Annex 5.2 – CONTRACT STANDING ORDERS (CSO's)

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Rules to be followed when purchasing on behalf of the Council

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4.3	October 2026	Corporate Governance and Strategy Manager	Admin update re: update to threshold values, and punctuation at S6, T4 approval.

Document Approvals

Each revision requires the following approvals:

- Non-administrative updates: Full Council (see the Constitution, paragraph 7.1)
- Administrative updates: See Section 35

	Title	Date Approved	Signature
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Section 1

1. Introduction

1.1. These Contract Standing Orders ('CSOs') set out how the Council manages its spending. They relate to the purchasing of all goods, works and services and ensure that prior to any expenditure Officers give proper consideration as to whether the purchase is required, and that Contracts are entered into in a fair, open and transparent way.

1.2. The purpose of these CSOs is to provide a structure for purchasing decisions and processes which ensure that the Council:

(a) delivers value for money.

(b) maximises public benefit.

(c) shares information for the purpose of allowing suppliers and others to understand the Council's procurement policies and decisions.

(d) acts, and being seen to act, with integrity.

(e) treats all suppliers the same.

(f) does not put a supplier at an unfair advantage or disadvantage.

(g) has regard to small and medium enterprises.

(h) furthers its corporate objectives.

(i) uses its resources efficiently and effectively.

(j) purchases or provides quality goods, services and works in a cost-effective way.

(k) safeguards its reputation.

(l) meets standards of good governance.

1.3. Officers who purchase on behalf of the Council are responsible for following these CSOs including all relevant policies and guidance detailed. Heads of Service are accountable for all procurement in their respective areas of responsibility and shall take appropriate action in the event of a breach of these CSOs.

1.4. The Assistant Director of Corporate Services is responsible for ensuring the CSOs are up to date and reflect current law. Any change in applicable law must be observed until the CSOs can be revised. If there is a conflict between applicable law and these CSOs then the law will take precedence.

Section 2

2. Statutory Requirements

2.1. These CSOs are made under section 135 of the Local Government Act 1972.

2.2. Public procurement in the UK is regulated by the Procurement Act 2023, and any associated current legislation, or the Public Contracts Regulations 2015 for any procurements undertaken prior to 24 February 2025.

2.3. Where the contract is a Covered Procurement then the Council must comply with the tendering requirements set out in the Public Contract Regulations 2015 or the Procurement Act 2023, or other legislation as applicable.

2.4. Where the value of the contract exceeds Above Threshold (as set out in Annexes 1 and 2) then the Council must comply with all processes and procedures set out in the Procurement Act 2023.

2.5. For the purpose of these CSOs, a Covered Procurement is a procurement with a value above the statutory Threshold (inclusive of VAT where applicable). Above Threshold means the Threshold set out within Schedule 1 of the Procurement Act 2023as amended from time to time for public supply contracts, public works contracts and public service contracts awarded by local authorities. The applicable statutory thresholds can be found in Annexes 1 and 2.

3. Compliance

3.1. These CSOs apply to any transaction in which the Council acquires services, goods (supplies) or works (whether or not payment is to be made by or to the Council) including all purchase orders, concessions, and contractual arrangements entered into by the Council, except for the specific types of contracts and exemptions which are listed in Section 4 and Section 20 below. All Officers contracting on behalf of the Council must comply with these CSOs.

3.2. All purchasing activity and resulting contracts made by, or on behalf of the Council must comply with:

(a) The Council's Constitution, including Financial Regulations and relevant Council policies.

(b) Procurement Act 2023, or the Public Contract Regulations 2015 for any procurements commenced prior to 24 February 2025.

(c) The Utilities Contract Regulations 2016.

(d) The Concession Contracts Regulations 2016.

(e) Local Government Transparency Code 2015 (rule 31).

(f) Local Government Act 1999 (Section 3; best value).

(g) The Public Services (Social Value) Act 2012, where applicable.

(h) Any and all applicable statutory provisions.

3.3. If there is any conflict between the above, UK law takes precedence, followed by the Council's Constitution, the National Procurement Policy Statement, any Procurement Policy Notes (PPNs) issued by the Cabinet Office, these Contract Standing Orders and any Council policies or procedures, in that order.

3.4. Purchase Orders must be approved and/or Contracts signed by both parties prior to any contract start date.

3.5. Where an Officer has deliberately disaggregated a contract to avoid a particular threshold procedure, the relevant Head of Service in collaboration with the Assistant Director of Corporate Services, Chief Finance Officer and Head of Legal Services (or any of their deputies in their absence) will have the right to request the procurement to be cancelled.

4. Scope

4.1. These orders do not apply to the following items, which are managed by separate legislation and/or policies:

Type of Contract	Policy / Law which covers Contracts out of scope
Contracts for the acquisition or sale of any interest in land and/or real estate (where there is no connected delivery of services, works or goods for which the land forms part of the pecuniary interest)	In accordance with the Local Government Act 1972, Housing Act 1985 or any related acts or authorities. Please see CSO 20.
Contracts for permanent or fixed term employment	Employment Rights Act 1996 (as amended), HR / Recruitment Policies.
Awarding Grants (to include the allocation/award of funding obtained from central government)	Each grant will be governed by its own funding procedures. These will be made available to bidders upon request (e.g. CIL Grant Funding). Subsidy control will also need to be considered.
Where the contract relates to a financing transaction	Not subject to competition due to their nature.
Works orders placed with statutory undertakers (i.e. parties who perform obligations under statutory powers, for example, utility companies)	Not subject to competition due to their nature.

Procurements that have been jointly procured by another local authority, public sector consortium or collaboration of which the Council is a party but not the Lead Authority	The procurement of Contracts of this nature will be governed by the Constitution of the Contracting/lead authority. Internal contract sign-off thresholds will still apply; please see Section 6 – Procurement Thresholds and Procedures.
Orders for goods and services placed against an established Framework that was subject to these CSOs during its set-up	The establishment of the call-off Contract or Framework Agreement would have been governed by the CSOs in the first instance, as such any call offs / mini competitions run under such agreement will have already complied with these CSOs. For Framework Agreements established prior to 24 February 2025, this would be the Public Contracts Regulations, or the Procurement Act 2023 for Framework Agreements established after this date.
Orders for goods, works and services placed against an established public sectors accessible framework	Frameworks that have been established and created for public sector use would have been governed by the Procurement Act 2023 or established prior to 24 February 2025 under the Public Contracts Regulations 2015.
Where goods, services or works are awarded because of an extreme and unavoidable emergency and authorised by the Chief Executive, Deputy Chief Executive, Director of Corporate Services, Assistant Director of Corporate Services and Applied Resilience; Emergency Planning Consultants. Contracts awarded must not exceed the estimated period of recovery	Constitution – Appendix 2, paragraph 2.1 (iv): The Chief Executive, Directors, and Heads of Service are empowered to take all necessary decisions in cases of emergency or urgency.
Contracts between the Council and a Supplier who is controlled by the Council	Internal contract sign-off thresholds will still apply, and a conflict assessment must still be undertaken in accordance with these Rules for both the Council and the Supplier.
Contracts between the Council and another local authority where the aim is to achieve common objectives for the public benefit	Internal contract sign-off thresholds will still apply, and a conflict assessment must still be undertaken in accordance with these Rules for the Council.
Exempt legal services (advice and representation in connection with judicial or dispute resolution proceedings)	Not subject to competition due to their nature.

Alternative dispute resolution services	Not subject to competition due to their nature.
Contracts with other contracting authorities to achieve common objectives by co-operating in the public interest	Referred to as Hamburg or Horizontal arrangements, provided that this is still best value for the Council.
Contracts with entities that are controlled by the Council	Referred to as Teckal or Vertical arrangements, provided that this is still best value for the Council.

4.2. All other Contracts (including Covered Procurements) made by or on behalf of the Council must comply with these CSOs unless there is an Exemption (CSO 20) or Waiver (CSO 21).

