

ITEM 4(a)

MILTON KEYNES COUNCIL

17 JANUARY 2018

PROPOSED AMENDMENTS TO THE CONTRACT PROCEDURE RULES CONSIDERED BY THE CONSTITUTION COMMISSION – 4 OCTOBER 2017

Page Number	Constitution Reference	Amendment
DD4	Item 1.10 'Value of Works/Supplies' column (Over £100k up to £20m)	Delete 'up to £20m' and replace with 'up to £500,000'
DD4	Item 1.10 'Approval to Tender/Award' column (Cabinet Procurement Committee)	Delete reference to Cabinet Procurement Committee and replace with 'Chief Executive, Corporate Director, Service Director/Assistant Director, in accordance with the Procurement and Financial Scheme of Delegation, contained in the Executive Scheme of Delegation'
DD4	Item 1.10 'Value of Works/Supplies' column (Over £20m)	Delete 'over £20m' and replace with 'Over £500,000'
DD7	Item 3.4 (Approval to commence a procurement process must be obtained in accordance with the Leader's Scheme of Delegation (and the terms of reference of the Cabinet Procurement Committee and reported in the Forward Plan)	Delete '(and the terms of reference of the Cabinet Procurement Committee' Amend 'and reported in the Forward Plan' to read 'and reported in the Forward Plan where it involves a key decision, as defined in Article 14 of the Constitution'
DD7	Item 3.5 (Approval to commence in capital procurements with an estimated total cost in excess of £10,000 shall be submitted to the Capital and Procurement Review Panel prior to submission to the Cabinet Procurement Committee)	Delete 'prior to submission to the Cabinet Procurement Committee' and replace with 'and approved by the Capital and Procurement Review Panel prior to approval by Officers or Cabinet to commence tender.'

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DD9	Item 6.4(c) (notify Democratic Services and place entry on the Forward Plan for the Cabinet Procurement Committee decision to tender and a separate line for award, this includes extensions or variations to contract)	Delete and replace with 'for all tenders and contracts over £100,000 up to £500,000 a report must be completed and published at least 5 Working days before tender publication.' For all tenders and contracts with a value above £500,000, notify Democratic Services and place entry on the Forward Plan for Cabinet decision to tender and a separate line for award, this includes extensions or variations to contract
DD9	Item 6.4(h) (enter into signed contract based on the Council's standard terms and conditions for supply or services, supplies or works, where such contract has been awarded by Cabinet or other such nominated Committee)	After 'Committee' add 'or Officers, in accordance with the Scheme of Delegation'
DD13	Item 12.1 (Approval shall be sought from the Cabinet Procurement Committee or any other relevant body of identified process, in compliance with the Leader's financial Scheme of Delegation before)	Delete 'Cabinet Procurement Committee' and replace with 'the relevant Officer or Cabinet'
DD13	Item 12.1 (For all tenders and contracts above £100,000)	Delete 'for all tenders and contracts above £100,000' and replace with 'For all tenders and contracts above £100,000 to £500,000, approval will be by the relevant Officer, in accordance with the Scheme of Delegation, and for all tenders and contracts above £500,000 approval will be by Cabinet.'
DD14	Item 12.10 (The Cabinet Procurement Committee shall agree any award where the price proportion of MEAT is less than 40%)	Delete Item 12.10 in its entirety

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DD15	Item 12.14 (a)(ii) (shall be submitted to the Cabinet Procurement Committee with comment from the S151 if compensating savings have not been identified)	Delete 'shall be submitted to the Cabinet Procurement Committee with comment from the S151 if compensating savings have not been identified' and replace with 'shall get the approval of Section 151 Officer if compensating savings have not been identified'
DD15	Item 12.14(b)(i) (shall require approval of the Cabinet Procurement Committee)	Delete 'shall require approval of the Cabinet Procurement Committee' and replace with 'approval of Section 151 Officer shall be obtained where the value of the Contract is up to £500,000 and approval of Cabinet will be obtained where the value of the contract is over £500,000.'
DD15	Item 13.4 (All those suppliers who failed to submit a bid, following invitation to tender at the PQQ stage must be asked as to what their reasons were for not submitting. A summary of this information must be provided to members as part of the award of contract report. Corporate Procurement will retain information in order to enhance the procurement process)	After 'members' add 'or the relevant Officer, as appropriate'
DD16	Item 15.5 (All contracts shall have a scheduled benefits realisation date where the performance of that contract against the expected outcomes shall be measured. The outcome of this will be reported to Cabinet Procurement Committee at the annual anniversary of its commencement or at such other period agreed by Members and the Head of Strategic Procurement)	Delete 'The outcome of this will be reported to Cabinet Procurement Committee' and replace with ' for all contracts with a value of over £100,000 up to £500,000 the outcome of this will be reported to the relevant Corporate Director and Lead member and for all contracts with a value of over £500,000, the outcome will be reported to Cabinet

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DD18	Item 17.6 (All extensions of contract over £100,000 in value must be approved by the Cabinet Procurement Committee or as delegated by the same)	Delete 'Cabinet Procurement Committee' and replace with 'the relevant Officer or Cabinet, as appropriate'
DD21	Item 21.1.2 (Copies of all waivers and supporting information will be retained by the relevant officer and the Corporate Procurement Team for the period of 6 years. A quarterly report of all waivers granted will be presented to Cabinet Procurement for their information and consideration)	Delete 'Cabinet Procurement Committee' and replace with 'Cabinet'
DD21	Item 21.1.3 (A formal report will be prepared quarterly to the Cabinet Procurement Committee. That report will set out the specific rationale for waiving the Rules and will also append a summary of the previous instances where the rules were waived.	Delete 'Cabinet Procurement Committee' and replace with 'Cabinet'