

## Procurement for Sevenoaks Town Council

The information below is a summary of requirements and should not be viewed as an exhaustive guide to the legislation referenced.

Sevenoaks Town Council as a contracting authority must adhere to the legislation set out in the Public Contracts Regulations 2015.

This legislation sets out procedure which must be followed for the awarding of 'public contracts', defined as 'contracts having as their object the execution of works, the supply of products, or the provision of services', these are broken down into 3 core groups:

1. Public **works** contract – Provision of services in relation to design or building works.
2. Public **service** contract – Provision of services not covered by public **works** definition.
3. Public **supply** contract – Contracts concerned with the purchase, lease, or rental.

**For all contracts valued at less than £25,000** (net of VAT) the Council need only comply with the procedures set out in its own Standing Orders (subject to these standing orders being in compliance with the 1972 Local Government Act).

**For all contracts valued above this threshold** the Council must comply with the 'light touch' procurement regulations set out in articles 109 to 114 of the Public Contract Regulations 2015:

- Contract opportunities must be advertised on the Contract Finder website; this does not preclude the Council advertising the contract elsewhere subject to the contract opportunity being advertised on the Contract Finder website within 24 hrs of the notice appearing elsewhere. Details must include:
  - Date/Time by which interested parties must respond if they wish to be considered.
  - How interested parties should respond.
  - Other requirements for participating in the procurement.
- The Council cannot incorporate a pre qualification stage into the procurement process.
- Any contract awarded must contain the provision that any undisputed invoice will be paid within 30 days of receipt. This provision must also be applied down the supply chain i.e. the main contractor must pay sub contractors within the same timescale.
- The Council must publish the details of the contract once awarded on the Contract Finder site.

**If the contract value exceeds the thresholds set out in the EU Public Contracts Directive**, then the Council will have to comply with the full provisions of the 2015 Regulations. This is an onerous exercise and it is likely the Town Council will need to enlist external legal and procurement advice to ensure it is compliant with the regulations, as it did with the 2015 RIBA Competition.

The current **EU Public Contracts Directive** thresholds are:

1. Public **works** contract – £4,104,394
2. Public **service** contract – £164,176
3. Public **supply** contract – £164,176

**Example: Northern Sevenoaks Master Plan**

<https://www.contractsfinder.service.gov.uk/notice/93B099A1-4E74-440B-977A-AD1F92297AA3>

As the contract value for the Northern Sevenoaks Master Plan project could potentially exceed the £25,000 requiring adherence to the 'light touch' procurement regulations the Council has, for the

first time, uploaded a contract opportunity to the Contract Finder website and will be following other procurement requirements.

This contract opportunity was uploaded along with a detailed 6-page brief which covered:

- Introduction
- Planning and Economic Development Background
- Key deliverables and budget
- Core output
- Other requirements
- Presentation of findings
- Information to be included within quotation
- Key dates
- Contact details

The contract was uploaded on the 15<sup>th</sup> August 2016 and, as of the 30<sup>th</sup> August 2016, has received over 3000 views. Over 20 interested firms (predominately London based) have been in contact by email and phone. This has had a minor impact on staff resources, however in the absence of a detailed brief the number of enquiries may be significantly higher and more onerous to respond to.

The deadline for submissions is the 16<sup>th</sup> September 2016 at which point the Council will have a clearer idea of how this level of interest will translate into tenders.

Any best practice derived from the Northern Sevenoaks Master Plan procurement will be applied to future Sevenoaks Town Council procurement exercises.