



Stapeley & District Parish Council

PROCUREMENT POLICY

Stapeley & District Parish Council, hereinafter referred to as 'the Council' has produced this policy to comply with its Financial Regulations, relevant legislation and guidance, and in accordance with the prevailing Scheme of Delegation.

1 GENERAL

1.1 The overall policy of the Council is to secure best value for money, taking into account *inter alia* the cost of the goods or services, the contractor's knowledge of the subject-matter and its experience and capability.

This will be evidenced by a list of qualifications and credentials to demonstrate a contractor's knowledge of the subject-matter and its experience and capability.

Every contract entered into by the Council shall comply with this Procurement Policy.

1.2 A contract is an agreement between the Council and an individual or organisation to provide works, goods or services for which the Council will provide consideration.

The following contracts are exempt from the requirements –

- Contracts relating solely to disposal or acquisition of land.
- Employment contracts.
- Individual agency contracts for the provision of temporary staff.

1.3 The Council must ensure that the best value for money is obtained. Before commencing a procurement process, it is essential that the Council identifies the need and fully assesses the options for meeting those needs.

1.4 Key Principles

- The Council will strive to use suppliers from within the local area, which shall be defined as within the Cheshire East borough area or authority areas immediately adjoining.
- In evaluating 'best value' the past record of the supplier will be taken into account.
- For goods, materials or services over £25,000, an evaluation model will be prepared to assess both price and quality, against which best value can be judged.
- For other than small-value purchases, the environmental and social credentials of the supplier will be taken into account.
- The Council will purchase Fair Trade goods where possible.
- The Council will purchase re-cycled goods or less environmentally-damaging materials where they meet the required functional standard.

2 CONTRACTS

In accordance with the Council's Financial Regulations, procedures as to contracts are as follows:

a. Every contract shall comply with the Council's Financial Regulations, and no exceptions shall be made, otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below.

- i. for the supply of gas, electricity, water, sewerage and telephone services;
- ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;

- iii. 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;
- iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
- v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk/RFO shall act after consultation with the Chairman or Vice Chairman of Council); and
- vi. for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.

b. 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. See footnote: Following Brexit, the regulations have changed and the Clerk will seek clarification from the Cheshire Association of Local Councils.

c. 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 and if accepted, the reason(s) to be recorded in the minutes of that meeting.

d. When it is intended to enter into a contract of less than £25,000 but more than £1,000 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 (a) above, the Clerk/RFO shall obtain three quotations (priced descriptions of the proposed supply);

e. The Council shall not be obliged to accept the lowest, or any tender, quote or estimate, but where the lowest tender/quotation is not accepted, the reasons for non-acceptance shall be embodied within the minutes of the meeting.

f. Where the value is above £500 and below £1,000 the Clerk/RFO shall strive to obtain three estimates.

g. When it is intended to enter into a contract of £1,000 or under, and the matter is of such urgency that it should be dealt with before the next meeting of the Parish Council, the Clerk/RFO shall be authorised to make the contract, in consultation with the Chairman (or Vice-Chairman), provided that the expenditure relates to an item for which there is an appropriate budget-heading. All such expenditure shall be reported to the next meeting of the Parish Council.

h. The Financial Regulations do not make specific reference to procurement of items below £500 other than to state in Regulation 10.3 that *de minimus* provisions apply, i.e. which means that the amount is of insufficient importance and can be exempted from a rule or requirement.

3 TENDERS

(a) Where it is intended to enter into a contract exceeding £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 (a) – i-vi above, the Clerk shall invite tenders from at least three firms, to be taken from the appropriate approved list. (In the event of the Council not holding an approved list, and it is intended to enter into such a project, advice will be sought during the budget-setting process as to how this shall be undertaken.)

(b) 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.

(c) 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.

(d) If fewer than three tenders are received for contracts above £25,000, or if all tenders are identical, the Council may make such arrangements as it considers appropriate for procuring the goods or materials or executing the works.

(e) Any invitation to tender issued under this regulation shall be subject to the Council's Standing Orders.

(f) Should it occur that the Council or duly delegated Committee, does not accept any tender, quote or estimate, and the work is therefore not allocated, and the Council requires further pricing, then, provided that the specification does not change, no person or company shall be permitted to submit a later tender, estimate or quote, who had previously submitted a tender or quote when the original decision-making process was undertaken.
