

PART 5e
CONTRACT STANDING ORDERS

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CONTRACT STANDING ORDERS

1. Introduction

- 1.1 The aim of these Contract Standing Orders is to define the procedures for obtaining written quotations and competitive tenders from suppliers for the provision of Supplies, Services and Works.
- 1.2 The Authority's Constitution incorporates Financial Regulations, Scheme of Delegations and Contract Standing Order Rules that provide a framework for managing the Authority's financial affairs. They apply to every Member and Officer of the Authority and anyone acting on its behalf.
- 1.3 These Contract Standing Orders should be read in conjunction with both the Financial Regulations and the Scheme of Delegation which are also found in the Constitution.
- 1.4 These Rules do not apply to:
 - (a) contracts of employment which make an individual a direct employee of the Authority. (These Rules do apply to contracts for recruitment agency services and the employment of consultants or agency staff);
 - (b) agreements regarding the acquisition, disposal or transfer of land for which provision is made within the Local Government Act 1972 and in relation to which Financial Regulations apply;
 - (c) the engagement of Counsel and Public Sector Legal Panels (but which must be commissioned via Legal Services)
 - (d) Barnsley MBC Support Services;
- 1.5 The general principles of the Regulations including non-discrimination, equal treatment, proportionality and transparency shall be applied to all procurements, above and below Regulation thresholds.

2. Procurement Plan

- 2.1 The Authority shall maintain a Procurement Plan setting out its current contracts and contracts to be procured for the forthcoming financial year which are anticipated to be valued greater than £30,000.

3. Local Government Transparency Code

- 3.1 As part of the governments' commitment to greater transparency, the Authority is required to regularly publish procurement information. This means the Authority will publish on its website details of monthly purchases over £500 and also details of all contracts over £5,000.

4. Delegated Authority

- 4.1 Any procurement carried out on behalf of the Authority may only be undertaken by officers with the appropriate delegated financial authority to carry out such tasks as set out in the Authority's Scheme of Delegation. If permitted to do so and only after consultation with the Procurement Team, officers with delegated authority may only delegate to other officers who have the appropriate skills, knowledge and requisite training appropriate to the task. Further subsequent sub-delegation is not permitted. Officers must make enquiry of and be instructed by their senior managing officer and / or Procurement Team of the extent of any delegated authority and any applicable financial thresholds for each procurement.
- 4.2 Within approved budgets and in accordance with the SYFR Annual Procurement Plan where applicable, Authorised Officers may instruct members of their staff to place orders against agreed contracts. Any contract awards which fall above the Regulations threshold or which involve any potential TUPE transfer of employees from or to the Fire Service shall be referred for a decision from the Authority.

5. Pre-Procurement Consultation

- 5.1 Before commencing the procurement it is essential that the Authorised Officer leading the procurement has identified the need and fully assessed any options for meeting those needs.
- 5.2 Before undertaking the procurement the Authorised Officer shall:
- (a) determine the total value of the contract including any options to extend
 - (b) consider the Authority's Procurement Strategy as appropriate.
 - (c) consider all other means of satisfying the need (including recycling and re-use where appropriate) and establish a business case and approved budget for the procurement;
 - (d) consider whether a Community Impact Assessment should be completed dependent upon the nature of the supplies, services or works being procured.
 - (e) take all necessary financial (including insurance) and other professional advice (for example procurement, health and safety and risk management). Officers should have regard to current Authority policies, procedures and standard documentation.
 - (f) Seek legal advice for all procurements over £100,000 (or lesser values as necessary to mitigate any apparent risks or liabilities).
 - (g) review the Procurement Plan and Contracts Register to determine whether there are opportunities to aggregate spend for better value or whether any contract or appropriate Framework Agreement exists that should be used;
 - (h) utilise the electronic tendering system for all procurement over £30,000 in-line with Contracts Finders threshold unless this system cannot deliver the required procurement objectives.

