

COUNCIL – 23 FEBRUARY 2010

AMENDMENT TO CONTRACT PROCEDURE RULES TO REFLECT NEW EU PROCUREMENT THRESHOLDS

Report of the:	Corporate Resources Director
Status:	For Decision
Key Decision:	No
Portfolio Holder	Cllr. Brian Ramsay – Portfolio Holder for Finance and Value for Money
Head of Service	Head of Finance and Human Resources – Mrs. Tricia Marshall and Head of Legal and Democratic Services – Mrs. Christine Nuttal

Recommendation: It be RESOLVED that the proposed amendments to the Contract Procedure Rules (contained in the Appendix) be approved and that the Constitution be amended accordingly.

Introduction

- 1 The European procurement thresholds, which dictate when a contract of a certain value has to be published in the Official Journal of the European Union, were revised on 1 January 2010. As a result, some of the figures contained within the Council’s Contract Procedure Rules are now out of date and need to be amended. The Council’s Financial Procedure Rules are not affected, as they simply refer to purchases “at the EU Procurement Limit and above”, rather than specifying the figure.

Proposed Amendment to Contract Procedure Rules

- 2 It is proposed that the Contract Procedure Rules be amended by deleting references to any specific amounts and replacing them with the generic phrase, “EU procurement threshold”. This would bring the Contract Procedure Rules in line with the Financial Procedure Rules and would mean that an amendment to the Constitution would not be required each time the European Union adjusts the thresholds. The Contract Procedure Rules require responsible officers to seek advice on the appropriate limit from the Council’s Audit and Legal teams.
- 3 The proposed amendments to the Council’s Contract Procedure Rules are shown in track changes in the Appendix.

Options (and Reasons for the Recommendation)

- 4 Under European law, the Council has to advertise contracts above the European Union threshold in the Official Journal of the European Union. The proposed amendments would ensure that the Contract Procedure Rules continue to comply with this requirement.

Key Implications

Financial

- 5 None arising directly from this report.

Community Impact and Outcomes

- 6 None arising directly from this report.

Legal, Human Rights etc.

- 7 Under European law, the Council has to advertise contracts above the European Union threshold in the Official Journal of the European Union. The proposed amendments would ensure that the Contract Procedure Rules continue to comply with this requirement.

Risk Assessment Statement

The proposed amendments to the Contract Procedure Rules will ensure that the Council's procedures continue to comply with the requirements under European Law.

Sources of Information: Financial Procedure Rules
Contracts Procedure Rules

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