

APPENDIX B

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Summary of proposed amendments to Contract Standing Orders in light of:

- Internal Audit recommendations; and
- the implications of Brexit

Paragraph number (where relevant)	Details of amendment
1.3	<p>addition of the following bullet point regarding rules which all procurements and resulting contracts made by or on behalf of the Council must comply with:</p> <p><i>“the UK Regulations 2015 and as of January 2021 the ‘Public Contracts Regulations 2015 as amended by the Public Procurement (Amendment etc.) (EU Exit) Regulations 2019 and Public Procurement (Amendment etc. (EU Exit) (No.2) Regulations 2019 (‘Withdrawal Regulations’)”</i></p>
4.3	<p>addition of the following words in italics:</p> <p>Where a proposed Contract is likely to exceed the <i>UK Find a Tender Threshold</i> [previously OJEU] the Council has no authority to waive these CSOs.</p>
6.6	<p>addition of the following words in italics:</p> <p>Contracts over the current <i>UK Find a Tender Threshold</i> (previously OJEU) <i>additionally must be advertised via the Find a Tender Service (FTS).</i></p>
9.2	<p>new text as follows: <i>“Social Value is the means by which the Council aims to meet its Climate Change objectives detailed in the Procurement Strategy.”</i></p>
Throughout	<p>reference to ‘Find a Tender Service’ procurement thresholds in place of EU thresholds</p>
15.4	<p>new clause, <i>“ Where the final contract award is greater than the value approved by the CPB, the award must be approved by the CPB.”</i></p> <p>(Internal Audit recommendation)</p>
26.5	<p>new clause, “The confidentiality of quotations, tenders and the identity of contractors must be preserved at all times and the information about one contractor’s response must not be given to another contractor”.</p> <p>(Internal Audit recommendation)</p>

Paragraph number (where relevant)	Details of amendment
28.2	<p>new clause for 'Abnormally low tenders':</p> <p><i>"There is no definition in the Regulations of an abnormally low tender, but in practice, it will be identified where the tenderer's price is significantly lower than other tenderers. Where such a tendered price is received an explanation from the tenderer must first be sought. Where the evidence does not provide a satisfactory explanation, the tender can be rejected."</i></p> <p>(Internal Audit recommendation)</p>
Public Contract Regulation definition	<p><i>"Refer to Public Contract Regulations or PCR 2015 and from January 2021 is amended to 'PCR 2015 (as amended)' and, the first time PCR 2015 is defined, expand the definition so it reads 'Public Contracts Regulations 2015 as amended by the Public Procurement (Amendment etc.) (EU Exit) Regulations 2019 and Public Procurement (Amendment etc. (EU Exit) (No.2) Regulations 2019 ('Withdrawal Regulations')"</i></p>
UK Regulations definition	<p><i>Refers to The Public Contracts Regulations 2015. From January 2021 is amended to 'PCR 2015 (as amended)' and, the first time PCR 2015 is defined, expand the definition so it reads 'Public Contracts Regulations 2015 as amended by the Public Procurement (Amendment etc.) (EU Exit) Regulations 2019 and Public Procurement (Amendment etc. (EU Exit) (No.2) Regulations 2019 ('Withdrawal Regulations')'</i></p>