- (i) ensure a Purchase Order is generated before any supplies or services are procured.

5.3 Pre-market Engagement

5.4 The Authorised Office and Procurement Officer shall where possible engage in pre-market consultation to ensure they are aware of market conditions, alternative suppliers and prepare tender documents that are open and transparent.

5.5 THE PCR's 2015 explicitly allow such:

5.6 Preliminary market consultations: **40.** — (1) Before commencing a procurement procedure, contracting authorities may conduct market consultations with a view to preparing the procurement and informing economic operators of their procurement plans and requirements.

6. Estimating the Contract Value and Variations

6.1 The calculation of the estimated value of a procurement shall be based on the total amount payable, net of VAT, including any form of option and any renewals of the contract as explicitly set out in the procurement documents. The Authority should make the best use of its purchasing power by aggregating purchases wherever possible. A contract shall not be artificially divided into two or more separate contracts with the intention of avoiding the Regulations or Contract Standing Orders to invite quotations or tenders. Contracts shall be packaged to best ensure service delivery, competition and value for money.

6.2 In cases involving supplies or services where a contract fixed term is not defined, the estimated contract value shall be calculated by multiplying the estimated monthly value by 48, using historical spend information where available.

6.3 All variations to the original contract value should only be agreed following consultation with the budget holder and the Procurement Team.

6.4 Variations to contract terms and conditions should only be agreed following consultation with the Procurement Team and obtaining legal advice.

6.5 All variations must be agreed in writing in accordance with any provision of the terms of the original contract and recorded on the financial management system (Integra) at the time of approval.

7. Framework Agreements

7.1 Framework Agreements are used where an Authority wishes to contract for the supply of supplies, services or works without conducting a new procurement exercise.

7.2 Where the Authority is able to call off from existing Framework Agreements procured by Central Government agencies, purchasing consortia or other local authorities or public bodies, then the Authority may benefit from using those agreements without undertaking a separate procurement exercise.

7.3 There are two routes to utilising a Framework:

- I. Direct Award; Where a sole supply or ranked supplier framework exists it is possible to award to the supplier based solely upon the award criteria used to award the framework. In a sole supply situation then there is no need to justify their use, and only when not using the highest ranked supplier justification is then needed. Under no circumstances can new information be asked of a supplier to support a decision as this would be viewed as opening a mini-competition without asking all suppliers.
- II. Mini-Competition; Where a Framework Agreement contain a number of different suppliers able to provide a particular category of supplies, services or works, a mini competition exercise between those Contractors who are parties to the Framework Agreement will have to be carried out when no direct award option exists.. Procurement Team advice should be sought as appropriate.

7.4 Dynamic Procurement Systems.

7.5 A Dynamic Procurement System (DPS) is a new version of a framework and varies in its establishment and ongoing management of the supplier base. The DPS allows new suppliers to enter the framework at any time in its duration, declined suppliers to re-bid, suppliers to be removed and self-cleanse before readmission and the term of the DPS is not limited to 4 years and can last up to 10 years. A DPS by default is a 2 stage process and no pricing is requested upon establishment only at the mini-competition stage. The DPS process allows SYFR to inform current and potential suppliers that we are using the DPS and that they should apply via the framework provider to join it.

7.6 Electronic Auctions.

Some framework allow for the use of Electronic Auctions to drive prices down, these are largely used for larger quantities with known specifications and often as a collaborative. As in all auctions the winning bid must be accepted therefore it is paramount that the specification is robust and all suppliers must pre-qualify before bidding commences. Normally used from a framework please contact the framework provider for support.

7.7 In consultation with the relevant procurement officer, the Authorised Officer must ascertain whether there are approved and relevant Framework Agreement in place that should be used.

7.8 Call-Off Contracts for supplies and services procured under a Framework Agreement do not require a legal seal.

7.9 A signed Access Agreement must accompany any request to utilise a framework between the Framework provider and the Authority if specified within the Framework conditions.