5. Roles and Responsibilities

5.1. All officers have a duty to report breaches of the CSOs to the Chief Finance Officer or to the Head of Legal Services (or their deputies in their absence). Compliance with these CSOs is also subject to internal and external audit.

5.2. In considering how best to purchase works, goods and services, an officer shall take into account wider contractual delivery opportunities and purchasing methods such as setting up or letting under framework agreements, joint procurements with other public authorities, e-procurement methods and the availability of local authority trading and charging powers under the Local Government Act 2003 and the Localism Act 2011.

5.3. The Assistant Director of Corporate Services, Corporate Governance and Strategy Manager and Procurement and Contracts Officer are responsible for:

(a) Overseeing the Council's procurement function and answering questions related to it (Assistant Director of Corporate Services only).

(b) Providing expert market knowledge ensuring compliance and delivering best value.

(c) Ensuring Officers have the correct tools, information and guidance to deliver a compliant, cost effective and good quality contracts.

(d) Ensuring that Finance have confirmed there is adequate budget available prior to any Threshold 3 & 4 procurement commencing.

(e) Offering expert advice to Officers procuring within Thresholds 1, 2 & 3, including showing due regard to the Government's statutory guidance on Below-Threshold Contracts

(f) Taking a commercial lead on all Procurements within Threshold 4.

(g) Updating and delivering the Procurement Strategy.

(h) Proposing changes and updates to these Contract Standing Orders, for

consideration by the Council's Standards and Constitution Committee.

(i) Ensuring the Council's safeguarding obligations and policy requirements are flagged to procuring officers during the procurement process.

(j) Ensuring transparency by:

(k) Maintaining and publishing the Contract Register

(l) Reviewing waiver submissions and maintaining Waiver log

(m) Reviewing spend across all categories quarterly

(n) Reviewing conflict assessments with input from Legal Services and in consultation with the relevant Head of Service and/or Director and maintaining a Conflict log

(o) Embedding Social Value and sustainable procurement appropriately across Council procurement activity.

(p) Delivering procurement and contracts training to Officers

(q) Ensuring suppliers are aware of, and follow, the Council's *'How to do business with us*' when bidding.

(r) Manage e-sourcing platform.

(s) Checking that adequate financial security for all Threshold 2-4 contracts is in place, via the review of procurement reports.

(t) Updating the internal and external web pages to ensure Officers, Suppliers and residents are kept informed.

5.4. Officers purchasing on behalf of the Council are responsible for:

(a) Ensuring that any contract in excess of £5,000 (ex. VAT) is reported to the Procurement Officer so that the Contract Register can be updated and published accordingly.

(b) Complying with these CSOs and all relevant Council policies, including completing procurement reports.

(c) Ensuring there is adequate budget available for any purchase prior to approaching the market for quotes.

(d) Ensuring that for purchases within Threshold 1 & 2, Purchase Orders (PO) must be approved ***before*** the requirements are delivered to the Council.

(e) Ensuring that for purchases within Threshold 2, 3 & 4, Officers must ensure the contract is signed by both parties **before** raising a PO.

(f) Ensuring that for Contracts within Threshold 3 & 4, they have properly engaged with Legal Services and an appropriate level contract is to be

used. Regarding Threshold 2, procuring officers should consult with Legal if they are unsure of the potential legal implications / type of contract required for the procurement.

(g) Showing due regard to the Government's statutory guidance on Below-Threshold Contracts when preparing procurements under Threshold 4.

(h) Ensuring specifications accurately define the requirements.

(i) Ensuring consideration is given to equality and diversity, fraud prevention, prevention of modern day slavery, as well as Social Value implications.

(j) Ensuring that People and OD are consulted, and the appropriate approval obtained for requirements of temporary workers or consultants outside any agreed corporate contract.

(k) Managing contracts within the procuring Services, either by a dedicated Contract Manager or by a nominated officer.

(l) Reporting any breaches to the Chief Finance Officer and Head of Legal Services (or their deputies in their absence).

(m) Ensuring sufficient financial security, insurance, business continuity arrangements, and data protection impact assessments and data processing and / or data sharing agreements are in place for the Council, with respect to the goods, services, or works they are procuring (see also Section 29).

(n) Ensuring that the Council's safeguarding obligations and policy requirements are met through the procurement process and management of their Service contracts. Officers can find further information on the 'Safeguarding' intranet site.

5.5. The role of the Council's operational Procurement Board is to ensure:

(a) 'Best Value' is realised through the Council's procurements and commissioning.

(b) the Council remains compliant with its Contract Standing Orders (CSOs), Procurement Strategy, and the (forthcoming) Procurement Act 2023.

(c) that any savings opportunities are realised, and avoidable costs are circumvented.

(d) the procurement governance framework remains effective and continuous improvement is achieved.

(e) Waivers are only being used in exceptional circumstances.

(f) contracts are managed effectively, and any performance issues are being addressed.

(g) procurement plans are in place with sufficient lead time for expiring contracts.

6. Purchase Orders

6.1. Purchase Orders (PO) should be raised within the Council's Purchasing system.

6.2. Invoices must be received electronically.

6.3. Invoices should be emailed to creditors@epsom-ewell.gov.uk for payment. To ensure prompt payment and to satisfy audit requirements, your email should include:

(a) the supplier name and invoice number in the subject heading

(b) the invoice as an attachment

(c) your confirmation that the invoice is authorised for payment (eg "I authorise the attached invoice for payment")

(d) a correct purchase order number

6.4. Any invoice received by the Council's Creditors that cannot be matched to a purchase order will be referred back to the budget manager, unless it falls under one of the following exemptions from purchase orders:

(a) Supplies of utility services

(b) Periodical payments (such as rates or rents)

(c) Purchase card transactions

(d) Transport and Facilities Management contracts

(e) Treasury management transactions

(f) Refunds and grants

(g) Statutory payments to other government organisations

(h) Theatre performances

(i) Any order for works, goods or services with a value less than £150 (ex. VAT)

7. Purchasing Cards

7.1. The Council makes use of Purchase Cards. These are effectively credit cards which are used to make small purchases in a wide range of situations. Officers who are supplied with a purchasing card must refer to the relevant section of the Council's Financial Regulations for further information.

8. Temporary Staff

8.1. Procurement works closely with People & Organisation Development to manage the Council's temporary agency workforce needs. Officers must follow the Employment of Agency Workers Policy when sourcing temporary agency staff (this can be found on the staff intranet).

9. IR35

9.1. IR35 relates to off-payroll working. This is where a supplier is operating and providing services to the Council via an intermediary, such as a limited company, and were it not for that arrangement, they would be considered an employee and within IR35.

9.2. It is the responsibility of the Head of People & OD to determine if and where IR35 applies or not and any unpaid tax can be claimed back if the Council makes the wrong decision.

9.3. If IR35 does apply the Council (or fee payer if via an agency) would be responsible for making employment tax and National Insurance deductions.

9.4. Further IR35 advice can be found via the link within Annex 3 or by contacting the People & OD Service.

10. Grants

10.1. The making of grants is not subject to these Orders. Officers must follow the rules and guidance for grant-making that are available internally for each individual grant. Officers are reminded to take into account the legal requirements concerning subsidy control.

11. Social Value

11.1. The Public Services (Social Value) Act 2012 came into force on 31st January 2012. The act requires the Public Sector to consider how they can use contracts to enhance the wider wellbeing of the community. This complements existing procurement legislation and reinforces Social Value as part of the value for money considerations.

11.2. Social Value can be achieved by generating benefits to society, the economy and positive impacts to the environment and local communities via our external spend. It can be created in many ways and has wide ranging benefits.

11.3. The Social Value Act 2012 currently applies only to Covered Procurement service contracts (i.e. Above threshold - refer to Annex 2) but shall be considered in all procurements where applicable. Social Value forms part of a bidder's commitments at tender stage and should be tailored to the subject nature of the contract being awarded.

11.4. It is the Contract Manager's responsibility to ensure Social Value is being delivered during the life of the contract.

