



PROPOSED
COMMISSIONING &
PROCUREMENT
STANDING
ORDERS

2025-2030

COMMISSIONING & PROCUREMENT STANDING ORDERS

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CHANGE CONTROL OF AMENDMENTS

Version	Approval Date	Officer	Approved by	Summary of Changes
V1.0	Nov 2019	Ben Hosier	Cabinet & Council	The Commissioning and Procurement 'Standing Orders' are adopted.
V2.0	Apr 2021	Ben Hosier	Monitoring Officer	Updated following the UK withdrawal from the European Union (Brexit).
V3.0	Apr 2022	Andrew Linden	NA	Amended the appendices to include appendix 11 and 12 as these were not working as embedded documents in Schedule 11.
V4.0		Ben Hosier	Cabinet & Council	Commissioning & Procurement Standing Orders are updated to comply with Procurement Act 2023 and Procurement Regulations 2024 to simplify the 'Standing Orders' to improve effectiveness & governance

COMMISSIONING & PROCUREMENT STANDING ORDERS

Glossary

Cabinet

The Cabinet is the part of the Council which is responsible for making most of the strategic and policy decisions.

Code of Conduct

Code of Conduct to ensure high standards in the way Councillors or employees undertake their duties.

Commercial Board

Nondecision-making board with oversight of commercial & procurement activity at Senior Officer level.

Concession Contracts

A concession contract is remunerated by third parties who are utilising the contract rather than directly by an authority.

Constitution

A document that sets out how the Council operates, how decisions are made and the procedures to be followed to ensure that they are accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

Finance & Resources Overview & Scrutiny Committee

Overview & Scrutiny Committees promote service improvements, influence policy development, and hold the Executive to account for the benefit of the whole community.

Financial Regulations

Financial Regulations provide the framework for managing the financial affairs of the Council. They apply to every Member and employee of the Council and to anyone acting on its behalf. All Members and employees must adhere to them at all times. Financial Regulations form part of the Council's constitution.

Framework Agreement

An agreement or arrangement between one or more procurers and one or more suppliers that establishes the requirement and contract conditions that will apply to future call-offs (contracts) that the procurer(s) may enter into during the period for which the framework agreement is established.

Council

Responsible for setting the policy framework, agreeing the budget, agreeing major strategic policies, and spending plans and making constitutional and other important decisions.

Government Commercial Function

The Government Commercial Function is a cross-government network procuring or supporting the procurement of goods and services for the government.

Local Government Act 1972

An Act of Parliament making provision with respect to local government and the functions of local authorities in England and Wales.

Local Government Transparency Code 2015

*Places more power into citizens' hands to increase democratic accountability to contribute to local decision making process and help shape public services.
Transparency is the foundation of local accountability and gives people the tools and information they need to enable them to play a bigger role in society.*

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Monitoring Officer

A Monitoring Officer is the statutory Officer responsible for the legal governance of a local authority in much the same way that a section 151 Officer is responsible for a Council's finances.

National Procurement Policy Statement

A statutory statement which allows the Government to set and communicate the wider policy objectives to which it expects public procurement to contribute.

Officer Decision Record Sheet

A record of a decision that would previously have been taken by a committee/sub-committee but has been delegated to an Officer.

PH/Portfolio Holder/PH Decision

A record of a decision by a Portfolio Holder delegated by the Leader of the Council in relation to their nominated portfolio area, in accordance with the constitution's principles of decision making.

Procurement Act 2023

An Act of Parliament that covers public procurement law in the United Kingdom that will reform the existing procurement rules.

Procurement Regulations 2024

A set of Regulations on public procurement that will bring in the elements of the Procurement Act 2023.

Public Procurement Legislation

Public sector procurement is subject to a legal framework which encourages free and open competition and value for money, in line with internationally and nationally agreed obligations and regulations. As part of its strategy, the government aligns procurement policies with this legal framework, as well as with its wider policy objectives.

Schemes of Delegation

As part of the Constitution, the Council delegates executive functions and decisions, this can be to a committee, Portfolio Holder, or Officer.

SLT

Strategic Leadership Team includes the Chief Executive and the Strategic Directors.

Service Contracts

Where a provider is providing time, effort, and expertise, e.g. cleaning services, consultancy, or advice.

Supplies Contracts

Where goods and supplies are purchased or hired; it also includes energy, water, and fuel.

Works Contracts

Where the carrying out construction or building repairs works or building refurbishments are required.