7.10 A legal agreement (e.g. Call Off Contract, Letter of Appointment) must also be signed between the Authority and the Framework supplier, upon awarding the procurement. The document to be entered into is usually included within the original Framework Agreement.

- 7.11 All Purchase Orders raised in relation to the Framework Call-Off Contract must clearly identify which Framework Agreement has been utilised.
- 7.12 Contracts Finder: All award of contracts called-off a framework in excess of £30k must be notified to Contracts Finder and not through an issue of a Contracts Award Notice through Find a Tender Service. Please contact Procurement for advice and support on this matter.

8. Estimated Value less than £1,000

- 8.1 Competitive quotations are not required for contracts or orders with an estimated value of below £1,000, however regard should still be paid for obtaining value for money when seeking any procurement under the threshold. A written quotation should be obtained from the supplier and retained in accordance with the Authority's Retention of Documents Policy.
- 8.2 Where possible, this process shall prioritise the placing of orders with local businesses (i.e. within SYFR boundaries).
- 8.3 The purchase order form shall specify the supplies, services or works to be provided and set out the price and terms of payments.

9. Estimated Value less than £30,000

- 9.1 For procurements with an estimated value over £1,000 and up to £30,000 at least 3 written Requests for Quotes (RFQs) shall be invited before a formal purchase order is issued specifying the supplies, services or works to be provided. In each case the information provided to each party shall be the same to ensure equality of opportunity.
- 9.2 RFQs with an estimated value over £5,000 should be issued by the Procurement Team and utilise the electronic procurement system when the value exceeds £30,000. Where appropriate at least 2 of the companies invited to quote should be local businesses (i.e. within SYFR boundaries).
- 9.3 The outcome of the contract award procedure shall be recorded in the Contracts Register where the agreed price is greater than £5,000.

10. Estimated Value over £30,000 and less than Regulation Thresholds

- 10.1 For procurements with an estimated value over £30,000, an Invitation to Tender process shall be conducted by the Procurement Team in accordance with these Contract Standing Orders. Where appropriate at least 2 of the companies invited to tender should be local businesses (i.e. within the SYFR boundaries). The outcome of the contract award procedure shall be recorded in the Contracts Register.
- 10.2 Prior to the commencement of the tender process the Authorised Officer shall after consultation with the Procurement Team have obtained budget approval (based upon the estimated contract value) and either completed a Business Case with appropriate sign off by the project sponsor or the Authority or for all other capital schemes that form part of the approved capital programme, ensure there is a

completed and approved Capital Project Form (FS36).

10.3 Any procurement that may involve a transfer of staff (TUPE) shall be treated in accordance with CSO 4.2.

10.4 Where possible the use of “Lots” shall be used to subdivide the requirement in order to allow SME’s and local supply chain to bid.

11. Contracts above Regulation Thresholds

Where a contract is estimated to be equal to or exceeds the relevant threshold the Regulations shall apply.

11.1 The Regulation thresholds at 1st January 2022 are:

- Supplies and Services - £ 213,477 Inc. VAT
- Works - £ 5,336.997 Inc. VAT

11.2 The thresholds change every 2 years and are scheduled to change again on 1 January 2024. Further help and guidance can be obtained by contacting the Procurement Team.

11.3 From 1st January 2022 the thresholds values include VAT based upon the rates prevailing at the time of publishing.

11.4 Where an estimated value of a contract exceeds the current Regulations threshold then the contract shall be tendered in accordance with the Regulations and appropriate procedure. A contract notice in the prescribed form shall be published in the Find a Tender Service portal in order to invite tenders or expressions of interest. Prior to the publication of a Find a Tender notice it must be checked by the Procurement Manager. Refer to Section 14 for additional advertising requirements.

11.5 Where possible the use of “Lots” shall be used to subdivide the requirement in order to allow SME’s and local supply chain to bid. Disaggregation is strictly prohibited but division into Lots is encouraged by the PCR’s 2015.

