

# **WORTWELL PARISH COUNCIL**

## **CONTRACTS AND TENDERS POLICY**

(including stores and equipment)

To be read in conjunction with Financial Regulations Policy

Adopted: February 2018

Reviewed: June 2023

Next Review: June 2025

Every contract shall comply with the financial regulations of the council and the process as set out below. No exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items 1.1 to 1.6 below:

### **1. Standard Services**

1.1 for the supply of gas, electricity, water, sewerage and telephone services;

1.2 for specialist services such as are provided by legal professionals acting in disputes;

1.3 for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant

1.4 for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council

1.5 or additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman of council)

1.6 for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.

### **2. Public Supply Contracts valued at over £25,000**

Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 ("the Regulations") which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations.

2.1 The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time).

2.2 When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.

2.3 Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.

2.4 All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.

2.5 Any invitation to tender issued under this regulation shall be subject to council Standing Orders and shall refer to the terms of the Bribery Act 2010.

### **3. Public Supply Contracts valued at less than £25,000**

Where the council is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (1) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply);

3.1 Where the value is below £3,000 and above £500 the Clerk or RFO shall strive to obtain three estimates. Otherwise, Financial Regulation 10.3 (see Financial Regulations) shall apply

3.2 The council shall not be obliged to accept the lowest or any tender, quote or estimate.

3.3 Should it occur that the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated, and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.

3.4 The Clerk/RFO will be responsible for day-to-day liaison with legal advisers or other contractors in drawing up contracts, agreements or proposals and shall submit all such papers or documents to council for approval in a council meeting. Copies must be held in the minutes.

### **4 Payments under contracts for building or other construction works**

4.1 Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).

4.2 Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the council.

4.3 Any variation to a contract or addition to or omission from a contract must be approved by the council and Clerk to the contractor in writing, the council being informed where the final cost is likely to exceed the financial provision.

### **5. Stores and equipment**

5.1 The councillor appointed to be in charge of any stores or equipment shall be responsible for the care and custody e.g., line painting, mower, roller.

5.2 Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be as to order and quality at the time delivery is made.

5.3 Stocks shall be kept at the minimum levels consistent with operational requirements.

5.4 The RFO shall be responsible for periodic checks of stocks and stores at least annually.

### **6. Complaints**

Complaints made under this policy should be referred to the Clerk as identified under the Council's Complaints Policy.