WTO GPA Thresholds

World Trade Organisation General Procurement Agreement financial levels where covered procurements need to be openly advertised.

COMMISSIONING & PROCUREMENT STANDING ORDERS

SECTION ONE

1. Introduction

- 1.1 These 'Standing Orders' set out how the Council undertakes and authorises expenditure and contracts with other organisations. This ensures that prior to any expenditure being incurred by the Council, there is, (subject to value) a clear identification and consideration of the need, whether the need can be satisfied internally, or if external support is required that results in third part contracts being awarded in a fair, open and transparent way.

The Council operates a devolved commissioning and procurement model, whereby services are responsible for their own commissioning and procurement activities and management of contracts. Central oversight and scrutiny, providing assurance on compliance and value for money is delivered through the Commercial Development team, and oversight of this at Senior Officer level through Commercial Board, and also SLT for significant decisions.

Senior Officers (Heads of Service and above) are accountable for all commissioning and procurement in their respective areas of responsibility. Anyone who buys on behalf of the Council, including staff, contractors, and consultants, are responsible for following these 'Standing Orders' and all relevant policies, guidance, and instructions.

These 'Standing Orders' must be considered along with the Council's Financial Regulations and Schemes of Delegation that form part of the Council's Constitution.

SECTION TWO

2. Legal Status

- 2.1 Public procurement is subject to a legal framework that aligns with internationally and nationally agreed obligations, regulations, and policies. In the United Kingdom, the primary public sector procurement legislation is the Procurement Act 2023 and the Procurement Regulations 2024.
- 2.2 Under this legislation, the Council is described as a 'Contracting Authority.' The term 'Contracting Authority' defines the entities that are covered by this legislation and forms the basis of the UK's international obligations under public procurement.
- 2.3 Under section 135 of the Local Government Act 1972, the Council is required to produce these 'Standing Orders'. These set out how the Council will award third party contracts for the provision of goods, services, or works and include a provision for securing competition for such contracts and for regulating the manner in which tenders are invited.
- 2.4 The Strategic Director Corporate & Commercial Services is responsible for keeping these 'Standing Orders' under review. Any amendments to these 'Standing Orders' must be undertaken as set out in Section 3 below.
- 2.5 The purpose of these 'Standing Orders' is to provide a clear governance framework for Officers and members to follow, to deliver an efficient, effective, and economic outcome when carrying out commissioning and procurement activities on behalf of the Council.

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- 2.6 These 'Standing Orders' set out the rules that must be followed by the Council for:
- i. Undertaking any commissioning & procurement activity, which involves the procurement of goods, services, or works and / or,
 - ii. The award of any Concession Contracts.
 - iii. Setting up any Framework Agreement.
- 2.7 Officers carrying out commissioning and procurement activities on behalf of the Council must certify, at the time of any such activities, that they have read and understood the latest version of the "Standing Orders", this self-certification will be included in the quotation/tender requisition form for all notifiable activities above £30k.
- 2.8 Failure to comply with these 'Standing Orders' is in direct contravention of the 'Council's Constitution' and is, therefore, a disciplinary offence that may be classed as gross misconduct or breach of contract.
- 2.9 These 'Standing Orders' are complemented by technical 'Supplementary Instructions' that provide clear and simple processes to follow when undertaking commissioning and procurement activities. The technical 'Supplementary Instructions' must be adhered to unless otherwise approved in writing by the Head of Commercial Development.

SECTION THREE

3. Amendments

- 3.1 These 'Standing Orders' shall be subject to the following amendment protocol:
- 3.1.1 'Standing Orders'
- Council shall be responsible for the approval of any major amendments to these 'Standing Orders.'
 - The Strategic Director Corporate & Commercial Services in consultation with the Portfolio Holder will approve minor amendments or corrections where they are satisfied that it is appropriate to do so. These amendments will be formalised through an Officer Decision Record Sheet process.
- 3.1.2 Technical 'Supplementary Instructions'
- The Strategic Director Corporate & Commercial Services will approve amendments to the technical 'Supplementary Instructions' where they are satisfied that it is appropriate to do so. These amendments will be formalised through an Officer Decision Record Sheet process.

SECTION FOUR

4. General Principles in Public Procurement

- 4.1 These 'Standing Orders' support the procurement principles, objectives, and ambitions of:
- A. Public Procurement Legislation
 - I. delivering value for money
 - II. maximising public benefit
 - III. sharing information for the purpose of allowing suppliers and others to understand the authority's procurement policies and decisions
 - IV. acting, and being seen to act, with integrity.

