



# STANDING ORDERS

October 2024

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## 1 – Introduction

- 1.1 [These Standing Orders have been updated to incorporate the changes relating to the Procurement Act 2023 effective from 28<sup>th</sup> October 2024. All contracts procured under earlier regimes will continue to be governed by the relevant regulations.](#)
- 1.2 The aims of these Standing Orders for the Regulation of Contracts are to:
- i ensure compliance with all legal requirements, including that contracts are awarded fairly and that all potential bidders are treated equally
  - ii achieve value for money
  - iii ensure transparency, openness, non-discrimination and fair competition
  - iv demonstrate probity, consistency, accountability and integrity
  - v support the WME and its Member Authorities aims
  - vi protect Officers.
- 1.3 WME (as a Joint Committee of its four member Local Authorities) is a ‘Contracting Authority’ for the purposes of the Procurement Regulations and is thereby legally bound to comply with certain practices and procedures in the award of its contracts.

## 2 - Application of these Standing Orders

- 2.1 These Standing Orders apply to contracts being let by WME for the purchase of goods, works and services, including the establishment of Frameworks or ~~Dynamic Purchasing Systems~~[Dynamic Markets](#) for use by WME customers. They do not apply to contracts of employment or for the acquisition of land.
- 2.2 Where WME is purchasing on behalf of itself or a customer from a Framework, ~~or~~ [Dynamic Purchasing System \(DPS\) or Dynamic market \(DM\)](#) established by another organisation, provided that Framework, [DPS or DM](#) ~~or DPS~~ is established in accordance with the Public Contracts Regulations 2015, [or if established on or after 28<sup>th</sup> October 2024, the Framework or Dynamic Market is established in accordance with the Procurement Act 2023,](#) a purchase using that procurement facility will [be](#) deemed to comply with the procurement processes within these Standing Orders.
- 2.3 WME customers will need to comply with their own governance arrangements or standing orders when entering into contracts for the purchase of goods, works and services.

## 3 - Definitions of terms used in these Standing Orders

In these Standing Orders:

**“Acceptance Letter”** means the letter advising a [T](#)~~t~~enderer that their bid has been accepted and that WME wishes to enter into contractual relations based on the bid submitted by the [T](#)~~t~~enderer, subject to those contract terms being agreed.

**“Aggregated Value”** means the total value of a series of purchases made of similar items or groups of items during the term of the contract or over a period of at least 12 months or the relevant definition as set out in the Procurement Regulations, Statutory Instruments or amendments thereto.

~~“Concessions Regulations” means the Concessions Contracts Regulations 2016.~~

“Central digital platform” means the online system provided by the Cabinet Office for the publication of notices, documents and other information in relation to the Procurement Act.

**“Consideration Payable”** means the total value of consideration payable by or to WME under the contract or any series of contracts of which it forms a part.

**“Contract”** means any contract in writing or otherwise for the supply of goods, materials or services but shall exclude contracts of employment or contracts for the sale or purchase of any interest in land.

**“Contractor”** means any person or organisation awarded a Contract. This includes any consultant appointed by WME to advise on any project.

~~“Contracts Finder” means the UK’s e-notification service used to search for contract opportunities.~~

**“Estimated Value”** means the estimated value of the contract over the whole intended period of the contract to be let (included any anticipated extension periods).

~~“Find a Tender Service (FTS)” means the UK’s e-notification service used to post and view public sector procurement notices.~~

**“Framework Agreement”** means an agreement or other arrangement with one or more suppliers which establishes the terms (in particular the terms as to price and, where appropriate, quantity) governing contracts to be awarded by WME with the supplier in the period during which the framework agreement applies. A framework agreement does not generally give rise to a binding obligation on a supplier to supply, or on a contracting authority (or other public purchaser for whose benefit the framework agreement has been set up) to buy.

**“Invitation to Tender”** means the document(s) containing the specification, proposed terms and conditions and other appropriate information as issued to Tenderers to solicit Tenders as part of a Procurement Exercise.

~~“Most Financially Favourable” means the lowest financial sum if the payment is made by WME and the highest financial sum if payment is made to WME.~~

“Most Advantageous Tender” (MAT) means the tender that provides the best overall value to WME, taking into account a range of criteria beyond just the price. These criteria can include quality, social value, environmental considerations, and the economic benefits to the community.

**“Negotiation”** means any alteration in the terms of a tender offered to WME and shall include any variation in the terms of a tender whether by deletion of any requirement or provision or the rectification of any error or omission or otherwise.

**“Over Threshold Tender”** means a formal written offer to execute works or supply goods, materials or services following an advertisement in the Find a Tender or other relevant publications, the value of which meets or exceeds the relevant Procurement Threshold as set from time to time.

