

## NOTICE OF MEETING

# STANDARDS COMMITTEE

**Monday, 10th March, 2025, 7.00 pm - George Meehan House 294  
High Road N22 8JZ (watch the [live meeting](#))**

**Councillors:** Barbara Blake, Erdal Dogan, Ibrahim Ali (Chair), Scott Emery and Simmons-Safo

**Quorum:** 3

### **1. FILMING AT MEETINGS**

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the 'meeting room', you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

### **2. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

### **3. URGENT BUSINESS**

The Chair will consider the admission of any late items of Urgent Business. (Late items will be considered under the agenda item where they appear. New items will be dealt with under items 11& 13 below).

### **4. DECLARATIONS OF INTEREST**

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct.

**5. MINUTES (PAGES 1 - 6)**

To confirm and sign the minutes of the Standards Committee meeting held on 4 February 2025.

**6. CHANGES TO THE CONSTITUTION: MEMBER ALLOWANCE SCHEME**

To review proposed changes to the Constitution's Member Allowances Scheme.

REPORT TO FOLLOW.

**7. CHANGES TO THE CONSTITUTION: FULL COUNCIL SECOND SUPPLEMENTARY QUESTIONS (PAGES 7 - 12)**

To review proposed changes to the Constitution's standing orders on Full Council second supplementary questions.

**8. CHANGES NON VOTING CO OPTED MEMBERS PROTOCOL**

To review proposed changes to the non-voting co-opted members protocol and associated changes to Overview and Scrutiny terms of reference set out in the Constitution.

REPORT TO FOLLOW

**9. CHANGES TO THE CONSTITUTION: PROCUREMENT STANDING ORDERS (PAGES 13 - 76)**

To review proposed changes to the Constitution's Procurement standing orders.

**10. COMMITTEE WORK PROGRAMME (PAGES 77 - 78)**

This paper seeks to identify topics that will come to the attention of the Standards Committee and seeks members' input.

**11. NEW ITEMS OF URGENT BUSINESS**

As set out at item 3.

## **12. EXCLUSION OF THE PRESS AND PUBLIC**

To consider any motions to exclude the press and public from the meeting to discuss exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985).

## **13. EXEMPT MINUTES (PAGES 79 - 80)**

To approve the exempt minutes of the meeting held on the 4<sup>th</sup> of February 2025.

## **14. NEW ITEMS OF EXEMPT URGENT BUSINESS**

As per item 3.

Ayshe Simsek, Democratic Services and Scrutiny Manager  
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Fiona Alderman  
Assistant Director of Legal & Governance (Monitoring Officer)  
George Meehan House, 294 High Road, Wood Green, N22 8JZ

Friday, 28 February 2025

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## **MINUTES OF THE MEETING Standards Committee HELD ON Tuesday, 4th February, 2025, 7pm – 7.45pm**

### **PRESENT:**

**Councillors: Erdal Dogan, Ibrahim Ali (Chair), Scott Emery and Reg Rice**

**ALSO ATTENDING: Fiona Alderman, Assistant Director for Legal and Governance and Ayshe Simsek Democratic Services Manager.**

### **21. FILMING AT MEETINGS**

The Chair referred to the notice of filming at meetings and attendees noted this information.

### **22. APOLOGIES FOR ABSENCE**

There were apologies for absence from Cllr Simmons – Safo and Cllr Barbara Blake.

Cllr Reg Rice substituted in accordance with CSO 53 to 56.

### **23. URGENT BUSINESS**

There are no new items of business. Papers for items 8 were sent out late as officers were awaiting any publication of an updated Independent Remuneration Panel report. Item 9 was sent out late due to the need for consideration and comment by the Constitution Working Group. This item involved changes to the Constitution relating to list of documents for the Policy Framework and needed to be updated prior to the next meeting to allow the constitution to be as correct as possible.

The Chair accepted items 8 and 9 as late items.

### **24. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **25. MINUTES**

#### **RESOLVED**

To approve the minutes of the meeting held on the 5 November 2024.

### **26. STANDARDS UPDATE**

The Committee noted that the current government consultation on changes to the standards system, including reintroducing powers of suspension and widening circumstances in which members could be disqualified.

The Committee noted that the consultation was wide ranging and responded to a recent campaign that the standards regime was ‘toothless’.

The report further included information on code of governance for statutory officers and a roundup of standards cases across the country to support the wider knowledge of the Committee.

The Chair invited comments from Members and the following was noted.

Whether legal aid may be accessible to Councillors who may be in the situation of challenging a potential disqualification or suspension and may not have the financial means to seek a defence. In response it was noted that there would likely need to be a need to consider the criminal burden of proof but the legal aid issue could be raised in the consultation response.

Noted that the Chair would send out a separate email to Councillors asking them to respond to the consultation.

## **RESOLVED**

To note the report.

### **27. NO FURTHER ACTION CODE OF CONDUCT COMPLAINTS - MONITORING OFFICER ANNUAL REPORT:**

The Committee noted that the Protocol for Complaints Against Members required the Monitoring Officer to report annually to the Standards Committee on complaints dealt with by the Monitoring Officer and determined not to merit any further action. It was further noted that the Monitoring Officer must consult with the Independent Person before making her decision.

The Committee noted that in the period 1 May 2023 – 30 April 2024, the Monitoring Officer determined that 2 complaints of alleged breach of the code of conduct by councillors did not merit any further action. The rationale for the Monitoring Officer decisions were mostly that the conduct complained about did not demonstrate a breach of the code. The Independent Person was consulted in making these decisions and agreed with the Monitoring Officer’s conclusion.

A table of the complaints was attached in the Exempt Report.

## **RESOLVED**

To note the report.

## **28. MEMBERS ALLOWANCES SCHEME FOR 2025-2026**

The Standards Committee were asked to comment on the Members Allowance scheme for the 2025/26 Municipal year and would be asked at their next meeting to recommend the final scheme for approval by full Council on the 24 of March 2025, in accordance with Article 14.03 of the Council's Constitution.

The Committee noted that before it can adopt a Members Allowances Scheme the Council has a duty to consider the recommendations of an Independent Remuneration Panel in relation to the payment of Members Allowances. As of the meeting, there had been no further update to the report of the Independent Remuneration Panel and the 2023 report continued to be appended for consideration.

There was discussion on continuing with the 2% increase to the basic allowance and the Committee noted that this would be a £13,338 additional budget cost. There was a need to consider the increases of the officer pay awards and note that the reasoning applied there could be applied to councillor basic pay. However, there was also comment made on the need to consider the financial situation of the Council. It was agreed that these issues were discussed further at respective political group meetings later in the month.

There was further consideration of the presentation of the Member Allowances SRA's at Appendix 1 Table A. It was noted that the Chair of General Purposes was also noted, within the table, to be Vice Chair of Appointments Panel and the Vice Chair of Disciplinary, Grievance and Dismissal Panel. There was comment made that this provided the impression that SRA's were applicable to Vice Chair roles and the Committee agreed that this be deleted from the table and added as a separate note in the scheme document.

The Chair of Standards also indicated considering a light touch consideration of the SRAs in 2025/2026, keeping within the allocated budget envelope and prior to the forthcoming local elections in 2026.

### **RESOLVED**

To consider the current Member's Allowance Scheme and key findings of the remuneration of Councillors in London 2023 attached at Appendix 1 and note comments above and recommend changes for consideration at the 10<sup>th</sup> March meeting of Standards Committee.

## **29. REVISION OF THE LIST OF DOCUMENTS IN THE POLICY FRAMEWORK**

The Committee noted that the Constitution set out the Council's governance arrangements and procedures. From time to time, changes were required to correct inaccuracies and reflect legislative changes.

The attached report set out proposed amendments to the Budget and Policy Framework which currently contained references to two obsolete plans along with an obsolete reference to the Cabinet Advisory Board.

The Constitution Working Group had considered the amendments and further proposed a change to the footnote as shown in Appendix 1 to show reasons why Annual Library Plan no longer referenced.

*Although the 2000 Regulations still specify that the Council's Annual Library plan needs to be part of the Policy Framework, the Council is not currently required by statute to produce an Annual Library Plan under s1(2) of the Public Library and Museums Act 1964.*

The Committee continued to agree the changes subject to the change being taken forward as listed above relating to the Library Plan.

## **RESOLVED**

- a) To delete reference to the Annual Library Plan.
- b) To insert footnote as indicated above to show reasons why Annual Library Plan no longer referenced.
- c) To consider whether the prospective Library Strategy should be added to the Policy Framework.
- d) To delete reference to Best Value Performance Plan.
- e) To delete reference to Cabinet Advisory Board.
- f) To delegate authority to the Monitoring Officer to prepare the dispensation for publication on the Council's website.

### **Reasons for decision**

Due to changes in the law and statutory guidance, there is no longer a legal requirement for a Best Value Improvement Plan nor an Annual Library Plan. The Budget and Policy Framework therefore needs to be updated to reflect these changes. Article 14 of the Constitution requires the Monitoring Officer to review the operation of the Constitution to ensure the aims and principles of the Constitution are given full effect.

### **Alternative options considered**

Not to update the policy framework. This option is not appropriate as it will not ensure that the Constitution is kept up to date and fit for purpose.

## **30. COMMITTEE WORK PROGRAMME**

Noted.

## **31. NEW ITEMS OF URGENT BUSINESS**

None

## **32. EXCLUSION OF THE PRESS AND PUBLIC**



Items 13-14 were subject to a motion to exclude the press and public from the meeting as they contained exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 1 & 2; namely, information relating to any individual and information likely to reveal the identity of an individual.

**33. NO FURTHER ACTION CODE OF CONDUCT COMPLAINTS - MONITORING OFFICER ANNUAL REPORT:**

As set out in the exempt minutes.

**34. NEW ITEMS OF EXEMPT URGENT BUSINESS**

None

CHAIR: Councillor Ibrahim Ali

Signed by Chair .....

Date .....

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**Meeting** Standards Committee 10 March 2025

**Title:** Changes to Council Standing Orders - Supplementary Questions

**Lead Officer:** Ayshe Simsek Democratic Services and Scrutiny Manager

**Report authorised:** Fiona Alderman Assistant Director of Legal and Governance and Monitoring Officer

**1. Describe the issue under consideration.**

- 1.1 This report considers changes to the Council Standing Orders section on second supplementary questions following queries at the July Council meeting and discussions at the Constitution Working Group in October, November and January on how this provision can remain in Council Standing Orders and be allocated in a politically proportionate way.
- 1.2 Following consideration of the process for oral Councillor questions at Council meetings, the Constitution Working Group agreed that this new wording is compiled following the guidance in Article 5 in the Council's Constitution and reflects that consideration of second supplementary questions is taken forward in a proportionate and fair way according to political representation.

**2. Cabinet Member Introduction**

Not applicable

**3. Recommendations**

- 3.1 To recommend to Full Council on the 24<sup>th</sup> of March 2025 the changes to CSO 10.7 outlined at paragraph 6.3.

**4. Reasons for decision**

The reasons for recommendations are set out within the report and summarised at paragraph 6.2

**5. Alternative options considered.**

To note take forward the changes would impact on the efficiency of Full Council meetings.

## 6. Background information

- 6.1 At the meeting of CWG on the 26<sup>th</sup> of January and 23<sup>rd</sup> of February, it was agreed to increase the opportunity for back bench member participation in Council meetings and to increase the number of oral questions from 6 to 9 and the time allocation from 30 minutes to 45 minutes. These constitutional changes were subsequently agreed with by Standards Committee and Full Council in March 2024. On the 22<sup>nd</sup> of July Full Council meeting the updated format of Council meetings, with increased oral questions, and deletion of the debate item, and timed motions was activated. This meeting brought to the light the need to have more clarity on the assignment of second supplementary questions as CSO 10.7 could be interpreted equally as an opportunity for the main opposition or any Opposition Group to have the opportunity to ask a second supplementary question. At the meeting it was noted that this issue would be put forward to the Constitution Working Group for consideration. To note that in previous Council meetings CSO 10.7 and the provision of second supplementary questions has rarely been used.
- 6.2 The Constitution Working Group considered this issue and a detailed flow chart on how in practice councillor question were taken forward at Council meetings and discussed the following
- Second supplementary questions were an important provision and even if an answer could not be given at the meeting, they could be responded to in writing.
  - Providing the Mayor with discretion to allow second supplementary would be difficult to manage and ensure that there was fair access given to this provision. Also, without the guidance to follow, this would make chairing the meeting more difficult.
  - There was a need to have a simple process that was easily understood and set out some sort of allocation
  - Keeping second supplementary questions as this part of the meeting was not scripted and allowed for an extra layer of accountability.
- 6.3 In conclusion the Constitution Working Group recommend the following changes (which are underlined and for insertion to CSO 10.7)

The Councillor asking any question may ask the first supplementary question without notice of the Councillor to whom the first question was asked. The second supplementary question, relevant to the original question, may be asked by a Councillor of the other political party or groups unless they do not wish to use it in which case it reverts to the party asking the original question. In allocating the second supplementary questions, the Mayor will have regard to: the overall time period for Council questions, their constitutional role and function in chairing the Council meetings set out in Article 5, and the political party or group's proportional representation on the Council. (In principle this would usually be four questions to the first opposition group and one question to the second opposition group) Each supplementary question must arise directly

out of the original question or the reply. No supplementary questions may be asked on written answers.

**7. Contribution to strategic outcomes**

The Council's Constitution supports the governance of the Council and its Decision making thereby assisting the Council to meet its strategic outcomes.

**8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

**8.1 Finance and Procurement**

8.2 No financial implications arise from this report.

**8.3 Legal**

8.4 These are set out within the report.

**8.5 Equality**

8.6 There are no equality matters in this report.

**9. Use of Appendices**

Article 5 - Chairing the Council meeting

**10. Local Government (Access to Information) Act 1985**

10.1 The Council Constitution which can be found at.

<http://www.haringey.gov.uk/local-democracy/about-Council/Council-constitution>

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## Article 5 - Chairing the Council

### 5.01 Role and function of the Mayor

The Mayor will have the following roles and functions:

1. To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
3. To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not members of the Cabinet or hold committee chairs are able to hold the Cabinet and committee chairs to account;
4. To promote public involvement in the Council's activities;
5. To be the conscience of the Council; and
6. To attend such civic and ceremonial functions as the Council and he/she determines appropriate.

### 5.02 First Citizen.

The Mayor shall take precedence i.e. shall be the first citizen of the London Borough of Haringey.