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- B. National Procurement Policy Statement
- I. value for money
 - II. social value
 - III. small and medium-sized enterprises
 - IV. commercial and procurement delivery; and
 - V. skills and capability for procurement

- C. The Council's procurement strategy and relevant sections of the commercial strategy.

- Achieving 'community benefits' by creating social value to enable delivery of excellence in services to our communities
- Demonstrating 'leadership' by being transparent, accountable, trustworthy, and delivering high standards of equality and inclusiveness
- Obtaining relevant 'insight and intelligence' to identify and commission the right outputs/outcomes.
- Behaving 'commercially' through reviewing service delivery models (e.g. outsourced, shared service) to be the most efficient, effective, and economical
- Delivering 'early intervention' to prevent costs escalating or arising in the first place
- Effective management of contracts through regular review and proactive management of supplier performance, maximizing value for money and mitigating risk?

Commented [BH1]: To be confirmed once the new NPPS has been updated and published which is due in Feb 2025

SECTION FIVE

5. Application

5.1 These 'Standing Orders' apply to the commissioning and procuring in all of the following areas, regardless whether it is funded from revenue or capital expenditure:

- a. Supplies Contracts
- b. Service Contracts
- c. Works Contracts
- d. Concession Contracts
- e. Framework Agreements

5.2 'Standing Orders' do not apply to:

- f. Grants – including strategic partners, annual grants and disabled facility grants etc.
- g. Employment contracts (e.g. the Council's own staff)
- h. Contracts relating to the purchase or sale of land.
- i. Appointment of legal counsel and the appointment of expert witnesses' in legal proceedings
- j. Financial services such as obtaining a loan.
- k. Vertical contract arrangements (previously referred to as Teckal), but only if specific control and activities tests are met (refer to Procurement Act 2023 Schedule 2)
- l. Horizontal contract arrangements (previously referred to as Hamburg), but only if specific control tests are met (refer to Procurement Act 2023 Schedule 2)

COMMISSIONING & PROCUREMENT STANDING ORDERS

SECTION SIX

6. Exceptions to 'Standing Orders'

- 6.1 These 'Standing Orders' will always apply unless an approval is granted to set them aside. Details of how to set these 'Standing Orders' aside are set out below.
- 6.2 Setting aside the requirement to comply with these 'Standing Orders' may only be made by Council, the Cabinet, or the appropriate Cabinet Portfolio Holder responsible for the service affected by the contract and then only subject to the following requirements:
- i. The special circumstances requiring the setting aside of these 'Standing Orders' must first be reported to the Commercial Board together with a detailed justification for the proposed action, and
 - ii. The special circumstances justifying the reason to set aside these 'Standing Orders' must be noted and recorded along with the decision in the Council or Cabinet minutes or PH decision record.
 - iii. All instances and reason for setting aside these 'Standing Orders' will be reported to the Finance & Resources Overview & Scrutiny Committee on a quarterly basis.
- 6.3 In the event that there is a requirement to set aside these 'Standing Orders,' advice should be sought from the Head of Commercial Development as to how to proceed.
- 6.4 The setting aside of these 'Standing Orders' shall not be permitted if the contract value breaches the financial thresholds as stated in the Procurement Act 2023 or as subsequently published. If a situation arises where a contract award would result in the Council breaching the financial thresholds you must immediately contact the Head of Commercial Development to discuss available options.

SECTION SEVEN


7. General Advice and Guidance

- 7.1 Following these 'Standing Orders' and technical 'Supplementary Instructions' is the best defence against allegations that any commissioning and procurement activity has been concluded incorrectly or fraudulently. Officers and members undertaking commissioning and procurement activities must comply with these 'Standing Orders' and the technical 'Supplementary Instructions,' which set out the minimum requirements.
- 7.2 The technical 'Supplementary Instructions' provide separate detailed procedures that must be complied with for the following commissioning and procurement activities and values:
- Quotations - Contract values up to £29,999
 - Quotations - Contract values up to £99,999
 - Tenders - Contract values from £100k up to WTO GPA Thresholds¹
 - Tenders - Contract values over WTO GPA Thresholds¹

¹World Trade Organisation Government Procurement Agreement currently Supplies & Services £214,904 (including Vat), Works & Concessions £5,372,609 (including Vat)

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7.3 The technical 'Supplementary Instructions' have been designed around the approach to commissioning and procurement that has been set out by the Government Commercial Function, in that it identifies 4 separate segments of the journey:

