



# Buckinghamshire & Milton Keynes Fire Authority

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**Meeting and date:** Overview and Audit Committee, 9 November 2022

**Report title:** Procurement Strategy 2022-2026 and Review of Standing Orders Relating to Contracts

**Lead Member:** Councillor Matthew Walsh

**Report sponsor:** Mark Hemming, Director of Finance and Assets

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**Action:** Decision

**Recommendations:** That the Overview and Audit Committee approve the recommendations below for submission to the Fire Authority:

That the Authority be recommended to approve:

1. The Procurement Strategy 2022-2026 (Appendix 1)
2. The Standing Orders Relating to Contracts as amended (Appendix 2)

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## Executive summary:

The aim of the **Procurement Strategy** is to set a clear framework for the procurement of goods, works and services within the Authority. The strategy supports the development of a longer-term vision of how procurement can help to deliver the Authority's aims and outcomes while working within a value for money framework and standing orders relating to contracts to achieve efficiency savings.

The previous Procurement Strategy covered the period 2015-2020. Publication of the latest Strategy was delayed while procurement regulations were being updated following Britain's withdrawal from the European Union. Work has continued during the interim period, and this is detailed within the latest Strategy.

In order to support the aims of the Procurement Strategy, it is also recommended that the Authority approves the following changes to **Standing Orders Relating to Contracts**:

- References to EU replaced with UK equivalent following Brexit.
- Changes to transparency rules relating to Public Sector Sub-Central Bodies noted, including obligation to publish contracts to relevant UK Cabinet Office portals; Contracts Finder & Find a Tender Service (FTS) .
- Item 2.2(g): Contract value amended to £25,000 to align with latest Public Sector sub-central bodies threshold and SME or VCSE added

- Item 4.3 Exemptions – Value increased from £50,000 to £75,000 to align with Clause 7.1 threshold value
- Item 5.3: Standard contract clauses updated to include Insurances
- Item 7.1: Threshold value increased from £50,000 to £75,000
- Item 7.2: Contract Value Thresholds updated to align with latest requirements of Public Sector Sub-Central Bodies in accordance with PCR (2015) transparency obligations, and support collaborative working alignment, as follows:
  - 7.2(a) Threshold value amended from ‘below £10,000’ to ‘below £25,000’
  - 7.2(b) Threshold value range of ‘£10,000 up to £50,000’ amended to a value range of ‘£25,000 to £75,000’
  - 7.2(c) Threshold value amended from ‘over £50,000’ to ‘over £75,000’
  - 7.2(d) Updated ‘Over the Public Contract Regulations Financial thresholds’ in accordance with Cabinet Office Find a Tender Service (FTS) threshold values, effective from 01 January 2022
  
- Item 8.1(d): Added Insurance checks
- Item 8.3: Threshold value increased from £50,000 to £75,000
- Item 9.4(c): Added ‘data protection regulations’
- Item 9.4(d): Added ‘proportionate levels of insurance in place.....’
- Item 16.3: Added ‘Contract Award Notices publication requirements ‘
- Items 17.1 & 17.2: Threshold value of contracts requiring to be ‘Sealed’ increased to £500,000 to align with collaborative partners in the delivery of effective and efficient collaborative working.
- Item 19.1: Termination of contract value reduced from £50,000 to £25,000, to ensure appropriate Notices are published to relevant Government portals
- Item 21.2: Assets Disposal- Net Book Value increased from £10,000 to £25,000

### **Financial implications:**

Successful delivery of the Procurement Strategy will support the Authority in maximising the value for money achieved through procurement activities.

In reviewing the Standing Orders Relating to Contracts the Authority can demonstrate accountability of its use of resources by updating in line with latest legislation and best practice guidance appropriate to the good governance of the Authority and the Service.

### **Risk management:**

By agreeing the Procurement Strategy as drafted, the Authority will reduce or omit the risk of failure in the following areas:

- The consequences of breaking Competition Law can result in penalties or fines, bad publicity, compensation claims from suppliers or in serious cases of breach, Directors of organisations can be disqualified or even sent to prison.
- The principles of Offer and Acceptance under Contract Law are complied with.
- Contract Standing Orders and Financial Regulations are complied with.
- Achieving value for money.
- Ensure a clear audit trail is available for every decision reached under the transparency agenda.
- Individuals will be aware of the policies and procedures and therefore can be held accountable for actions and decisions.
- Planning for future requirements in a timely manner and ensuring no 'waste'
- Being environmentally responsible.
- Contributing to overall Authority objectives.

Standing Orders Relating to Contracts ensure that contracts are appropriate for their purpose, provide the right balance between price and quality, and are procured in an open way that demonstrates probity and compliance with the Authority's policies and relevant legislation.

#### **Legal implications:**

There are a number of legislative requirements for good procurement management and these are set out in the body of the draft strategy.

The terms of reference reserve to the Authority the power to vary the Standing Orders Relating to Contracts, having considered any recommendations from the Overview and Audit Committee.

#### **Privacy and security implications:**

No direct impact.

#### **Duty to collaborate:**

It is proposed to increase the minimum threshold for requiring three written quotations from £10,000 to £25,000, and to increase the threshold for requiring a publicly advertised competitive tender process from £50,000 to £75,000.

This will help facilitate further collaborative procurement with Oxfordshire & Royal Berkshire fire and rescue services through the alignment of threshold values and procurement processes.

UK Public Contract Regulations (PCR) 2015 transparency rules include the obligation of Sub-Central Bodies to publish all Contract Notices with a value of £25,000 and above, to the Cabinet Office Contracts Finder. Aligning the Authority's minimum

threshold to the latest UK PCR (2015) transparency minimum threshold will support effective, efficient and transparent procurement.

**Health and safety implications:**

No direct impact.

**Environmental implications:**

One of the key areas within the Strategy is social value, which is about improving economic, social and environmental wellbeing from public sector contracts over and above the delivery of the services directly required.

**Equality, diversity, and inclusion implications:**

The strategy specifically sets out the aim to ensure all processes are transparent, accountable and fair to all parties.

Equality Impact table is included in the Strategy document.

An Equality Impact Assessment (EIA) has not been completed, where specific actions are undertaken in the future as a result of this strategy, it is expected that a specific EIA will be completed as appropriate.

**Consultation and communication:**

Communication to our staff and suppliers will be made regularly in line with the action plan within the Strategy.

**Background papers:**

Procurement Strategy 2015-2020, Executive Committee, 19 November 2014 - [https://bucksfire.gov.uk/documents/2020/03/191114\\_exec\\_committee\\_papers.pdf/](https://bucksfire.gov.uk/documents/2020/03/191114_exec_committee_papers.pdf) (pp.47-65).