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**Report for:** Standards Committee

**Item number:** 9

**Title:** Proposed changes to the Council's Contract Standing Orders

**Report authorised by :** Taryn Eves, Director of Finance

**Lead Officer:** Barry Phelps, Chief Procurement Officer

**Ward(s) affected:** All

**Report for Key/  
Non-Key Decision:** Non-Key

## 1. Describe the issue under consideration

- 1.1. The Council's Constitution defines the Council decision making procedures. It is kept under review and when necessary, amendments are proposed to Standards Committee for consideration and recommendation on to full council.
- 1.2. The previous update to Part Four of the Constitution, Section J Contract Procedure Rules was in July 2023. The proposed amendments to the Contract Standing Orders (CSO) are intended to align with the new Procurement Act 2023 (PA23), which is due to come into effect on 24 February 2025.
- 1.3. The PA23 introduces significant changes to that of the existing Public Contract Regulations 2015 (PCR), with enhanced transparency and new procedures consolidating multiple regulations relating to the letting of public contracts. The PA23 will cover the entire commercial lifecycle for letting and maintaining public contracts, which now needs to be considered in the CSO's.
- 1.4. The proposed amendments to the CSO's will support a new operating model for Strategic Procurement, promoting best practice across the Council and align with the PA23.
- 1.5. This report proposes changes to the constitution, key changes are summarised below:
  - 1.5.1. Amendments to Part Four of the Constitution, Section J Contract Procedure Rules and any other consequential amendments arising as a result of these;
  - 1.5.2. Alignment of the constitution with the Procurement Act 2023;
  - 1.5.3. Consideration of transitional arrangements from the PCR's to the PA23;
  - 1.5.4. Centralisation of procurements above £25,000 (twenty-five thousand pounds) into Strategic Procurement;

1.5.5. Cabinet approval to commence procurements of £500,000 (five hundred thousand pounds) and above;

1.5.6. The introduction of new practices covering:

- Disclosure of pipelines
- Disclosure of information throughout the commercial lifecycle of a contract
- The requirement to consider Social Value in our procurements above £500k
- Introduction of Dynamic Markets
- Contract management
- Termination of contracts

1.5.7. Restructure the flow of the CSO's to align with the commercial lifecycle of contracts.

1.6. Additional information on the proposed changes can be found in Appendix 2 – Summary of Proposed CSO Amendments 2025.

## **2. Recommendations**

2.1. That Standards Committee recommends that the Council adopt the proposed revised Part Four of the Constitution, Section J Contract Procedure Rules as attached at Appendix 1 – Contract Standing Orders 2025.

2.2. The Standards Committee notes the following key amendments:

2.2.1. Alignment with the Procurement Act 2023;

2.2.2. Cabinet to approve the commencement of procurements where the contract will exceed £500,000 (five hundred thousand pounds);

2.2.3. Centralisation of procurements above £25,000 (twenty-five thousand pounds);

2.2.4. The notification of procurement pipelines to the Chief Procurement Officer and requirement to publish pipelines;

2.2.5. The formalisation of Social Value considerations aligned to the Councils pending Procurement Social Value Policy;

2.2.6. The introduction of contract management and contract termination provisions;

2.2.7. Procedural matters will be contained in the Procurement Code of Practice.

## **3. Reasons for decision**

3.1. The CSO's need updating to reflect changes in legislation (Procurement Act 2023), support the new Procurement operating model, improve processes and to reflect current Council Policies.

- 3.2. New legislation (Procurement Act 2023) comes into effect on 24 February 2025 and replaces several previous procurement regulations. The new legislation now covers the entire commercial lifecycle of letting and managing public contracts and consolidates previous procurement regimes into a single set of regulations. Therefore, various amendments have been made throughout the CSOs so as to ensure the CSOs remain aligned to these legislative changes and support the transition to the new PA23.
- 3.3. Definitions have been updated to ensure references in the CSOs remain consistent throughout the document and incorporate new terminology in the PA23.
- 3.4. The proposal to require Cabinet to approve procurements of £500,000 (five hundred thousand pounds) or more prior to commencing the procurement activity, enables members to consider the following:
  - 3.4.1. Understand what other service delivery options have been considered (i.e. in-house, hybrid etc.);
  - 3.4.2. The projected costs and timescales;
  - 3.4.3. The procurement strategy, including the route to market and the social value proposals;
  - 3.4.4. Alignment with Council priorities and policies;
- 3.5. The introduction of a centralised procurement function for above £25,000 (twenty-five thousand pounds). This is part of the procurement modernisation programme to introduce efficiencies across procurement activity. The Council will benefit from:
  - 3.5.1. Avoiding the need to train significant volumes of officers on the new Procurement Act 2023 (applies to contracts above £25,000 (net of VAT));
  - 3.5.2. Increased compliance in the procure to pay process;
  - 3.5.3. Application of best practice across procurement and contract management functions;
  - 3.5.4. Alignment of low value contracts with category strategies and consolidation of contracts to promote best value.
- 3.6. The PA23 requires the Council to publish a contract pipeline of contracts valued at £2,000,000 (two million pounds) or more which it intends to procure in the following 18 months (as a minimum). This pipeline must be published within 56 days of 01 April each year, with updates to be published as soon as practicably possible. To ensure compliance with this regulation, it is proposed this activity is managed by the Chief Procurement Officer.
- 3.7. Directors will be required to provide the Chief Procurement Officer with an updated pipeline for all contracts they intend to procure with a value exceeding £25,000 (twenty-five thousand pounds) every quarter. This is to ensure Strategic Procurement can manage the demand, ensure compliance with the transparency requirements under the Procurement Act and to capture any additional contracts of £2m (two million pounds) or above that were not previously published on the pipeline referenced in 4.6 above.
- 3.8. The introduction of Social Value provisions into the CSOs is to re-enforce the pending Procurement Social Value Policy and comply with various aspects of the PA23 and the National Procurement Policy Statement.

- 3.9. The PA23 includes provisions relating to contract management. This includes restrictions on the extent of which contract amendments can be undertaken, the publication of contract key performance indicators and associated commentary for some contracts and the contract termination, whether for breach, non-performance or simply coming to the end of its term. Therefore, specific provisions relating to contract management have been introduced into the CSOs.
- 3.10. The CSOs have been reconfigured in parts to introduce a more consistent and logical flow to the provisions.
- 3.11. Most procedural matters have been removed from the CSOs and will be incorporated into the Procurement Code of Practice. This is to ensure the CSOs remain succinct and there is flexibility to update processes in the Code of Practice to reflect subsequent changes to the PA23 as they refine legislation over the next couple of years. Due to the scope of the PA23, there will be a significant volume of guidance required for officers, which will need to incorporate where there are exceptions for some services. It would not be practical to incorporate this into the CSOs.

#### **4. Alternative options considered**

- 4.1. **Do Nothing** – This option would mean the Council would be referencing outdated legislation in its constitution and not be consistent with the new PA23. This would likely lead the Council to breach its statutory obligations in failing to comply with current legislation and would also be a missed opportunity to amend, refine and strengthen its own internal governance processes. This option is therefore not recommended.

#### **5. Background information**

- 5.1. In July 2023, Full Council approved the current version of Part Four of the Constitution, Section J Contract Standing Orders to comply with the Brexit Freedom Bill implemented following the UK's withdrawal from the EU.
- 5.2. The Procurement Act 2023 attained Royal Assent in October 2023 and will come into effect on 24 February 2025. The introduction of the PA23 sees a major overhaul of the current Public Contract Regulations 2015. The PA23 consolidates previous procurement regimes such as the Public Contract Regulations, concession contracts, light touch regime (care), utilities and defence regimes, into a single set of regulations.
- 5.3. The PA23 will cover the entire commercial lifecycle of the letting and management of public contracts. This includes planning, defining the requirements, undertaking the procurement process and managing of contracts through to termination of a contract.
- 5.4. Contracts valued at £25,000 (twenty-five thousand pounds) (net of VAT) will fall under the PA23. The transparency requirements consist of up to 17 notices with potentially 19 variances to be published at various points within the commercial lifecycle. Failure to comply with the transparency requirements, expose the Council to litigation from suppliers and sanctions from a newly created Procurement Reform Unit.

- 5.5. The Chief Procurement Officer has consulted with internal and external legal colleagues, several focus groups representing colleagues across the Council, the Corporate Leadership Team and the Constitutional Working Group in developing the proposed amendments to the CSOs.
- 5.6. Strategic Procurement have been preparing for the transition from the current Procurement Regulations to the incoming Procurement Act 23 (PA23) for the past 9 -12 months, as part of a wider modernisation programme. This includes; a new operating model to centralise procurements above £25,000 (twenty-five thousand pounds), to ensure there is regulatory compliance with these contracts and the publishing of the relevant notices. Compliance for low value contracts has been identified as an area for improvement, this is due to officers not being familiar with the procurement processes and systems, or complying with category strategies. Centralising this activity will enable Strategic Procurement to centrally manage these issues, introduce a new e-procurement platform to improve processes and efficiencies and reduce the training requirements across the Council on the new system and PA23.
- 5.7. A significant number of procurements are undertaken on a reactive basis, or have insufficient time planned to undertake the procurement activity, which leads to increased extensions on existing contracts, whilst the procurement activity is undertaken. The introduction of Directors required to complete quarterly procurement forward plans for the following 12 months as a minimum, will assist Strategic Procurement manage demand, apply more effective category management strategies and comply with the transparency requirements under the PA23.
- 5.8. Directors will be required to seek Cabinet approval prior to commencing procurements for contracts with an anticipated value of £500,000 and above. This provides an opportunity for members to have a greater influence in the contracts being procured by the Council to ensure they align with the Council's priorities, social and environmental commitments and ensure the proposal is within the Council's affordability envelope given the current financial pressures the Council is facing.
- 5.9. The Procurement Social Value Policy will be introduced in 2025 following a two-year pilot using the National Social Value TOMs (Themes, Outcomes and Measures). Introducing these into the CSOs formalises the requirement and aligns with the requirements outlined in the National Procurement Policy Statement, which is referenced in the PA23.
- 5.10. The PA23 requires certain contracts to be actively managed and their performance reported via the central digital platform. Various audits undertaken in the past couple of years have identified inconsistencies and weaknesses in the Council's contract management activity; therefore, contract management has been introduced into the CSOs to ensure we comply with the PA23 and also to bring forward best practice in contract management. This will be addressed through adopting central government's contract management toolkit.
- 5.11. Due to the extended scope of the PA23, it is not practical to detail operational procedures in the CSOs, therefore the Code of Practice will be redrafted to capture procedures in more detail. The Code of Practice will be maintained as legislation is refined during the embedding of the PA23 without the need to update the CSOs.

## **6. Contribution to strategic outcomes**

- 6.1. The recommendations in this report enable Strategic Procurement to support departments deliver the Councils Corporate Delivery Plan, Borough Vision 2035 and other priorities through the commissioning, procurement and ongoing contract management activity to deliver best value.

## **7. Carbon and Climate Change**

- 7.1. Not applicable – The Procurement Act 2023 makes provisions for social value and environmental considerations, which is already embedded in our procurement activity and the Councils Procurement Strategy.

## **8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Legal & Governance (Monitoring Officer), Equalities)**

### **Finance**

- 8.1. The Director of Finance notes the contents of the report and confirms there are no financial implications directly arising from this report.

### **Procurement**

- 8.2. The Chief Procurement Officer has prepared this report following consultation on the proposed changes to the Constitution with senior officers within the Council, legal services, and members of the Constitutional Working Group.
- 8.3. The Chief Procurement Officer supports the Recommendations proposed in paragraph 3 of this report and confirms the current version of the CSO's will not comply with the new Procurement Act 2023, which comes into effect on 24 February 2025. The proposed amendments will align the CSOs with current legislation and new ways of working.
- 8.4. The Chief Procurement Officer confirms that the Council is preparing to transition to the new Procurement Act 2023.

### **Legal**

- 8.5. The Assistant Director of Legal and Governance has been consulted in the preparation of this report.
- 8.6. Under section 135 Local Government Act 1972, local authorities may make standing orders with respect to the making of contracts by them or on their behalf and shall make standing orders with respect to the making by them or on their behalf of contracts for the supply of goods, materials or for the execution of works. Standing orders should include provisions for securing competition in the award of contracts and for regulating the way tenders are invited.
- 8.7. Officers are required to adhere to the standing orders when procuring, awarding and managing public contracts. This enables the Council to comply with its statutory duties when

spending money, including relevant procurement legislation and the Best Value duty under the Local Government Act 1999.

8.8. Part 2 – Articles of the Constitution sets out the role and function of Standards Committee which includes considering amendments to the Constitution and recommending proposals to full council for approval.

8.9. The Head of Legal and Governance sees no legal reasons preventing Members from approving the recommendations in this report.

## **Equality**

N/A

## **9. Use of Appendices**

9.1. Appendix 1 – Contract Standing Orders 2025

9.2. Appendix 2 – Summary of CSO Amendments 2025

9.3. Appendix 3 – CSO 2023 vs 2025 Comparison

## **10. Local Government (Access to Information) Act 1985**

N/A

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# Part Four, Section J

## Contract Standing Orders

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|   |           |
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**GLOSSARY**

In these Contract Standing Orders the following terms shall have the meanings set out below (as amended from time to time).

| <b>Term</b>                      | <b>Meaning</b>  |
|----------------------------------|---|
| <b>Approved Electronic Means</b> | means such electronic means of authenticating the formation and sealing of a Contract, which may include the use of electronic seals and signatures, positive approval using check boxes or other similar means, as may be expressly approved by the Monitoring Officer from time to time or for a specific Contract. |
| <b>Approved Form of Contract</b> | means a Contract approved by the Monitoring Officer for use within procurement activity.  |
| <b>Best Value</b>                | means the duty, which Part 1 of the Local Government Act 1999 places on local authorities, to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by Council.   |
| <b>Bid(s)</b>                    | means Tenders of Quotations (as applicable).  |
| <b>Cabinet</b>                   | means the Council's Executive committee comprising the Leader of the Council and up to 9 individual Cabinet members selected by the Leader.   |
| <b>Cabinet Member</b>            | means individual members (Councillor) of the Cabinet, selected by the Leader with a particular portfolio (area) of responsibility.  |
| <b>Central Digital Platform</b>  | means the online system referenced in the Procurement Act and Procurement Regulations where Notices, documents and other information required to be published/made available.   |
| <b>Chief Finance Officer</b>     | also known as the <b>Section 151 Officer</b> , the Council's most senior finance officer who has the responsibility under section 151 Local Government Act 1972 for the proper management of the Council's financial affairs and occupies the post of Director of Finance.  |
| <b>Chief Procurement Officer</b> | means the Council's most senior procurement officer, as appointed from time to time.  |
| <b>Constitution</b>              | means the constitution of the Council which sets out; (i) how it operates; (ii) how it makes decisions; and (iii) the procedures which it must follow.  |
| <b>Concession Contract</b>       | means a Contract for the supply, for pecuniary interest, of works or services to the Council, where (i) at least part of the consideration for that supply is a right for the supplier  |