11.6 The Regulations set out the minimum timescales for receipt of expressions of interest and tenders. Where the Authority has published a Prior Information Notice announcing its forthcoming contracts for the year ahead or is using electronic means of tendering, then the Authority may rely on reduced timescales if appropriate.

12. Open Procedure (1 Stage Process)

12.1 A procurement opportunity (contract notice) shall be published on the electronic procurement system (for estimated values above £30,000 and additionally on Contracts Finder for estimated values above £30,000 and additionally in the Find a Tender Portal where it exceeds the Regulation Threshold to inform suppliers of the requirement.

12.2 A contract is placed in the Find a tender Portal and all who meet the minimum capacity requirements are invited to tender in a one stage process. We are required to consider all tenders that meet any declared minimum capacity levels submitted before the closing date specified in the contract notice. All documentation will be

published on the YORtender system, with all quotations / tenders being submitted by bidders via this system.

13. Restricted Procedure (2 Stage Process)

- 13.1 A restricted procedure may only be used for contracts above the Regulation threshold and not for any other contracts below the relevant Regulation threshold.
- 13.2 The requirement of publishing a Find a Tender Portal notice is the same as in the open procedure except that the notice shall state that a restricted procedure is being used.
- 13.3 Under the restricted procedure, potential suppliers are invited to apply within the period of advertising by the completion of the Standard Selection Questionnaire (SSQ). Any service-specific questions entered within Section 3 of the Standard Selection Questionnaire must be relevant to the subject matter of the procurement and proportionate.
- 13.4 Following an assessment of the SSQ at least 5 suppliers (where there are 5 or more who meet the requirements and are absent of any grounds for exclusion) should be selected to receive an invitation to tender.
- 13.5 If fewer than 5 suppliers have applied who meet the requirements and are absent of any grounds for exclusion, all those who have applied shall receive an invitation to tender. Where, in this situation, officers are concerned there may not be adequate competition; they should obtain advice from the Procurement Team.**
- 13.6 Other Permitted Tender Procedures
- 13.7 The following procedures are also permitted within the Regulations for above threshold values, but may only be applied following consultation with and the prior approval of the Chief Financial and relevant Procurement Officer:
- I. Competitive Procedure with Negotiation (Regulation 29)
 - II. Competitive Dialogue Procedure (Regulation 30)
 - III. Innovative Partnership Procedure (Regulation 31)
 - IV. Negotiated Procedure without Prior Publication (Regulation 32)
- and managed by the Procurement Team.

14. Publicity for Quotations and Tenders

- 14.1 For quotations and tenders above £30,000 the electronic procurement system should be used for advertising.
- 14.2 Where an additional advertisement is placed or where there is an open invitation on the electronic procurement system and the value of the contract is £30,000 or above, an advertisement must also be placed on Contracts Finder.

- 14.3 Where the Regulations apply, a contract notice must be published in the Find a Tender Portal BEFORE any other notice/advertisement is published and no other notice/advertisement should contain any more information than that published on the Portal.

15. Submission and Opening of Quotations/Tenders

- I. Quotations/Tenders above £30,000 should be managed on the electronic procurement system by the Procurement Team.
- II. When the opening of any tender or quotation has taken place, the Procurement Officer shall ensure that a Quotation/Tender Opening Record form is fully completed.
- III. The Quotation/Tender Opening Record form shall be scanned (PDF format) into the project file on the SYFR server with the full document set for future reference

16. Late Quotations/Tenders

- 16.1 Late bids may only be accepted with the approval of the Director of Finance and Procurement where the bidder has gained no advantage as a result of the late submission for reasons where, for example, there is evidence that technological reasons have prevented the submission on time, through no fault of the bidder.

