

Financial Code for Tendering

(a) 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[1].

(b) Contracts may not be disaggregated to avoid controls imposed by these regulations.

(c) 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] or similar successor domestic legislation.

(d) 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.

(e) Where the supply of such goods, supply of services or the execution of works is to be on a continuing or regular basis, price quotations need not be obtained on every occasion but should be renewed and reviewed at least every 4 years or such longer periods as may be specified by the Council after taking into account the improved terms which may be obtained by entering into a longer contract or agreement.

(f) Council may, by consideration of tenders or by other means of selection appoint a broker agent to obtain goods and services at the most favourable terms on its behalf.

(g) Where tenders are to be obtained in accordance with sub-clauses (d) above the following procedures shall apply;

(i) Invitation to tender shall be addressed to a minimum of four suppliers or contractors.

(ii) Each invitation to tender shall contain a detailed specification of the goods or services to be supplied or the works to be executed (the necessary technical assistance to prepare a specification in appropriate cases shall be obtained). The invitation to tender shall in addition state that tenders must be returned addressed to the Town Clerk with the details of the return address and the last date and time by which such tenders should reach the Town Clerk in the ordinary course of post.

(iii) Standing Order 17.4 (ii) shall apply to all tenders; a note to this effect shall be included in each invitation to tender and shall refer to the terms of the Bribery Act 2010.

(iv) Each invitation to tender shall contain a request that the Clerk, the RFO, Estates Manager or appointed agent be advised immediately if the invitee is unable or unwilling to tender. If such

advice is received from more than one of those invited to tender then further invitation(s) to additional supplier(s) or contractor(s) shall be sent with the aim of obtaining a minimum of two tenders

*(v) Each tendering firm shall be required to supply by post or by hand, all tender documentation in a specially marked envelope bearing the words **`(name of the project) TENDER – DO NOT OPEN UNTIL (prescribed date for opening)`**, but no other means of identifying the tender, in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract. All tenders when received shall be endorsed with date and time of receipt and filed unopened in line with current procedures in readiness for opening on the prescribed date. No fax or e-mails will be accepted.*

(v) Returned tenders shall be opened together after the return date by the Clerk, the RFO in the presence of the Chair or Vice- Chair of Council or a member of the committee which will consider the tenders. Opening of tenders shall normally be in advance of the meeting at which they will be considered in order that clarification of any points of detail, which may be necessary, may be obtained from tenderers.

(v) Details of tenders and tender amounts shall be recorded in the minutes or report of the meeting at which they were considered. The tenderers shall be listed alphabetically and tender amounts in ascending value so that with the exception of the successful tenderer the amounts tendered by each tenderer cannot be identified by the public.

(v) Errors or Discrepancies in Tenders – Where examination of tenders reveals errors or discrepancies which would affect the tender figure in an otherwise successful tender, the tenderer is to be given details of such errors and discrepancies and afforded an opportunity of confirming or withdrawing his/her offer. If the tenderer withdraws, the next tenderer in competitive order is to be examined and dealt with in the same way. Any exception to this procedure may be authorised only by the Sub-Committee or Committee concerned after consideration of a report.

(h) If no tenders are received by the return date or if tenders received identical, Council may make such arrangements for placing the contract as it thinks fit.

(i) Late Tendering – Any tenders received after the specified date shall be returned promptly to the tenderer with a suitable covering letter. The tender may be opened to ascertain the name and address of the tenderer but no details of the tender shall be disclosed.

(j) Performance Bonds and financial checks – Where a contract is estimated to exceed £100,000 in value or amount and is for the execution of works (or the supply of goods or materials by a particular date or series of dates) the Council shall consider whether they require security for its due performance and shall either certify that no such security is necessary or, in consultation with appropriate Officers, shall specify in the conditions of tender the nature and amount of security to be given. In the latter event, the Council shall require and take a bond or other sufficient security for the

due performance of the contract. A financial check must be made against the selected contractor prior to the contract being awarded.

(k) Council need not accept the lowest tender and may take into account references, reputation of the tenderer, quality of past service and differences in tender detail with the aim of achieving the best value for money in placing the contract. If, however the lowest tender is not accepted reasons shall be specified in the minutes or report of the meeting at which tenders were considered.

(l) 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.

(m) No exception from the provision of these Standing Orders (other than those expressly provided for) shall be made without resolution of the Council or the Finance and Governance Committee. Every exception made by the Council or the Finance and Governance Committee shall be recorded in the minutes of the Council or committee specifying the special circumstances by which the exception was justified.