## PART FOUR – RULES OF PROCEDURE

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| Term                                    | Meaning  |
|---|--|
|   | to exploit the works or services; and (ii) under the Contract the supplier is exposed to real operating risk.  |
| <b>Contract</b>                         | means any Council Contract in writing and of monetary value for the execution of works or the supply of goods and the provision of services. For avoidance of doubt: <ul style="list-style-type: none"> <li>(i) any contract of Services, Supply and/or Works;</li> <li>(ii) any Framework ;</li> <li>(iii) any Concession Contract; or</li> <li>(iv) any Utilities Contract</li> </ul> but does not include in any circumstances <ul style="list-style-type: none"> <li>(v) an employment contract; or</li> <li>(vi) a Grant agreement</li> </ul> |
| <b>Contract Standing Orders (CSO's)</b> | means these Contract Standing Orders which provide the constitutional basis for the Council's procurement of works, goods and services.  |
| <b>Corporate Contracts Register</b>     | means the central register of Council Contracts as managed and maintained by the Chief Procurement Officer.  |
| <b>Corporate e-Sourcing System</b>      | means the following: <ul style="list-style-type: none"> <li>(i) The designated corporate e-sourcing system, that manages the following activities; sourcing, Contract and performance management and management of commercial invoices, referred to in the Procurement Code of Practice; or</li> <li>(ii) Such other systems as may be approved by the Chief Procurement Officer from time to time</li> </ul>  |
| <b>Council</b>                          | means London Borough of Haringey Council, Alexandra House, 10 Station Road, Wood Green, N22 7TR  |
| <b>Director</b>                         | means an employee of the Council holding a post designated as: <ul style="list-style-type: none"> <li>(i) The Chief Executive;</li> <li>(ii) A member of the Strategic Leadership Team; or</li> <li>(iii) A Director or Assistant Director.</li> </ul>   |

## PART FOUR – RULES OF PROCEDURE

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| Term                                       | Meaning  |
|--|--|
| <b>Dynamic Market</b>                      | means a list of qualified suppliers who have met the conditions of membership of the dynamic market who are eligible to participate in future procurements as defined in the Procurement Act.  |
| <b>Dynamic Purchasing System (DPS)</b>     | means a completely electronic system which can be used for commonly used purchases of works, goods or services as defined in Regulations.  |
| <b>Extension</b>                           | means an extension to an existing Contract as described in more detail in CSO 18.02.18.02  |
| <b>Financial Regulations for Schools</b>   | means financial duties and procedures stated by the Council and all legislation relating to the financial management of schools.   |
| <b>Forward Plan</b>                        | means the document that lists all decisions that the Cabinet will take together with all Key Decisions to be taken and by whom.  |
| <b>Framework</b>                           | means a Contract between a contracting authority and one or more Suppliers that provides for the future award of Contracts by a contracting authority to a Supplier or Suppliers as more particularly described in the Regulations or Procurement Act (as applicable).   |
| <b>Grant(s)</b>                            | means a payment to help the recipient (e.g. school, charity or voluntary organisation) to deliver an agreed outcome in return, the grant funder (e.g. the Council) gets no direct service delivery (“the Grant Agreement”). A grant is usually provided subject to conditions that state how the grant shall be used (for example to support the wider objectives of the Council in promoting the social, economic or environmental well-being within their communities). The Grant Agreement will normally set out general instructions as to how this is to be achieved, and any particular conditions in regard to claw-back if those wider objectives are not met. |
| <b>Head of Audit &amp; Risk Management</b> | means the Councils most senior officer with responsibility for leading the Council’s audit and risk management function.   |
| <b>Key Decision</b>                        | has the meaning attributed to it in the Access to Information Procedure Rules at Part 4 Section D of the Constitution.   |
| <b>London Living Wage</b>                  | means as defined by the Living Wage Foundation ( <a href="https://www.livingwage.org.uk/what-real-living-wage">https://www.livingwage.org.uk/what-real-living-wage</a> )   |

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| Term                                   | Meaning   |
|--|---|
| <b>Monitoring Officer</b>              | means the most senior legal officer with responsibility for leading the Council's legal and governance function and with responsibility under section 5 Local Government and Housing Act 1989 for supporting and advising the Council in relation to the lawfulness and fairness of the decision-making of the Council, and has the title of Assistant Director for Legal & Governance. |
| <b>Notice</b>                          | means a notice any one of the various types of notices that is required to be published in accordance with the Procurement Act and the Regulations.   |
| <b>Officer(s)</b>                      | means an Officer as employed by the Council with relevant and appropriate authority to act on behalf of the Council.  |
| <b>Pensions Committee</b>              | means the Council's committee exercising the functions of Administering Authority, being responsible for the management and monitoring of the Council's pension fund.   |
| <b>Procurement Act</b>                 | means the Procurement Act 2023 which comes into force on 28 February 2025 and associated Procurement Regulations 2024 as may be amended from time to time.  |
| <b>Procurement Code of Practice</b>    | means the separate document referenced in these CSO's titled Procurement Code of Practice where more detailed information about the Council's procurement and contract procedures can be found.   |
| <b>Procurement Policy Notice (PPN)</b> | means any relevant Procurement Policy Notice as issued by government (as may be updated and issued from time to time). PPN's can be found via – <a href="https://www.gov.uk/government/collections/procurement-policy-notes">https://www.gov.uk/government/collections/procurement-policy-notes</a>   |
| <b>Procurement Threshold</b>           | means the applicable financial thresholds at which the Procurement Act or Regulations (as applicable) applies with effect from 1 January 2024 (as may be updated from time to time).  |
| <b>Provider Selection Regime</b>       | means the Health Care Services (Provider Selection Regime) Regulations 2023 as may be amended from time to time.  |
| <b>Quotation</b>                       | means an offer submitted in writing to the Council by a Supplier in response to a request for quotation (RFQ)) (without the formal commencement of a public procurement exercise).  |

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| Term                                | Meaning  |
|-------------------------------------|--|
| <b>Regulations</b>                  | means the:<br><br>(i) the Public Contract Regulations 2015;<br>(ii) Utilities Contract Regulations 2016; or<br>(iii) Concession Contract Regulations 2016;<br>as applicable  |
| <b>Scheme for Financing Schools</b> | means the Council's published scheme of finance for schools as amended from time to time.  |
| <b>Scheme of Delegation</b>         | means the Council's scheme of delegation which can be found at Part 3 of the Constitution.   |
| <b>Social Value</b>                 | means social, economic and environmental considerations aligned with the Council's priorities and policies, the Public Services (Social Value) Act 2012 and the National Procurement Policy Statement.   |
| <b>Strategic Procurement</b>        | means the Council's centralised procurement department managed by the Chief Procurement Officer.   |
| <b>Supplier</b>                     | means any individual or organisation(s) invited to submit a quotation or Tender or where a Contract has been awarded a Contract, the counterparty to a Contract with the Council who is responsible for delivering goods, services or works in accordance with the terms and conditions of Contract.                                 |
| <b>Technical Guidance</b>           | means the Technical Guidance published by the Government Commercial Function in relation to the Procurement Act. Further details can be found at – <a href="https://www.gov.uk/government/collections/procurement-act-2023-guidance-documents">https://www.gov.uk/government/collections/procurement-act-2023-guidance-documents</a> |
| <b>Tender</b>                       | means a Supplier's proposal submitted in response to an invitation to tender as part of a competitive tendering exercise.  |
| <b>Utilities Contract</b>           | means a Contract for the supply of goods, services or works wholly or mainly for the purpose of utility activity.  |
| <b>Variation</b>                    | means a modification to an existing Contract (such as additional services, exercising extension options, changes in price or a change in Supplier).  |
| <b>Waiver</b>                       | means an exemption (i.e. "waiver") from the requirement to comply with all or part of these CSOs.  |

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**0. Statement of Principles**

- 0.01. These CSO's provide the constitutional basis for the Council's procurement of works, goods and services. Following them will assist in ensuring statutory compliance, value for money, propriety and the proper spending of public money.
- 0.02. The Procurement Code of Practice provides more detail and shall govern Council procurement process and contract award procedures. The Chief Procurement Officer shall issue and maintain the Procurement Code of Practice. Any procurement activity shall proceed in accordance with these CSO's and the Procurement Code of Practice and all such other guidance issued by the Chief Procurement Officer.
- 0.03. The Chief Procurement Officer shall make the latest version of these CSO's and the Procurement Code of Practice available to every Director, Cabinet Member and Officer of the Council. Directors, or Officers acting on their behalf, shall apply the requirements of the CSO's and the Procurement Code of Practice when engaging in any procurement activity.
- 0.04. All Procurement activity shall be used (amongst other things) to achieve Best Value in accordance with the Council's statutory requirements or approved objectives. This should include an innovative approach to building partnerships with the private and not-for-profit sectors and collaborating with other public sector bodies within a robust contractual framework. Officers with responsibility for procurement shall ensure that they are able to demonstrate achievement of Best Value with regards to the optimal combination of economy, efficiency and effectiveness.
- 0.05. Every Contract or official order for works, goods or services made by the Council shall be for the purpose of achieving the Council's statutory obligations or approved objectives and shall conform to all relevant laws of England and Wales.
- 0.06. All procurement activity constituting Key Decisions shall comply with the requirements of the Access to Information Procedure Rules set out in Part 4 and the Protocols for Key Decisions and for Decision Making set out in Part 5 of this Constitution.
- 0.07. Directors shall ensure that the Cabinet or an appropriate Member of the Cabinet is consulted on any procurement activity prior to its publication in the Council's Forward Plan.
- 0.08. Where in these CSOs a decision is required by the Cabinet, this may also be taken by the Leader or by a Cabinet Member with the Leader's agreement.
- 0.09. Directors must ensure that robust audit trails are in place for all procurement activity in accordance with the Procurement Code of Practice.



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- 0.10. No Cabinet Member of the Council or Council Officer shall enter into any Contract on the Council's behalf.
- 0.11. No Cabinet Member or Officer of the Council shall be permitted to become security under any Contract.

**CONTRACT STANDING ORDERS**

**1. Introduction**

- 1.01. Procurement decisions are among the most important decisions a manager will make because the money involved is public money and the Council is required to ensure that Best Value is obtained when procuring works, goods and services. Efficient use of resources to achieve Best Value is therefore imperative. The Council's reputation is equally important and should be safeguarded from any imputation of dishonesty or corruption.
- 1.02. For these reasons it is a disciplinary offence to fail to comply with these CSO's and the Procurement Code of Practice when the Council is procuring Contracts for works, good and services and raising orders with suppliers. This also includes situations where the Council procures works, goods and/or services for and on behalf of other public bodies.
- 1.03. Council employees have a duty to report breaches of these CSO's to an appropriate senior manager and the Head of Audit & Risk Management.
- 1.04. Unless otherwise provided within these CSO's or the Procurement Code of Practice or with the express approval of the Chief Procurement Officer, all procurement processes, regardless of value, should be conducted via the Corporate e-Sourcing System.
- 1.05. Reference should be made to the Procurement Code of Practice for more detailed information on procurement processes.
- 1.06. All Officers will need to familiarise themselves with and comply with these CSO's and any other policies (including the National Procurement Policy Statement) / guidance (including Technical Guidance) / Procurement Policy Notices<sup>1</sup>, the Procurement Act 2023 (Commencement No. 3 and Transitional and Saving Provisions) Regulations 2024, Regulations and Procurement Act (as applicable).
- 1.07. Throughout these CSO's references are primarily made to the "Procurement Act".

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<sup>1</sup> Where applicable

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However, there are also instances where references are made to the “Regulations” to capture instances where Contracts fall under an alternative procurement regime. The relevant procurement legislation that will be applicable to procurement activity should be considered on a case-by-case basis. As such, advice should therefore be sought from Strategic Procurement as to the applicable procurement regime a proposed public Contract may need to be awarded in accordance with.

- 1.08. In the event of any doubt as to the interpretation of these CSO’s or the Procurement Code of Practice, or as to the proper procedure to be followed, clarification should be sought from the Chief Procurement Officer.
- 1.09. Unless stated otherwise, all financial references to pounds sterling in these CSO’s are to be exclusive of VAT.
- 1.10. Subject to Regulations or Procurement Act (as applicable), all communication and information exchange in relation to procurement shall be performed using electronic means of communication.

## 2. Roles & Responsibilities

- 2.01. **The Cabinet** (and Pensions Committee where relevant) will:
  - a) hold Directors accountable for any decisions they make under their delegated authority or under these CSO’s;
  - b) approve commencing a procurement exercise for proposed Contracts valued at £500,000 or more;
  - c) approve awards of Contract valued at £500,000 or more;
  - d) approve any Variation or Extension with an aggregate value of £500,000 or more (see also CSO 18);
  - e) ensure that the award of any Contract and any Extension or Variation with an aggregated value at £500,000 or more is treated as a '**Key Decision**' and as such must be in the Council's Forward Plan and comply with the other procedures in that regard set out in the Constitution.
- 2.02. Where a Contract has previously been awarded under CSO 2.01c) and:
  - a) that Contract includes an Extension within its terms (see CSO 18); and/or
  - b) that Contract is to be subject to a Variation;

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following consultation with the Cabinet Member responsible for the relevant portfolio, a Director may approve any subsequent Contract Extension(s) and/or Variation(s) up to an aggregated value of £500,000.

2.03. Where the additional cumulative value of all Variations and Extensions of the original award is £500,000 or more, this will be treated as a 'Key Decision' and CSO 2.01e) will apply.

2.04. Where a Director undertakes a decision in relation to CSO 2.02, details of the Extension and/or Variation must be reported retrospectively via the quarterly financial update report to Cabinet.

2.05. **Directors**

2.05.1 Each Director has responsibility for all Contracts let under their control and is accountable to the Cabinet for the performance of their duties in relation to Contract letting and management, which are:

- a) to ensure compliance with the laws of England and Wales and the Council's Policies;
- b) to ensure value for money in all procurement processes;
- c) to ensure compliance with these CSO's and the Procurement Code of Practice;
- d) to maintain a departmental Scheme of Delegation;
- e) to ensure that all relevant Officers are familiar with the provisions of these CSO's and the Procurement Code of Practice and that they receive adequate training on their operation;
- f) to ensure compliance with any guidelines issued in respect of these CSO's;
- g) to ensure all relevant regulatory consultations have been considered and complied with, including but not limited to Local Government Act 1999 Section 3 Best Value Consultations, Landlords and Tenants Act 1985 Section 20 etc.
- h) to take immediate action in the event of a breach of these CSO's or the Procurement Code of Practice within their service;
- i) to submit to the Chief Procurement Officer a pipeline of proposed procurements where the anticipated Contract value will be £2,000,000 or more, no later than 31 March of each year. The pipeline is to include procurements due to

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commence within the following two financial years;

- j) to submit to the Chief Procurement Officer a pipeline of proposed procurements where the anticipated Contract value will exceed £25,000 every three months. The pipeline is to include procurements due to commence within the following 12 months as a minimum;
- k) to seek Cabinet approval to commence a procurement process for proposed Contracts the value of which is above £500,000;
- l) to keep:
  - i. copies of all concluded Contracts as required by the Regulations or Procurement Act (as applicable), and ensure electronic copies of such Contracts are stored in the Corporate e-Sourcing System, and
  - ii. proper records of procurement procedures sufficient to justify decisions taken at all stages of the procurement procedure for a period of at least three years from the date of award of the Contract, as required by the Regulations or Procurement Act (as applicable);
- m) to keep records of Waivers of any provision of these CSO's and forward a copy of such signed records to Strategic Procurement;
- n) approve award of Contracts with a value up to £500,000;
- o) Where a Contract has previously been awarded under CSO 2.01c) and following consultation with the Cabinet Member responsible for the relevant portfolio, a Director may approve any subsequent Contract Extension(s) and/or Variation(s) up to an aggregated value of £500,000.
- p) to ensure that the Council's seal is affixed to any document required to be executed as a deed and that where a document is not expressed to be under seal, it is either signed by two people or authenticated by Approved Electronic Means as provided for in these CSO's;
- q) to record all Contracts in the Corporate Contracts Register;
- r) to ensure effective management of all Contracts under their control, and to a level deemed appropriate in regard to risk or value of each Contract;
- s) to ensure that no Contract is let unless the expenditure involved has been fully considered and approved beforehand and sufficient money has been allocated in the relevant budget;

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- t) to record and report on decisions taken under the Officer Scheme of Delegation in accordance with Part Three Section E Section 1 - paragraphs 3.01 to 3.06 of the Councils Constitution;
- u) Approve the termination of any Contract having regard for CSO 19.