17. Abnormally Low Quotations/Tenders

- 17.1 Where a tender appears abnormally low it may not be rejected without:
- I. giving the tenderer an opportunity to explain the tendered price (such explanation to be given in writing),
 - II. considering the evidence provided, and
 - III. obtaining the written approval of the Director of Support Services or a member of the Executive Team.

18. Errors in Quotations/Tenders

- 18.1 Errors in quotations/tenders shall be dealt with in one of the following ways:
- I. The bidder shall be given details of the error(s) found during the examination of the quotation/tender and shall be required at the decision of an Executive Team member to confirm without amendment or withdraw the quotation/tender
 - II. Amending the quotation/tender to correct genuine error(s) provided that, in this case, apart from these genuine errors no other adjustment, revision or qualification is permitted.

- 18.2 All amendments shall be fully recorded with justification for the action taken. Where

necessary legal advice should be sought.

19. Tender Evaluation

- 19.1 Tenders subject to the Regulations shall be evaluated in accordance with the relevant regulations and the evaluation criteria set out in the ITT. All contracts, except works contracts where lowest price was predetermined to be the appropriate criteria, shall be awarded on the basis of the offer which represents value for money to the Authority. All criteria, sub-criteria and weightings must be made available to bidders at the invitation to tender/quotation stage. Criteria, sub-criteria and weightings cannot be used for evaluation purposes which have not previously been brought to all bidders' attention.
- 19.2 In addition, the published criteria must be strictly observed at all times throughout the procurement process and contract award procedure by any officer involved in the tender evaluation.
- 19.3 Where the estimated value exceeds £30,000 the overall price-quality weighting must be approved in writing by the Procurement Manager.
- 19.4 Records should be kept of the evaluation process, for example, criteria, sub-criteria, weightings, individual and consensual scoring (signed by the individuals involved in the evaluation) clarifications and reasons for decisions and stored on the SYFR server with the full document set.

20. Post Tender Negotiation

- 20.1 Post Tender Negotiation occurs after receipt of formal bids or tenders and before the letting of contract(s) with those companies submitting tender(s) offering the best value for money with a view to obtaining an improvement in content in circumstances which do not put the other tenderers at a disadvantage, distort competition or affect adversely trust in the competitive tendering process.
- 20.2 Where the procurement is conducted pursuant to the Regulations through either the open or restricted procedure, no post tender negotiations are permitted. Under the open procedure negotiations on price are never permitted. However, post tender the Authorised Officer may seek to clarify, specify or fine tune tenders in accordance with (i) the Regulations and (ii) the tender instructions.
- 20.3 Where "Regulation 29 – Competitive Procedure with Negotiation" has been used, the Authorised Officer shall fully comply with the Regulations and procedure stated in the tender instructions.
- 20.3 Where procurements are conducted outside the Regulations, such as below threshold contracts, or where the Regulations application is limited, the Authorised Officer may authorise negotiations if he/she considers that it is in the Authority's interest to do so after invocation of this rule by submission of a relevant Business Report demonstrating how such negotiations would be in the Authority's interest and obtaining the associated Delegated Decision from a member of the Executive Team.
- 20.4 Negotiations shall be conducted on behalf of the Authority by at least two appropriately trained or experienced Officers. A full written record shall be kept of the results of the negotiations, signed by the Relevant Authorised Officer or his or her nominee personally and the Contractor, and retained on a central file by the Relevant

Officer concerned.

- 20.5 An amended Tender following negotiations under this rule 20 may not be accepted unless it provides Value for Money to the Authority.
- 20.6 At all times during the procurement process the Authority shall ensure that all tenderers are treated equally and in a non-discriminatory and transparent manner.
- 20.7 Prior to undertaking any Post Tender Negotiation advice must be obtained from the Procurement Manager.