- Plan
 - Define
 - Procure
 - Manage
- 
- Commissioning
- Quotation/Tender
- Contract Delivery

7.4 Before commencing any commissioning and procurement activity, and in the interests of good governance, Officers and members should:

- 7.4.1 Check to ensure that you have the necessary authority to commence the commissioning and procurement activity.
- 7.4.2 Check with the budget holder that there is a budgetary provision or an approved supplementary estimate in place.
- 7.4.3 Check with the procurement service whether there is an existing contract in place, which should be used.
- 7.4.4 Declare any personal, direct, or indirect, financial interests in any commissioning and procurement activity, failure to do so is in direct contravention of the 'Council's Constitution' and is, therefore, a disciplinary offence that could be classed as gross misconduct and could lead to a criminal conviction.
- 7.4.5 A Contracting Authority must take all reasonable steps to identify and keep under review any conflict of interest or potential conflict of interest in relation to a procurement. This information should be documented in a conflicts assessment, which must include details of any actual or potential conflicts of interest the Contracting Authority has identified and any steps that the Contracting Authority has taken to mitigate such conflicts. A Contracting Authority must keep any conflict assessment under review, revise such assessments as necessary and when publishing any notices, confirm that a conflicts assessment has been prepared and revised.

7.5 All Council members and Officers must act in an ethical and professional manner whilst undertaking any commissioning and procurement activity

7.6 Members and Officers must seek to uphold and enhance the reputation of the Council by complying with the relevant 'code of conduct'.

- 7.6.1 Officers must comply with the Council's 'Code of Conduct for employees'. This can be found in the employment handbook under section 12 – conduct – code of conduct for employees.
- 7.6.2 Council members must comply with the Council's 'Code of Conduct for Councillors'. This can be found in the Constitution under Part 5 codes and protocols.
- 7.6.3 Maintaining a high standard of integrity in all business and commercial relationships both inside and outside the Council.
- 7.6.4 Maintaining high professional standards by promoting equal treatment, openness and transparency in all commissioning and procurement activity.

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- 7.6.5 Rejecting any business practice, which might appear improper to a reasonable observer, e.g. where offers of gifts or hospitality could give the appearance of trying to obtain influence or favour. Any offer whether accepted or not must be declared to your manager.
- 7.6.6 Taking advice from your manager, any Officer from the relevant procurement team and/or the Monitoring Officer when in doubt.
- 7.6.7 Declaring any personal and/or financial interest and/or conflict of interests using the relevant forms in the 'code of conduct' documentation.
- 7.6.8 Maintaining the confidentiality of information with respect to any quotation or tender submissions.
- 7.6.9 Ensuring any information given by Officers or members in the course of their duties should be true, accurate and fair and never designed to mislead.
- 7.6.10 Bearing in mind the advantages of maintaining a continuing relationship with suppliers, contractors and consultants, members and Officers should avoid any arrangement which might, in the long term, prevent the effective operation of fair competition.

7.7 What is a contract?

- 7.7.1 Contracts are legally binding agreements and, in English law, to be binding, contracts need not be in writing (except for contracts for the sale or lease of land). A contract is made when one person offers to undertake or supply something to another person and that offer is accepted unconditionally by the person to whom the offer was made, who in turn, supplies value (which can be money or money's worth).
- 7.7.2 Contracts may be concluded in writing, by word of mouth, over the telephone, or even by performance. For example, the purchase of a newspaper from a shop, even if unaccompanied by a single spoken word, will constitute a legally binding contract from which legal obligations follow (e.g. to deliver the paper, to pay for it).
- 7.7.3 It is not the purpose of the technical 'Supplementary Instructions' to give a definitive guide on UK contract law. The user of the technical 'Supplementary Instructions' should, however, be aware that in any commercial dealings with a supplier, contractor, or consultant, his or her actions might be deemed in law to have constituted a fully binding legal contract on behalf of the Council. In any case, of doubt, advice should be taken from the Head of Commercial Development or Head of Commercial Housing Contracts.
- 7.7.4 Officers and members should ensure in all commissioning and procurement activities that the following matters have been complied with:
 - 7.7.4.1 The general UK law and, in particular, the provisions of the Procurement Act 2023 and the Procurement Regulations 2024. Where the provisions of legislation conflict, the legislation will always take following precedence.
 - 7.7.4.2 The Procurement Regulations 2024
 - 7.7.4.3 The Council's Financial Regulations
 - 7.7.4.4 These 'Standing Orders'
- 7.7.5 Local Government Transparency Code 2015. The Council has to publish details of any contract, commissioned activity, purchase orders, frameworks, or any other legally enforceable agreement for values over £5,000.