**“Person”** includes a partnership, body corporate or unincorporated association.

**“Post Tender Negotiations”** means the ability to negotiate with a Tenderer after a Tender has been opened and evaluated in accordance with the published evaluation criteria for the purposes of securing an improvement in the delivery of the contract including but not limited to improvements in price.

**“Procuring Officer”** means any Officer, acting under the delegated powers of the Director, who is responsible for the procurement of goods and services.

**“Procurement Exercise”** means any process conducted by WME by which goods, services and/or works are to be procured.

**“Procurement Regulations”** means the ~~Public Contracts Regulations and/or the Concessions Regulations as applicable.~~[Procurement Act 2023](#)

**“Public Contracts Regulations”** means the ~~Public Contracts Regulations 2015.~~[Procurement Act 2023 \(previously Public Contracts Regulations 2015\).](#)

**“Procurement Regulations Threshold”** means the Estimated Value thresholds set within the Procurement Regulations above which compulsory compliance with the Procurement Regulations is triggered. As of 1st January ~~2022~~[2024](#), the published thresholds are inclusive of VAT, however they are listed below net of 20% VAT as follows:

Public Contracts Regulations

- Supplies and Services - ~~£170,781.60~~[£14,904](#) (net of VAT)
- Works - ~~£4,269,549.60~~[£5,372,609](#) (net of VAT)

~~i. Concessions Regulations~~

- ~~• £4,269,549.60 (net of VAT)~~

but as may be amended from time to time (threshold amounts are updated every 2 years).

**“Quote/Quotation”** means a formal written offer to execute works or supply goods, materials or services the value of which is below ~~£50,000.~~[£30,000](#)

**“Tender”** means the formal offer from a Tenderer, which is capable of acceptance ~~by~~[by](#) WME, which is a response to an Invitation to Tender. It shall include all documents comprising the submission including pricing, technical specification and method statements as well as information about the Tenderer.

**“Tenderer”** or **“Tenderers”** means the person or persons invited to participate in a Procurement Exercise.

**“The Register”** means the register referred to in section [6-13](#) containing records of action taken under these Standing Orders.

**“Under Threshold Tender”** means a formal written offer to execute works or supply goods, materials or services the value of which is above ~~£50,000~~[£30,000](#) but falls below the relevant Procurement Threshold as set from time to time.

“WME Member Authority” means the owning Authorities who combine to form the WME Joint Committee

“WME Thresholds” are the thresholds adopted internally by WME and detailed in the table below.

Value of Order	Process
£0 - £10,000	Obtain at least two verbal/written quotes where practical and retain a written record of details of verbal quotes and retain on file. (If two quotations cannot be obtained a record of the reasons for this must be maintained.)
Between £10,000 and <del>£50,000</del> <u>£30,000</u>	Obtain at least three written quotations <del>(noting that for contracts of £25,000 and over, if advertised by another means other than obtaining quotes, the ‘below threshold’ requirements set out in paragraph 3.1 below must be followed)</del>
Between <del>£50,000</del> <u>£30,000</u> and Procurement Regulations Thresholds	Competitive tendering (noting that the ‘below-threshold’ requirements set out in paragraph <del>3.1</del> <u>3.19</u> below must be followed)
Above Procurement Regulations Thresholds	Procedure compliant with the Procurement Regulations

## 4 - Responsibilities of Officers

All WME Officers are responsible for complying with these Standing Orders. This Section 4 outlines the responsibilities of all Officers as follows:

### 4.1 Director:

- 4.1.1 To keep these Standing Orders up to date and under review;

- 4.1.2 To approve and sign as applicable contracts in accordance with the WME Scheme of Delegation;
- 4.1.3 To act in accordance with the WME Scheme of Delegation;
- 4.1.4 To ensure that Procuring Officers receive appropriate training before exercising powers to negotiate/agree contracts;
- 4.1.5 to ensure that contracts and tendering processes follow these Standing Orders and WME's Financial Regulations.