21. Bonds, Guarantees and Security

- 21.1 For procurements over £100,000 the Authorised Officer and Evaluation Team shall consider as part of the criteria whether a performance bond and/or a parent company guarantee (if applicable) shall be required from the preferred Supplier dependent upon the supplier's status, the product characteristics and a thorough risk analysis.
- 21.2 The Authority will only accept Performance Bonds or Sureties that are UK based or held in UK escrow arrangements
- 21.3 Authorised Officers must consider any steps necessary to protect the Authority's interests in the event of contractor default, having regard to advice from the Legal Services team and Director of Finance and Procurement.
- 21.4 This consideration should be based on risk to the Authority, taking account of the circumstances, including:
 - (a) the value of the Contract;
 - (b) the type of Supplies, Services or Works being procured;
 - (c) the payment profile of the Contract;
 - (d) the financial strength of the suppliers in the market;
 - (e) affordability and proportionality;

and should assess whether additional security is required in the form of a bond, guarantee, fee retention (where performance is required by a particular date, and where delay would have financial consequences for the Authority) or provision for liquidated damages.

- 21.5 The Authorised Officer shall ensure minimum levels of appropriate insurance are provided for within each contract Minimum levels are:
 - a) Employee Insurance - £5m
 - b) Public Liability Insurance - £5m
 - c) Professional Indemnity Insurance - £2m

22. Acceptance of Quotations/Tenders and Award

- 22.1 The Authority is not bound to accept any quotation or tender and this must be made clear to bidders in writing at the beginning of the procurement process and as appropriate throughout.

- 22.2 Quotations and tenders may be accepted on behalf of the Authority by the relevant Authorised Officer in accordance with the contract value and the Financial Scheme of Delegation, provided they have been sought, evaluated and are to be awarded fully in compliance with these rules.
- 22.3 In relation to all contracts valued over £30,000, once a decision to award a contract is made, all bidders must be notified via the electronic procurement system at the same time and as soon as possible, of the intention to award the contract to the successful bidder.

23. Standstill (Alcatel) Period and Debriefing

- 23.1 For procurements above Regulation thresholds, there must be a period of at least ten calendar days between the electronic notification of an award decision being sent to all bidders and before a Framework Agreement or Contract is concluded with the successful supplier(s); to allow unsuccessful bidders to consider any challenge to the award decision.
- 23.2 Additionally, the Authority shall apply the same best practice standstill period and process for all tenders over £100,000 unless the award is resulting from the use of a framework.
- 23.3 The Authorised Officer responsible for each procurement must ensure the award decision notice is fully compliant with Regulations and additionally that any written debriefing requested by unsuccessful tenderers is provided within 15 calendar days of receipt.

24. Contract Award Notice

- 24.1 Where a contract has been tendered pursuant to the Regulations, the Authority shall publish a contract award notice on the Find a Tender Portal no later than 30 days after the date of award of the contract.
- 24.2 Where a contract has been awarded valued £30,000 or greater, regardless of the procedure used (including call-off from Framework Agreements), details of the award must be published on Contracts Finder within 30 days of the award of the contract.

25. Letters of Intent

- 25.1 Letters of intent shall only be used in exceptional circumstances as follows:
- (a) Where a Supplier is required to provide supplies, services or works prior to formal written acceptance by the Authority; or
 - (b) Where the Authority's form of tender does not include a statement that until such time as a formal contract is executed, the Authority's written acceptance of a tender shall bind the parties into a contractual relationship.
- 25.2 Letters of Intent shall only be used following consultation with the Procurement Manager and Legal Services where a delay would cause a significant interference with the provision of service deliverability.

- 25.3 Letters of Intent shall be limited to 10% value of an agreed supplies or services contract, and limited to 10% or £20,000 (whichever is the lowest) for works contracts.