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SECTION EIGHT

8. Determining the Type of Contract and its Value

8.1 It is important to determine between the following classifications of contract before you proceed:

8.1.1 "Supply" contracts are where goods and supplies are purchased or hired; it also includes energy, water, and fuel.

8.1.2 "Service" contracts are where the service provider is providing time, effort, and expertise. Service contracts, e.g. cleaning services, consultancy, fees, or advice.

8.1.3 "Works" contracts are contracts for the carrying out construction or building repairs works or building refurbishments.

8.2 Different thresholds apply to goods, services and works contracts. Where a contract contains a mixture of these elements (a mixed contract), a Contracting Authority will need to determine which threshold to apply and whether a mixed contract should have those elements separated into different contracts. If the contract is separated out, thresholds can be calculated separately for each separate contract (each of which will only fall within one such type).

If a mixed contract can reasonably be separated out, but a Contracting Authority chooses not to do so, the mixed contract will, where one element is above its corresponding threshold, be treated as above-threshold.

Further guidance and advice is available from the relevant procurement service with regard to the classification of supplies, services and works.

8.2 Calculating the Value of a Contract

8.3 Rules on estimating contract values are necessary as a result of there being different thresholds (and consequently different obligations on contracting authorities) for different types of contract.

8.4 A Contracting Authority must estimate the value of a contract as the maximum amount it could expect to pay under the contract:

8.4.1 The estimated aggregate value of a series of contracts or a renewable contract is entered into for supplies, services and/or works of a similar type, this must take into account both the annual value as well as the number of years it will operate for:

By way of example, a three-year contract to supply financial advice at **£50,000** per year will have an aggregated value of **£150,000**.
Whereas a three-year contract with the option to extend for a further two-years to supply financial advice at **£50,000** per year, will have an aggregated value of **£250,000**.

8.5 There shall be no artificial splitting of a contract to avoid the application of the provisions of the Procurement Regulations and/or these 'Standing Orders' or the technical 'Supplementary Instructions.'

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SECTION NINE

9. Procurement Forward Plan

9.1 Forward Plan

The Procurement Forward Plan is a document that details all potential commissioning and procurement activity over a 5-year rolling period, in essence it is a pipeline of all procurement activities that may arise over a time period.

9.2 The purpose of the plan is to:

- 9.2.1 Allow the Council to sufficiently plan and carry out all commissioning processes prior to carrying out any tendering activity.
- 9.2.2 Allow the Council to ensure there is sufficient skills and resources available when carrying out tendering exercises.
- 9.2.3 To raise awareness of Council opportunities for the market to have ample time to prepare.
- 9.2.4 Enable the Council to optimise value for money through its commissioning and procurement activity.

9.3 To identify upcoming commissioning and procurement activities for inclusion on the Procurement Forward Plan, the Commercial Development team will analyse the Council's 'corporate contract register' and 'capital programme.' It is critical that the 'corporate contracts register' is kept up to date and Officers must ensure that they inform the Commercial Development team every time a contract is awarded above £5k.

9.4 Timescales

- 9.4.1 The Procurement Forward Plan utilises pre-determined timescales (based on the value and complexity of the project) to build a programme of work that allows for sufficient time to plan and undertake the commissioning stage, the tendering stage, and the contract award approval process in time for a new contract to be mobilised in time for the contract commencement date.

9.5 Procurement Pipeline

- 9.5.1 Contracting authorities to provide the market with information about current and future public contract opportunities by publishing a forward-looking procurement pipeline. The Procurement Act 2023 requires in certain instances the publication of pipeline notices.

- Where a Contracting Authority expects to spend more than £100M per year on its entire third party expenditure, then they must publish a procurement pipeline notice.
- This pipeline notice must include specific details of all contracts that have a total value of £2M or above.

- 9.5.2 The pipeline notice must be published within 56 days of the first day of the relevant financial year. Although not all contracting authorities will be required to publish pipeline notices they may choose to publish them voluntarily in support of transparency and good procurement planning.

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9.5.3 This is of particular benefit to small and medium-sized enterprises (SMEs) and voluntary, community and social enterprises (VCSEs) as it provides them with time to plan for future work, ensuring a competitive and diverse market.