12. Modern Slavery

12.1. The Modern Slavery Act 2015 ("MSA") is a UK act of Parliament designed to tackle slavery and human trafficking through the consolidation of previous legislation and the introduction of new measures. Specifically, it introduces new requirements for organisations with regard to their business and supply chains – and creates a criminal offence.

12.2. Modern Slavery is defined as slavery, servitude, forced or compulsory labour, human trafficking and exploitation was put in place.

12.3. For Covered procurements, the Council will use the declaration made by the supplier on the Central Digital Platform on all procurements. The declaration includes a section on the supplier's approach to the Modern Slavery Act, slavery and human trafficking in the supply chain.

13. Sustainable Procurement

13.1. Sustainable procurement, put simply, is the process by which an organisation meets their purchasing needs in a way that achieves value for money, on a whole life basis, whilst benefitting the organisation, its customers, the wider society and economy and protecting the environment.

13.2. The Council seeks to address the environmental impact of its activities. To help do this, suppliers bidding for contract opportunities will be asked, where appropriate, to demonstrate their awareness of relevant environmental issues through their own policies.

13.3. Typically sustainable procurement should follow the following principles:

(a) Sustainable procurement is the act of adopting social, economic and environmental factors alongside the typical price and quality considerations into the organisation's handling of procurement processes and procedures.

(b) Sustainable procurement is not just about buying 'green' products. It includes planning ahead to manage demand, effective ongoing contract management and dealing with supply chain risks and impacts.

(c) Incorporating sustainable procurement into the Council's future contracts in order to facilitate a reduction in our Scope 3 (supply chain emissions).

13.4. Officers purchasing on behalf of the Council should be conversant with the Council's Climate Change Action Plan (CCAP) which incorporates single use plastic policy and the Biodiversity Action Plan. The impact of climate change should be built into procurements where appropriate.

13.5. It is the Contract Manager's responsibility to ensure sustainability is being delivered during the life of the contract.

14. Reverse charge of VAT

14.1. The VAT reverse charge for construction came into effect on 1 March 2021. The reverse charge applies to any services related to the construction of buildings and the materials, but not to professionals' fees like those of architects,

surveyors, or consultants. A reverse charge means that the recipient will be accountable for the VAT rather than the supplier.

15. Accessibility Standards

15.1. In 2018 the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 came into effect. This Act builds upon existing obligations under the Equality Act 2010.

15.2. Any procurement that will result in a public facing website where the Council or a supplier on its behalf is presenting information relating to the Council or services the Council offer, must comply with the Act and Regulations and must meet the new accessibility standards.

15.3. Officers must ensure that the Council's Communications Teams advice is sought.

16. Transparency, Publication of spend, Opportunities and Awards

16.1. The Council is committed to displaying information that explains how its money is spent. The Local Government Transparency Code 2015 requires Local Authorities to publish any expenditure that exceeds £500 (ex. VAT) and all Contracts over £5,000 (ex. VAT). This can be found on the Council's public website.

16.2. For procurement activity to which the PCR 2015 applies, the Council's e-Sourcing Portal will automatically publish contract and award notices. For procurements over £30,000 (ex. VAT) (but not advertised through the Council's e-Sourcing platform) notices must be completed and published directly on the Central Digital Platform website by the Procurement and Contracts Officer.

16.3. For procurement activity to which the Procurement Act 2023 applies, a Central Digital Platform replaces the Contracts Finder and Find A Tender notices and awards system. The Council's e-sourcing Portal will automatically publish opportunities on the Central Digital Platform. There are a number of mandatory notices that must be published on the central digital platform (see Annex 4). Procurement will advise on the relevant notices depending on the contract value and route to market.

16.4. The Council has a further obligation to advertise contract opportunities and awards within Threshold 4 on the Central Digital Platform.

17. e-tendering

17.1. All procurements within Threshold 3 & 4 must be advertised via the Council's eSourcing platform. This ensures that the tender opportunity is advertised to the market in a fair and auditable way. The platform can also be used for Threshold 2 procurements if desirable.

17.2. The eSourcing platform will automatically publish contract opportunity and award notices to the Central Digital Platform ensuring the procurement exercise remains compliant.

17.3. Procurements using a public sector accessible framework do not require a

Central Digital Platform opportunity notice. Award notices will still need to be published using the Central Digital Platform website.

17.4. eSourcing set-up, passwords, support and training can be sought from the Procurement and Contracts Officer.

18. Contract Register

18.1. In line with the Transparency Code 2015, the Council has a statutory obligation to publish any spend over £500 (ex. VAT) and Contracts over £5,000 (ex. VAT) on its website. Officers who award contracts over £5,000 (ex. VAT) must inform the Procurement and Contracts Officer of each contract for the Contract Register to be updated.

18.2. Contract managers / owners have the responsibility to update the contract register with current and new contracts.

18.3. The Contract Register is published every 3-months.

19. Freedom of Information

19.1. In accordance with the Freedom of Information Act (FOIA) 2000 and Environmental Information Regulations (EIR) 2004, the Council has an obligation to publish specific information and to provide information to members of the public upon request. That is subject to certain disclosure exemptions such as where confidential or commercially sensitive information may be withheld.

20. Exemptions

20.1. These CSOs apply to all procurement undertaken by the Council unless the procurement is within Thresholds 1,2 & 3 and falls within one of the following categories, which adopts Schedule 2 of the Procurement Act 2023:

(a) Purchases due to extreme and unavoidable urgency are to be made by departments only when normal functions and operations of the Council - including the integrity of property, equipment, or life - are endangered through unexpected circumstances, and when materials, services, etc., are needed immediately. Sufficient funds must be available and signed off by the Budget Holder.

(b) Call offs from public sector accessible frameworks which have been tendered; Procuring Officers must still complete a Quick-Quote or RFQ Procurement Report.

(c) An extension to an existing Contract which contains express provision as to the extension of that Contract and provided those conditions are followed. The relevant Head of Service has the authority to agree to and sign-off the extension.

(d) the Council is acting as an agent for another organisation and is acting in accordance with that organisation's CSOs.

(e) certain types of financial advice such as funding or financing arrangements and investment services.

(f) employment contracts, including apprenticeships.

(g) land contracts, including the acquisition and sale of land (including leases, licences and transfers).

(h) legal advice, legal services (including but not limited to - securing legal representation, instruction of expert witnesses, certification of documents, or as ordered by a Court or Tribunal) relating to anticipated or issued judicial proceedings and/or dispute resolution.

(i) purchases made at public auction or of goods sold due to insolvency.

(j) grants including passporting, allocation / award of funding obtained from central government to receiving organisations. Each grant will be governed by its own funding procedures, which must be followed. Subsidy control will also need to be considered.

(k) vertical arrangements - the Council exercises a parent or similar control or joint control with other councils on the entity as much as it does with its own departments, and the entity carries out more than 80% of its activities for the controlling council and there is no private sector money in the entity.

(l) horizontal arrangements (council to council / public body co-operation) - to achieve objectives which the bodies have in common through an arrangement that is solely for the public interest and that the parties perform less than 20% of the services covered by the arrangement on the open market.

(m) Any other goods/services/works falling under the definition of an "exempted contract" in the Procurement Act 2023.

21. Waivers

21.1. A waiver cannot be granted retrospectively or if doing so would contravene the relevant legislation i.e. for Covered Procurement.

21.2. The requirement for the Council to conduct a competitive procurement process for contracts within Thresholds 2 & 3 of these CSOs may be waived in exceptional circumstances by the following officers:

Director of Environment, Housing and Regeneration

and

Director of Corporate Services (Chief Finance Officer) or Chief Accountant

The Chief Executive can substitute for one of the officers above if they are not available.

21.3. A waiver cannot be granted for procurements in Threshold 4, as it would contravene the Procurement Act 2023.

21.4. Officers must obtain approval for a Waiver by completing the 'Waiver Request

Form' documenting the reason for which the waiver is sought, including justification and risk.

21.5. Waiver Request Forms must be completed in full and accurately describe the services needed. Forms not completed satisfactorily will be returned to the author.