#### 4.2 Procuring Officers:

- 4.2.1 Must ensure they understand these Standing Orders and their obligations under them before commencing a Procurement Exercise.
- 4.2.2 Must ensure that all procurement processes undertaken are carried out in accordance with these Standing Orders and the Procurement Regulations and other applicable legislation in force at the relevant time and that any actions taken are within their level of authorisation in accordance with any delegations in place.
- 4.2.3 Must ensure that there is a suitable WME Joint Committee or Director approval for each contract for which they are responsible.
- 4.2.4 Must work with WME's procurement advisors at the commencement of any procurement process to which the Public Contracts Regulations apply to ensure:
  - ~~o contracts over the relevant value can be published on Contracts Finder in accordance with the requirements of the Public Contracts Regulations and~~
  - ~~o all required notices are published during the lifetime of the contract notify the procurement advisors of the contract award, to enable the publication of relevant awards to be added to Contracts Finder and to enable details of all contracts to be made available for publication in accordance with Central Government's transparency requirements~~
  - o all requirements of the Procurement Act 2023 are adhered to
- 4.2.5 Should prepare and document an estimate of the whole life cost of the contract including, where appropriate, any maintenance and on-going costs for the purposes of correctly assessing the value of a contract and to ensure that there is sufficient budget for the Contract.
- 4.2.6 Must ensure that discussions/correspondence with suppliers do not inadvertently commit WME to contractual relationships.
- 4.2.7 Subject to the nature and value of the intended contract, where there are any concerns arising, consult with the Director to arrange advice from WME's procurement and legal advisors as appropriate for guidance as early as possible in the procurement process.
- 4.2.8 Identify and allow a sufficient timescale for a procurement process to be undertaken prior to the anticipated commencement of a contract.

#### 4.3 All Officers must:

- 4.3.1 Understand these Standing Orders and the processes they must follow when agreeing contracts or ordering goods, work or services.
- 4.3.2 Follow the national and local code of conduct for local government employees, a copy of which is included in the WME Staff Handbook.
- 4.3.3 Declare to the Director any interest which could influence their judgement in contracting matters. Legal advice must be obtained by Officers where any conflict has potential to impact on contractual relationships.
- 4.3.4 Make sure that WME obtains value for money.

- 4.3.5 Follow these Standing Orders and any codes of practice, guidance or instructions provided by the Director.
- 4.3.6 Follow all relevant laws.
- 4.3.7 Follow WME's Financial Regulations to follow the systems and procedures that are in place to control budgets properly.

#### 4.4 General Points to Note by all Officers:

- 4.4.1 Third parties acting on behalf of the WME (e.g. consultants) must also comply with these Standing Orders. Officers instructing third parties to procure contracts must supply them with a copy of these Standing Orders and ensure that they are followed.
- 4.4.2 Corruption is a criminal offence. All Officers who let, manage or supervise contracts must ensure adequate records are kept and act in accordance with the highest standards of propriety and in accordance with the WME Employee Code of Conduct, particularly with regard to relationships between contractors and suppliers and the separation of roles during tendering processes.
- 4.4.3 The WME Director will be responsible for any interpretation of these Standing Orders.
- 4.4.4 In all instances, procurement shall be undertaken in accordance with the principles of obtaining value for money, and in a manner that is non-discriminatory, transparent and fair.
- 4.4.5 In accordance with ~~Part 4 of the Public Contracts Regulations 2015 and guidance issued by the Cabinet Office and, The Local Government (Transparency Requirements) Regulations 2015; the Procurement Act 2023~~
  - ~~○ All contract opportunities with a value of £25,000 and above must be published on 'Contracts Finder' where WME has advertised such opportunity in the form of a Contract Notice or public advertisement.~~
  - Publication of a Tender Notice is mandatory when undertaking an open or competitive flexible procedure (including to establish a framework and awarding a contract under a dynamic market) or procuring a regulated below-threshold contract
  - All contract opportunities for which a Contract Notice was sent to the Find a Tender Service for publication must also be published on 'Contracts Finder'. Publication of notifiable below-threshold contract opportunities should be made using a below threshold tender notice on the central digital platform, before publication on any other medium
  - Publication of notifiable below-threshold contract awards should be made using the contracts details notice on the central digital platform
  - ~~○ Contracts awarded of £25,000 and above must be published on Contracts Finder. This includes awards made following a call off/s from a Framework Agreement and contracts that may not have been openly advertised.~~
- 4.4.6 Contracts for goods, services and works shall be structured, where appropriate and within the legislative framework, to support and promote the policies and corporate priorities of WME and their Member Authorities. In particular, where appropriate and subject to procurement law, Procuring Officers, when procuring contracts of values up to £50,000 must invite at least one WME Member Authority based contractor to bid for ~~Council~~ contracts. Invitations to tender should not be framed in such a way as to unnecessarily debar small and medium sized companies, the voluntary sector and social enterprises from bidding. Further details relating to offering tendering opportunities to local contractors and suppliers are set out in Sections ~~7 and 8.9~~ of these Standing Orders.



- 4.4.7 All goods, services and works must comply with any relevant quality and safety standards or specifications, code of practice, British Standard Specifications or Codes of Practice applicable in the UK current at the date of the tender together with the WME's own Terms and Conditions (where applicable).