9.5.4 It has been agreed that the Council may choose to publish a procurement pipeline notice each year, even though they do not have to comply with this part of the Procurement Act 2023 requirement. The Council believes that this may represent good procurement planning and that early identification of these opportunities will be beneficial for local SMEs and VCSEs. The value of the contracts to be included in the procurement pipeline are set out in the technical 'Supplementary Instructions.'

SECTION TEN

10. Quotation Table – Contract Values up to and including £99,999

10.1 For contract values and purchases up to and including £99,999, quotations should be obtained in accordance with the table below:

Value	Requirements	Approval Process
Up to and including £29,999	<ul style="list-style-type: none"> Please refer to technical 'Supplementary Instructions' for quotations up to £29,999 	<ul style="list-style-type: none"> Team Leader/Manager or above, is under a duty to seek value for money and take up quotations as appropriate for the supplies, services or works to be delivered. Team Leader/Manager or above must approve the award of contract by raising a requisition on the Unit 4 finance system. Team Leader/Manager must send through details of any contract award above £5k to the Commercial Development team for entry on the corporate contracts register.

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<p>From £30,000 up to and including £99,999</p>	<ul style="list-style-type: none"> ▪ Please refer to technical 'Supplementary Instructions' for quotations up to £99,999 	<ul style="list-style-type: none"> ▪ Head of Service or above, is under a duty to seek value for money and take up quotations as appropriate for the supplies, services or works to be delivered. ▪ Head of Service or above to approve award of contract by signing contract award certificate through the Commercial Development team. ▪ A requisition/purchase order must be raised through the Unit 4 finance system for the services, supplies or works. ▪ Head of Service must send through details of any contract award above £5k to the Commercial Development team for entry on the corporate contracts register.
<p>Framework Agreement contracts Up to £99,999</p>	<ul style="list-style-type: none"> ▪ As a rule, framework contracts normally require an additional tendering process - even for lower values. You must contact the Commercial Development team for advice before calling off a contract from Framework Agreement 	<ul style="list-style-type: none"> ▪ Approval process to be the same as set out for values above (quotations)

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10.2 Exceptions to Quotations

10.2.1 Prior authorisation from a member of the Commercial Development team is required to award a contract (up to and including £99,999) without undertaking any quotation process and only when one of the following situations apply:

10.2.1.1 A Framework Agreement that has already been awarded by other public sector bodies can be used by the Council provided that:

- the contract has been awarded to a single supplier, or;
- where there are multiple suppliers, a direct award is permitted by terms and conditions of contract; and the rules for a direct award have been complied with; and
- Use of the Framework Agreement has been approved by an Officer from the Commercial Development team.

10.2.2 Urgent supplies, services or works as necessary for the protection of life or property or to maintain the functioning of a public service for which the Council is responsible (or if there are a number of public service implications that also include any responsibility of Hertfordshire County Council).

10.2.3 Supplies, services, or works for the repair or enhancement of existing proprietary machinery, plant, equipment, software, and maintenance of any of these where there is no other reasonable alternative supplier.

10.2.4 The Head of Commercial Development or Head of Commercial Housing Contracts can approve an exception to obtaining quotations providing that a genuine justification be given.

10.2.5 In all of the above instances, the approval process set out in the table in Section 10 must be followed.

10.2.6 Delegated authority exists under the Constitution from Cabinet to the Chief Executive to approve funding for interim resource to deliver corporate priorities subject to a budget being approved in accordance with the Council's Financial Regulations and to report all expenditure and funding on a six-monthly basis to the relevant Cabinet Portfolio holder on the use made of this power.

COMMISSIONING & PROCUREMENT 'Standing Orders'