21.6. All applications for waivers of these CSOs must be submitted to the Procurement and Contracts Officer who will seek approval from the Officers listed in 21.2.

21.7. Applications for waivers which are as a result of poor contract planning will rarely be considered genuinely exceptional.

21.8. The Procurement and Contracts Officer must maintain a log of all waivers.

Section 3

22. Permission to tender

22.1. For Thresholds 1, 2 & 3, Heads of Service have the authority to commence a tendering process, via email to Procurement (as per Section 6). Budget must be available within the service or finance approval must be sought in advance of authority to commence.

22.2. For procurements in Threshold 4, Heads of Service have the authority to commence a tendering process provided a business case for the procurement has been approved which includes financial provision and approval.

22.3. Where the value of the contract is in excess of £750,000 (ex. VAT), the procurement must be approved by the relevant committee prior to the commencement of the procurement process.

22.4. For procurements within Threshold 2, 3 & 4 Officers must complete Section A of the procurement report. This sets out budget availability, stakeholder engagement and options appraisals.

22.5. Existing public sector frameworks can be explored and utilised where possible for all thresholds.

22.6. Officers should refer to Annex 1 for the correct procurement process to follow.

23. Contract Value Calculation

23.1. Prior to commencing a procurement exercise Officers must estimate the aggregate value; this will determine which threshold the procurement falls under.

23.2. The ‘Contract Value’ means the maximum amount the council could expect to pay (in pounds sterling) under the contract, inclusive of specified items such as Value Added Tax (VAT), the value of any goods, services or works provided other than for payment, options to renew, interest and fees, this also includes, but is not limited, to installation, training, maintenance and disposal costs.

23.3. Where the council considers that two or more contracts could reasonably be supplied (e.g. providing the same goods, services or works) under a single contract it must aggregate the value of those contracts for the purposes of valuation. Officers are required to check expenditure in other service areas to see if there are similar requirements.

23.4. Where the council is unable to estimate the value of a contract, e.g. where the contract term is unknown or recurring, the council must assume that the contract will be a Covered Procurement and is above the relevant financial threshold.

23.5. In respect of any consortium or joint contract, the Contract value must be the aggregate of each participating authority’s requirements in estimating the contract value.

23.6. Contracts must not be purposefully underestimated or disaggregated into two or

more separate contracts with the intention of avoiding the application of these Orders or the Procurement Act 2023.

23.7. Where it is intended to package the contract into several different lots, for example based on area, or by particular types of requirements, then the Contract value shall be the total value of all of the combined lots.

23.8. In the case of Concession contracts (such as where the service users as opposed to the council make payments to the contractor for use of the service) then the amount that a supplier might expect to receive as a result of the Contract must be used to determine the Contract value.

23.9. Spend with suppliers will be monitored regularly by Procurement, to ensure contracts are not being disproportionately awarded and exceed thresholds.

23.10. In the case of Framework Agreements or Dynamic Markets, the contract value must be calculated to include the total estimated value, net of VAT, of all the contracts envisaged to be awarded for the total term of the Framework Agreement or the Dynamic Market

24. Conflicts of Interest

24.1. At the start of each procurement process, a Conflict of Interest Assessment must be undertaken. This must cover anyone who has a potential or perceived conflict:

(a) Anyone acting for or behalf of the Council who has the ability to influence a decision to award a contract under a procurement: and

(b) They have a personal, professional or financial connection (either directly or indirectly) with a supplier participating in said procurement.

For the avoidance of doubt, this includes close associates or family members.

24.2. This assessment is kept under review throughout the procurement process and is to be updated / revised at each stage of the process.

24.3. The procuring officer is expected to mitigate any potential or perceived conflicts of interest – this could be through one or more of the following: separation of duties, through the design of the procurement, sharing of information, excluding suppliers or excluding evaluators.

24.4. Officers and Council Members must comply with their respective Code of Conduct to avoid any conflict between their own interests and those of the Council. Any Officer, Council Member or consultant who has reason to believe that there is a conflict of interests in respect of a supplier should report this to the Head of Legal. At any point during the procurement process, if an Officer or Council Member becomes aware that they have a direct or indirect pecuniary interest in a contract which the Council has entered into, or proposes to enter into, their interest must be recorded within the Conflict of Interest Assessment. This includes interests by their close associates or family members. Failure to declare an interest by an Officer, of which the Officer is aware, is a disciplinary offence; failure to declare an interest by a Council Member, of which the Council

Member is aware, could amount to a breach of the Code of Conduct for Council Members or a criminal offence.

25. Contract Management

25.1. It is the procuring officer's responsibility to ensure that there is a robust Contract Management Plan in place that is proportionate to the scale and scope of the Contract. This should include, but is not limited to:

(a) Accountability, roles and responsibility

(b) Strong governance procedures

(c) Measure and report on performance and use KPIs and data efficiently to incentivise good performance

(d) Drive continuous improvement, value for money and capture innovation

(e) Adopt and encourage mature commercial behaviours

25.2. Any extensions or variations to a Contract may only be made in accordance with the Contract and in line with advice from legal services and Procurement Act 2023, or the Public Contracts Regulations 2015, where a procurement process has formally commenced prior to 24 February 2025.

25.3. The Procurement & Contracts Officer should be contacted for further advice and support.

Section 4

26. Form of Contract

26.1. Contract award notification shall be issued:

(a) By the Officer leading the procurement only and / or the Procurement & Contracts Officer.

(b) When the evaluation has been completed and Procurement report signed off.

26.2. For Procurements in Thresholds 3 & 4, Legal Services should be instructed using the Legal Instruction Form at the Officers earliest opportunity. By not doing so, your project may be delayed. Advice regarding Threshold 2 procurements can also be provided by Legal if the procuring officer has legal concerns or is unsure of the legal implications related to the procurement.

26.3. All Contracts shall:

(a) specify the goods, materials or services to be supplied and/or works to be undertaken, price to be paid, payment terms and conditions, details of any discounts or penalties, the period of the Contract and any other terms and conditions that may be agreed.

(b) provide for the payment of liquidated damages where they are appropriate.

(c) contain details of any security that is required by the Council.

(d) prohibit the Contractor from sub-Contracting or assigning all or any part of the Contract without the express consent of the Council.

(e) contain a copy of the tender submission.

(f) be governed by English law.

(g) impose requirements to hold and maintain the specified insurance cover in accordance with the provisions of clause 29.2, where appropriate.

(h) impose requirements to comply with equalities and health and safety legislation, where appropriate.

(i) impose requirements to comply with the Council's health and safety policy, where appropriate.

(j) give the Council the right to cancel the Contract, and recover from the contractor the amount of any loss resulting from such cancellation, if the contractor, or any person acting on their behalf, shall have, in relation to the Contract or any other Contract with the Council:

(i) offered or given, directly or indirectly, any gift or consideration of any kind to any person as an inducement to

do or forbear from doing anything, or as a reward for doing or forbearing from doing anything; or

(ii) committed any offence under the Bribery Act 2010, or given or offered any fee or reward receipt of which is contrary to section 117(2) of the Local Government Act 1972.

(k) set out a contractual protocol for dealing with Freedom of Information Act 2000 and Environmental Information Regulations 2004 information requests and, where applicable, obligations under data protection legislation, and enabling compliance with the requirements of any applicable information publication scheme (including the Local Government Transparency Code 2015).

(l) reserve rights of audit to the Council where the contractor makes payments to, or collects income on behalf of, the Council.

(m) contain implied 30-day payment terms between the Council and the contractor and any associated sub-contractors.

26.4. Every Threshold 4 contract must contain a comprehensive business continuity plan, which must be included in the relevant Service's business continuity plan. In addition, all procuring officers must consider and decide whether their contracts within Threshold 1 – 3 should also have a business continuity plan that is proportionate to the risk they pose to service delivery, council finances, and / or the council's reputation. The complexity and duration of a contract can also be considered. Officers should use the Risk Management Strategy as a reference and seek advice from the procurement team and Assistant Director of Corporate Services. A similar assessment is used to determine whether a contract should be categorised as a 'Strategic Contract'.