Standing Orders Relating to Contracts, February 2020 - [https://bucksfire.gov.uk/documents/2020/03/contract\\_standing\\_orders\\_-\\_february\\_2020.pdf/](https://bucksfire.gov.uk/documents/2020/03/contract_standing_orders_-_february_2020.pdf/)

Appendix	Title	Protective Marking
1	Procurement Strategy 2022-2026 (v1.0(004))	
2	Standing Orders Relating to Contracts (v1.0(004) – with tracked changes)	

# PROCUREMENT STRATEGY 2022 - 2026



**Buckinghamshire Fire and Rescue Service**

[www.Bucksfire.gov.uk](http://www.Bucksfire.gov.uk)

Version 1.0(004)



## CONTENTS

• <b>INTRODUCTION</b>	<b>2</b>
• <b>BACKGROUND</b>	<b>2</b>
○ Fire Commercial Transformation Programme	2
○ Standardisation	2
○ Aggregation	3
○ Collaborative Supplier Management	3
○ Duty to Collaborate	3
○ Fire & Rescue National Framework	3
○ HMICFRS	3
• <b>TOOLKIT SELF-ASSESSMENT</b>	<b>4</b>
• <b>THEME 1 – LEADERSHIP</b>	<b>4</b>
○ Engaging Fire Authorities & Senior Managers	5
○ Collaboration	5
○ Engaging Strategic Suppliers	5
• <b>THEME 2 – COMMERCIAL PRACTICE</b>	<b>5</b>
○ Creating Commercial Opportunities	6
○ Managing Contracts & Relationships	6
○ Managing Strategic Risk	7
• <b>THEME 3 – DELIVERING LOCAL BENEFITS</b>	<b>7</b>
○ Obtaining Social Value	7
○ Engaging Local SME's	8
• <b>ENABLERS</b>	<b>9</b>
○ Developing Staff	9
○ Procurement Systems & Data Transparency	9
○ Innovation	10
○ Embedding Change	10
• <b>ACTION PLAN</b>	<b>12</b>
• <b>EQUALITY IMPACT TABLE</b>	<b>14</b>



## **Bucks Fire Procurement Strategy (the Strategy)**

### **Introduction**

The aim of the Strategy is to set a clear framework for the procurement of goods, works and services within the Authority. The strategy supports the development of a longer-term vision of how procurement can help to deliver the Authority's aims and outcomes while working within a value for money framework and standing orders relating to contracts to achieve efficiency savings. It supports the following aims in our Corporate Plan:

- To offer best value for money to our residents and businesses & ensure that the Service is compliant with regulatory requirements and recognised 'good practice' standards and can readily evidence this at all times.
- To ensure that risk, performance, financial and management information is accurate, relevant and delivered to users in an efficient, timely, effective and secure way.
- To provide high quality, cost effective assets and equipment with sufficient flexibility to adapt to changing requirements.

The Strategy has been developed with reference to the National Fire Chiefs Council (**NFCC**) National Procurement Strategy (which is based on the Local Government National Procurement Strategy).

The Strategy focuses on three key themes, which are then further broken down into a number of key areas. The three key themes are:

- Leadership
- Commercial Practice
- Delivering Local Benefits

To accompany the NFCC Procurement Strategy, a toolkit was developed that allows services to identify their level of maturity within each of these areas and themes. The toolkit then allows services to set local goals and assess their progress against these goals.

In addition to the 'Themes', the strategy also identifies four enablers:

- Developing our Staff
- Procurement Systems & Data Transparency
- Innovation
- Embedding Change

### **Background**

#### **Fire Commercial Transformation Programme (FCTP)**

The NFCC have implemented a package of reforms in the commercial operation of the sector under the umbrella of the Fire Commercial Transformation Programme. Fire and Rescue Services should set their local strategy recognising the principles of the FCTP:

**Standardisation** - developing agreed standard specifications that are developed by the sector, are evidence led and operationally driven.



**Aggregation** - FRS that bring larger committed volumes to market typically get better deals. Where possible, i.e. non-fire specific goods and services, consider the wider purchasing power of other public sector organisations.

**Collaborative Supplier Management** - joined-up strategic engagement, supplier performance and contract management. Regardless of whether FRSs work collaboratively on procurement there is a need to more effectively manage Suppliers, we often use the same Suppliers but don't talk to each other about issues (or positive aspects such as innovation) we are having. This can be managed more effectively through managing our suppliers more collaboratively.

### **Duty to Collaborate**

The Policing and Crime Act 2017 introduced a new duty on the police, fire and rescue and ambulance services to keep collaboration opportunities under review and, where it is in the interests of their efficiency or effectiveness, to put those collaboration opportunities into practice. The duty is deliberately broad to allow for local discretion so that the emergency services themselves can decide how best to collaborate for the benefit of their own communities.

### **Fire & Rescue National Framework**

The Fire & Rescue National Framework includes for the first time a section on Commercial Transformation:

*Each fire and rescue authority must demonstrate that it is achieving value for money for the goods and services it receives. Every fire and rescue authority should look at ways to improve its commercial practices including whether they can aggregate their procurement with other fire and rescue authorities and other local services (e.g. police) to achieve efficiencies.*

*Fire and rescue authorities must demonstrate and support commercial transformation programmes where appropriate. Each fire and rescue authority should be able to demonstrate full awareness of the objectives to standardise requirements, aggregate demand and manage suppliers of products and services within their commercial arrangements.*

*Fire and rescue authorities must ensure that their commercial activities, be that the placement of new contracts or the use of existing contracts, is in line with their legal obligations, including but not limited to the Public Contracts Regulations, the Public Services (Social Value) Act 2012, the Modern Slavery Act 2015 and transparency commitments.*

### **HMICFRS**

Independent inspection of fire and rescue authorities in England – and the fire and rescue service they oversee - is delivered by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS). The chief fire and rescue inspector and inspectors of fire and rescue authorities in England have powers of inspection given to them by the Fire and Rescue Services Act 2004, as amended by the Policing and Crime Act 2017.

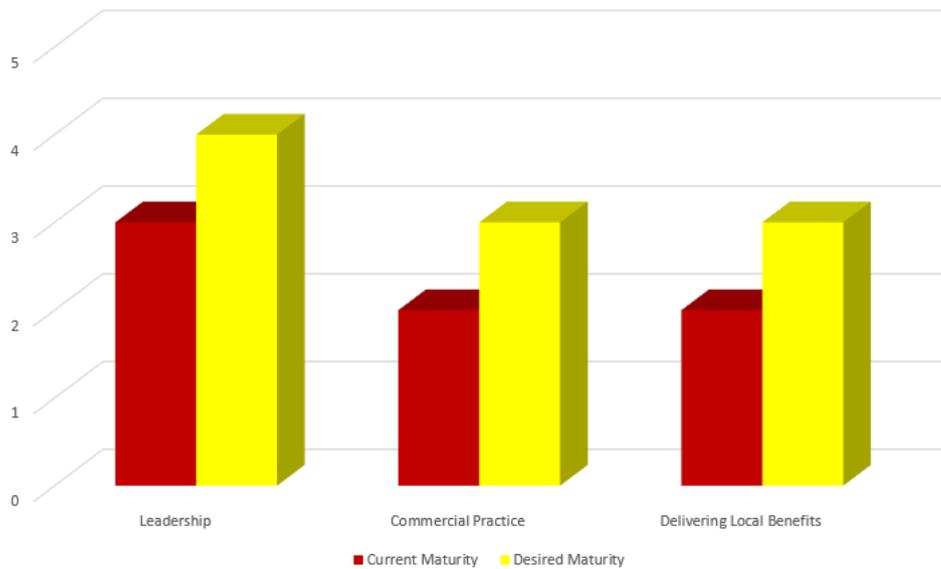
The inspectorate will provide a crucial assurance function to consider how effective and efficient fire and rescue authorities are, how well they manage their people and whether they are fulfilling their statutory obligations. The inspectorate will also highlight good practice and identify areas where improvement is needed so that remedial or constructive action can be taken.



**Toolkit Self-Assessment**

The chart below shows the output from the toolkit, highlighting the current maturity level versus the desired maturity level for each theme:

**2018 National Procurement Strategy - Current Maturity vs. Desired (2020) Maturity**



In tabular form this can be summarised as:

Theme	Current Maturity Level	Desired Maturity Level
Leadership	Mature	Leader
Commercial Practice	Developing	Mature
Delivering Local Benefits	Developing	Mature

The following sections look at each of the themes, and key areas, in more detail. The Service aspires to be assessed as mature in each of the three themes. A key part of this Strategy is the action plan on page 12 which details actions to be taken to achieve this.

**Theme 1: Leadership**

**Key Area: Engaging Fire Authorities and Senior Managers**

**MATURE - Leadership engaged with commercial and procurement issues, routinely taking advice at key decision points.**

This refers to the Fire Authority and the corporate management team valuing and benefiting from commercial and procurement advice at all stages of decision making including early advice on major projects. Good commercial and procurement advice (provided in-house wherever possible) can have a decisive impact on the outcome of a project. It is important that executive bodies and senior managers engage with commercial and procurement issues from the outset.