SECTION ELEVEN

11.1 Tendering Table for Contract Values of £100,000 and above

Value	Requirements	Process
Supplies, Services or Works From £100,000 up to WTO GPA Threshold	<ul style="list-style-type: none"> Please refer to technical 'Supplementary Instructions' for tenders from £100,000 to the appropriate WTO GPA Threshold 	<ul style="list-style-type: none"> Assistant Director to approve award of contracts up to and including £250,000 by drafting an Officer Decision Record Sheet to approve award of contract. Strategic Director to approve contract award up to £500,000 by drafting Officer Decision Record Sheet. All contract values above £500,000 will require a PH Decision (unless delegated authority has been given by Cabinet or via a PH Decision). Requisition/purchase order must be raised through the Unit 4 finance system. Procurer must send through details of any contract award above £5k to the Commercial Development team for entry on the corporate contracts register.
WTO GPA Threshold and above	<ul style="list-style-type: none"> Please refer to technical 'Supplementary Instructions' for tenders from the appropriate WTO GPA Threshold and above 	<ul style="list-style-type: none"> Assistant Director to approve award of contracts up to and including £250,000 by drafting an Officer Decision Record Sheet to approve award of contract. Strategic Director to approve award of contract up to £500,000 by signing a contract award certificate. All contract values above £500,000 will require a PH Decision (unless delegated authority has been given by Cabinet or via a PH Decision). A purchase order must be raised through the Unit 4 finance system for the services, supplies or works. Procurer must send through details of any contract award above £5k to the Commercial Development team for entry on the corporate contracts register.
Framework Agreement contracts £100,000 & above WTO GPA Threshold	<ul style="list-style-type: none"> Please refer to technical 'Supplementary Instructions' for tenders from £100,000 to above WTO GPA Threshold 	<ul style="list-style-type: none"> Approval process to be same as set out for values above (tenders)
Collaborative Procurements	<ul style="list-style-type: none"> Approval to collaborate on procurements to be approved by any Officer of the Commercial Development team. Tenders must be advertised in accordance with the rules of the lead authority. Details of contracts must be entered on to the contract register of the lead authority. 	<ul style="list-style-type: none"> Approval process for each authority to be as per the rules for that authority.

COMMISSIONING & PROCUREMENT 'Standing Orders'

11.2 TENDERING EXCEPTIONS

11.2.1 These tendering exceptions do not apply to contract values of WTO GPA threshold and above unless it is specifically stated. A contract award certificate, or Officer Decision Record Sheet or Portfolio Holder Record (depending on contract value) will need to be produced for any contract awarded using a tendering exception.

11.2.1.1 If the value of the contract is above the threshold for presenting to Commercial Board, then a request to use these exceptions must be presented to Commercial Board.

11.2.1.2 If the value of the contract is below the threshold for presenting to Commercial Board then a request to use these exceptions must be made to a member of the Commercial Development team.

11.2.2 Framework agreements that have already been awarded by other public sector bodies can be used by the Council provided such use is permitted by that Contract's terms and conditions and subject to the approval of any Officer from the Commercial Development team. Provided that the tendering of the framework has complied with the Procurement Regulations 2024, then this exception can be used for values over the WTO GPA threshold.

11.3 Tenders may also be dispensed with where the proposed contract genuinely falls within one of the following exceptions:

11.3.1 All contracts up to the value of £99,999 in respect of supplies, services, or works should be awarded following receipt of a quotation(s). Quotations must comply with relevant sections of these 'Standing Orders' and the technical 'Supplementary Instructions.' In any event, the placing of a purchase order must be carried out in accordance with the Council's Financial Regulations.

11.3.2 Urgent supplies, services or works as necessary for the protection of life or property or to maintain the functioning of a public service for which the Council is responsible (or if there are a number of public service implications that also include any responsibility of Hertfordshire County Council). A record of the supplies, services or works together with the nature of the urgency must be passed to Commercial Board if above the threshold for presenting to them, or if below this threshold, then the Commercial Development team within five working days of the decision being taken.

11.3.3 Where supplies, services or works are available from Hertfordshire County Council or other public sector authorities under collaborative procurement arrangements. Provided that the tendering of the arrangement has complied with the Procurement Regulations 2024 then this exception can be used for values over the WTO GPA threshold

11.3.4 Supplies, services, or works for:

- Repair or enhancement of existing proprietary machinery, plant, or equipment;
- Software maintenance;
- Supplies, services, or works from government departments, government owned companies, public sector organisations and non-departmental public bodies (or similar organisations -this is not an exhaustive list);
- Where there is no other reasonable alternative supplier.

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- 11.4 Cabinet Portfolio Holder approval (or Officer approval if there is a delegated authority in place) has been obtained to extend an existing contract (subject to the existing Contract being capable and compliant of such an extension). If the original contract was tendered in accordance with Procurement Regulations 2024, then this exception can be used for values over the WTO GPA threshold.
- 11.5 Delegated authority exists under the Constitution from Cabinet to the Chief Executive to approve funding for interim resource to deliver corporate priorities subject to a budget being approved in accordance with the Council's Financial Regulations and to report all expenditure and funding on a six-monthly basis to the relevant Cabinet Portfolio holder on the use made of this power.