2.06. **Pensions Committee**

- 2.06.1 The Pensions Committee shall have the same powers and duties of the Cabinet specified in these CSO's but limited to its responsibilities for procurements relating to the Pension Fund.

2.07. **Alexandra Palace and Park**

- 2.07.1 These CSO's apply to the procurement of works, goods and services by or on behalf of the above Alexandra Palace and Park Charitable Trust and any on the following basis:
  - a) The Chief Executive of the relevant organisation shall have the powers of a Director specified in these CSO's;
  - b) The Executive Board shall have the powers of the Cabinet and a Cabinet Member specified in these CSO's;
  - c) In the event of any conflict, the requirements of the Charities Act 2011, any regulations made under that Act or charity law in general shall prevail over the provisions of these CSO's.

2.08. **Schools**

- 2.08.1 In accordance with the requirements of the Council's Scheme for Financing Schools and the Financial Regulations for Schools, where a school acts as an agent for the Council, these CSO's apply to all schools within the London Borough of Haringey except for academy and trust schools.
  - a) A school's governing body shall have the powers of the Cabinet specified in these CSO's, except in relation to Waivers (CSO 18).

2.09. **Other wholly owned subsidiaries/arms-length organisations owned by the Council**

- 2.09.1 These CSO's apply to the procurement of works, goods and services by wholly owned subsidiary or arms-length organisation owned by the Council where they are subject to the Regulations or Procurement Act on the following basis:

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- a) The Chief Executive of the relevant organisation shall have the powers and duties of a Director specified in these CSO's;
- b) The Board shall have the powers and duties of the Cabinet and a Cabinet Member specified in these CSO's.

**3. Scope of the CSO's**

3.01. These CSO's shall apply to all Contracts awarded by the Council for works, goods and services) unless otherwise expressly stated or these requirements are waived in accordance with CSO 1818.01.

3.02. Where the Council:

- a) secures funding from an external funding body; or
- b) is involved in joint working funded partly or entirely by external funding to the extent that the money passes through the Council's accounts; or
- c) intends to Grant funding to an external body;

for the purposes of securing the provision of works/ goods or services, these CSO's shall apply.

3.03. These CSO's shall **not apply** to Contracts falling within the specific exclusion provisions within the Regulations or in the case of the Procurement Act, exempted contracts as defined in Part 2 of Schedule 2 of the Procurement Act. For the avoidance of doubt, this exclusion applies to (amongst other things) Contracts of employment, certain Contracts for legal services, certain financial services and debt finance and agreements for the sale of land (including leases), or other exclusions as amended from time to time.

**4. Public Procurement Rules and Procedures**

4.01. Where the Council wishes to award a Contract for the provision of works, goods or services it will need to do so in accordance with the Regulations or Procurement Act (as applicable).

**Provider Selection Regime**

4.02. The Council will need to procure in accordance with the Provider Selection Regime where it is seeking to procure relevant in scope health care services for the purpose of the health service in England, whether alone or as part of a mixed procurement.

4.03. Advice should be sought from the Strategic Procurement prior to seeking to award a contract under the Provider Selection Regime.

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**5. Contract Value and Aggregation**

- 5.01. Directors must ensure that a pre-tender estimate of the total Contract value is prepared and recorded in writing and is an accurate reflection of the expected Contract value (to the extent of the information available to Directors at the time), to determine whether it falls within the scope of the Regulations or Procurement Act.
- 5.02. Total Contract value or an estimated total Contract value in these CSO's means the aggregate value payable in pounds sterling exclusive of Value Added Tax, over the entire Contract period, including any extension periods in the proposed Contract. Procurements falling within the scope of the Procurement Act will need to have their estimated value calculated in accordance with Section 4 of the Procurement Act.
- 5.03. A Contract's value must not be artificially under or overestimated or divided into two or more separate Contracts with the intention of avoiding the application of these CSO's, the Regulations or the Procurement Act.

**6. Social Value**

- 6.01. The Council is committed to fulfilling its obligations under The Public Services (Social Value) Act 2012 and the National Procurement Policy Statement. Officers shall maximise the potential to generate social value outcomes from procurement activity.
- 6.02. Contracts valued at £500,000 or more must include Social Value as part of the evaluation criteria. Such consideration should be proportionate and appropriate to the size and nature of the Contract. Officers must follow guidance as stated in the Code of Practice.
- 6.03. For Contracts valued over £500,000 Social Value is to be included as part of the evaluation criteria. The Social Value weighting must be between 10% and 25% of the total award criteria.
- 6.04. Unless otherwise agreed with Chief Procurement Officer in writing, the Social Value Portal is to be used to record, manage and monitor these contractual Social Value commitments.
- 6.05. Social Value must be considered for Contracts valued below £500,000 where appropriate. However, such considerations should be proportionate and appropriate to the size and nature of the Contract. Officers must follow guidance as stated in the Code of Practice.
- 6.06. Any Social Value commitments made as part of a Tender submission must form part of the contractual obligations to be delivered by the Supplier under the Contract.

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**7. Frameworks**

- 7.01. The Council may establish Frameworks for its own use or use by other contracting authorities.
- 7.02. The Council may access and call-off from Frameworks established by other public sector organisations where it is deemed suitable and appropriate to do so. However, consideration should first be given to the use of the Council's own established Frameworks, including those operated by the London Construction Program (LCP). Where the Council operates such Frameworks and are deemed suitable for the requirements being sought, use of these Frameworks shall take precedence over the use of any other third-party Framework, unless otherwise agreed by the Chief Procurement Officer.
- 7.03. Where an accessible Framework exists in respect of the subject matter, and there is an absence of compliant objective criteria to directly award, or prices have yet to be determined, then a mini competition is to be undertaken in accordance with the terms of the Framework. The Council will also need to act in accordance with Regulations or Procurement Act (as appropriate) alongside any terms stated in the use of such Frameworks.
- 7.04. The Council's decision to enter into a Contract with the recommended Supplier under a Framework must be made in accordance with CSO 16.

**8. Dynamic Purchasing Systems**

- 8.01. Where the Council operates its own DPS (including the LCP) for a works, goods, or service category, suitable for its requirement this must be used to carry out the procurements related to those categories; or
- 8.02. The Council may access and call-off from a DPS established by other public sector organisations that has been established in accordance with the Regulations, where it is deemed suitable and appropriate to do so. However, consideration should first be given to the use of the Council's own established DPS, including those operated by the LCP. Where the Council operates a DPS and is deemed suitable for the requirements being sought, use of the Council DPS shall take precedence over the use of any other third-party DPS, unless otherwise agreed by the Chief Procurement Officer.



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- 8.03. Electronic formation of individual Contracts within a DPS is permitted, subject to CSO 17.

**9. Dynamic Markets**

- 9.01. The Council may establish Dynamic Markets for its own use or use by other contracting authorities.
- 9.02. The Council, acting in accordance with Procurement Act can establish Dynamic Markets for the purposes of awarding Contracts by reference to Suppliers' participation in those arrangements which must remain open for new Suppliers to join at any time.
- 9.03. Where the Council operates its own Dynamic Market (including the LCP) for a works, goods, or service category, that is deemed suitable for its requirement this must be used to carry out the procurements related to those categories;
- 9.04. The Council may access and call-off from a Dynamic Market established by other public sector organisations and that has been established in accordance with the Procurement Act, where it is deemed suitable and appropriate to do so. However, consideration should first be given to the use of the Council's own established Dynamic Market, including those operated by the LCP. Where the Council operates a Dynamic Market and is deemed suitable for the requirements being sought, use of the Council Dynamic Market shall take precedence over the use of any other third-party Dynamic Market, unless otherwise agreed by the Chief Procurement Officer.
- 9.05. Electronic formation of individual Contracts within a Dynamic Market is permitted, subject to CSO 17.

**10. Direct Awards**

- 10.01. The Council can directly award a public Contract to a supplier without undertaking a competitive procurement process in accordance with the limited situations described in the Regulations, sections 41-44 and Schedule 5 of the Procurement Act or in accordance with the Provider Selection Regime (as applicable).
- 10.02. Prior to seeking to rely on this CSO 10 to award a public Contract, advice should be sought from the Chief Procurement Officer.

**11. Procedure for Contracts below £25,000**

- 11.01. All Contracts with an estimated value below £25,000 must be procured in accordance

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with the Code of Practice via the Corporate e-Sourcing System, except where an alternate e-sourcing system is mandated by a Framework, a DPS or an alternative e-sourcing system has been pre-approved in writing by the Chief Procurement Officer.

- 11.02. Where a Contract has an estimated value of less than £25,000, the relevant Director should act in the manner most expedient to the efficient management of the service, having regard for CSOs 7.01, 8 and 9 and retaining a record of the procurement activity and related approval.

#### **12. Procedure for Contracts valued above £25,000**

- 12.01. All Contracts let with a value of £25,000 or more must be undertaken in accordance with the Code of Practice having regard for CSOs 7.01, 8 and 9 in the first instance.
- 12.02. Except as otherwise expressly permitted by or under these CSO's, for all Contracts with an estimated value of £25,000 or more but less than £500,000, and where the value of the Contract does not exceed the relevant Procurement Threshold requiring a Contract to be advertised, at least three competitive Quotations should be sought via the Corporate e-Sourcing Solution, without the need for an advertisement (unless required to do so by the Procurement Act), or to follow the competitive tender procedure. Where the intention is to advertise the opportunity, the relevant Notices must be published in accordance with the Procurement Act. This activity will be managed by the Chief Procurement Officer, unless agreed otherwise by the Chief Procurement Officer.
- 12.03. Except as otherwise expressly permitted by or under these CSO's, all Contracts that exceed the relevant Procurement Threshold requiring a Contract to be advertised, or which have an estimated value of £500,000 or more must be let following publication of an appropriate advertisement (Tender) in accordance with the Regulations or Procurement Act (as applicable). This activity will be managed by the Chief Procurement Officer.
- 12.04. Where Tenders are to be invited, the regulatory procedure to be followed, shall be determined prior to advertising and be managed by the Chief Procurement Officer and shall comply with the Regulations or Procurement Act and the Procurement Code of Practice.
- 12.05. The Chief Procurement Officer may decide that processes in this CSO 12 are not appropriate in order to secure value for money for the Council and to ensure general procurement law principles are complied with. If that is the case, he/she may determine another process of selecting a Supplier, which will meet best value criteria and/or ensure compliance with procurement law. The decision and process must be properly documented.

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- 12.06. All Contracts let require the publication of relevant Notices in compliance with the Regulations or the Procurement Act (as applicable).

**13. Electronic communications, procurement documents, receipt and opening of Bids**

- 13.01. Subject to the terms of Regulations and Procurement Act, the Council will provide unrestricted and full electronic direct access free of charge to the procurement documents from the date of publication of the advertisement, or the date on which an invitation to confirm interest was sent.
- 13.02. Electronic Bids received securely may be opened at the appointed date and time by a Council Officer or the Council's appointed consultant.
- 13.03. Records of any non-compliant Bids and of the date and time of receipt of any late Tenders must be kept by Officers.
- 13.04. Late Bids may only be accepted in exceptional circumstances and with the written authorisation of the Chief Procurement Officer.

**14. Abnormally Low Bids**

- 14.01. Abnormally low bids should be dealt with in accordance with the Regulations or Procurement Act (as applicable).

**15. Post Tender Clarifications/Confirmations**

- 15.01. Negotiation after receipt of formal bids and before the award of contract is only permitted:
- a) as part of a tender process allowed for by the Regulations or Procurement Act;
  - b) in circumstances which do not breach the Regulations/Procurement Act or put other Suppliers at a disadvantage, distort competition or adversely affect trust in the competitive process, and
  - c) if the prior authority of the Chief Procurement Officer has been obtained.
- 15.02. Tender clarifications are permitted in circumstances which do not breach the Regulations/Procurement Act or put other Suppliers at a disadvantage, distort competition or adversely affect trust in the competitive process
- 15.03. All communication with Suppliers during a formal procurement shall be performed

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using electronic means in accordance with the Regulations or Procurement Act (as applicable).

**16. Bid Acceptance**

- 16.01. Bids are to be accepted on the basis that the award is compliant with the Regulations or Procurement Act (where applicable) and as determined by the application of the published award criteria.
- 16.02. Where a Contract has been awarded the Council is required to published Notices in accordance with the Regulations or Procurement Act (as applicable).
- 16.03. Where a purchasing card is used to procure goods, works or services it cannot be used to circumvent these CSO's. The relevant approvals in accordance with these CSO's must be in place prior to procuring the goods, works or services.
- 16.04. Where the provision of works, goods or services under a Contract is required to commence prior to the issuance and execution of a formal Contract, a Director, if satisfied that it is in the Council's best interest in the particular circumstances, may approve issuance of a Letter of Intent pending the issuance and execution of a formal Contract. However, the maximum cover afforded by any Letter of Intent shall not exceed £100,000 or 10% of the total Contract price, whichever is the higher value.

**17. Conditions Applying to All Contracts:**

- 17.01. The procurement documents in respect of every Contract to which the Regulations or Procurement Act apply, shall provide for the Contract to include provisions enabling the Council to terminate the Contract in each of the circumstances as set out in Regulations or the Procurement Act.
- 17.02. The procurement documents in respect of every Contract to which the Procurement Act or Regulations apply shall include a requirement that the Council may require the successful Supplier to enter into a collateral Contract in a form approved by the Monitoring Officer which provides for the allocation of risks between the Parties where the Contract has been declared ineffective by a court.
- 17.03. The decision as to whether or not a collateral Contract will be required in respect of a Contract will ultimately be made, before the formal Contract is issued and executed, by the Monitoring Officer or an Officer acting under their delegated authority.