<b>Influence &amp; Impact</b>	Developing - Contribution of commercial and procurement has been noted on isolated projects.
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<b>Mission &amp; Strategy</b>	Mature - FRS has approved a procurement strategy aligned to corporate and service strategies.
<b>Process</b>	Mature - Structured approach to project management clearly defining roles and responsibilities in relation to commercial and procurement advice.
<b>Training &amp; Development</b>	Developing - Some FRA members and senior managers have attended training courses.

**Key Area: Collaboration**

**MATURE - Designing and implementing solutions as a single team in high value/high risk projects.**

This refers to a one team approach to the design and implementation of solutions where Fire and Rescue Services work together as a single team to design and implement solutions. A team approach makes best use of limited resources and can lead to innovative solutions and better results.

<b>Culture</b>	Leader - Working as a single team is the norm when the FRS cooperates with external partners.
<b>Process</b>	Innovator - Peers acknowledge the transformational results being achieved through collaborative working.
<b>Training &amp; Development</b>	Minimum - Training and developments programmes do not cover collaborative working

**Key Area: Engaging Strategic Suppliers**

**DEVELOPING - The Fire and Rescue Service acknowledges the business case for improved SSRM and can demonstrate isolated activity.**

This refers to the process of identifying strategic suppliers and engaging with them to improve performance, reduce cost, mitigate risk and harness innovation. Effective management of strategic supplier relationships can deliver a range of benefits including improved outcomes for the public, added social value, reduced cost, reduced risk and innovation.

<b>Data Collection &amp; Analysis</b>	Developing - FRS has partial data and intelligence on its suppliers and is developing criteria it will use to identify strategic suppliers.
<b>Engagement of Existing Strategic Suppliers</b>	Developing - 1. Evaluating toolkits. 2. Piloting engagement with a major supplier.
<b>Early Engagement with Future Strategic Suppliers</b>	Developing - 1. Some information on forward plans published. 2. Experience of early market engagement on at least one FRS project.

**Theme 2: Commercial Practice**

**Key Area: Creating Commercial Opportunities**

**DEVELOPING - Isolated examples of the FRS examining commercial opportunities to drive value creation and/or reduce current costs.**



This refers to how Fire and Rescue Services promote value creation through the way it plans its major third-party expenditure (works, goods and services), reviews business options (make or buy) and engages with, and influences, markets and potential suppliers. Commercial opportunities can be created in many different ways, from conventional means such as increasing returns on assets to the way it engages with its partners and third party contractors.

Forward Planning	Mature - 1. Forward planning is the norm for all strategic contracts. 2. Opportunities to create new revenue streams are considered. 3. Procurement encouraged to contribute ideas for revenue generation in the forward planning process.
Options Appraisal	Developing - 1. Undertaken for high profile / high value projects and exercises. 2. Evaluation criteria sometimes incorporating commercial and social considerations.
Market & Supplier Research & Analysis	Developing - 1. Undertaken when a new requirement is sought and/or where there have been problems on an earlier contract. 2. Research sometimes includes looking for commercial opportunities or gaps in the market
Tendering	Leader - 1. Tendering is seen as a commercial process . 2. Documentation is prepared to make it attractive to take part and focused on innovation and opportunities. 3. Procurement is seen as an integral contributor to the planning phase.
Performance Reporting	Developing - 1. Performance reporting is undertaken but restricted to specific procurement exercises and some departments. 2. Summary reports are produced by Procurement for service heads on an annual basis.
Post Contract Review	Developing - 1. Post contract reviews undertaken, by most departments and/or identified categories of expenditure. 2. Seen as being an integral part of improving outcomes and identifying commercial opportunities

**Key Area: Managing Contracts & Relationships**

**DEVELOPING - Identified the need to change and improve. Basic policies, procedures and systems in place.**

Description: This refers to the effective management and control of all contracts from their planned inception until their completion by the appointed contractor(s). It covers the supporting policies, procedures and systems needed to undertake it, together with broader issues from the identification and mitigation of risk, successful and timely delivery of outcomes and performance, effective control of cost and variations and the maintenance of clear communication and operational relationships with contractors. Poor contractor performance or commercial failure can seriously damage a fire and rescue services reputation and its ability to deliver effective and efficient services to the local community.

Information Storage & Accessibility	Mature - 1. Contracts Register is dynamic and provided through a purpose built solution. 2. Full accessible to the whole FRS with read/write/edit and search capabilities 3. Complete data sets for all major third party spend.
Change Control	Developing - 1. A change control policy exists for capturing the details of any changes or variations made to some contracts 2. Standard documentation is available and used by some departments.
Savings & Benefits Delivery	Minimum - Savings and benefits are delivered from some contracts but not a part of any formal process.



Recognition & Cultural Acceptance	Developing - 1. Recognition by the FRS of value of contract and relationship management. 2. Job roles are designated as contract manager or contain specific contract and management activity in their job descriptions in some departments.
Skills & Knowledge	Minimum - Staff have limited access to any contract and relationship management skills and knowledge programmes.

**Key Area: Managing Strategic Risk**

**MATURE - Taking a pro-active approach to strategic risk management with all vulnerable areas identified and mitigating policies and plans in place.**

This refers to the impact of an external event, passing of a new statute, or illegal activity upon business as usual, reputation and/or financial health of the Fire and Rescue Service. The Service should have a series of actions and policies designed to reduce or eliminate the probability of a perceived risk occurring and minimising the detrimental effects / impacts that may occur should it materialise. The occurrence of any risk, particularly when it could be foreseen, can have a devastating impact on the fire and rescue services reputation and the lives of the people it serves, the quality of the services it provides and even its financial viability.

Fraud & Financial Loss	Mature - Systems in place to target both financial loss and fraud with a proactive approach to issues such as irregular transactions, duplicate payments, and fake creditors/invoices.
Supply Chain & Contractor Failure	Developing - FRS aware of the risks and issues involved and attempting to identify where this may occur.
Modern Slavery (Legislation)	Mature - 1. Expenditure categories/contracts with potential for modern slavery identified 2. Basic checks made with appropriate contractors.
GDPR (Legislation)	Mature - Actively identifying and reviewing contracts where data issues could occur.
External Events (e.g. Brexit)	Developing - Keeping abreast with National FRS/Central government briefings and taking appropriate action, as and when required.

**Theme 3: Delivering Local Benefits**

**Key Area: Obtaining Social Value**

**DEVELOPING - Compliant with SV Act and pro-actively seeking SV engagement in a few key contracts only.**

Social Value (SV) refers to wider financial and non-financial impacts of programmes, organisations and interventions. Social Value is about improving economic, social and environmental wellbeing from public sector contracts over and above the delivery of the services directly required.

Policy & Scope	Developing - No specific policy in place. Only complies with the Act (i.e. Services above UK procurement threshold)
Internal Management	Developing - No senior officer given a direct reporting responsibility for social value



Measurement: Themes, Outcomes & Measures (TOM's)	Developing - Measuring some limited form of social value e.g. SME spend.
Commissioning	Developing - Some attention given in larger contracts to commissioning for social value
Procurement	Mature - 1. Social Value requirements included in all relevant tenders as a part of quality score 2. SV weighting as a part of quality score 5-10%.
Market Engagement & Partnerships	Developing - Initial but ad hoc steps taken in market engagement around SV
Contract Management	Developing - Contracts not monitored in any coherent way for social value after award
Cross Sector Collaboration	Developing - Limited collaboration through joint occasional contract with other public sector bodies held regarding social value
Reporting	Minimum - Social value not considered important
Governance & Accountability	Minimum - No visibility of issue at FRA meetings

**Key Area: Engaging Local SME's**

**DEVELOPING - SME's are engaged in a few key contracts only.**

SME's (a business with fewer than 250 employees and turnover of less than £50m) play a major role in creating jobs and generating income for those on low incomes, they help foster economic growth, social stability, are a source of innovation and contribute to the development of a dynamic private sector.