26.5. Every contract which exceeds £24,999 (ex. VAT) (i.e. Threshold 3 & 4 procurements) in value or amount and is for the provision of works, supplies or services shall provide for adequate redress in the event of default by the contractor as agreed by the Head of Legal Services or Principal Solicitor.

26.6. Every contract over £75,000 (ex. VAT) shall:

(i) provide for liquidated damages to be paid by the contractor where the terms of the contract are not duly performed if financial loss is likely to arise from delay in performing the contract; and

(ii) provide that where the cost of purchasing other goods, materials or services exceed the amount which would have been payable to the contractor, this amount shall be recoverable from the contractor.

26.7. For Threshold 4 contracts the right to terminate the contract where:

(a) For all procurements commenced prior to 24 February 2025:

(i) the contract has been subject to a substantial modification which would have required a new procurement procedure

under regulation 72 Public Contract Regulations 2015 (PCR) or regulation 43 Concession Contract Regulations 2016 (CCR); the contractor has, at the time of the contract award, been in one of the situations referred to in regulation 57 PCR 2015 or regulation 38 CCR 2016 (mandatory exclusions) and should have been excluded from the procurement procedure; and

(ii) a UK Court has declared that the contract should not have been awarded to the contractor in view of a serious breach of procurement law.

(b) For all procurements commenced from 24 February 2025 onwards:

(i) the contracting authority considers that the contract was awarded or modified in material breach of this Act or regulations made under it.

(ii) a supplier has, since the award of the contract, become an excluded supplier or excludable supplier (including by reference to an associated person).

(iii) a supplier (other than an associated person) to which the supplier is sub-contracting the performance of all or part of the public contract is an excluded or excludable supplier.

26.8. Where any contract which is terminated under the Procurement Act 2023, the Council must publish a contract termination notice on the Central Digital Platform within 30 days of the termination.

27. Sealing and Signing of contracts

27.1. Subject to where Committee approval is required in accordance with the Financial Regulations or Terms of Reference of the relevant Committee, contracts within Threshold 1 & 2 shall be the subject of a Purchase Order, which can be approved in accordance with the Financial Regulations. If a Purchase Order is not appropriate/permitted for the relevant contractual relationship, a Contract shall be required. Heads of Service are permitted to sign the Contract.

27.2. Contracts within Threshold 3 & 4 shall be the subject of a formal written Contract agreed in accordance with Annex 5-3 of the Council's Operating Framework and under Seal if required by clause 27.3.

27.3. Every contract valued at £750,000 (ex. VAT) or more shall be sealed with the common seal of the Council provided the award decision has been approved by the relevant committee or officer in accordance with the terms of the constitution.

27.4. For all contracts under £750,000 (ex. VAT) the awarding officer may sign the contract on behalf of the Council provided the award decision has been approved by the relevant committee or officer in accordance with the terms of the constitution.

28. Novation

28.1. Novation refers to where one of the contracting parties in the original contract is replaced by an entirely new party that assumes the rights and obligations of the original party.

28.2. Novation is not permitted without the express consent of the Head of Legal Services or Principal Solicitor.

29. Financial Security

29.1. Adequate financial security and/or a performance bond must be required for all Contracts. Procuring Officers can contact the Assistant Director of Corporate Services for advice on insurance.

29.2. For example, for a Threshold 3 or 4 procurement, the Council would likely request the minimum financial cover:

(a) Employers Liability Insurance: £5,000,000

(b) Public Liability Insurance: £10,000,000

(c) Professional Indemnity Insurance: £1,000,000

(d) Product Liability Insurance: Should be proportionate to the product being purchased.

29.3. Any variation from 29.2 must be agreed with the Assistant Director of Corporate Services.

30. Economic and Financial Standing

30.1. The Council will examine and maintain the credit report of all suppliers to gauge their economic and financial status.

Section 5

31. Disposal of Land and Property

31.1. All land and property which is considered to be surplus to the Council's service requirements must be notified to the Director of Environment, Housing & Regeneration who will be responsible for the disposal or other reallocation of such land and property in accordance with the Council's Asset Management Strategy.

32. Disposal of Other Council Assets

32.1. Assets may be declared as being surplus to requirements by a Head of Service who shall assess the value of the assets using such expert assistance as they consider necessary and to dispose of the asset in accordance with this CSO.

32.2. The value of an asset shall be the estimated price for which the asset might reasonably be expected to be sold to a willing purchaser in the open market. Similar assets declared surplus to requirements at or about the same time shall be aggregated in value.

32.3. Assets having no realisable value or where the costs of disposal is likely to exceed the price received may be disposed of as waste provided that the assets shall be recycled wherever reasonably practical and financially viable.

32.4. Assets with a value of £10,000 or less may be sold for the best price possible.

32.5. Such assets may be advertised on internet based marketplaces (such as eBay). Where such sites are used, the Chief Finance Officer will nominate a single Council officer to be responsible for the disposal of assets using this method.

32.6. In the case of assets valued above £10,000, disposal shall be carried out by inviting bids for the assets through the open procedure or auction.

32.7. Council officers or Council Members are not permitted to purchase any Council assets.

32.8. Assets which require secure disposal such as computers, tablets, mobile telephones and any other equipment containing personal or confidential material must be disposed of only to an approved contractor. The relevant Head of Service in the case of IT equipment, the Head of ICT, must ensure that the personal information or confidential material is destroyed and documentation confirming this must be obtained from the contractor and retained by the Council.

32.9. Where items have to be written off and disposed of, the write off must be approved in accordance with the process and limits for writing-off debts in the Financial Regulations.

33. Work for Third Parties

33.1. The Deputy Chief Executive or Director of Corporate Services, within their respective services, must approve the contractual arrangements for any work carried out by the Council for third parties or external bodies.

34. Partnerships

34.1. Partnerships with other local, public, private, voluntary and community sector organisations will be entered into subject to the approval of the relevant committee who shall agree:

(a) the terms of reference.

(b) where appropriate, a scheme of delegation to officers to operate within the partnership.

34.2. Unless specifically agreed by the relevant committee, partnership arrangements shall only be entered into in accordance with the provisions of these CSOs.

34.3. The heads of terms for all partnership arrangements shall be approved by the relevant committee and full terms and conditions by the relevant committee and the Director of Corporate Services or Director of Environment, Housing and Regeneration within their respective services.

34.4. The Deputy Chief Executive or Director of Corporate Services, within their respective services, shall be responsible for ensuring that adequate arrangements for governance are set up within each partnership entered into. Such arrangements shall include provisions for arranging contracts with external bodies.

35. Review of the Contract Standing Orders

35.1. These Contract Standing Orders shall be reviewed and updated as and when required. Save in the case of revisions to Thresholds or otherwise arising out of a change in the law, and minor administrative changes e.g. related to typos, titles/names, formatting and Annex 1, any changes to these Contract Standing Orders shall be approved and adopted by Full Council. Revisions to Thresholds or otherwise arising out of a change in the law shall be dealt with by the Head of Legal Services, in consultation with the Chief Finance Officer (or their deputies in their absence), in accordance with their delegated authority. Changes to formatting and Annex 1 shall be dealt with by the Assistant Director of Corporate Services, in consultation with the Head of Legal Services.

36. Council Members and Contracts

36.1. No Council Member shall have authority to enter into any contract on behalf of the Council.

36.2. No Council Member shall have authority to issue any instruction or variation to a supplier of the Council.

Section 6

37. Procurement Thresholds and Procedures

This Table provides a quick checklist and guidance for the necessary governance arrangements for authorisations when entering into contracts.

Generally speaking, Works contracts can be defined as those relating to projects where the majority / highest cost elements of the project relate to construction, i.e. making a functioning structure. If in doubt, Officers must seek advice from the Procurement team.

Insurance requirements: Please note, for any purchases that will subsequently be submitted to the Council's insurers to recover the costs, then a 'term' or 'tendered' contractor must be used, and if one is not available then a minimum of two quotes are required. This applies to all Thresholds. Officers should contact the Corporate Governance and Strategy team for guidance.

