment

6.1 Although there are no direct impacts, the Constitution as the key governance framework document for the Authority is critical in demonstrating commitment to the Authority's duties under the Equality Act 2010.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievements of well-being goals/objectives as a result of this report.

8. Financial implications

8.1 There are no financial implications regarding this report.

9. Recommendation

9.1 It is recommended that Council:

- Note the revised Contract Procedure Rules to take effect from 1st August 2018;
- Approve the amendment to the Constitution to incorporate the revised Contract Procedure Rules;
- Approve the amendment to the Scheme of Delegations as set out in paragraph 4.4 of this report.

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Background documents: None