**Contracts valued £25,000 or more**

- 17.04. All Contracts valued at £25,000 or more must be in writing by way of a document prepared, or on a basis approved, by the Monitoring Officer.

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- 17.05. Every Contract valued at £25,000 or more must be an Approved Form of Contract unless otherwise agreed by the Monitoring Officer
- 17.06. All Contracts for the provision of services which may entail members of the service provider's staff (including agents, sub-contractors and assigns) carrying out a role that involves contact with children and/or vulnerable adults or access to their personal records shall contain a provision requiring the service provider to undertake in respect of each staff member the appropriate level of Disclosure and Barring Service (DBS) check for which their role is eligible prior to provision of the services being carried out by the relevant staff member and at appropriate intervals thereafter.
- 17.07. All computer software Contracts shall contain a clause to the effect that use of the software by the Council's Suppliers shall not amount to use by a third party for which an additional software license might otherwise be required.
- 17.08. All Contracts for works and services must include provisions for the payment of London Living Wage.
- 17.09. The approval of contract awards, Variations and Extensions may be evidenced within the Corporate e-Procurement Systems by electronic copies of signatures or through positive acceptance (i.e. tick box, yes /no indicator or other similar means of approval).
- 17.10. A Contract valued at less than £250,000 does not require sealing and should either be signed or electronically approved on behalf of the Council by the relevant Director, Assistant Director, or the Head of the relevant business unit, where permitted to do so under the Scheme of Delegation. Where the nature of the works, goods or services is such so as to pose a high risk of significant latent defects, then the Chief Procurement Officer may decide to have the Contract with a value of less than £250,000 executed under seal as a deed.

**Contracts Valued £250,000 or more**

- 17.11. In addition to the provisions above regarding Contracts valued over £25,000 the following requirements apply to Contracts exceeding £250,000.
- 17.12. A Contract valued at £250,000 or more must be executed on behalf of the Council under seal as a deed, and to ensure original sealed Contract documents are held by the Monitoring Officer for safekeeping. Where appropriate, electronic sealing of Contracts is permitted.
- 17.13. Every Contract valued at £250,000 or more must contain clauses to cover the following:

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- a) if it is a Contract for works, that the Council may require the Supplier to provide security for completing the Contract in the form of a bond;
  - b) that, where the Supplier is a subsidiary or group company, the Supplier may be required to provide a parent or group company guarantee;
  - c) or other means of surety as agreed by the Chief Finance Officer or an Officer acting under their delegated authority.
- 17.14. The decision as to whether or not a bond or parent company guarantee will be required in respect of a Contract valued at £250,000 or more will ultimately be made by the Chief Finance Officer or an Officer acting under their delegated authority.

## **18. Waivers, Extensions, Variations and Novations**

### **18.01. Waivers**

18.01.1 Any Waiver relating to these CSO's must be agreed by the Chief Procurement Officer prior to engaging with any Supplier to provide goods, services or works in accordance with this CSO 18.

18.01.2 A Waiver may be agreed after considering a written report that demonstrates:

- a) the Contract is one entered into between entities within the public sector in circumstances permitted by the Regulations or Procurement Act (as applicable); or
- b) the Contract is one that the Council is permitted to reserve for certain economic operators in circumstances permitted by the Regulations or Procurement Act (as applicable); or
- c) the circumstances of the proposed contract award are covered by a relevant legislative exemption (under the law of England and Wales); or
- d) the value of the Contract is below the applicable Procurement Threshold pursuant to the Regulations or Procurement Act (as applicable) and:
  - (i) complies with below threshold provisions within the Regulations or Procurement Act (as applicable);
  - (ii) the nature of the market for the works to be carried out or the goods or services to be provided has been investigated and is such that a departure from the requirements of these CSO's is justifiable;

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- (iii) it is in the Council's overall interest; or
  - (iv) there are other circumstances which are genuinely exceptional.
- 18.01.3 All Waiver requests must be approved before any related Contract award and/or Variation occurs.
- 18.01.4 CSO's other than CSO 4 (which relates to the Regulations and the Procurement Act) may be waived on the basis set out in this CSO 18 by:
  - a) the Cabinet where the Waiver concerns a Contract with a value of £500,000 or more; or
  - b) a Director where the Waiver concerns a Contract with a value of less than £500,000 (save that the Director shall not have authority to waive CSO 17).
- 18.01.5 Any waiver valued at £100,000 or above relating to these CSO's must be agreed by the Chief Procurement Officer prior to engaging the supply chain.
- 18.01.6 A record of the decision approving a Waiver and the reasons for it must be kept and an entry made in a central register maintained and monitored by the Chief Procurement Officer.
- 18.01.7 Where an additional Waiver of these CSO's is sought in relation to the same individual Contract, whereby the aggregated value of the Contract increases to £500,000 or more, the Waiver must be agreed by the Cabinet.
- 18.02. **Contract Variations and Extensions**
  - 18.02.1 A Contract may be extended before its expiry provided that the Extension is provided for in the original Contract terms or is permitted by the Regulations or Procurement Act (as applicable)
  - 18.02.2 Contract Extensions shall be approved in accordance with CSO 2.
  - 18.02.3 All Variations and Extensions must be recorded in writing and an electronic copy retained in the Corporate e-Sourcing System.
- 18.03. **Contract Variations**
  - 18.03.1 Prior to seeking to vary an existing Contract, appropriate advice should be sought from Strategic Procurement on a case-by-case basis as to whether the Variation needs to be considered in accordance with the Regulations or Procurement Act (as applicable).

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18.03.2 Prior to and following the Variation of a Contract subject to the Procurement Act, the Council may be required to publish a Notice(s) in accordance with section 75 of the Procurement Act.

18.03.3 Contract Variations shall be approved in accordance with CSO 2.

18.04. **Novations (Transfers)**

18.04.1 In circumstances permitted in the Regulations or Procurement Act, or where the value of a Contract is below the applicable Procurement Threshold pursuant to the Regulations or Procurement Act, the Council may agree to the novation or assignment of a Contract.

18.04.2 A Director may approve the assignment or novation of a Contract where the value of the remaining term including any Extension is less than £500,000.

18.04.3 The Cabinet will approve the assignment or novation of a Contract where the value of the remaining term including any Extension is £500,000 or more.

**19. Contract Termination**

19.01. In the event of a supplier being declared bankrupt, going into administration, receivership or liquidation then a Director may terminate any associated Contract(s) and initiate alternative arrangements as may be required considering CSO 18.04 in cases of novation or CSO 3.01 in cases that warrant the re-letting of a Contract(s).

19.02. Subject to CSO 19.01 (above) prior to deciding to terminate a Contract early, approval must be sought from a Director and reported to the Chief Procurement Officer.

19.03. In all cases of Contract termination for whatever reason where the awarded Contract value was £500,000 or more, a report must be presented at the earliest opportunity to Cabinet.

19.04. Where a Contract is terminated and the Procurement Act applies the Council is also required to publish a Notice in accordance with section 80 of the Procurement Act.

**20. Contract Management**

20.01. It is the responsibility of the Director to ensure effective contract management is undertaken for Contracts under their control and management.

20.02. Directors must assign a contract owner for all Contracts above £25,000 and record this information in the Corporate e-Sourcing System.



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- 20.03. It is the responsibility of the Director to ensure all contract owners manage Contracts under their control, to ensure the Supplier delivers their contractual commitments, and where required, record the performance of the Supplier in the Corporate e-Sourcing System.
- 20.04. Contract Managers must follow any guidance issued by the Chief Procurement Officer and stated in the Procurement Code of Practice regarding contract and performance management.
- 20.05. Where a Supplier fails to deliver its contractual commitments to the extent it results in a breach of contract, this must be referred to Chief Procurement Officer and considered in accordance with the Procurement Act (where applicable).
- 20.06. Contract performance monitoring must be in accordance with the Procurement Act and any relevant Notices published as required.

**21. Application of CSOs to Grants**

**Approval for Receipt of Grants by the Council from External Bodies**

- 21.01. Where the Council receives a Grant from an external body, the process for approving or varying the agreement for the Grant shall be the same as that set out in CSO 2 (i.e. the Director may approve receipt of a Grant valued at less than £500,000. For approval of receipt of Grants valued at £500,000 or more, a Cabinet decision is required).
- 21.02. The Council's requirements in respect of execution of Contracts as deeds (CSO 17.12) shall not apply in respect of Grants which the Council receives, and subject to the requirements of the funder, they may be signed by the relevant Director and Head of the business unit or authenticated by Approved Electronic Means.

**Expenditure of Grant funding**

- 21.03. Where a below threshold public Contract is to be funded by a Grant, Officers must seek the advice of the Chief Procurement Officer in respect of requirements to advertise to ensure transparency of the procedure and compliance with funding requirements.
- 21.04. Where an above threshold public Contract is to be funded by a Grant, that Contract should be awarded in accordance with the Regulations or Procurement Act (as applicable) and these CSO's.
- 21.05. Where the conditions of Grant funding agreements and/or applicable guidance documents conflict with these CSOs, the provisions of the Grant/funding agreements

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and/or guidance documents shall prevail.

**Approval for Payment of Grants from the Council to External Bodies**

- 21.06. Where the Council awards a Grant to an external body, the process for approving or varying the agreement for the Grant shall be the same as that set out in CSO 2.05.1n) and CSO 2.05.1o) (i.e. the Director may approve awards/Variations of Grants valued less than £500,000. For approval of award/Variation of Grants valued at £500,000 or more, a Cabinet decision is required in accordance with CSO 2.01c) or CSO 2.01d).

**22. Subsidy Control**

- 22.01. The Council will ensure that all projects and procurements comply with the UK Subsidy Control Regime (formerly “State Aid”).

## Appendix 2 - Summary of Proposed CSO Amendments 2025

### Introduction

The incoming Procurement Act will introduce major reforms to the current procurement regulations, this coupled with the Procurement Modernisation Programme, requires the Council to revisit its Contract Standing Orders (CSO).

This has resulted in a fundamental change to the structure of the CSO's and some of the provisions contained therein due to the transitional arrangements for the Procurement Act, which now covers the full commercial lifecycle of public contracts. Due to these transitional arrangements the CSO's need to continue to incorporate existing regulations. To address this and avoid confusion existing regulations are defined in the CSO's as Regulations and new regulations are defined as Procurement Act. Officers will need to understand which different regulatory requirements apply. (for the purposes of this document the use of 'regulations' means current Regulations and the Procurement Act).

Due to the extent of the new provisions under the Procurement Act, it is not feasible to capture the detail within the CSO's. Therefore, the Code of Practice (CoP) will contain detailed guidance and processes relating to the different procurement regimes.

### Proposed Amendments

Below is a summary of the proposed amendments, where appropriate, drafting from previous CSO's has been carried forward, and therefore the summary table below focuses on the key amendments. Full details of the changes can be found in Appendix 3 CSO 2023 vs 2025 comparison document.

| Area of Amendment           | Comment  |
|-----------------------------|--|
| Glossary                    | <ul style="list-style-type: none"> <li>Definitions have been updated to consider current regulations and the incoming Procurement Act.</li> </ul>  |
| 0. Statement of principles  | <ul style="list-style-type: none"> <li>Minor drafting amendments to reflect change in officer titles and relocation of some existing provisions.</li> </ul>  |
| 1. Introduction             | <ul style="list-style-type: none"> <li>Minor drafting amendments and confirmation values stated in CSO's are excluding VAT.</li> </ul>   |
| 2. Roles and Responsibility | <p>This section now includes the following requirements:</p> <p>Cabinet</p> <ul style="list-style-type: none"> <li>Approval to commence a procurement exercise for proposed Contracts valued at £500,000 or more.</li> </ul> <p>Directors</p> <ul style="list-style-type: none"> <li>To ensure relevant statutory consultations are undertaken.</li> </ul> |

| Area of Amendment                 | Comment  |
|-----------------------------------|--|
|                                   | <ul style="list-style-type: none"> <li>• Submission of procurement pipeline to Chief Procurement Officer (CPO) above £2m by 31 March each year.</li> <li>• Submission of pipeline of contracts above £25k to CPO quarterly.</li> <li>• Approve termination of contracts</li> </ul> <p>Additional entities</p> <ul style="list-style-type: none"> <li>• Reference to roles and responsibilities for Pension committee, Alexandra Palace, schools and other 'arm's length' organisations brought into this section and aligned so as to follow Council CSO's.</li> </ul> |
| 3. Scope of CSO's                 | <ul style="list-style-type: none"> <li>• Minor amendments to align with Procurement Act</li> </ul>   |
| 4. Public Procurement Directives  | <ul style="list-style-type: none"> <li>• Amendments to cover all procurement regulations in scope.</li> </ul>  |
| 5. Contract Value and Aggregation | <ul style="list-style-type: none"> <li>• Minor drafting amendments</li> </ul>  |
| 6. Social Value                   | <ul style="list-style-type: none"> <li>• New section reflecting Council policy due to come in mid 2025, including mandating social value in all contracts above £500k.</li> </ul>  |
| 7. Frameworks                     | <ul style="list-style-type: none"> <li>• Referencing to use of Haringey and London Construction Programme (LCP) frameworks taking precedence.</li> <li>• Reference to controls for direct awards on frameworks.</li> </ul>   |
| 8. Dynamic Purchasing Systems     | <ul style="list-style-type: none"> <li>• Reference to using LCP and Haringey DPS's taking precedence.</li> </ul>   |
| 9. Dynamic Markets                | <ul style="list-style-type: none"> <li>• New provisions under the Procurement Act.</li> <li>• Reference to using LCP and Haringey DPS's taking precedence.</li> </ul>  |
| 10. Direct Awards                 | <ul style="list-style-type: none"> <li>• Drafting updated to take account of new provisions within the Procurement Act.</li> </ul>   |
| 11. Contracts below £25,000       | <ul style="list-style-type: none"> <li>• New section replacing previous below £10k provisions.</li> <li>• Directs officers to use existing corporate arrangements (i.e. frameworks, DPS etc.).</li> </ul>  |
| 12. Contracts above £25,000       | <ul style="list-style-type: none"> <li>• Allows for RFQ up to £500k where permitted by the regulations.</li> <li>• LCP/Haringey frameworks and DPS's take precedence.</li> <li>• Activity now falls under CPO unless agreed otherwise.</li> <li>• Compliance with relevant notifications.</li> <li>• Introduces requirements around transparency notices which require publication.</li> </ul>   |

| Area of Amendment   | Comment   |
|---|---|
|   | <ul style="list-style-type: none"> <li>(Note; COP will provide guidance on processes to be followed).</li> </ul>  |
| 13. Electronic communications, procurement documents, receipt and opening of bids | <ul style="list-style-type: none"> <li>Amendments to align with new Procurement Act.</li> </ul>   |
| 14. Abnormally Low Bids   | <ul style="list-style-type: none"> <li>Officers directed to regulations which apply.</li> </ul>   |
| 15. Post Tender Negotiations/ Clarifications                                      | <ul style="list-style-type: none"> <li>Insertion of reference to relevant regulations, as these differ across regulations.</li> </ul>   |
| 16. Bid Acceptance  | <ul style="list-style-type: none"> <li>Amendments to align with new Procurement Act.</li> <li>Relocation of approval thresholds to section 2 (Roles and Responsibilities).</li> </ul>   |
| 17. Conditions applying to all contracts  | <ul style="list-style-type: none"> <li>Amendments to align with new Procurement Act.</li> <li>Section is updated to ensure alignment with revised CSO threshold of £25k.</li> </ul>   |
| 18. Waivers, Extensions, Variations and Novations                                 | <ul style="list-style-type: none"> <li>Amendments to align with new Procurement Act.</li> <li>Reduced threshold to £100k requiring prior approval from COP for waivers.</li> </ul>  |
| 19. Contract termination  | <ul style="list-style-type: none"> <li>Amendments to align with new Procurement Act.</li> <li>Provision to include notification to Chief Procurement Officer</li> </ul>   |
| 20. Contract management   | <ul style="list-style-type: none"> <li>New section to introduce responsibilities for contract management and alignment with the Procurement Act.</li> <li>Assignment of a contract owner for all contracts above £25k.</li> </ul> |
| 21. Application of CSO's to Grants  | <ul style="list-style-type: none"> <li>Introduction of section relating to spending of Grant funding and compliance with CSO's.</li> <li>Alignment of delegated thresholds within CSO's.</li> </ul>                               |
| 22. Subsidy Control   | <ul style="list-style-type: none"> <li>New section with reference to complying with UK subsidy Control Regime</li> </ul>  |