Contract Standing Orders - Procedures for Procurement - minimum requirements	
Threshold 1 – One Quote	
Aggregate contract value (inc. extensions)	**£0 - £9,999 ex. VAT** (inc. VAT: £0 - £11,999)
Advertising required	No
Contract Award notice required	No
Procurement method	One quote / an internal exercise that evidences value for money
Receipt of quotes	Verbal / email
Who is authorised to carry out procurement	Service officer
Timescales	N/A
Contract type	Purchase order / credit card
Who must approve the contract award	Budget holder
Who signs the contract on the council's behalf	Budget holder
Audit trail and documentation	• Quotation attached to purchase order / invoice. • PO/receipt to be stored digitally within teams' corporate files. • For purchases £5,000 and over complete T1 Procurement Report AND submit to Procurement for publication on Contract Register
Threshold 2 – Quick Quote (QQ)	
Aggregate contract value (inc. extensions)	**£10,000 - £24,999 ex. VAT** (inc. VAT: £12,000 - £29,999)
Advertising required	No
Contract Award notice required	No
Procurement method	• Three (3) quotes • For Works contracts (1) quote is sufficient if (3) is not practicable / in the interests of Best Value

	• Can use e-Sourcing portal if desired
Receipt of quotes	Email
Who is authorised to carry out procurement	Service Officer
Timescales	N/A
Contract type	Purchase Order
Who must approve the contract award	Budget holder
Who signs the contract on the council's behalf	Head of Service
Audit trail and documentation	• Completed QQ Procurement Report. • To be stored digitally within teams' corporate files AND submitted to Procurement. • Publish details of all purchases / contracts with an aggregated value of over £5,000 in the Council's Contracts Register
Threshold 3 - Request for Quotation (RFQ)	
Aggregate contract value (inc. extensions) - £	**£25,000 to 173,100 ex. VAT** [current Above Threshold value] (inc. VAT: £30,000 to 207,720) For Works £25,000 to £4,327,500 [current Above Threshold value] (inc. VAT £5,193,000)
Advertising required	Contracts Finder*
Contract Award notice required	Yes
Procurement method	Local tender (RFQ) - Minimum of three (3) quotes
Receipt of quotes	e-Sourcing platform
Who is authorised to carry out procurement	Service Officer. If the contract is in excess of £750,000 (ex. VAT), approval must be gained from the relevant committee prior to the commencement of the procurement process.
Timescales	Proportionate to the value and complexity of tender
Contract type	EEBC Standard / JCT (for Works) /Framework
Who must approve the contract award	Head of Service
Who signs the contract on the council's behalf	As per Annex 5-3 of the Operating Framework: • If under seal = CEO, Deputy Chief Executive, Directors or Head of Legal • If under hand = CEO, Deputy Chief Executive, Directors or Head of Service
Audit trail and documentation	• Completed RFQ Procurement Report: To be stored digitally within teams' corporate files AND submitted to Procurement. • Publish details of all purchases / contracts with an aggregated value of over £5,000 in the Council's Contracts Register
Threshold 4 - Invitation to Tender (ITT)	
Aggregate contract value (inc. extensions)	**Above Threshold (currently) £173,100 ex. VAT** (inc. VAT: £207,720)

	For Works Above Threshold (currently) £4,327,500 (inc. VAT: £5,193,000)
Advertising required	Contracts Finder, Find A Tender Service, Central Digital Portal
Contract Award notice required	Yes (and provisional contract award)
Procurement method	Procurement Act 2023 Goods & Services – Full tender Works – competitive quotation
Receipt of quotes	e-Sourcing platform
Who is authorised to carry out procurement	Procurement team: If the contract is in excess of £750,000 (ex. VAT), approval must be gained from the relevant committee prior to the commencement of the procurement process.
Timescales	Procurement Act 2023, PCR 2015 timescales
Contract type	Bespoke EEBC / JCT (for Works) /Framework call-off agreement
Who must approve the contract award	Head of Service, Head of Finance, Head of Legal, and Appropriate Committee
Who signs the contract on the council's behalf	Under £750,000 (ex. VAT) - As per Annex 5- 3 of the Operating Framework Over £750,000 (ex. VAT) – Sealed as a Deed, as per Annex 5.3 of the Operating Framework
Audit trail and documentation	• Completed ITT Procurement Report: To be stored within eSourcing portal AND digitally with teams' corporate files. • Publish details of all purchases / contracts with an aggregated value of over £5,000 (ex. VAT) in the Council's Contracts Register. • Copy of signed contract to be sent to Legal Services.

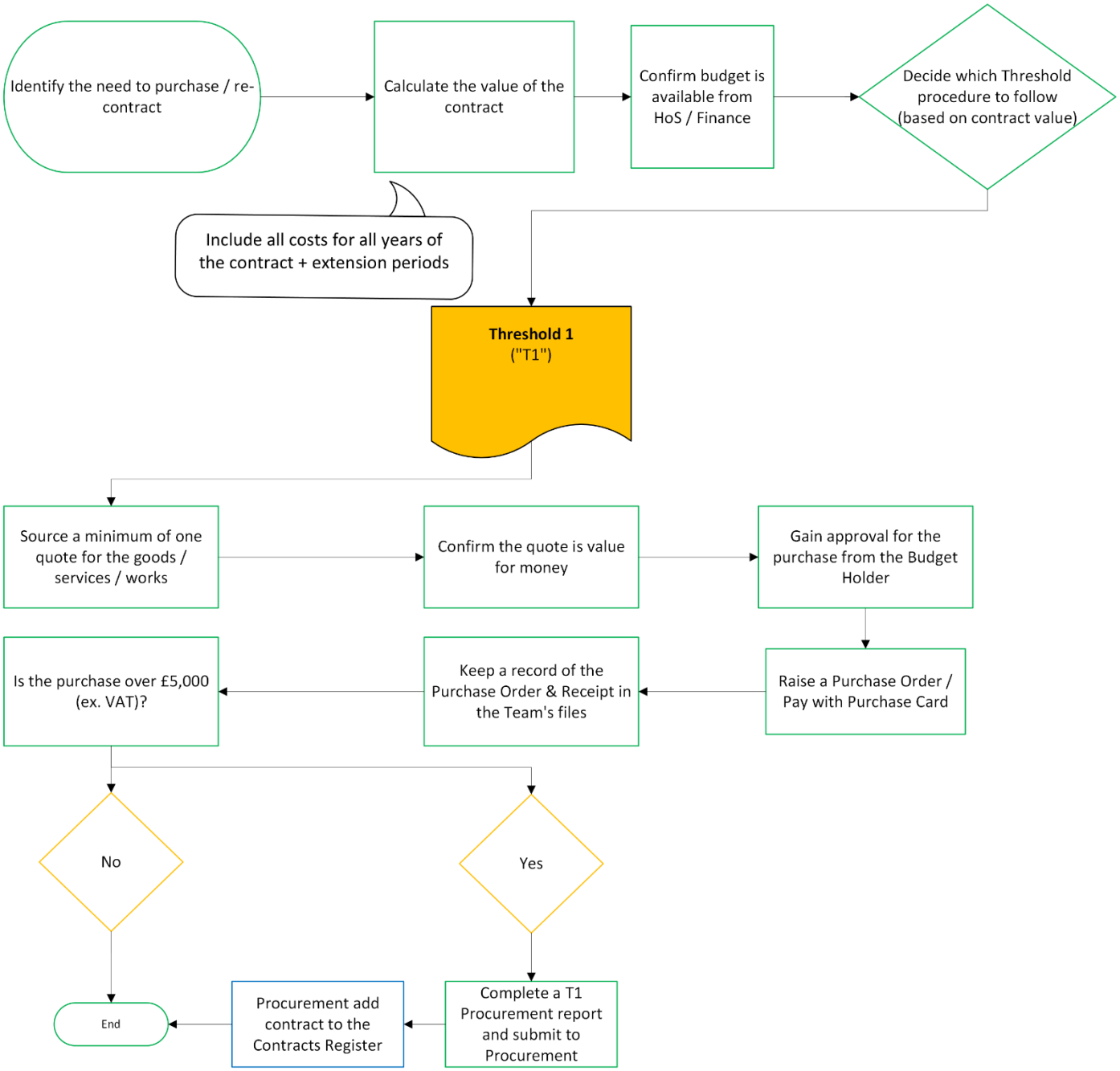
If any Officer identified within the 'who must approve the contract' table above is unavailable, the Director of Corporate Services or Director of Environment, Housing and Regeneration within their respective area can act under delegated authority, in accordance with the scheme of delegation in Appendix 2 of the Constitution.