Policy & Scope	Developing - 1. Commissioners have started to communicate what local needs are and the desired market outcomes. 2. No policy or strategy in place for addressing SMEs
Facilitating Good Relationships with SME's	Developing - Relationships between SMEs and other providers are not facilitated. It is not considered to be an area where intervention is needed or appropriate. As a result of this, there is an absence of consortia and networking in the locality.
Commissioning	Developing - 1. There is some knowledge of how SMEs' local expertise can add value. 2. A limited number of SMEs are invited to contribute to the commissioning process. 3. There are some general engagement events.
Market Engagement & Partnerships	Mature - 1. SMEs are seen as part of a diverse supply chain. 2. There is awareness of SMEs' need for support to effectively contribute to the commissioning process.
Procurement	Developing - 1. There is a prescriptive procedure for all procurement exercises and little awareness of how SMEs might engage 2. There is engagement with a limited number of SMEs ahead of notices of tenders being published.
Contract Management	Developing - Some parts of the FRS manage contracts with SMEs but this is not consistent. There is no particular expectation on how subcontracting relationships with smaller SMEs should be conducted.
Governance, Accountability & Reporting	Developing - Some analysis of SME spend is captured but no actions are taken based on the information gathered



## **Enablers**

A number of cross-cutting issues have been identified that will need to be addressed by Fire and Rescue Services. These are referred to as the 'enablers' of the strategy.

### **Developing Staff**

**Developing – Recruits staff with professional qualifications and responds to ad hoc requests for training and development.**

#### **Where We are Now**

*Procurement staff competencies are maintained with ongoing training to meet Public Procurement legislative changes. Networking across UK fire service & other public procurement practitioners enables best practice is adopted within the Service.*

*An introduction to procurement working practices within the Service is provided as part of new Officers induction training in relation to financial regs and contract standing orders.*

#### **Future Plan**

*Further support and training of staff who have involvement in procuring goods & services across all levels of the organisation including a mandatory online procurement training package. The introduction of the BMKFA Contract Management Framework for staff with contract management responsibilities, supported by an online contract management training package.*

### **Procurement Systems & Data Transparency**

**Mature – Use of an integrated Procure to Pay (P2P) system in conjunction with online ordering for all services/products fully automated and paperless. Comprehensive procurement, contract management and spend analysis information available online to all stakeholders with appropriate search and filtering. Use of electronic tendering and quotation system for all tenders.**

#### **Where We are Now**

*Electronic procurement is fully embedded and utilised for all tenders within our e-tendering portal. This enables the team to manage tenders effectively and efficiently and build resilience in this process, including the effective management and storage of all procurement documents. The market now accepts online tendering and communications as standard. The national strategy supports the wider development of e-commerce. The Authority will support this through the continued development and use of electronic tools, the virtual marketplace and sharing of knowledge through secure media collaboration platforms.*

*Purchase to Pay (known as P2P) – This assists the Authority to streamline its requisition through to payment processes through automated work flow, thereby, reducing transactional costs and enabling improved access to information and reporting.*

*Automated Budget Approval, Procurement Compliance & Supplier Management – The Integra finance system provides the Authority with a streamlined system incorporating expenditure*



*commitment controls, procurement compliance gateway utilising the Buyer Approval process and supplier management information and reporting.*

*Contract Catalogues – The Integra system supports the use of ‘catalogues’ to provide all staff can access contract information for the purchase of contracted goods and services. This ensures the correct suppliers, goods and services are purchased in accordance with approved contract terms and conditions.*

*Purchase cards are used for low value transactions. This arrangement is already established. Expenditure is monitored on a monthly basis within the Integra finance system. This enables officers to purchase low value commodities and services where there is no corporate contract in place and is below the threshold for competition. This reduces the transaction cost to the Authority and enables the supplier to receive immediate payment.*

*In accordance with Local Government Transparency Code 2015, the Authority publish the following the following transparency reports & contract information:*

- *Expenditure exceeding £500*
- *Government procurement card transactions*
- *Procurement information for expenditure of £5,000+*
- *Contract Register for contracts of a value of £25,000+*

*The Authority, as a sub-central body, meets the legal obligations to publish all contracts below UK procurement threshold with a value of £25,000+ on Contracts Finder, and publish above UK procurement threshold to Find a Tender Service (FTS), in accordance with Public Contracts Regulations (PCR) 2015 and Public Procurement Notice (PPN) 09/21,*

## **Innovation**

**Mature – Outcomes based procurement and market shaping are the ‘standard’ way of doing things. Innovative procurement approaches not just applied to technology but to established services.**

### **Where We are Now**

*Forward planning for contracts is undertaken collaboratively to maximise leverage and commercial attractiveness to the market. Arrangements for combined group (collaboration) of FRSs joint projects provide for early commercial and procurement advice from the FRS. Contracts register is used for forward planning and financial modelling for BMKFA and collaborative projects.*

*Establishment of the Thames Valley Collaborative Executive Board enables FRA members and senior managers to play their role in combined group (collaboration) of FRSs projects.*

*Standard specification of requirements established across the Thames Valley fire services for Vehicles and operational equipment has resulted in other FRSs regarding our approach as exemplary practice and seek to learn from us.*

*Outcomes from market and supplier research are used in collaboration with other organisations in the wider public sector for seeking and exploiting new commercial opportunities*



## Embedding Change

**Mature – Procurement change comprehensively applied across multiple projects and departments.**

### Where We are Now

*Procurement procedures, policies and strategies, including the Authority's Standing Orders relating to Contracts updated in accordance with Public Contracts Regulations (PCR) 2015 to ensure compliance with changes to procurement legislation*

*Procurement attendance at Business Transformation Board (BTB) and Leadership Group ensures early planning and development of projects incorporate compliance with the Authority's governance, policies, strategies and procurement legislation..*

*Contract changes and variations managed by procurement working with contract leads. Details used to inform impacts on budgets and assessing contractor risk / performance. Cost / time overruns reported to service leads and finance team to support budget forecasting and planning as part of the Authority's financial budget planning process. Contract catalogues for approved goods and services monitored regularly as part of ongoing contract management process with budget managers/department leads.*

### Future Plan

*Procurement KPI's to be established and reported to the Performance Management Board (PMB).*

*Recognise and promote the value of EDI throughout the procurement process*

*Ensure sustainable procurement considerations are embedded into procurement processes to generate benefits not only to the organisation, but also to society and the economy, whilst minimising damage to the environment. The Authority will build its procurement sustainability strategy around three principles:*

- *Environmental: Seeking to minimise any negative environmental impacts of goods and services purchased, across whole life cycle from raw materials extraction to end of life.*
- *Social: Managing and monitoring supply chains to ensure that fair contract prices and terms are applied and that ethical, human rights and employment standards are met.*
- *Economic: This principle relates not only to obtaining value for money from contracts, across the whole life of the product or service, but also ensuring as far as possible under relevant procurement law, that local businesses, particularly Small and Medium sized Enterprises (SME's) can benefit from our procurement processes.*



**Action Plan**

The previous Procurement Strategy covered the period 2015-2020. Publication of the latest Strategy was delayed while procurement regulations were being updated following Britain’s withdrawal from the European Union. Work has continued during the interim period, which is recorded within the Action Plan of the latest Strategy.