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**GLOSSARY**

In these Contract Standing Orders the following terms shall have the meanings set out below (as amended from time to time).

| <b>Term</b>                      | <b>Meaning</b>  |
|----------------------------------|---|
| <b>Approved Electronic Means</b> | means such electronic means of authenticating the formation and sealing of a Contract, which may include the use of electronic seals and signatures, positive approval using check boxes or other similar means, as may be expressly approved by the Monitoring Officer from time to time or for a specific Contract. |
| <b>Approved Form of Contract</b> | means a Contract approved by the Monitoring Officer for use within procurement activity.  |
| <b>Best Value</b>                | means the duty, which Part 1 of the Local Government Act 1999 places on local authorities, to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by Council.   |
| <b>Bid(s)</b>                    | means Tenders of Quotations (as applicable).  |
| <b>Cabinet</b>                   | means the Council's Executive committee comprising the Leader of the Council and up to 9 individual Cabinet members selected by the Leader.   |
| <b>Cabinet Member</b>            | means individual members (Councillor) of the Cabinet, selected by the Leader with a particular portfolio (area) of responsibility.  |
| <b>Central Digital Platform</b>  | means the online system referenced in the Procurement Act and Procurement Regulations where Notices, documents and other information required to be published/made available.   |
| <b>Chief Finance Officer</b>     | also known as the <b>Section 151 Officer</b> , the Council's most senior finance officer who has the responsibility under section 151 Local Government Act 1972 for the proper management of the Council's financial affairs and occupies the post of Director of Finance.  |
| <b>Chief Procurement Officer</b> | means the Council's most senior procurement officer, as appointed from time to time.  |
| <b>Constitution</b>              | means the constitution of the Council which sets out; (i) how it operates; (ii) how it makes decisions; and (iii) the procedures which it must follow.  |
| <b>Concession Contract</b>       | means a Contract for the supply, for pecuniary interest, of works or services to the Council, where (i) at least part of the consideration for that supply is a right for the supplier  |

## PART FOUR – RULES OF PROCEDURE

## Section J – Contract Standing Orders

| Term                                    | Meaning  |
|---|--|
|   | to exploit the works or services; and (ii) under the Contract the supplier is exposed to real operating risk.  |
| <b>Contract</b>                         | means any Council Contract in writing and of monetary value for the execution of works or the supply of goods and the provision of services. For avoidance of doubt: <ul style="list-style-type: none"> <li>(i) any contract of Services, Supply and/or Works;</li> <li>(ii) any Framework ;</li> <li>(iii) any Concession Contract; or</li> <li>(iv) any Utilities Contract</li> </ul> but does not include in any circumstances <ul style="list-style-type: none"> <li>(v) an employment contract; or</li> <li>(vi) a Grant agreement</li> </ul> |
| <b>Contract Standing Orders (CSO's)</b> | means these Contract Standing Orders which provide the constitutional basis for the Council's procurement of works, goods and services.  |
| <b>Corporate Contracts Register</b>     | means the central register of Council Contracts as managed and maintained by the Chief Procurement Officer.  |
| <b>Corporate e-Sourcing System</b>      | means the following: <ul style="list-style-type: none"> <li>(i) The designated corporate e-sourcing system, that manages the following activities; sourcing, Contract and performance management and management of commercial invoices, referred to in the Procurement Code of Practice; or</li> <li>(ii) Such other systems as may be approved by the Chief Procurement Officer from time to time</li> </ul>  |
| <b>Council</b>                          | means London Borough of Haringey Council, Alexandra House, 10 Station Road, Wood Green, N22 7TR  |
| <b>Director</b>                         | means an employee of the Council holding a post designated as: <ul style="list-style-type: none"> <li>(i) The Chief Executive;</li> <li>(ii) A member of the Strategic Leadership Team; or</li> <li>(iii) A Director or Assistant Director.</li> </ul>   |

## PART FOUR – RULES OF PROCEDURE

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| Term                                       | Meaning  |
|--|--|
| <b>Dynamic Market</b>                      | means a list of qualified suppliers who have met the conditions of membership of the dynamic market who are eligible to participate in future procurements as defined in the Procurement Act.  |
| <b>Dynamic Purchasing System (DPS)</b>     | means a completely electronic system which can be used for commonly used purchases of works, goods or services as defined in Regulations.  |
| <b>Extension</b>                           | means an extension to an existing Contract as described in more detail in CSO 18.02.18.02  |
| <b>Financial Regulations for Schools</b>   | means financial duties and procedures stated by the Council and all legislation relating to the financial management of schools.   |
| <b>Forward Plan</b>                        | means the document that lists all decisions that the Cabinet will take together with all Key Decisions to be taken and by whom.  |
| <b>Framework</b>                           | means a Contract between a contracting authority and one or more Suppliers that provides for the future award of Contracts by a contracting authority to a Supplier or Suppliers as more particularly described in the Regulations or Procurement Act (as applicable).   |
| <b>Grant(s)</b>                            | means a payment to help the recipient (e.g. school, charity or voluntary organisation) to deliver an agreed outcome in return, the grant funder (e.g. the Council) gets no direct service delivery (“the Grant Agreement”). A grant is usually provided subject to conditions that state how the grant shall be used (for example to support the wider objectives of the Council in promoting the social, economic or environmental well-being within their communities). The Grant Agreement will normally set out general instructions as to how this is to be achieved, and any particular conditions in regard to claw-back if those wider objectives are not met. |
| <b>Head of Audit &amp; Risk Management</b> | means the Councils most senior officer with responsibility for leading the Council’s audit and risk management function.   |
| <b>Key Decision</b>                        | has the meaning attributed to it in the Access to Information Procedure Rules at Part 4 Section D of the Constitution.   |
| <b>London Living Wage</b>                  | means as defined by the Living Wage Foundation ( <a href="https://www.livingwage.org.uk/what-real-living-wage">https://www.livingwage.org.uk/what-real-living-wage</a> )   |

PART FOUR – RULES OF PROCEDURE  
Section J – Contract Standing Orders

| Term                                   | Meaning   |
|--|---|
| <b>Monitoring Officer</b>              | means the most senior legal officer with responsibility for leading the Council's legal and governance function and with responsibility under section 5 Local Government and Housing Act 1989 for supporting and advising the Council in relation to the lawfulness and fairness of the decision-making of the Council, and has the title of Assistant Director for Legal & Governance. |
| <b>Notice</b>                          | means a notice any one of the various types of notices that is required to be published in accordance with the Procurement Act and the Regulations.   |
| <b>Officer(s)</b>                      | means an Officer as employed by the Council with relevant and appropriate authority to act on behalf of the Council.  |
| <b>Pensions Committee</b>              | means the Council's committee exercising the functions of Administering Authority, being responsible for the management and monitoring of the Council's pension fund.   |
| <b>Procurement Act</b>                 | means the Procurement Act 2023 which comes into force on 28 February 2025 and associated Procurement Regulations 2024 as may be amended from time to time.  |
| <b>Procurement Code of Practice</b>    | means the separate document referenced in these CSO's titled Procurement Code of Practice where more detailed information about the Council's procurement and contract procedures can be found.   |
| <b>Procurement Policy Notice (PPN)</b> | means any relevant Procurement Policy Notice as issued by government (as may be updated and issued from time to time). PPN's can be found via – <a href="https://www.gov.uk/government/collections/procurement-policy-notes">https://www.gov.uk/government/collections/procurement-policy-notes</a>   |
| <b>Procurement Threshold</b>           | means the applicable financial thresholds at which the Procurement Act or Regulations (as applicable) applies with effect from 1 January 2024 (as may be updated from time to time).  |
| <b>Provider Selection Regime</b>       | means the Health Care Services (Provider Selection Regime) Regulations 2023 as may be amended from time to time.  |
| <b>Quotation</b>                       | means an offer submitted in writing to the Council by a Supplier in response to a request for quotation (RFQ)) (without the formal commencement of a public procurement exercise).  |

PART FOUR – RULES OF PROCEDURE  
Section J – Contract Standing Orders

| Term                                | Meaning  |
|-------------------------------------|--|
| <b>Regulations</b>                  | means the: <ul style="list-style-type: none"> <li>(i) the Public Contract Regulations 2015;</li> <li>(ii) Utilities Contract Regulations 2016; or</li> <li>(iii) Concession Contract Regulations 2016;</li> </ul> as applicable  |
| <b>Scheme for Financing Schools</b> | means the Council's published scheme of finance for schools as amended from time to time.  |
| <b>Scheme of Delegation</b>         | means the Council's scheme of delegation which can be found at Part 3 of the Constitution.   |
| <b>Social Value</b>                 | means social, economic and environmental considerations aligned with the Council's priorities and policies, the Public Services (Social Value) Act 2012 and the National Procurement Policy Statement.   |
| <b>Strategic Procurement</b>        | means the Council's centralised procurement department managed by the Chief Procurement Officer.   |
| <b>Supplier</b>                     | means any individual or organisation(s) invited to submit a quotation or Tender or where a Contract has been awarded a Contract, the counterparty to a Contract with the Council who is responsible for delivering goods, services or works in accordance with the terms and conditions of Contract.                                 |
| <b>Technical Guidance</b>           | means the Technical Guidance published by the Government Commercial Function in relation to the Procurement Act. Further details can be found at – <a href="https://www.gov.uk/government/collections/procurement-act-2023-guidance-documents">https://www.gov.uk/government/collections/procurement-act-2023-guidance-documents</a> |
| <b>Tender</b>                       | means a Supplier's proposal submitted in response to an invitation to tender as part of a competitive tendering exercise.  |
| <b>Utilities Contract</b>           | means a Contract for the supply of goods, services or works wholly or mainly for the purpose of utility activity.  |
| <b>Variation</b>                    | means a modification to an existing Contract (such as additional services, exercising extension options, changes in price or a change in Supplier).  |
| <b>Waiver</b>                       | means an exemption (i.e. "waiver") from the requirement to comply with all or part of these CSOs.  |

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**0. Statement of Principles**

- 0.01. These CSO's provide the constitutional basis for the Council's procurement of works, goods and services. Following them will assist in ensuring statutory compliance, value for money, propriety and the proper spending of public money.
- 0.02. The Procurement Code of Practice provides more detail and shall govern Council procurement process and contract award procedures. The Chief Procurement Officer shall issue and maintain the Procurement Code of Practice. Any procurement activity shall proceed in accordance with these CSO's and the Procurement Code of Practice and all such other guidance issued by the Chief Procurement Officer.
- 0.03. The Chief Procurement Officer shall make the latest version of these CSO's and the Procurement Code of Practice available to every Director, Cabinet Member and Officer of the Council. Directors, or Officers acting on their behalf, shall apply the requirements of the CSO's and the Procurement Code of Practice when engaging in any procurement activity.
- 0.04. All Procurement activity shall be used (amongst other things) to achieve Best Value in accordance with the Council's statutory requirements or approved objectives. This should include an innovative approach to building partnerships with the private and not-for-profit sectors and collaborating with other public sector bodies within a robust contractual framework. Officers with responsibility for procurement shall ensure that they are able to demonstrate achievement of Best Value with regards to the optimal combination of economy, efficiency and effectiveness.
- 0.05. Every Contract or official order for works, goods or services made by the Council shall be for the purpose of achieving the Council's statutory obligations or approved objectives and shall conform to all relevant laws of England and Wales.
- 0.06. All procurement activity constituting Key Decisions shall comply with the requirements of the Access to Information Procedure Rules set out in Part 4 and the Protocols for Key Decisions and for Decision Making set out in Part 5 of this Constitution.
- 0.07. Directors shall ensure that the Cabinet or an appropriate Member of the Cabinet is consulted on any procurement activity prior to its publication in the Council's Forward Plan.
- 0.08. Where in these CSOs a decision is required by the Cabinet, this may also be taken by the Leader or by a Cabinet Member with the Leader's agreement.
- 0.09. Directors must ensure that robust audit trails are in place for all procurement activity in accordance with the Procurement Code of Practice.

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- 0.10. No Cabinet Member of the Council or Council Officer shall enter into any Contract on the Council's behalf.
- 0.11. No Cabinet Member or Officer of the Council shall be permitted to become security under any Contract.

**CONTRACT STANDING ORDERS**

**1. Introduction**

- 1.01. Procurement decisions are among the most important decisions a manager will make because the money involved is public money and the Council is required to ensure that Best Value is obtained when procuring works, goods and services. Efficient use of resources to achieve Best Value is therefore imperative. The Council's reputation is equally important and should be safeguarded from any imputation of dishonesty or corruption.
- 1.02. For these reasons it is a disciplinary offence to fail to comply with these CSO's and the Procurement Code of Practice when the Council is procuring Contracts for works, good and services and raising orders with suppliers. This also includes situations where the Council procures works, goods and/or services for and on behalf of other public bodies.
- 1.03. Council employees have a duty to report breaches of these CSO's to an appropriate senior manager and the Head of Audit & Risk Management.
- 1.04. Unless otherwise provided within these CSO's or the Procurement Code of Practice or with the express approval of the Chief Procurement Officer, all procurement processes, regardless of value, should be conducted via the Corporate e-Sourcing System.
- 1.05. Reference should be made to the Procurement Code of Practice for more detailed information on procurement processes.
- 1.06. All Officers will need to familiarise themselves with and comply with these CSO's and any other policies (including the National Procurement Policy Statement) / guidance (including Technical Guidance) / Procurement Policy Notices<sup>1</sup>, the Procurement Act 2023 (Commencement No. 3 and Transitional and Saving Provisions) Regulations 2024, Regulations and Procurement Act (as applicable).
- 1.07. Throughout these CSO's references are primarily made to the "Procurement Act".