* Contracts Finder opportunity and award notice to be published to the Central Digital Platform (CDP). Only a Contracts Finder award notice is required to be published (within 30-days of contract award) via the Central Digital Platform.

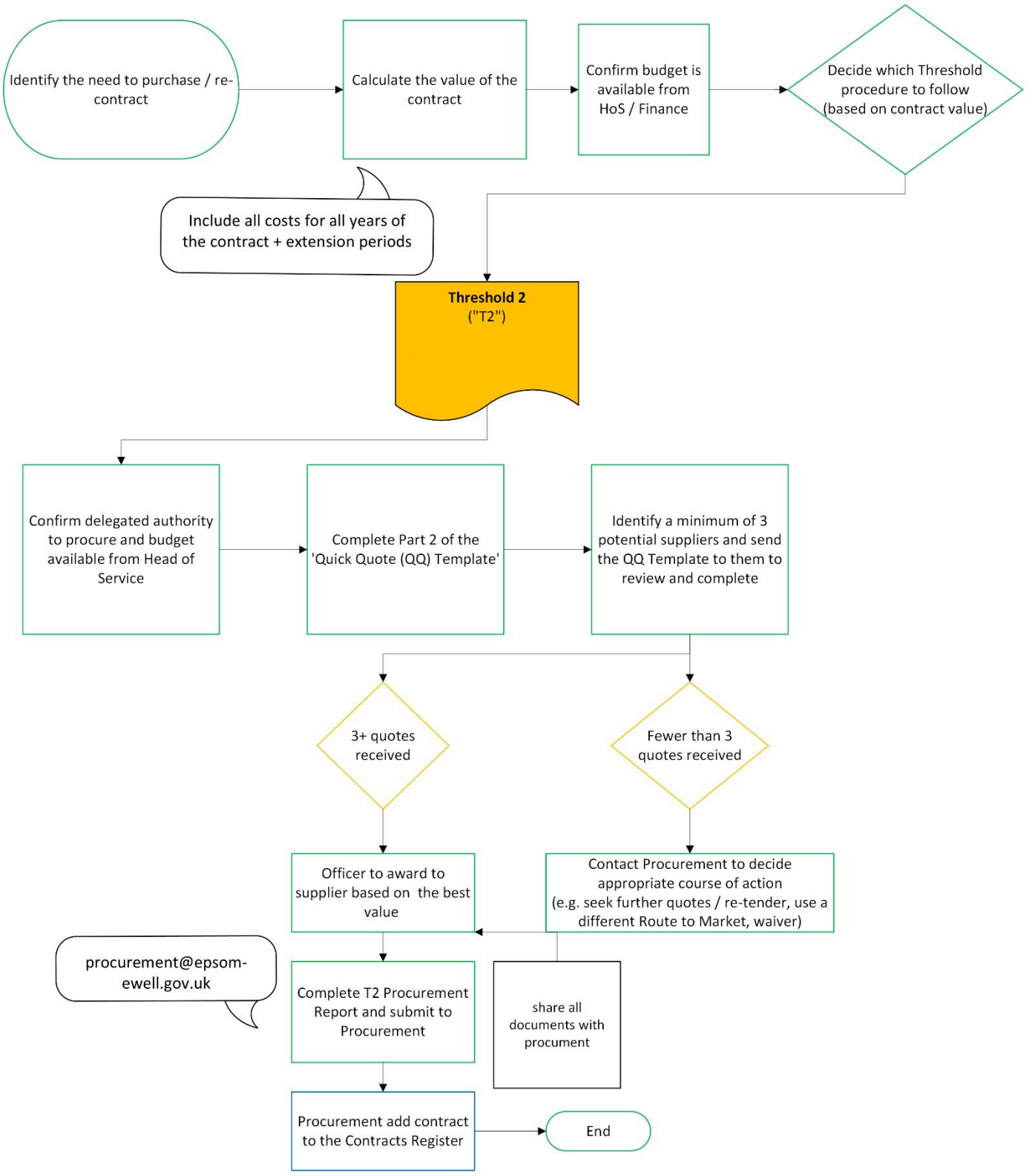
Annex 1 – Officers Process Guide

** Note: see Section 6 for Threshold values for Works contracts*

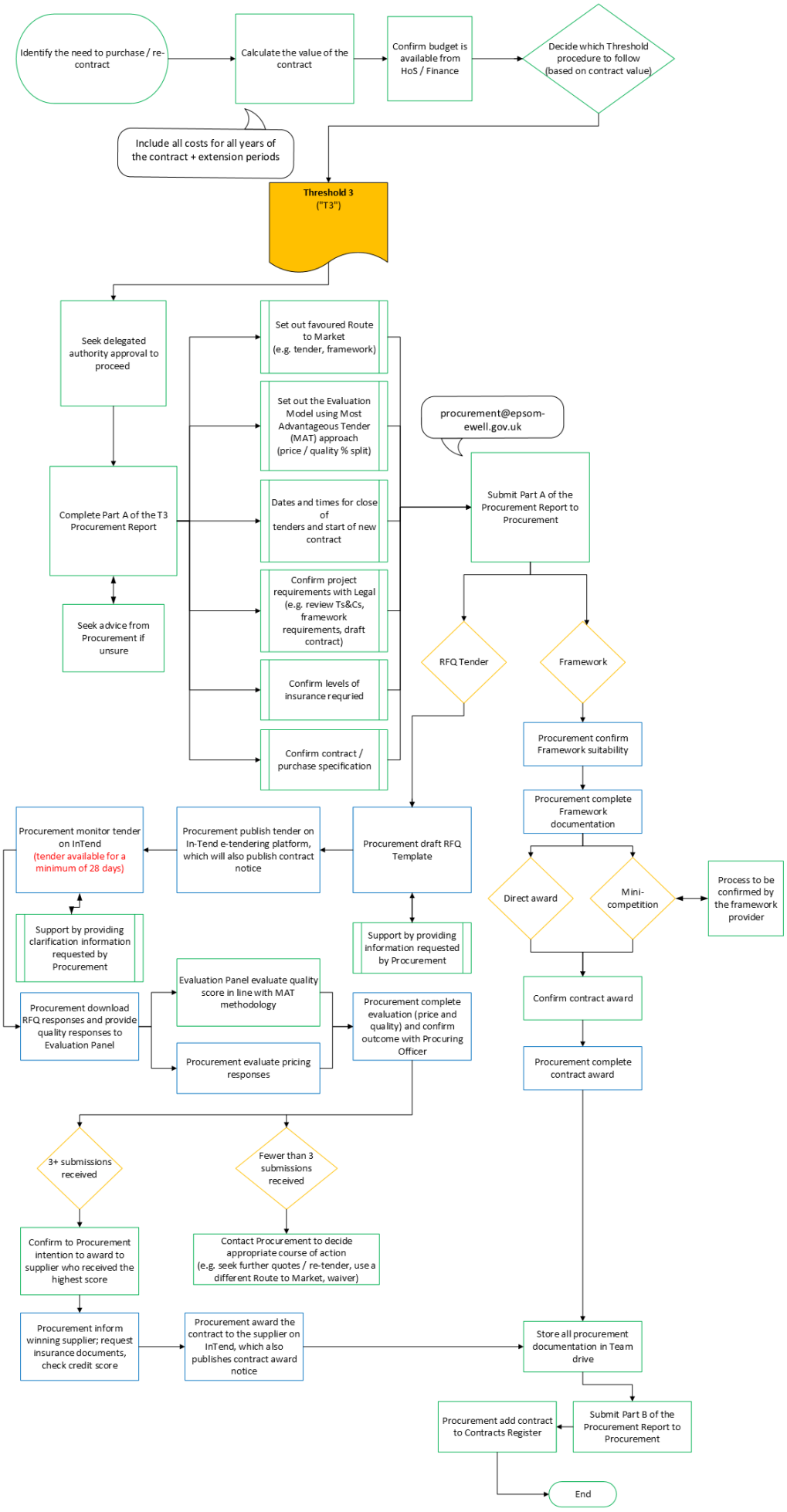
Threshold 1 Flowchart



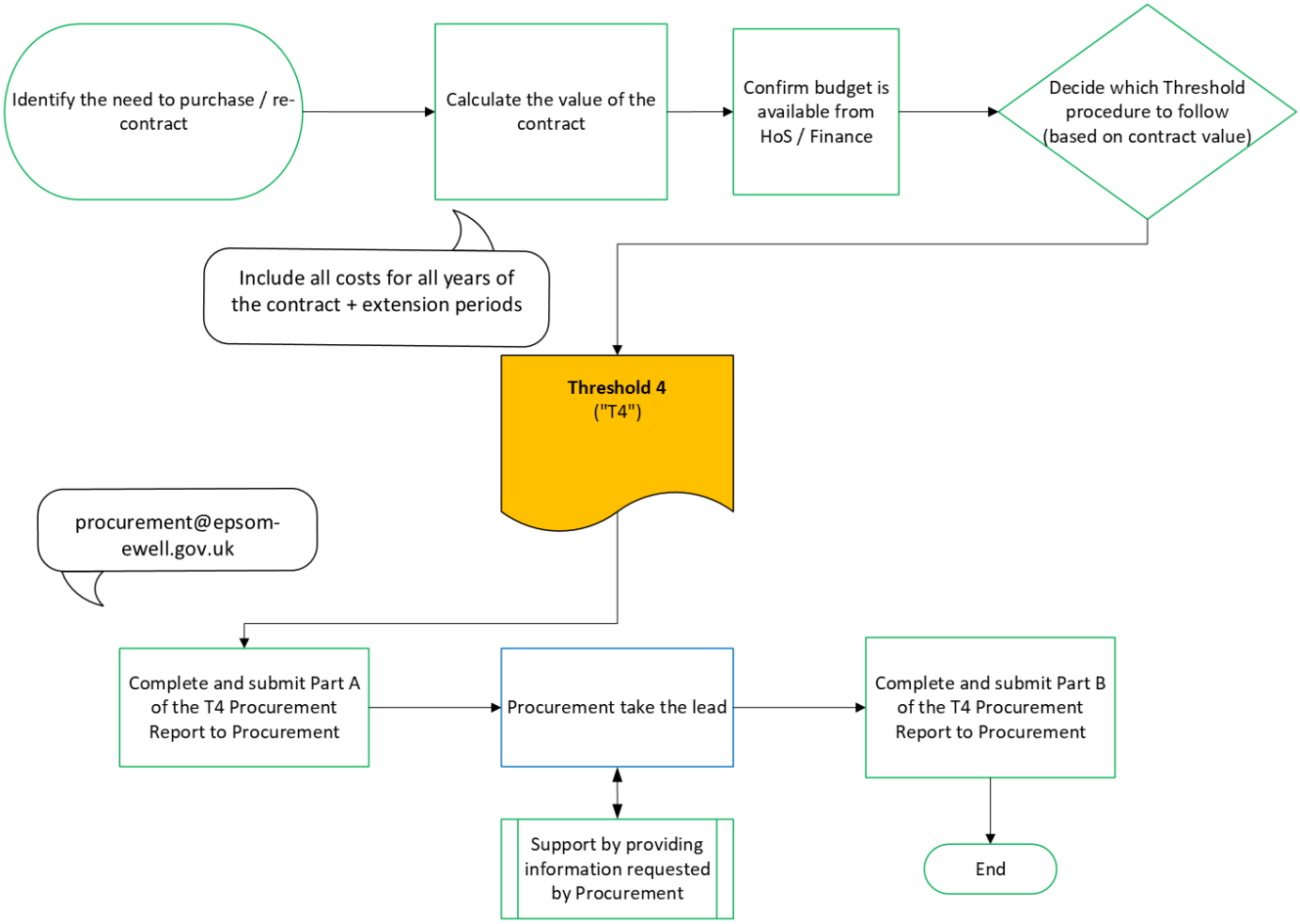
Threshold 2 Flowchart



Threshold 3 Flowchart



Threshold 4 Flowchart



Annex 2 – Statutory Thresholds

The financial Thresholds are inclusive of VAT and amended, usually, every 2 years. The most up to date Threshold figures can be found here: PPN 023: 2026 Threshold Amounts (HTML) - GOV.UK

Annex 3 – Procurement in the UK regulations:

1. Procurement Act
2. National Procurement Policy Statement
3. Public Contracts Regulations 2015
4. The Utilities Contract Regulations 2016
5. The Concession Contracts Regulations 2016
6. The Public Services (Social Value) Act 2012
7. The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020
8. Modern Slavery Act 2015
9. Social Value Act 2012
10. Local Government Transparency Code 2015
11. Freedom of Information Act 2000
12. IR35 Guidance
13. Local Government Act 1999 (Section 3; Best Value Guidance)
14. Local Government Act 1999 (Revised Best Value Guidance)
15. UK Government, Guidance: Below-Threshold Contracts

Annex 4 – Notices Required Under the Procurement Act 2023

Type of notice	Relevant provisions	Purpose
Pipeline Notice	s93 PA 2023 Reg. 15 Procurement Regulations 2024 (PCR 2024)	Mandatory annual notice setting out planned procurement over £2 million (inc. VAT) for the next 18 months.
Preliminary Market Engagement Notice	s17 PA 2023 Reg. 17 PCR 2024	Mandatory if preliminary market engagement is undertaken.