The action plan below has been produced following a review of the self-assessment toolkit and the actions required to be assessed overall as mature in each theme:

Year	Activity	Themes and Key Area Addressed
2021-22	<ul style="list-style-type: none"> <li>• Critical Supplier annual review and formal ‘health check’, including 3<sup>rd</sup> party suppliers. Supplier viability ‘Real Time’ monitoring by external monitoring service.</li> <li>• 3 year Future pipeline published to the market via NFCC. Early engagement with market via national supplier events. Publication of contracts register with future planned review dates.</li> <li>• A formal process in place capturing savings and accruing benefits from contracts.</li> </ul>	<ul style="list-style-type: none"> <li>• Leadership – Engaging Strategic Suppliers - Data collection &amp; Analysis</li> <li>• Leadership – Engaging Strategic Suppliers- Early engagement with Future Strategic Suppliers</li> <li>• Commercial Practice - Managing Contracts &amp; Relationships – Savings &amp; Benefits</li> </ul>
2022-23	<ul style="list-style-type: none"> <li>• Procurement KPI’s, including benefits/savings, to be established and reported to PMB</li> <li>• Procurement to support Post Contract Review process</li> <li>• Change control policy implemented across the board for all contract changes and variations as part of Contract Management Procedures. Standard documentation to be available and used in all circumstances across all departments.</li> <li>• Procurement Staff to have access to regular contract management training. Contract Management guide to be made available to all staff.</li> <li>• Continuous improvements to the sustainability outcomes of procurement activity for both new and ongoing contracts, incorporating the three principles of Environmental, Social &amp; Economic.</li> </ul>	<ul style="list-style-type: none"> <li>• Commercial Practice – Creating Commercial Opportunities - Performance Monitoring</li> <li>• Commercial Practice – Creating Commercial Opportunities - Post Contract Review</li> <li>• Commercial Practice - Managing Contracts &amp; Relationships – Change Control</li> <li>• Commercial Practice – Managing Contracts &amp; Relationships – Skills &amp; Knowledge</li> <li>• Enabler – Developing Staff</li> <li>• Delivering Local Benefits – Social Value &amp; Engaging Local SME’s</li> <li>• Enabler – Embedding Change- Promote EDI &amp; Sustainability through procurement process</li> </ul>



<p>2023-24</p>	<ul style="list-style-type: none"> <li>• Post Contract Review process to be established as part of a wider organisational Contract Management Strategy</li> <li>• Savings captured from contracts and benefits realisation applied uniformly across the FRS and reported to CFO/Executive body level.</li> <li>• Contract &amp; Relationship Management is acknowledged as a core competency. Briefings on Contract &amp; RM are given as part of Officer induction and budget manager training. Refresher programmes are available to all staff involved in Contract &amp; RM.</li> <li>• Engagement with SMEs ahead of publishing a notice of tender. There is an attempt to better understand the capacity and capability of SMEs and adapt procurement processes to reflect this.</li> </ul>	<ul style="list-style-type: none"> <li>• Commercial Practice – Post Contract Review</li> <li>• Commercial Practice - Managing Contracts &amp; Relationships – Savings &amp; Benefits Delivery</li> <li>• Commercial Practice – Managing Contracts &amp; Relationships – Skills &amp; Knowledge</li> <li>• Delivering Local Benefits – Engaging Local SME’s -</li> </ul>
<p>2024-25</p>	<ul style="list-style-type: none"> <li>• Contract &amp; Relationship Management recognised by the FRS as being essential. Designated Contract &amp; RM roles. Performance is reviewed with job holders in their annual appraisals.</li> <li>• Social Value policy and processes adopted across project scoping, tendering, evaluation &amp; contract management. SV to be monitored and reported regularly</li> </ul>	<ul style="list-style-type: none"> <li>• Commercial Practice - Managing Contracts &amp; Relationships – Recognition &amp; Cultural Acceptance</li> <li>• Delivering Local Benefits – Obtaining Social Value</li> </ul>
<p>2025-26</p>	<ul style="list-style-type: none"> <li>• Review Strategy following updated Public Safety Plan and Corporate Plan for 2025 onward.</li> </ul>	<ul style="list-style-type: none"> <li>• Refreshed Strategy consistent with latest plans. Align dates with future Public Safety Plan &amp; Corporate Plan</li> </ul>



The Equality impact table

Does the activity have the potential to impact differently on individuals in different groups? To complete the table ✓ the likely impact. If an EIA action plan is necessary, this can be downloaded from the Intranet.

Assessment of impact on groups in **bold** is a legal requirement. Assessment of impacts on groups in *italics* is not a legal requirement, however it will help to ensure that your activity does not have unintended consequences.

Protected characteristic	Positive	Negative	Neutral	If negative, why and how could this be lessened ( <i>use action plan if necessary</i> )
<b>Individuals of different ages</b>			✓	<p><b>Rationale:</b></p> <p>The Strategy specifically sets out the aim to ensure all processes are transparent, accountable and fair to all parties.</p> <p>Where specific actions are undertaken in the future as a result of this strategy, it is expected that a specific EIA will be completed as appropriate.</p>
<b>Disabled individuals</b>			✓	
<b>Individuals transitioning from one gender to another</b>			✓	
<b>Individuals who are married or in civil partnerships</b>			✓	
<b>Pregnant individuals and new parents</b>			✓	
<b>Individuals of different race</b>			✓	
<b>Individuals of different religions or beliefs</b>			✓	
<b>Individuals gender identity</b>			✓	
<b>Individuals sexual orientation</b>			✓	
<i>Individuals living in different family circumstances</i>			✓	
<i>Individuals in different social circumstances</i>			✓	
<i>Different employee groups</i>			✓	
<i>Other</i>				



**BUCKINGHAMSHIRE**  
**and**  
**MILTON KEYNES**  
**FIRE AUTHORITY**

**STANDING ORDERS**  
**RELATING TO**  
**CONTRACTS**

**BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY  
STANDING ORDERS RELATING TO CONTRACTS**

**CONTENTS**

	<b>Page</b>
<b>1. Basic Principles</b>	<b><u>3</u></b>
<b>2. Responsibilities of Officers</b>	<b><u>4</u></b>
<b>3. Partnerships</b>	<b><u>5</u></b>
<b>4. Exemptions</b>	<b><u>5</u></b>
<b>5. Requirements for all Contracts</b>	<b><u>5</u></b>
<b>6. Steps Prior to Letting a Contract</b>	<b><u>6</u></b>
<b>7. Requirements to Ensure Competition</b>	<b><u>7</u></b>
<b>8. Competitive Tendering Process</b>	<b><u>9</u></b>
<b>9. Creation and Maintenance of an Approved List</b>	<b><u>9</u></b>
<b>10. Standards and Award Criteria</b>	<b><u>10</u></b>
<b>11. Invitations to Tender/Quotations</b>	<b><u>10</u></b>
<b>12. Shortlisting</b>	<b><u>10</u></b>
<b>13. Submission, Receipt and Opening of Tenders/Quotations</b>	<b><u>11</u></b>
<b>14. Clarification Procedures</b>	<b><u>11</u></b>
<b>15. Tender Evaluation</b>	<b><u>11</u></b>
<b>16. Award of Contract</b>	<b><u>11</u></b>
<b>17. Executing a Contract</b>	<b><u>12</u></b>
<b>18. Post Contract Monitoring</b>	<b><u>12</u></b>
<b><u>19.</u> Termination of Contract</b>	<b><u>12</u></b>
<b><u>20.</u> Land and Property</b>	<b><u>13</u></b>
<b><u>19-21.</u> Asset Disposals (other than Land or Property)</b>	<b><u>14</u></b>