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<sup>1</sup> Where applicable

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However, there are also instances where references are made to the “Regulations” to capture instances where Contracts fall under an alternative procurement regime. The relevant procurement legislation that will be applicable to procurement activity should be considered on a case-by-case basis. As such, advice should therefore be sought from Strategic Procurement as to the applicable procurement regime a proposed public Contract may need to be awarded in accordance with.

- 1.08. In the event of any doubt as to the interpretation of these CSO’s or the Procurement Code of Practice, or as to the proper procedure to be followed, clarification should be sought from the Chief Procurement Officer.
- 1.09. Unless stated otherwise, all financial references to pounds sterling in these CSO’s are to be exclusive of VAT.
- 1.10. Subject to Regulations or Procurement Act (as applicable), all communication and information exchange in relation to procurement shall be performed using electronic means of communication.

## 2. Roles & Responsibilities

- 2.01. **The Cabinet** (and Pensions Committee where relevant) will:
  - a) hold Directors accountable for any decisions they make under their delegated authority or under these CSO’s;
  - b) approve commencing a procurement exercise for proposed Contracts valued at £500,000 or more;
  - c) approve awards of Contract valued at £500,000 or more;
  - d) approve any Variation or Extension with an aggregate value of £500,000 or more (see also CSO 18);
  - e) ensure that the award of any Contract and any Extension or Variation with an aggregated value at £500,000 or more is treated as a **'Key Decision'** and as such must be in the Council's Forward Plan and comply with the other procedures in that regard set out in the Constitution.
- 2.02. Where a Contract has previously been awarded under CSO 2.01c) and:
  - a) that Contract includes an Extension within its terms (see CSO 18); and/or
  - b) that Contract is to be subject to a Variation;



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following consultation with the Cabinet Member responsible for the relevant portfolio, a Director may approve any subsequent Contract Extension(s) and/or Variation(s) up to an aggregated value of £500,000.

2.03. Where the additional cumulative value of all Variations and Extensions of the original award is £500,000 or more, this will be treated as a 'Key Decision' and CSO 2.01e) will apply.

2.04. Where a Director undertakes a decision in relation to CSO 2.02, details of the Extension and/or Variation must be reported retrospectively via the quarterly financial update report to Cabinet.

2.05. **Directors**

2.05.1 Each Director has responsibility for all Contracts let under their control and is accountable to the Cabinet for the performance of their duties in relation to Contract letting and management, which are:

- a) to ensure compliance with the laws of England and Wales and the Council's Policies;
- b) to ensure value for money in all procurement processes;
- c) to ensure compliance with these CSO's and the Procurement Code of Practice;
- d) to maintain a departmental Scheme of Delegation;
- e) to ensure that all relevant Officers are familiar with the provisions of these CSO's and the Procurement Code of Practice and that they receive adequate training on their operation;
- f) to ensure compliance with any guidelines issued in respect of these CSO's;
- g) to ensure all relevant regulatory consultations have been considered and complied with, including but not limited to Local Government Act 1999 Section 3 Best Value Consultations, Landlords and Tenants Act 1985 Section 20 etc.
- h) to take immediate action in the event of a breach of these CSO's or the Procurement Code of Practice within their service;
- i) to submit to the Chief Procurement Officer a pipeline of proposed procurements where the anticipated Contract value will be £2,000,000 or more, no later than 31 March of each year. The pipeline is to include procurements due to

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commence within the following two financial years;

- j) to submit to the Chief Procurement Officer a pipeline of proposed procurements where the anticipated Contract value will exceed £25,000 every three months. The pipeline is to include procurements due to commence within the following 12 months as a minimum;
- k) to seek Cabinet approval to commence a procurement process for proposed Contracts the value of which is above £500,000;
- l) to keep:
  - i. copies of all concluded Contracts as required by the Regulations or Procurement Act (as applicable), and ensure electronic copies of such Contracts are stored in the Corporate e-Sourcing System, and
  - ii. proper records of procurement procedures sufficient to justify decisions taken at all stages of the procurement procedure for a period of at least three years from the date of award of the Contract, as required by the Regulations or Procurement Act (as applicable);
- m) to keep records of Waivers of any provision of these CSO's and forward a copy of such signed records to Strategic Procurement;
- n) approve award of Contracts with a value up to £500,000;
- o) Where a Contract has previously been awarded under CSO 2.01c) and following consultation with the Cabinet Member responsible for the relevant portfolio, a Director may approve any subsequent Contract Extension(s) and/or Variation(s) up to an aggregated value of £500,000.
- p) to ensure that the Council's seal is affixed to any document required to be executed as a deed and that where a document is not expressed to be under seal, it is either signed by two people or authenticated by Approved Electronic Means as provided for in these CSO's;
- q) to record all Contracts in the Corporate Contracts Register;
- r) to ensure effective management of all Contracts under their control, and to a level deemed appropriate in regard to risk or value of each Contract;
- s) to ensure that no Contract is let unless the expenditure involved has been fully considered and approved beforehand and sufficient money has been allocated in the relevant budget;

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- t) to record and report on decisions taken under the Officer Scheme of Delegation in accordance with Part Three Section E Section 1 - paragraphs 3.01 to 3.06 of the Councils Constitution;
- u) Approve the termination of any Contract having regard for CSO 19.

2.06. **Pensions Committee**

- 2.06.1 The Pensions Committee shall have the same powers and duties of the Cabinet specified in these CSO's but limited to its responsibilities for procurements relating to the Pension Fund.

2.07. **Alexandra Palace and Park**

- 2.07.1 These CSO's apply to the procurement of works, goods and services by or on behalf of the above Alexandra Palace and Park Charitable Trust and any on the following basis:
  - a) The Chief Executive of the relevant organisation shall have the powers of a Director specified in these CSO's;
  - b) The Executive Board shall have the powers of the Cabinet and a Cabinet Member specified in these CSO's;
  - c) In the event of any conflict, the requirements of the Charities Act 2011, any regulations made under that Act or charity law in general shall prevail over the provisions of these CSO's.

2.08. **Schools**

- 2.08.1 In accordance with the requirements of the Council's Scheme for Financing Schools and the Financial Regulations for Schools, where a school acts as an agent for the Council, these CSO's apply to all schools within the London Borough of Haringey except for academy and trust schools.
  - a) A school's governing body shall have the powers of the Cabinet specified in these CSO's, except in relation to Waivers (CSO 18).

2.09. **Other wholly owned subsidiaries/arms-length organisations owned by the Council**

- 2.09.1 These CSO's apply to the procurement of works, goods and services by wholly owned subsidiary or arms-length organisation owned by the Council where they are subject to the Regulations or Procurement Act on the following basis:

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- a) The Chief Executive of the relevant organisation shall have the powers and duties of a Director specified in these CSO's;
- b) The Board shall have the powers and duties of the Cabinet and a Cabinet Member specified in these CSO's.

**3. Scope of the CSO's**

3.01. These CSO's shall apply to all Contracts awarded by the Council for works, goods and services) unless otherwise expressly stated or these requirements are waived in accordance with CSO 1818.01.

3.02. Where the Council:

- a) secures funding from an external funding body; or
- b) is involved in joint working funded partly or entirely by external funding to the extent that the money passes through the Council's accounts; or
- c) intends to Grant funding to an external body;

for the purposes of securing the provision of works/ goods or services, these CSO's shall apply.

3.03. These CSO's shall **not apply** to Contracts falling within the specific exclusion provisions within the Regulations or in the case of the Procurement Act, exempted contracts as defined in Part 2 of Schedule 2 of the Procurement Act. For the avoidance of doubt, this exclusion applies to (amongst other things) Contracts of employment, certain Contracts for legal services, certain financial services and debt finance and agreements for the sale of land (including leases), or other exclusions as amended from time to time.

**4. Public Procurement Rules and Procedures**

4.01. Where the Council wishes to award a Contract for the provision of works, goods or services it will need to do so in accordance with the Regulations or Procurement Act (as applicable).

**Provider Selection Regime**

4.02. The Council will need to procure in accordance with the Provider Selection Regime where it is seeking to procure relevant in scope health care services for the purpose of the health service in England, whether alone or as part of a mixed procurement.

4.03. Advice should be sought from the Strategic Procurement prior to seeking to award a contract under the Provider Selection Regime.

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**5. Contract Value and Aggregation**

- 5.01. Directors must ensure that a pre-tender estimate of the total Contract value is prepared and recorded in writing and is an accurate reflection of the expected Contract value (to the extent of the information available to Directors at the time), to determine whether it falls within the scope of the Regulations or Procurement Act.
- 5.02. Total Contract value or an estimated total Contract value in these CSO's means the aggregate value payable in pounds sterling exclusive of Value Added Tax, over the entire Contract period, including any extension periods in the proposed Contract. Procurements falling within the scope of the Procurement Act will need to have their estimated value calculated in accordance with Section 4 of the Procurement Act.
- 5.03. A Contract's value must not be artificially under or overestimated or divided into two or more separate Contracts with the intention of avoiding the application of these CSO's, the Regulations or the Procurement Act.

**6. Social Value**

- 6.01. The Council is committed to fulfilling its obligations under The Public Services (Social Value) Act 2012 and the National Procurement Policy Statement. Officers shall maximise the potential to generate social value outcomes from procurement activity.
- 6.02. Contracts valued at £500,000 or more must include Social Value as part of the evaluation criteria. Such consideration should be proportionate and appropriate to the size and nature of the Contract. Officers must follow guidance as stated in the Code of Practice.
- 6.03. For Contracts valued over £500,000 Social Value is to be included as part of the evaluation criteria. The Social Value weighting must be between 10% and 25% of the total award criteria.
- 6.04. Unless otherwise agreed with Chief Procurement Officer in writing, the Social Value Portal is to be used to record, manage and monitor these contractual Social Value commitments.
- 6.05. Social Value must be considered for Contracts valued below £500,000 where appropriate. However, such considerations should be proportionate and appropriate to the size and nature of the Contract. Officers must follow guidance as stated in the Code of Practice.
- 6.06. Any Social Value commitments made as part of a Tender submission must form part of the contractual obligations to be delivered by the Supplier under the Contract.

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**7. Frameworks**

- 7.01. The Council may establish Frameworks for its own use or use by other contracting authorities.
- 7.02. The Council may access and call-off from Frameworks established by other public sector organisations where it is deemed suitable and appropriate to do so. However, consideration should first be given to the use of the Council's own established Frameworks, including those operated by the London Construction Program (LCP). Where the Council operates such Frameworks and are deemed suitable for the requirements being sought, use of these Frameworks shall take precedence over the use of any other third-party Framework, unless otherwise agreed by the Chief Procurement Officer.
- 7.03. Where an accessible Framework exists in respect of the subject matter, and there is an absence of compliant objective criteria to directly award, or prices have yet to be determined, then a mini competition is to be undertaken in accordance with the terms of the Framework. The Council will also need to act in accordance with Regulations or Procurement Act (as appropriate) alongside any terms stated in the use of such Frameworks.
- 7.04. The Council's decision to enter into a Contract with the recommended Supplier under a Framework must be made in accordance with CSO 16.

**8. Dynamic Purchasing Systems**

- 8.01. Where the Council operates its own DPS (including the LCP) for a works, goods, or service category, suitable for its requirement this must be used to carry out the procurements related to those categories; or
- 8.02. The Council may access and call-off from a DPS established by other public sector organisations that has been established in accordance with the Regulations, where it is deemed suitable and appropriate to do so. However, consideration should first be given to the use of the Council's own established DPS, including those operated by the LCP. Where the Council operates a DPS and is deemed suitable for the requirements being sought, use of the Council DPS shall take precedence over the use of any other third-party DPS, unless otherwise agreed by the Chief Procurement Officer.

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- 8.03. Electronic formation of individual Contracts within a DPS is permitted, subject to CSO 17.

**9. Dynamic Markets**

- 9.01. The Council may establish Dynamic Markets for its own use or use by other contracting authorities.
- 9.02. The Council, acting in accordance with Procurement Act can establish Dynamic Markets for the purposes of awarding Contracts by reference to Suppliers' participation in those arrangements which must remain open for new Suppliers to join at any time.
- 9.03. Where the Council operates its own Dynamic Market (including the LCP) for a works, goods, or service category, that is deemed suitable for its requirement this must be used to carry out the procurements related to those categories;
- 9.04. The Council may access and call-off from a Dynamic Market established by other public sector organisations and that has been established in accordance with the Procurement Act, where it is deemed suitable and appropriate to do so. However, consideration should first be given to the use of the Council's own established Dynamic Market, including those operated by the LCP. Where the Council operates a Dynamic Market and is deemed suitable for the requirements being sought, use of the Council Dynamic Market shall take precedence over the use of any other third-party Dynamic Market, unless otherwise agreed by the Chief Procurement Officer.
- 9.05. Electronic formation of individual Contracts within a Dynamic Market is permitted, subject to CSO 17.

**10. Direct Awards**

- 10.01. The Council can directly award a public Contract to a supplier without undertaking a competitive procurement process in accordance with the limited situations described in the Regulations, sections 41-44 and Schedule 5 of the Procurement Act or in accordance with the Provider Selection Regime (as applicable).
- 10.02. Prior to seeking to rely on this CSO 10 to award a public Contract, advice should be sought from the Chief Procurement Officer.

**11. Procedure for Contracts below £25,000**

- 11.01. All Contracts with an estimated value below £25,000 must be procured in accordance

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with the Code of Practice via the Corporate e-Sourcing System, except where an alternate e-sourcing system is mandated by a Framework, a DPS or an alternative e-sourcing system has been pre-approved in writing by the Chief Procurement Officer.

- 11.02. Where a Contract has an estimated value of less than £25,000, the relevant Director should act in the manner most expedient to the efficient management of the service, having regard for CSOs 7.01, 8 and 9 and retaining a record of the procurement activity and related approval.