26. Contract Terms and Conditions

- 26.1 Contracts shall be entered into on either the Authority's Terms and Conditions or alternative terms and conditions detailed in CSO 26.2, which shall be included with each invitation to quote / tender and orders sent by electronic means. Exceptions to this rule must be approved beforehand at tender preparation stage with Legal Services.
- 26.2 The exception to using the Authority's Terms and Conditions arises when using Terms and Conditions provided by:
- A public sector Framework Agreement
 - Utility Company (Gas, Electricity and Water)
 - Telecommunications and
 - Construction Terms and Conditions (limited to NEC, JCT, RIBA and RICS) provided Legal Services are consulted prior to publishing the tender notice
- 26.3 The Authority shall accept equivalent Terms and Conditions of other public sector authorities when participating in joint working and collaboration, provided they are suitable and fit-for-purpose

27. Execution of Contracts

- 27.1 All Contracts which relate to the purchase of land, or have potential long term liabilities as determined through risk assessment on a case by case basis, and would benefit from the added legal protection afforded by the process of sealing shall be made by affixing the Common Seal. This shall only be attested by the Monitoring Officer or nominated Deputy.
- 27.2 Contracts with a total value up to £100,000 may be signed by an Authorised Officer in accordance with Financial Procedures (Scheme of Delegation) and copy provided to the Procurement Team.
- 27.3 Contracts with a total value greater than £100,000 may be signed by an Authorised Officer in accordance with Financial Procedures (Scheme of Delegation) but must be counter-signed by the Director of Support Services; with a copy provided to the Procurement Team.

28. Records of Contracts

- 28.1 A Contracts Register of all contracts awarded above £5,000 shall be maintained by the Procurement Team on behalf of the Authority. The Contracts Register will be maintained electronically.
- 28.2 For every individual contract an electronic Contracts file shall be maintained in accordance with the Authority's retention schedule.

29. Novation

- 29.1 Novation occurs where there is an agreement to change a contract by substituting a third party for the original contractor. Where the Authority is approached regarding novation the Authorised Officer must seek the advice of both the Procurement Manager and Monitoring Officer (Legal Services) before novation can be agreed.

30. Joint Procurement

- 30.1 Any joint procurement arrangements with other local authorities or public bodies including membership or use of Purchasing Consortia for procurements above an aggregated value of £250,000 shall be approved by the Monitoring Officer on behalf of the Clerk prior to the commencement of any procurement on behalf of the Authority, subject to the Clerk consulting with appropriate Members of the Authority beforehand.
- 30.2 Approval shall only be given where the joint procurement arrangement assures compliance with the Regulations.
- 30.3 The Authorising Officer needs to be satisfied that any joint procurement has been undertaken in accordance with the principles of these CSOs.

31. Contract Extension and Variations

- 31.1 Any contract may be extended in accordance with its terms. Where the terms do not expressly provide for extension, contracts subject to the Regulations may be extended by negotiation in accordance with the rules set out in the Regulations.
- 31.2 Other contracts may be extended by negotiation in the same circumstances where there is a compelling business case approved by the Director of Finance and Procurement. The Authorised Officer shall always be satisfied that extension will achieve value for money and is reasonable in all the relevant circumstances and take legal advice.
- 31.3 A variation must not materially affect or change the scope of the original contract. Such a variation could constitute a new award/contract. The Regulations must be followed where applicable and advice obtained from Legal Services and the Procurement Manager. In other cases where a proposed variation exceeds 10% or £100,000, whichever is the lower then appropriate advice should be sought from the Procurement Manager and Legal Services.

32. Termination of Contract

- 32.1 For any contract exceeding £250,000 in residual value, termination shall be approved by the Authority. Contracts of a lesser residual value may be terminated early by the Director of Finance and Procurement in accordance with the termination provisions set out in the contract. Legal advice should be sought.

33. Waivers of Contract Standing Orders

- 33.1 The Authority has power to waive any requirements within these contract standing orders for specific projects and hereby delegates authority as follows.
- 33.2 However, no waiver can be used if the Regulations apply.
- 33.3 Where a waiver is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to Authority services, or can otherwise be reasonably justified, either an authorised Officer (up to £30k) or the Executive Team (up to £100k) after consulting with the Procurement Manager may approve the exemption.
- 33.4 Waiver requests in excess of £100k must be countersigned by the Authority's Treasurer (at Barnsley MBC)
- 33.5 All approved Waiver requests must be centrally filed and a report listing all approved waivers be prepared by the Procurement Manager and presented to the Director of Finance and Procurement on a 3 monthly basis.

