



GOVERNANCE COMMITTEE

REPORT

14 March 2012

Subject Heading:	AMENDMENTS TO THE CONSTITUTION – Contract Procedure Rules
CMT lead:	Ian Burns Acting Assistant Chief Executive, Legal & Democratic Services – 2442
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Policy context:	Constitutional amendments
Financial summary:	There are no relevant financial implications

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

1. While the Monitoring Officer has the power to make amendments to the Constitution in certain limited circumstances other amendments are dealt with under Part 1 Article 4.02 paragraph (a) of the Constitution, which provides that only the Council will exercise the function of adopting and changing the Constitution.
2. Part 3 Section 1 paragraph 1.2 of the Constitution provides that this Committee will
 - a. monitor and review the operation of the Constitution to ensure that the views and principles of the Constitution are given full effect

- b. make recommendations to the Council about amending the Constitution
3. Recent applications of the Constitution have identified a number of areas where small amendments or additions to various delegated powers would assist the delivery of the Council's work. These are beyond the authority of the Monitoring Officer to approve.

RECOMMENDATIONS

That the Committee **RECOMMEND** to Council that the revised Contract Procedure Rules (CPR's) be adopted.

REPORT DETAIL

- 1 The Contract Procedure Rules (in Part 4 of the Council's Constitution) were revised and updated in 2008, as part of the review of the Constitution then undertaken.
- 2 A further review has recently been completed and the Committee is now invited to approve the revised version, as set out in the appendix. Items highlighted in red are the main changes to the Rules.
- 3 With the introduction of new technology the Council will be using the Oracle i-procurement module, an electronic form of ordering goods and services, this will become the default method of procurement across the Council, and therefore the rules have been changed to reflect this.
- 4 The Council has now developed Internal Shared Services, where the Operational Procurement team will be dealing with all procurements with an estimated value over £100k. The reason for this is that there are only 29 contracts on the contracts register which have a value of between £60k (previous value in the CPR's) and £100k and over 140 contracts over £100k. Therefore there needed to be a change to procedure and this is reflected in the Contract Procedure Rules.
- 5 The main changes to the Contract Procedure Rules have been highlighted in red italics in the appendix which covers areas of changes in values relating to contracts, how the rules will be enforced through i-procurement and the approach to Small and Medium Sized businesses and local businesses.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no specific financial implications or risks. The changes to the rules are needed to reflect both the new corporate methods of procurement and the increase in value where the formal contracting process will now operate.

Legal implications and risks:

There are no relevant legal implications or risks.

Human Resources Implications and risks:

There are no relevant HR implications or risks.

Equalities implications and risks:

There are no relevant equality implications or risks.

BACKGROUND PAPERS

Appendix 1 Contract Procedure Rules