

ABERDEEN CITY COUNCIL

COMMITTEE: Council DATE: 30th June 2010

DIRECTOR: Stewart Carruth

TITLE OF REPORT: Amendment to Standing Orders relating to Contracts and Procurement

REPORT NUMBER: CG/10/130

1. PURPOSE OF REPORT

The purpose of this Report is to seek the Council's approval of minor amendments to the Standing Orders relating to Contracts and Procurement following feedback received from officers during roll-out training and due to recent legislative changes. The proposed Standing Orders are attached hereto with insertions shown underlined with grey shading and deletions shown with "strike through" and in light grey text.

2. RECOMMENDATION(S)

It is recommended that the Council approves the amended Standing Orders relating to Contracts and Procurement that are attached hereto, to come into force with immediate effect, replacing the Standing Orders relating to Contracts and Procurement that were approved by Council on 18th November 2009.

3. FINANCIAL IMPLICATIONS

It is intended that the amendments to the Standing Orders relating to Contracts and Procurement will facilitate the Council in achieving best value in all contracts entered into and procurements undertaken.

4. SERVICE & COMMUNITY IMPACT

It is intended that the amendments to the Standing Orders will make the procurement process easier to follow and more streamlined for officers of the Council. This will have a positive impact on service-provision.

5. OTHER IMPLICATIONS

The amendments to the Standing Orders take account of all current legislation pertaining to contracts and procurement, including changes made to the Public Contracts (Scotland) Regulations 2006 by the Public Contracts and Utilities Contracts (Scotland) Amendment Regulations 2009, implementing the EC Remedies Directive.

6. REPORT

On 18th November 2009 the Council approved the introduction of new “Standing Orders Relating to Contracts and Procurement” which came into effect on 1st April 2010. These new Standing Orders are separate from the Council’s main “Standing Orders and Orders of Reference”.

From February to June 2010 officers in the Policy and Advice Team within Legal Services and the Central Procurement Unit have been rolling-out training on the new Standing Orders to officers and elected members. Feedback received at the training sessions has highlighted some minor typing errors and inconsistencies in the Standing Orders which require to be addressed. Officers also pointed out some wording in the Standing Orders which was difficult to understand or ambiguous and requested that clearer wording was used.

Furthermore, the EC Remedies Directive was implemented into Scots law in December 2009 by the Public Contracts and Utilities Contracts (Scotland) Amendment Regulations 2009 which made changes to the Public Contracts (Scotland) Regulations 2006. These legislative changes mean some parts of the Contract and Procurement Standing Orders need to be changed. This is in relation to the information that must be provided to bidders as part of the “de-briefing” process following evaluation of tenders (see Standing Order 4(7)) and the operation the standstill period prior to the award of a contract (see Standing Order 4(8)). The proposed amendments to the Standing Orders take full account of these legislative changes.

In addition, changes to the internal structure of the Council require changes to be made to certain job titles referred to in the Contract Standing Orders, namely the “Head of Legal and Democratic Services” and the “Head of Finance”.

In conclusion, the proposed amendments ensure that the Standing Orders are up-to-date, comply with all relevant legislation, take account of the Council’s internal structures and policies, and are fit for purpose and easy to follow.

7. REPORT AUTHOR DETAILS

Alison Watson
Solicitor
Policy and Advice Team
AlisonWatson@aberdeencity.gov.uk
Ext 2114

8. BACKGROUND PAPERS

None