

WIRRAL COUNCIL

AUDIT & RISK MANAGEMENT COMMITTEE

24 NOVEMBER 2015

SUBJECT	USE OF OFFICER DECISION NOTICES PERMITTED UNDER THE COUNCIL CONTRACT PROCEDURE RULES
WARD/S AFFECTED	ALL
REPORT OF	HEAD OF PROCUREMENT

1 EXECUTIVE SUMMARY

- 1.1 This report informs the Committee of the range and number of contracts awarded which have been subject to Contracts Procedure Rules (“CPRs”) E111 - Extension/Variation or Waiver and Rules E117 to E123 – Waiving the Rules, as required under the CPRs.
- 1.2 The Appendix details the cases subject to the Extension/Variation or Waiver rules for the period 1 April 2015 to 30 September 2015 which under Contracts Procedure Rule E123 requires that all contracts which meet the following criteria are reported to Audit and Risk Management Committee:-:
- a) A contract is awarded the total value of which exceeds £500,000.
 - b) A variation or extension to a contract approved by the Director of Resources (S151 Officer) and by others as per the Appendix.
 - c) A waiver or breach of the Contract Procedure Rules in relation to a contract which exceeds £50,000 in value.

2 BACKGROUND AND KEY ISSUES

- 2.1 The revised Contracts Procedure Rules came into effect on the 1 December 2013 significantly changed the rules and the way they are applied.
- 2.2 The rules placed the responsibility for the approval of contracts on officers of the Council and a new process of Officer Decision Notices (ODN’s) was introduced.
- 2.3 Each contract listed on the ODN’s directory has a corresponding ODN document which identifies the purpose and details of the contract and is signed by the authorised Designated Senior Manager, Procurement Officer or Director of Resources / S151 Officer according to the nature and value of the contract.
- 2.4 Each contract is posted on the Council’s Contracts Register ‘The Chest’, which is the Regional e-Sourcing Portal for the North West local authorities.

- 2.5 A complete review of the Contract Procedure Rules (CPRs) has been undertaken and the revised rules are on this agenda for comment and approval.
- 2.6 Within the revised rules **Officer Decision Notices** have been replaced with four, distinct, **Procedure Rules Approval Documents** - documents of approval are 1-4, for Exceptions to CPR's (1); Variations to Contracts (2); Extensions to Contracts (3); Contract Award (4). These documents will form the basis of all future reports to this Committee once the revised rules have been implemented.
- 2.7 The revised CPRs also include the adoption of the new Public Procurement Regulations 2015, the Transparency Code 2014, the requirement to publish all contracts over £5,000 in value and any other amendments that have been identified during the review.

3.0 RELEVANT RISKS

- 3.1 There are none arising directly from this report.

4.0 OTHER OPTIONS CONSIDERED

- 4.1 The Council's Contract Procedure Rules require this report be presented to this Committee so no other options were considered.

5.0 CONSULTATION

- 5.1 There was no specific consultation undertaken in respect of this report.

6.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

- 6.1 There are no outstanding previously approved actions.

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 7.1 There are no specific implications in respect of this report.

8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 8.1 The revised CPR's resulted in changing workloads in order to improve the efficiency and effectiveness of the Council's commissioning and procurement processes.
- 8.2 The ODN process includes assurances that the financial resources are available to fund the contracts and also achieves value for money prior to any approval being given.

9.0 LEGAL IMPLICATIONS

9.1 The Council must comply with its Contract Procedure Rules and relevant procurement legislation.

10.0 EQUALITIES IMPLICATIONS

10.1 This is a report for information so there is no requirement of an Equality Impact Assessment.

11.0 CARBON REDUCTION IMPLICATIONS

11.1 There are none arising from this report.

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 There are none arising from this report.

13.0 RECOMMENDATION

13.1 That the report be noted.

14.0 REASON FOR RECOMMENDATION

14.1 To provide the Members with assurance that the Council is taking appropriate measures to comply with Contract Procedure Rules.

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APPENDIX

Officer Decision Notices Directory 1 April 2015 – 30 September 2015

SUBJECT HISTORY

Council Meeting	Date
Audit and Risk Management Committee – Use of Officer Decision Notices	8 JUNE 2015
Audit and Risk Management Committee – Revised Contract Procedure Rules	25 November 2015