34. Disposal of Assets

- 34.1 Where assets (other than land & buildings) are to be disposed of because they are surplus to requirements, damaged or obsolete, reasonable endeavours must be undertaken to realise the residual value of the assets.
- 34.2 Assets having little or no realisable value may be disposed of as waste with the approval of the relevant Executive Member, provided the disposal favours recycling wherever possible.
- 34.3 Assets with a realisable value shall be disposed of in the manner most likely to secure best value including the use of auction houses and on-line auctions.
- 34.4 Disposal of assets that realise a value of £100,000 or more must be reported to the FRA committee.

35. Review and Amendment of Contract Standing Orders

- 35.1 These contract standing orders shall be reviewed and updated on a regular basis with changes to titles, statutory thresholds and minor amendments being undertaken in consultation with the Monitoring Officer from time to time and approved by the Executive Board.
- 35.2 For transparency purposes, the Director of Finance and Procurement shall present an annual report to the Authority of any amendments to contract standing orders that were approved by the Executive Board.
- 35.3 Any proposed amendments as determined by the Monitoring Officer that would materially change overall governance or introduce significant change shall be presented to the Authority for approval.

36. Definitions

Access Agreement	An agreement between the Framework provider and the contracting authority to enable access to the framework
Authorised Officer	A person with appropriate delegated authority to act on the Authority's behalf who is the current budget holder (as identified within the Financial Regulations) and a person who is an authorised representative of them and who has appropriate delegated authority.
Authority	South Yorkshire Fire and Rescue Authority; or any designated committee of the Authority that has delegated powers to act on behalf of the Authority.
Constitution	The Authority's Constitution as adopted and amended from time to time and maintained on the Authority's website particularly references to the Articles, Scheme of Delegation, Officer Codes, Procedural Standing Orders, Rules of Procedure, Access to Information Procedure Rules, these Contract Standing Orders and Member Codes of Conduct.
Contracts Finder	The web based government procurement portal provided on behalf of the Cabinet Office for public bodies at https://www.gov.uk/contracts-finder
Contracts Register	A register held and maintained by the Authority containing details of contracts entered into by the Authority above a threshold value of £5,000.
Framework Agreement	An agreement which allows an Authority to call off from a supplier to provide supplies, services or works in accordance with the terms of the agreement. The Framework Agreement itself usually constitutes a non-binding offer with no obligations on the Authority to call off from the Supplier. If the Authority calls off from the Supplier a binding contract comes into being.
ITT	Invitation to tender.
FaTS	Find a Tender Service.
PIN	Prior Information Notice for publication in the Find a Tender Portal.
Procurement Plan	A plan identifying procurement projects so that appropriate resources can be identified. It also provides a basis for PINs and other information provided to suppliers to give advance notice of bidding opportunities.

Procurement Team	The Officers employed in the SYFR Procurement Service
Purchasing Consortia	A collaborative arrangement in which two or more organisations join together to combine their individual requirements for goods, works or services to gain better prices, design, supply availability and assurance benefits compared to if each member purchased the goods or services alone.
Retention Schedule	The Authority's Retention Schedule is located on the SYFR intranet
Regulations	The Public Contracts Regulations 2015 or any subsequent amendment except for chapter 8 (Below Threshold Procurements).
RFQ	Request for quotation.
Supplier	Any person or body of persons providing, or seeking to provide, supplies, services or works to an Authority.
TUPE	The Transfer of Undertakings (Protection of Employment) Regulations 2006.
Value for Money	The optimum combination of whole life costs and benefits to meet the customer's requirement. Such term equates to "most economically advantageous offer" (MEAT).