Planned Procurement Notice	s15 PA 2023 Reg. 16 PCR 2024	An optional notice setting out the intention to undertake a tender exercise.
Tender Notice	s21, s87 PA 2023 Regs. 18 – 21 PCR 2024	Mandatory notice published inviting tenders for both Covered Procurement (s21) or an advertised contract over £30,000 (inc. VAT) (s87).
Dynamic Markets Notice	s39 PA 2023 Reg. 25 PCR 2024	Mandatory notice setting out the intention to set up a Dynamic Market.
Transparency Notice	s44 PA 2023 Reg. 26 PCR 2024	Mandatory notice setting out the intention to make a direct award.
Contract Award Notice	s50 PA 2023 Reg. 27 PCR 2024	Mandatory notice published on award of contract which commences the standstill period.
Contract Details Notice	s53, s87 PA 2023 Regs. 32 – 36 PCR 2024	Mandatory notice setting out the details when the contract is completed for the award of a Covered Procurement (s53) or a contract over £30,000 (inc. VAT) (s87).
Procurement Termination Notice	s55 PA 2023 Reg. 37 PCR 2024	Mandatory notice published when a decision is taken not to award a contract.

Contract Performance Notice	s52, s71 PA 2023 Reg. 39 PCR 2024	Mandatory notice every 12 months and on termination for contracts valued over £5 million (inc. VAT) to assess performance against KPIs.
Contract Change Notice	s75 PA 2023 Reg. 41 PCR 2024	Mandatory notice if a Covered Procurement is varied and there is an increase or decrease of the term by more than 10% or the value by more than 10% for goods and services or 15% for works.
Payments Compliance Notice	s69 PA 2023 Reg. 38 PCR 2024	Mandatory notice every 6 months setting out the Council's compliance with the 30 day payment term.
Contract Termination Notice	s80 PA 2023 Reg. 40 PCR 2024	Mandatory notice when a Covered Procurement contract is terminated.