## 1. Basic Principles

- 1.1 These Orders apply to all Authority contracts with the exception of employment contracts or any contract relating to the engagement of counsel.
- 1.2 Failure by an Officer to comply may result in disciplinary action being taken against that Officer.
- 1.3 These Orders set down the minimum requirements. A more detailed procedure may be appropriate for a particular contract.
- 1.4 In interpreting and applying these Orders, where there is a difference:
  - (a) ~~EU~~UK Public Procurement Directives and ~~EU case law~~Regulations take precedence over ~~both English law and~~ these Orders; and
  - (b) English law takes precedence over these Orders
- 1.5 A contract includes the following:-
  - (a) any contract for goods, works or services, including disposals
  - (b) any order for goods, works or services
  - (c) a grant given or received by the Authority
  - (d) a contract managed by consultants
  - (e) a contract appointing consultants
  - (f) any partnership arrangement
  - (g) contracts relating to the disposal or purchase of land and buildings.
- 1.6 Purchasing and disposal procedures must:
  - (a) Achieve best value for public money spent;
  - (b) Be consistent with the highest standards of integrity;
  - (c) Ensure fairness in allocating public contracts;
  - (d) Comply with legal requirements;
  - (e) Ensure that non-commercial considerations do not influence any contracting decision;
  - (f) Support the Authority's corporate and service aims and policies;
  - (g) Comply with Financial Regulations and Health and Safety requirements;
  - (h) Be able to demonstrate that the Authority's interests have not been prejudiced or exposed to undue or unmanaged risks; and
  - (i) comply with any monitoring arrangements required by the Authority from time to time.

## 2. Responsibilities of Officers

### 2.1. Officers

- (a) Every Officer dealing with contracts must have written authority to do so. This can be in their job description or in written delegated authority.
- (b) Officers responsible for purchasing and disposal must comply with these Standing Orders relating to Contracts, the Financial Regulations and the Employee Code of Conduct together with all UK ~~and EU/EC~~ [public procurement](#) legal requirements.
- (c) Officers must comply with any prevailing guidance issued by the Chief Finance Officer or his or her nominee.
- ~~(e)~~(d) Officers must use any relevant corporate contract which is already in place.
- ~~(d)~~(e) Officers must keep the records to show a clearly documented audit trail. The Officer has a duty to produce such records when requested to do so by the Monitoring Officer, Chief Finance Officer, or Chief Fire Officer and Chief Executive or their nominees.
- ~~(e)~~(f) Officers must ensure that agents and consultants acting on their behalf comply with the requirements referred to in Standing Order 2.1(b) above. Such consultants must not make any decision as to whether to award a contract or to whom a contract should be awarded.
- ~~(f)~~(g) Officers must take all necessary legal, financial and professional advice.

### 2.2 Chief Fire Officer and Chief Executive

The Chief Fire Officer and Chief Executive must:

- (a) Have delegated powers for the contract or ensure that the project has the formal approval of the appropriate Committee of the Authority;
- (b) Ensure that there is full budgetary provision for the contract and that the sources of funding are fully detailed before starting the contract process;
- (c) Ensure that no tender is accepted where it exceeds the approved budget/cash limit by more than 10% unless prior written approval is obtained from the relevant Committee of the Authority;
- (d) Ensure that expenditure is fully contained within the approved budget/cash limit unless prior approval has been obtained from the Committee of the Authority;
- (e) Ensure that he or she has given written delegation of the role that the appropriate Officer may take in the contracting process on behalf of the Authority;
- (f) Ensure that his or her staff complies with these Standing Orders relating to Contracts; and

- (g) Keep a register of contracts ~~over~~ with a value of £525,000 or more showing:
- (i) the contract reference number;
  - (ii) the contract title;
  - (iii) the name of the contractor;
  - (iv) the total contract value;
  - (v) the contract start and end date
  - (vi) duration of any option to extend
  - (vii) the contract review date
  - (viii) the name of the Officer responsible for the contract
  - (ix) the contract category/type
  - (x) the contractor is a SME or VCSE

### 3. Partnerships

Officers considering a partnership arrangement must before starting the contract process obtain advice from the Chief Finance Officer or his or her nominee who will advise on the partnership options available to ensure a workable partnership including appropriate governance arrangements.

### 4. Exemptions

4.1 Exemptions are subject to the requirements set out in this Standing Order. An exemption allows a contract to be placed by direct negotiation with one or more suppliers rather than in accordance with **Standing Order 8**. Exemptions under this Standing Order cannot be granted if EU the Public Contract Regulations (PCR) 2015 apply.

4.2 If an Officer requires an exemption from one or more Orders in an emergency, the Chief Finance Officer can provide this. A report must be made to a Committee of the Authority subsequent to the award of the contract. An emergency means a situation involving risk of injury or loss of life or risk to the security or structural viability of a property.

4.3 If an Officer requires an exemption from one or more Orders where there is no emergency and the estimated value is below the EuropeanUK public procurement threshold, this requires the prior approval of the Chief Finance Officer if the value is up to £75,000; or prior approval of a Committee of the Authority if the value is over £75,000 or more.  
~~£50,000; or prior approval of a Committee of the Authority if the value is over £50,000 or more.~~ Approval will be given in exceptional circumstances only, such as:

- (a) special expertise or manufacturing capacity is required for which only one source has been identified. In this case a written quotation shall be obtained from that source; or
- (b) special expertise or manufacturing capacity is required which is only available from such a limited number of sources that competitive tendering is not practicable. In this case all sources shall be invited to provide quotations.

### 5. Requirements for all contracts

5.1 Every contract must be in writing and must state:-

- (a) the goods, works or services to be provided;
- (b) the agreed programme of delivery;
- (c) the price and terms of payment
- (d) all other terms that are agreed;
- (e) exit procedures, for when the contract comes to its natural end, and
- (f) termination procedures for early termination of the contract including when the contractor has not fulfilled his contractual obligations.

5.2 Every contract must comply with Financial Regulations and corporate procurement guidance, including [EUUK Public Procurement regulationsRegulations](#), where necessary.

5.3 Every contract shall include standard clauses approved by the Chief Finance Officer or his or her nominee on:-

- (a) Anti Fraud and Corruption
- (b) Equal Opportunities
- (c) Health and Safety, [where appropriate](#)
- (d) Freedom of Information [and](#) Data Protection
- (e) Time of the Essence (for contracts for goods)
- (f) Liquidated Damages
- (g) Safeguarding
- [\(h\) Insurances](#)

5.4 The Chief Finance Officer or his or her nominee shall be responsible for the safekeeping of all executed contracts.

## **6. Steps Prior to Letting a Contract**

6.1 Before letting a contract, an officer must:

- (i) identify whether there is an existing corporate contract already in place;
- (b) estimate the total value of the contract. For example, if the subject matter of the procurement is worth £15,000 over 5 years, the total value of the contract will be £75,000;
- (c) ensure that the contracting process is not used to create separate contracts in order to avoid the requirements of Contract Standing Orders or the requirements of the [EU procurement regulationsPublic Contract Regulations \(PCR\) 2015 and UK Public Procurement Regulations](#);
- (d) ensure that there is sufficient budgetary provision for the goods or services required;
- (e) ,if leasing arrangements are proposed, obtain prior approval from the Chief Finance Officer;
- (f) take into account the outcome from any strategic service review, if appropriate;
- (g) define the objectives of the contract;
- (h) provide evidence in writing that the risks that are associated with the

contract have been assessed and suitable arrangements have been or can be put in place to manage them;

- (i) evaluate what procurement method is most likely to achieve the Authority's objectives, including internal/external sourcing, sourcing through a public sector consortium, or collaboration with another organisation.
- (j) consult users as appropriate about the proposed procurement method and standards for the contract;
- (k) take into account the whole-life costs of the contract;
- (l) retain evidence that the above steps have been carried out for examination by internal or external auditors;
- (m) ensure confidentiality when dealing with contractual matters. Officers must not disclose any information regarding tenders to anyone who is not involved in the selection process; and
- (n) in circumstances that it is likely that employees will transfer to a new employer as a result of a contract, seek legal advice from an appropriately qualified source with regard to the application of TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006.
- (o) if the procurement is for the provision of services, consider how what is being procured might improve the economic, social and environmental well-being of Buckinghamshire and Milton Keynes, and in conducting the process of procurement, how that improvement might be secured in the procurement process taking into account any consultation that may have been undertaken by the Authority.