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SECTION TWELVE

12.1 Who has the Authority to Award a Contract

12.1.1 The formal Contracting Decision to award a contract will be based upon the following circumstances:

Decision Maker	Authority	Process
An Officer Up to £500,000	<ul style="list-style-type: none"> A written delegated authority exists under the Council's Constitution to all Team Leaders/Managers for contracts up to and including £29,999, Heads of Service for contracts up to and including £99,999, all Assistant Directors for contracts up to and including £250,000 and all Strategic Directors for contracts up to and including £500,000. Other delegated authority for specific supplies, services or works for other values may be listed within the Council's Financial Regulations under the 'Scheme of Delegation' - schedules 2 & 3 or by delegated authority granted by Cabinet or Portfolio Holder. 	<ul style="list-style-type: none"> Authority already exists in the Constitution for awarding contracts up to and including £29,999, a requisition/purchase order must be raised on Unit 4. Team Leader/Manager must send through details of any contract award above £5k to the Commercial Development team for entry on the corporate contracts register. Where delegated authority exists, the Officer must inform the Commercial Development team of the contract award and the Commercial Development team will prepare a written contract award certificate (between £30,000 and up to £99,999) Assistant Director to approve award of contracts up to and including £250,000 and Strategic Director for contracts valued between £250k - £500k. In both of these instances, the Officer will need to draft an Officer Decision Record Sheet with the Procurement Report and send to the Section 151 Officer and the Monitoring Officer for comments. Once statutory comments have been received, and the Officer Decision Record Sheet has been published on Modern Gov, the Officer must inform the commercial development service for entry on the corporate contracts register.
Delegated decisions to specific Officers	<ul style="list-style-type: none"> Where Cabinet has delegated a specific decision to a particular Officer for determination 	<ul style="list-style-type: none"> Where a particular Officer e.g. an Assistant Director has a decision delegated to them in the Council's Constitution, that Officer can submit an Officer Decision Record Sheet for values above £500,000.
Portfolio Holder Above £500,000	<ul style="list-style-type: none"> The Council's scheme of delegation enables Portfolio Holders to award contracts above £500,000 in value in relation to their Portfolio. Where Cabinet has delegated a specific decision to a Portfolio Holder for determination 	<ul style="list-style-type: none"> A Portfolio Holder decision will be required in accordance with the Council's Constitution. The client department must prepare a Portfolio Holder Decision Record Sheet which must be submitted to together with the procurement report to 'Statutory Officers' for the Section 151 Officer and the Monitoring Officer comments; The Commercial Development team will prepare a procurement report detailing the procurement & tender process, the reason to award the contract and any relevant implications. The PH Decision process includes an internal approval process before the public consultation – 28 days. Allow a minimum of 6 weeks' extra time in your tender timescales for this process.

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Decision Maker	Authority	Process
Cabinet	<ul style="list-style-type: none"> The Council’s Constitution deems that the decision is a “key decision” and, therefore, it should be taken by the Cabinet. 	<ul style="list-style-type: none"> A resolution of Cabinet <p>NB – It is anticipated that high risk or high impact contracts will be considered by Cabinet where there is a crosscutting benefit and/or implication of the award of the contract that could affect more than one portfolio.</p>
Council	<ul style="list-style-type: none"> The Council’s Constitution reserves the power to Council. 	<ul style="list-style-type: none"> A resolution of Council <p>NB – Council is only likely to be required to approve to award contracts where there are far- reaching benefits and/or implications to making a decision (e.g. redevelopment agreements etc.)</p>

12.2 In accordance with the Council’s Constitution, where there is any doubt as to who the appropriate decision maker is, then advice should be sought from an Officer from the Commercial Development team.

12.3 For more information concerning the Council’s decision making process, you are strongly advised to click on the following link
<https://dacorumgovuk.sharepoint.com/sites/dennis/Shared%20Documents/Forms/AllItems.aspx?csf=1&web=1&e=4rnOhS&cid=22829485%2Dd91b%2D453c%2D8e25%2Da734dc326da3&FolderCTID=0x01200049F63486B5248545A4AA4E2D489A377D&id=%2Fsites%2Fdennis%2FShared%20Documents%2FCouncil%20and%20Democracy%2FDecision%20Making%2FOfficer%20Guide%20to%20Decision%20Making%20at%20Dacorum%20%28Final%20Jul24%29%2Epdf&parent=%2Fsites%2Fdennis%2FShared%20Documents%2FCouncil%20and%20Democracy%2FDecision%20Making>

SECTION THIRTEEN

13.1 Officers should read and familiarise themselves with the technical ‘Supplementary Instructions’ before commencing with any commissioning or procurement activity. These can be found on the Commissioning & Procurement Hub on SharePoint.