#### **12. Procedure for Contracts valued above £25,000**

- 12.01. All Contracts let with a value of £25,000 or more must be undertaken in accordance with the Code of Practice having regard for CSOs 7.01, 8 and 9 in the first instance.
- 12.02. Except as otherwise expressly permitted by or under these CSO's, for all Contracts with an estimated value of £25,000 or more but less than £500,000, and where the value of the Contract does not exceed the relevant Procurement Threshold requiring a Contract to be advertised, at least three competitive Quotations should be sought via the Corporate e-Sourcing Solution, without the need for an advertisement (unless required to do so by the Procurement Act), or to follow the competitive tender procedure. Where the intention is to advertise the opportunity, the relevant Notices must be published in accordance with the Procurement Act. This activity will be managed by the Chief Procurement Officer, unless agreed otherwise by the Chief Procurement Officer.
- 12.03. Except as otherwise expressly permitted by or under these CSO's, all Contracts that exceed the relevant Procurement Threshold requiring a Contract to be advertised, or which have an estimated value of £500,000 or more must be let following publication of an appropriate advertisement (Tender) in accordance with the Regulations or Procurement Act (as applicable). This activity will be managed by the Chief Procurement Officer.
- 12.04. Where Tenders are to be invited, the regulatory procedure to be followed, shall be determined prior to advertising and be managed by the Chief Procurement Officer and shall comply with the Regulations or Procurement Act and the Procurement Code of Practice.
- 12.05. The Chief Procurement Officer may decide that processes in this CSO 12 are not appropriate in order to secure value for money for the Council and to ensure general procurement law principles are complied with. If that is the case, he/she may determine another process of selecting a Supplier, which will meet best value criteria and/or ensure compliance with procurement law. The decision and process must be properly documented.



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- 12.06. All Contracts let require the publication of relevant Notices in compliance with the Regulations or the Procurement Act (as applicable).

**13. Electronic communications, procurement documents, receipt and opening of Bids**

- 13.01. Subject to the terms of Regulations and Procurement Act, the Council will provide unrestricted and full electronic direct access free of charge to the procurement documents from the date of publication of the advertisement, or the date on which an invitation to confirm interest was sent.
- 13.02. Electronic Bids received securely may be opened at the appointed date and time by a Council Officer or the Council's appointed consultant.
- 13.03. Records of any non-compliant Bids and of the date and time of receipt of any late Tenders must be kept by Officers.
- 13.04. Late Bids may only be accepted in exceptional circumstances and with the written authorisation of the Chief Procurement Officer.

**14. Abnormally Low Bids**

- 14.01. Abnormally low bids should be dealt with in accordance with the Regulations or Procurement Act (as applicable).

**15. Post Tender Clarifications/Confirmations**

- 15.01. Negotiation after receipt of formal bids and before the award of contract is only permitted:
- a) as part of a tender process allowed for by the Regulations or Procurement Act;
  - b) in circumstances which do not breach the Regulations/Procurement Act or put other Suppliers at a disadvantage, distort competition or adversely affect trust in the competitive process, and
  - c) if the prior authority of the Chief Procurement Officer has been obtained.
- 15.02. Tender clarifications are permitted in circumstances which do not breach the Regulations/Procurement Act or put other Suppliers at a disadvantage, distort competition or adversely affect trust in the competitive process
- 15.03. All communication with Suppliers during a formal procurement shall be performed

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using electronic means in accordance with the Regulations or Procurement Act (as applicable).

**16. Bid Acceptance**

- 16.01. Bids are to be accepted on the basis that the award is compliant with the Regulations or Procurement Act (where applicable) and as determined by the application of the published award criteria.
- 16.02. Where a Contract has been awarded the Council is required to published Notices in accordance with the Regulations or Procurement Act (as applicable).
- 16.03. Where a purchasing card is used to procure goods, works or services it cannot be used to circumvent these CSO's. The relevant approvals in accordance with these CSO's must be in place prior to procuring the goods, works or services.
- 16.04. Where the provision of works, goods or services under a Contract is required to commence prior to the issuance and execution of a formal Contract, a Director, if satisfied that it is in the Council's best interest in the particular circumstances, may approve issuance of a Letter of Intent pending the issuance and execution of a formal Contract. However, the maximum cover afforded by any Letter of Intent shall not exceed £100,000 or 10% of the total Contract price, whichever is the higher value.

**17. Conditions Applying to All Contracts:**

- 17.01. The procurement documents in respect of every Contract to which the Regulations or Procurement Act apply, shall provide for the Contract to include provisions enabling the Council to terminate the Contract in each of the circumstances as set out in Regulations or the Procurement Act.
- 17.02. The procurement documents in respect of every Contract to which the Procurement Act or Regulations apply shall include a requirement that the Council may require the successful Supplier to enter into a collateral Contract in a form approved by the Monitoring Officer which provides for the allocation of risks between the Parties where the Contract has been declared ineffective by a court.
- 17.03. The decision as to whether or not a collateral Contract will be required in respect of a Contract will ultimately be made, before the formal Contract is issued and executed, by the Monitoring Officer or an Officer acting under their delegated authority.

**Contracts valued £25,000 or more**

- 17.04. All Contracts valued at £25,000 or more must be in writing by way of a document prepared, or on a basis approved, by the Monitoring Officer.

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- 17.05. Every Contract valued at £25,000 or more must be an Approved Form of Contract unless otherwise agreed by the Monitoring Officer
- 17.06. All Contracts for the provision of services which may entail members of the service provider's staff (including agents, sub-contractors and assigns) carrying out a role that involves contact with children and/or vulnerable adults or access to their personal records shall contain a provision requiring the service provider to undertake in respect of each staff member the appropriate level of Disclosure and Baring Service (DBS) check for which their role is eligible prior to provision of the services being carried out by the relevant staff member and at appropriate intervals thereafter.
- 17.07. All computer software Contracts shall contain a clause to the effect that use of the software by the Council's Suppliers shall not amount to use by a third party for which an additional software license might otherwise be required.
- 17.08. All Contracts for works and services must include provisions for the payment of London Living Wage.
- 17.09. The approval of contract awards, Variations and Extensions may be evidenced within the Corporate e-Procurement Systems by electronic copies of signatures or through positive acceptance (i.e. tick box, yes /no indicator or other similar means of approval).
- 17.10. A Contract valued at less than £250,000 does not require sealing and should either be signed or electronically approved on behalf of the Council by the relevant Director, Assistant Director, or the Head of the relevant business unit, where permitted to do so under the Scheme of Delegation. Where the nature of the works, goods or services is such so as to pose a high risk of significant latent defects, then the Chief Procurement Officer may decide to have the Contract with a value of less than £250,000 executed under seal as a deed.

**Contracts Valued £250,000 or more**

- 17.11. In addition to the provisions above regarding Contracts valued over £25,000 the following requirements apply to Contracts exceeding £250,000.
- 17.12. A Contract valued at £250,000 or more must be executed on behalf of the Council under seal as a deed, and to ensure original sealed Contract documents are held by the Monitoring Officer for safekeeping. Where appropriate, electronic sealing of Contracts is permitted.
- 17.13. Every Contract valued at £250,000 or more must contain clauses to cover the following:

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- a) if it is a Contract for works, that the Council may require the Supplier to provide security for completing the Contract in the form of a bond;
- b) that, where the Supplier is a subsidiary or group company, the Supplier may be required to provide a parent or group company guarantee;
- c) or other means of surety as agreed by the Chief Finance Officer or an Officer acting under their delegated authority.

17.14. The decision as to whether or not a bond or parent company guarantee will be required in respect of a Contract valued at £250,000 or more will ultimately be made by the Chief Finance Officer or an Officer acting under their delegated authority.

**18. Waivers, Extensions, Variations and Novations**

**18.01. Waivers**

18.01.1 Any Waiver relating to these CSO's must be agreed by the Chief Procurement Officer prior to engaging with any Supplier to provide goods, services or works in accordance with this CSO 18.

18.01.2 A Waiver may be agreed after considering a written report that demonstrates:

- a) the Contract is one entered into between entities within the public sector in circumstances permitted by the Regulations or Procurement Act (as applicable); or
- b) the Contract is one that the Council is permitted to reserve for certain economic operators in circumstances permitted by the Regulations or Procurement Act (as applicable); or
- c) the circumstances of the proposed contract award are covered by a relevant legislative exemption (under the law of England and Wales); or
- d) the value of the Contract is below the applicable Procurement Threshold pursuant to the Regulations or Procurement Act (as applicable) and:
  - (i) complies with below threshold provisions within the Regulations or Procurement Act (as applicable);
  - (ii) the nature of the market for the works to be carried out or the goods or services to be provided has been investigated and is such that a departure from the requirements of these CSO's is justifiable;

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- (iii) it is in the Council's overall interest; or
  - (iv) there are other circumstances which are genuinely exceptional.
- 18.01.3 All Waiver requests must be approved before any related Contract award and/or Variation occurs.
- 18.01.4 CSO's other than CSO 4 (which relates to the Regulations and the Procurement Act) may be waived on the basis set out in this CSO 18 by:
  - a) the Cabinet where the Waiver concerns a Contract with a value of £500,000 or more; or
  - b) a Director where the Waiver concerns a Contract with a value of less than £500,000 (save that the Director shall not have authority to waive CSO 17).
- 18.01.5 Any waiver valued at £100,000 or above relating to these CSO's must be agreed by the Chief Procurement Officer prior to engaging the supply chain.
- 18.01.6 A record of the decision approving a Waiver and the reasons for it must be kept and an entry made in a central register maintained and monitored by the Chief Procurement Officer.
- 18.01.7 Where an additional Waiver of these CSO's is sought in relation to the same individual Contract, whereby the aggregated value of the Contract increases to £500,000 or more, the Waiver must be agreed by the Cabinet.
- 18.02. **Contract Variations and Extensions**
  - 18.02.1 A Contract may be extended before its expiry provided that the Extension is provided for in the original Contract terms or is permitted by the Regulations or Procurement Act (as applicable)
  - 18.02.2 Contract Extensions shall be approved in accordance with CSO 2.
  - 18.02.3 All Variations and Extensions must be recorded in writing and an electronic copy retained in the Corporate e-Sourcing System.
- 18.03. **Contract Variations**
  - 18.03.1 Prior to seeking to vary an existing Contract, appropriate advice should be sought from Strategic Procurement on a case-by-case basis as to whether the Variation needs to be considered in accordance with the Regulations or Procurement Act (as applicable).

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18.03.2 Prior to and following the Variation of a Contract subject to the Procurement Act, the Council may be required to publish a Notice(s) in accordance with section 75 of the Procurement Act.

18.03.3 Contract Variations shall be approved in accordance with CSO 2.

18.04. **Novations (Transfers)**

18.04.1 In circumstances permitted in the Regulations or Procurement Act, or where the value of a Contract is below the applicable Procurement Threshold pursuant to the Regulations or Procurement Act, the Council may agree to the novation or assignment of a Contract.

18.04.2 A Director may approve the assignment or novation of a Contract where the value of the remaining term including any Extension is less than £500,000.

18.04.3 The Cabinet will approve the assignment or novation of a Contract where the value of the remaining term including any Extension is £500,000 or more.

**19. Contract Termination**

19.01. In the event of a supplier being declared bankrupt, going into administration, receivership or liquidation then a Director may terminate any associated Contract(s) and initiate alternative arrangements as may be required considering CSO 18.04 in cases of novation or CSO 3.01 in cases that warrant the re-letting of a Contract(s).

19.02. Subject to CSO 19.01 (above) prior to deciding to terminate a Contract early, approval must be sought from a Director and reported to the Chief Procurement Officer.

19.03. In all cases of Contract termination for whatever reason where the awarded Contract value was £500,000 or more, a report must be presented at the earliest opportunity to Cabinet.

19.04. Where a Contract is terminated and the Procurement Act applies the Council is also required to publish a Notice in accordance with section 80 of the Procurement Act.

**20. Contract Management**

20.01. It is the responsibility of the Director to ensure effective contract management is undertaken for Contracts under their control and management.

20.02. Directors must assign a contract owner for all Contracts above £25,000 and record this information in the Corporate e-Sourcing System.

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- 20.03. It is the responsibility of the Director to ensure all contract owners manage Contracts under their control to ensure the Supplier delivers their contractual commitments, and where required, record the performance of the Supplier in the Corporate e-Sourcing System.
- 20.04. Contract Managers must follow any guidance issued by the Chief Procurement Officer and stated in the Procurement Code of Practice regarding contract and performance management.
- 20.05. Where a Supplier fails to deliver its contractual commitments to the extent it results in a breach of contract, this must be referred to Chief Procurement Officer and considered in accordance with the Procurement Act (where applicable).
- 20.06. Contract performance monitoring must be in accordance with the Procurement Act and any relevant Notices published as required.

**21. Application of CSOs to Grants**

**Approval for Receipt of Grants by the Council from External Bodies**

- 21.01. Where the Council receives a Grant from an external body, the process for approving or varying the agreement for the Grant shall be the same as that set out in CSO 2 (i.e. the Director may approve receipt of a Grant valued at less than £500,000. For approval of receipt of Grants valued at £500,000 or more, a Cabinet decision is required).
- 21.02. The Council's requirements in respect of execution of Contracts as deeds (CSO 17.12) shall not apply in respect of Grants which the Council receives, and subject to the requirements of the funder, they may be signed by the relevant Director and Head of the business unit or authenticated by Approved Electronic Means.

**Expenditure of Grant funding**

- 21.03. Where a below threshold public Contract is to be funded by a Grant, Officers must seek the advice of the Chief Procurement Officer in respect of requirements to advertise to ensure transparency of the procedure and compliance with funding requirements.
- 21.04. Where an above threshold public Contract is to be funded by a Grant, that Contract should be awarded in accordance with the Regulations or Procurement Act (as applicable) and these CSO's.
- 21.05. Where the conditions of Grant funding agreements and/or applicable guidance documents conflict with these CSOs, the provisions of the Grant/funding agreements

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and/or guidance documents shall prevail.

**Approval for Payment of Grants from the Council to External Bodies**

- 21.06. Where the Council awards a Grant to an external body, the process for approving or varying the agreement for the Grant shall be the same as that set out in CSO 2.05.1n) and CSO 2.05.1o) (i.e. the Director may approve awards/Variations of Grants valued less than £500,000. For approval of award/Variation of Grants valued at £500,000 or more, a Cabinet decision is required in accordance with CSO 2.01c) or CSO 2.01d).

**22. Subsidy Control**

- 22.01. The Council will ensure that all projects and procurements comply with the UK Subsidy Control Regime (formerly “State Aid”).



**Report for:** Standards Committee 10 March 2025

**Title:** Committee Work Programme

**Report authorised by:** Fiona Alderman, Assistant Director of Legal and Governance (Monitoring Officer)

**Lead Officer:** Richard Plummer, Committees Manager  
[richard.plummer@haringey.gov.uk](mailto:richard.plummer@haringey.gov.uk)

**Ward(s) affected:** N/A

**Report for Key/  
Non Key Decision:** Non-Key Decision

**1. Describe the issue under consideration**

- 1.1 Members to note current work programme and put forward any comments on suggested areas of work.

**30 June 2025**

Members Allowance Scheme 2025/26  
Planning Protocol  
Changes to the Council Constitution

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is exempt

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