## 7. Requirements to Ensure Competition

7.1 Where the total value of the contract is less than ~~£50~~£75,000, Officers may identify potential candidates using the most cost-effective and reasonable methods. This may include reference to advertising, catalogues, business directories etc.

7.2 Where the estimated value of a contract is:

(a) ~~Up to and including £10~~Below £25,000

One written quotation is required. This can be a written confirmation by an Officer of an oral quotation. The aim of the Officer responsible for the contract shall be to obtain the best value for money for the Authority.

(b) ~~Over £10~~£25,000 and up to and including ~~£50~~£75,000

Three written quotations must be requested. The aim of the Officer responsible for the contract shall be to obtain the best value for money for the Authority.

[In accordance with Public Contract Regulations \(PCR\) 2015 transparency rules, a Contract Award Notice must be published to the Cabinet Office Contracts Finder on completion of the process.](#)

(c) **Over £5075,000 and up to the ~~European Union~~UK Public Procurement thresholds**

The Officer responsible for the contract must follow a publicly advertised competitive tender process (**See Standing Order 8**)

The Officer responsible for the contract must before starting the contract process obtain advice from the Chief Finance Officer or his or her nominee.

The Officer must use the Authority's conditions of contract or appropriate professional institute conditions of contract or a contract which has been approved by the Chief Finance Officer or his or her nominee.

(d) **Over the ~~European Union~~Public Contract Regulations (PCR) financial thresholds** ~~which as at 1 January 2020 not applicable for sub-central contracting authorities, based on the aggregate contract value, inclusive of VAT, from 01 January 2022, are as follows:~~

<u>Type of Contract:</u>	<u>£Value – (Including VAT)</u>	
<u>Works</u>	<u>£4,733,252</u>	<u>5,350,000</u>
Goods & Services		<u>£189,330,213,47</u>
<u>Works</u>		<u>£5,336,937</u>
Light Touch Regime for Social & Health Related Services		<u>£663,54</u>
<u>Utilities Contracts – Supplies &amp; Services</u>		<u>£426,955</u>

When calculating the estimated value of the contract to determine whether the regulations apply, the contract value estimation should be inclusive of VAT (where applicable)

Contracts must be advertised ~~according to EU procurement law in accordance with Public Contract Regulations (PCR) 2015, to the Find a Tender Service (FTS) & Contracts Finder.~~ The Officer responsible for the contract must before starting the contract process obtain advice from the Chief Finance Officer or his or her nominee

(e) **Any Value**

The Officer responsible for the contract may use a Framework or Consortium Agreement but before starting the contract process must seek advice from the Chief Finance Officer or his or her nominee.

*EUUK public procurement law requires compliance with the principles of the free movement of goods, the right of establishment the freedom to provide services, non-discrimination and equal treatment, transparency, proportionality and mutual recognition.*

Contracts which fall outside of the Procurement Directives either by reference to value or type must still be let in accordance with the guidance

contained in the ~~European Commission Interpretive Communication~~ Public Procurement Regulations provided by the Cabinet Office Minister for Public Procurement in accordance with The Public Contracts Regulations (PCR) 2015

[The Public Contracts Regulations 2015 \(legislation.gov.uk\)](#)

[The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(legislation.gov.uk\)](#)

## **8. Competitive Tendering Process**

8.1 Where the total value of the contract is more than £~~5075~~5075,000, Officers must ensure that potential candidates are asked to provide sufficient detail to:

- (a) ensure that they are financially stable;
- (b) ensure that they have appropriate technical ability to undertake the sort of contract for which they wish to be considered; ~~and~~
- (c) check their health ~~and~~ safety record; ~~and~~
- (d) check appropriate Insurance levels are in place

8.2 Officers must be able to demonstrate documentary evidence that (a) to ~~(ed)~~ above have been checked.

8.3 Where the total value of the contract is more than £~~5075~~5075,000 and there is no Approved List or Corporate Contract for the contract, Officers must invite tenders by public advertisement. All tenders will be released to the market electronically, via the Authority's ~~E~~e-tendering system and advertised on the ~~Government's~~Cabinet Office procurement portal, Contracts Finder.

8.4 Unless a shorter period has been approved by the Chief Finance Officer a period of four weeks must be provided for potential tenderers to receive and submit their expressions of interest for the contract. Where ~~EUUK~~ Public Procurement Regulations apply, the relevant ~~OJEU~~ Public Contract Regulations (PCR) 2015 time limits apply.

## **9. Creation and Maintenance of an Approved List**

9.1 As an alternative to advertising contracts, Officers may use approved lists to select tenderers. However, approved lists cannot be used where the total value of the contract exceeds the EU PCR 2015 procurement threshold.

9.2 Where the Chief Finance Officer or his or her nominee decides that a select list of approved Contractors shall be maintained, at least four weeks before the list is compiled or reviewed Public Notice (as a minimum via the Authority's website and ~~E~~e-tendering system) inviting applications for inclusion on the list must be given. In addition, each Contractor already included on any relevant list shall be asked whether they wish to remain on it.

9.3 The criteria for admission to and suspension from a select list shall be based upon the Authority's contract regulations and procurement procedural guidance, be specified in writing by the Officer and be approved by the Chief Finance Officer or his or her nominee.

9.4 Potential candidates for the list must be asked to provide details, which will enable the Authority to:

- (a) ensure that they are financially stable based upon the submission of statements of accounts for the last two years as a minimum
- (b) ensure that they have appropriate technical ability to undertake the sort of contract for which they wish to be considered
- (c) compliance with environmental, health and safety, equality and diversity standards, [and data protection regulations](#) as determined by legislation and as may be approved by the Authority
- (d) ensure that they have proportionate levels of insurance in place to meet the contract requirements, evidence of valid insurance is required.

9.5 The standing list shall include the names and addresses of all the Contractors who meet the selection criteria and shall indicate the nature and value of Contracts for which each Contractor listed may be used.

9.6 Any Contractor may withdraw at any time from a standing list by giving written notice to the Authority.

9.7 Each list must be re-advertised at least every three years, and subject to competition in accordance with the Requirements to Ensure Competition contained within these Standing Orders relating to Contracts. Any necessary amendments including additions and deletions shall be made by the Officer responsible for the list.

9.8 An accredited government scheme subject to approval by the Chief Finance Officer or his or her nominee is also considered to be an approved list for the purpose of these Standing Orders relating to Contracts.

## **10. Standards and Award Criteria**

10.1 Officers must ensure that the award criteria ~~are~~ selected ~~which~~ are appropriate to the contract.

10.2 Officers must design award criteria to ensure best value for money for the Authority.

10.3 The pre-agreed criteria for assessing the bid must not be changed after tender proposals have been opened.

## **11. Invitations to Tender/Quotations**

11.1 The Officer must ensure that Invitations to Tender and Invitations to Quote include a specification. The specification must describe clearly the Authority's requirements in sufficient detail to ensure the submission of competitive bids which may easily be compared.

11.2 The Invitation to Tender or Invitation to Quote must state that the Authority is not bound to accept any Quotation or Tender.

11.3 All candidates invited to tender or quote must be issued with the same information at the same time and subject to the same terms. Any additional information or amendments to the specification must be provided to the candidates on the same basis.

11.4 In cases where it can be demonstrated that there are insufficient suitably qualified candidates to meet the competition requirements set out in **Standing Order 7**,

all suitably qualified candidates must be invited.

- 11.5 The Invitation to Tender or Invitation to Quote must specify the award procedure
- 11.6 Unless the tendering process is by using an approved list, all Invitations to Tender must be advertised on the Authority's [E-e](#)-tendering system.

## **12. Shortlisting**

- 12.1 Where approved lists are used, the responsible Officer in consultation with the Chief Finance Officer or his or her nominee may undertake the shortlisting in accordance with the relevant criteria.
- 12.2 Shortlisting must be undertaken with regard to financial and technical standards and other criteria relevant to the contract including the award criteria.
- 12.3 In the case of contracts let under the [EUFTS](#) Procedure, the advice of the Chief Finance Officer or his or her nominee must be obtained.
- 12.4 Where appropriate, Officers may decide not to shortlist and to send Invitations to Tender and evaluate all submissions.

## **13. Submission, Receipt and Opening of Tenders/Quotations**

- 13.1 Candidates invited to bid must be given adequate time in which to submit a quotation or tender. At least four weeks must be allowed for submission of tenders and the [EU Procedure Public Contracts Regulations \(PCR\) 2015](#) sets out specific time periods.
- 13.2 Requests for quotations and invitations to tender will be issued and received electronically via the Authority's [E-e](#)-tendering system. Tenders will be released to the market electronically.
- 13.3 The Chief Finance Officer shall be responsible for the safekeeping of tenders. All tender documentation will be held electronically within the [E-Tendering-e-tendering](#) system.

## **14. Clarification Procedures**

- 14.1 After the tender opening, it may become apparent that one or more of the potential contractors that have submitted bids have misinterpreted the specification. If it is clear that this is a result of an error or ambiguity in the specification, the responsible Officer must consult the Chief Finance Officer or his or her nominee as to whether all the contractors should be provided with revised specifications and given the opportunity to revise their tender.

## **15. Tender Evaluation**

- 15.1 Confidentiality of tenders/quotations and the identity of tenderers must be maintained at all times. Information about one tenderer's response must not be given to another tenderer.
- 15.2 Officers must evaluate and award the contract in accordance with the award criteria in the Invitation to Tender. The Officer responsible for evaluating the tenders should complete a tender evaluation sheet recording the details of the tenders and the process for selecting the winner. This Officer must be someone other than the person who is going to sign the contract. Financial evaluation must be completed by the Chief Finance Officer or his or her nominee. Financing arrangements must be included in the evaluation.

- 15.3 The reasons for the selection of the successful candidate should be recorded on the evaluation report. The Officer carrying out the evaluation must sign the report. Authorisation to award the contract must be given in writing by an Officer who has written delegated authority to do so.

## **16. Award of Contract**

- 16.1 All candidates must be notified in writing, simultaneously and as soon as possible, as to the outcome of the tender exercise.

In the case of those contracts which have been let using the [EUFTS](#) procurement procedure, a statutory standstill of 10 days must apply between the notification of the tenderers and the successful candidate signing the contract, to allow for the decision to be challenged by the unsuccessful candidates.

- 16.2 The contract can only be signed by an Officer who has written delegation to do so.

[16.3 In accordance with Public Contract Regulations \(PCR\) 2015, a Contract Award Notice must be published to the appropriate UK Government portal\(s\).](#)

## **17. Executing a Contract**

- 17.1 Where a contract has a bond or guarantee or is over £~~450~~500,000 it shall be sent to the Monitoring Officer and shall be sealed on behalf of the Authority.

- 17.2 Any contract under £~~450~~500,000 shall be signed by the Chief Fire Officer and Chief Executive or an Officer with written delegated authority to sign by the Chief Fire Officer and Chief Executive, in accordance with approved levels, or may be executed by affixing the seal of the Authority in accordance with **SOA 15** (SOA 15 - Standing Orders for the Authority and its Committees)

## **18. Post Contract Monitoring**

- 18.1 During the duration of a contract, the designated project manager, or, where no project manager has been appointed, the Officer signing the contract must monitor the contract/contractor in respect of:

- (a) performance
- (b) compliance with the specification and the contract
- (c) cost
- (d) user satisfaction
- (e) risk management; and
- (f) in accordance with any guidance issued by the Chief Finance Officer or his or her nominee.

- 18.2 Officers must seek advice from the Chief Finance Officer or his or her nominee if payments to a contractor are to be withheld or there is any other problem with the contract which may result in early termination.

## **19. Termination of Contract**

- 19.1 An Officer shall not terminate a contract over £~~50~~25,000 prior to its expiry date without first obtaining advice from the Chief Finance Officer or his or her nominee.

## **20. Land and Property**

- 20.1 This Standing Order relates to the acquisition and disposal of land and property including leases which are for a fixed term of more than seven years.
- 20.2 All valuations and negotiations shall be the responsibility of the Chief Finance Officer or his or her nominee who must ensure that anyone undertaking valuations or negotiations on his/her behalf must have appropriate written delegation and must be a qualified Member of the Royal Institution of Chartered Surveyors or equivalent.
- 20.3 All valuations prepared for the purpose of a transaction must be accompanied by evidence of the values or comparable properties in the locality, where possible, or evidence of recent, similar transactions carried out the Authority.

### **Acquisitions**

- 20.4 No purchase of land or property (freehold or leasehold) may be made without the prior approval of an Officer delegated to do so by the Authority's Scheme of Delegation. In order to do this the information detailed below must be provided for this Officer which must be retained for six financial years after the acquisition has been completed:
- (a) a complete description of the land or property that is being considered for purchase;
  - (b) the reason for the purchase;
  - (c) any information that may affect the value of the property or land, including structural and environmental reports;
  - (d) the proposed purchase price or rental value together with evidence of the prices for similar properties in the location, and evidence that there is sufficient budget to cover all costs; and
  - (e) any other terms and conditions.

### **Disposals**

- 20.5 Land and buildings owned by the Authority shall not be disposed by lease or freehold without the prior approval of a Committee of the Authority.
- 20.6 Prior to approval being sought the following information must be provided:
- (a) a complete description of all the land and/or property to be included in the disposal;
  - (b) confirmation that the title of the land and/or property is owned by the Authority;

- (c) the reason for the sale and any restrictions which this may impose;
- (d) a report on any information which is held by the Authority in the previous use of the land which may affect its value (eg if the site were contaminated);
- (e) the estimated value of the land and/or property together with evidence of comparable properties in the location or by reference to other recent, similar Authority transactions;
- (f) in cases where land and/or property is being sold as potential housing development, evidence that planning applications will be obtained prior to the completion of the disposal in order to obtain the best possible price for the land;
- (g) recommendations on the following:
  - (i) issues that need to be resolved before marketing the land and/or property can commence;
  - (ii) the preferred method of disposal (private treaty/public auction/formal tender);
  - (iii) the title to be transferred; and
  - (iv) the minimum price that the Authority is prepared to receive together with an asking price.

20.7 Where it has been decided that the disposal of the land and/or property will be by formal tender, **Standing Order 8** above relating to tenders shall be applied.

## **21. Asset Disposals (other than Land or Property)**

21.1 A check must be made to determine whether there is a corporate policy or contract for the disposal of the stock. If a policy or contract is in place, this should be used.

21.2 Where the net book value of the goods is no more than £~~40~~25,000 the disposal will be authorised by the Chief Finance Officer. If the net book value is more than £~~40~~25,000 a Committee of the Authority must approve the disposal.

21.3 Except in circumstances in which the Chief Finance Officer is authorising disposal in accordance with 21.2 in which case donation to a charity approved by the Authority may be considered, disposal must be either by public auction or by obtaining three quotes from suitable contractors.

21.4 The Officer responsible for the disposal must ensure that the Authority is receiving value for money, except in circumstances in which the Chief Finance Officer is authorising disposal in accordance with 21.2 ; that the contractor used is reputable; and that the necessary anti-money laundering checks are in place by reference to the Chief Finance Office.