#### 4.5 Consequences of failing to comply with these Standing Orders:

- 4.5.1 It is an implied condition of employment of all staff of WME with responsibility for the administration of contracts that they should at all times observe the provisions and the spirit of these Standing Orders.
- 4.5.2 Failure to comply with any of these Standing Orders may result in disciplinary action and legal proceedings against the Officer or third parties concerned. Any Officer who fails to follow these Standing Orders may lose the protection of the indemnity given to Officers by the Council and therefore may have personal liability for a contract or any losses.
- 4.5.3 Where it becomes apparent that an Officer has failed to comply with these Standing Orders then the Director must compile a report outlining the reasons for the non-compliance and the steps taken to prevent a re-occurrence. The Director shall provide a copy of the report to the Joint Committee's Secretary and Treasurer (in their capacity as Shropshire Council's s151 Officer and Monitoring Officer) for them to consider and take action as appropriate.

## 5 - Extent of Contract Standing Orders

- 5.1 The Director's delegated authority to enter into energy purchase contracts on behalf of WME is set out in the Director's current Scheme of Delegation.
- 5.2 The objective of these Standing Orders is to ensure that any contract or series of aggregated purchases is properly regulated. In particular, it is to ensure that contracts for the supply of goods, materials and services are obtained on the basis of the Most Advantageous Tender Financially Favourable terms having due regard to quality, service and fitness for purpose.
- 5.3 The Procurement Regulations apply to all public sector procurement where the value of a contract, or the Aggregated Value of a series of purchases within a contract or series of contracts, exceeds thresholds as set from time to time and published by the Cabinet Office. In such cases the requirement for a Procurement Regulations compliant procurement procedure shall apply in full to WME as set out in paragraph 8 of these Standing Orders.
- 5.4 Where the value of a contract, or the Aggregated Value of a contract, is deemed to be below the relevant Procurement Regulations thresholds, ~~paragraphs paragraph- 9 to 16~~ of these Standing Orders shall apply.
- 5.5 Subject to the provision of paragraph 9.4 these Standing Orders must be observed on every occasion WME enters into a contract except where goods and services are being obtained on behalf of another public sector body when their Standing Orders will apply.
- 5.6 In addition to the obligations under the Procurement Regulations WME officer(s) undertaking the procurement should also have regard to other legislative obligations on contracting authorities when conducting procurement, such as the requirements of the Public Services (Social Value) Act 2012. This Act requires contracting authorities, at the pre-procurement stage, to consider how what they are proposing to procure may improve the economic, social and environmental well-being of their area (the areas of the Joint Committee's Member Authorities), and how it can act to secure that improvement in conducting the procurement process. This obligation applies to the procurement of service contracts (including those which may also involve goods) under the Public Contracts Regulations.

## 6 - Starting the Procurement Process

### 6.1 Introductory Note:

Before commencing a procurement activity all of the steps on the pages of these Standing Orders must be addressed or considered as appropriate. The requirements of this Section 6 apply to all procurement activity. Depending on the value of the contract to be awarded, the requirements that will need to be fulfilled with regard to each stage of a procurement process will vary.

### 6.2 There are effectively six stages to the procurement process:

- i preparation (pre-contract requirements) which may include [preliminary market engagement and](#) Pre-Qualification –Questionnaires
- ii invitation of tenders/quotations
- iii evaluation of tenders/quotations
- iv acceptance and award
- v finalisation of contract documents
- vi monitoring of performance [including publication of Contract Performance Notices](#)

For every contract that is to be let, Officers must ensure that they can, as a minimum, comply with the requirements of Sections 7-16.

## 7 - Establishing a Business Case

- 7.1 The extent of the [Business Case](#) will depend on the value and associated risk of the procurement activity. The responsibility for preparing the Business Case lies with the Procuring Officer. Procuring Officers must take the following into consideration when preparing the Business Case;
  - i Identification of need
  - ii What are the planned results/improved outcomes
  - iii Identify the estimated cost and the budget available
  - iv An options appraisal
  - v An assessment of risks and how to manage them
  - vi The preparation of a specification/brief and timetable
  - vii Where the planned procurement is estimated to be over £50,000 in value, you must contact Shropshire Council's Procurement Team for assistance with the preparation of the criteria to assess tenders.
- 7.2 Once the Business Case has been prepared, the Procuring Officer should present it to the Director in order to obtain the necessary authority in accordance with section 8 and 9 below.

## 8 - Over Threshold Tender Procurement Procedures

- 8.1 Where the contract value or Aggregated Value of the contract is likely to exceed the relevant Threshold for the class of contract required the procedures set out in the relevant Procurement Regulations must be followed in full. The Procurement Officer MUST contact WME's procurement advisor at the beginning of the Procurement Exercise to obtain advice

on the appropriate procurement process to be followed, and consult at each stage of the Procurement Exercise where required including contract evaluation, award and performance monitoring.

- 8.2 It is very important that these Standing Orders are followed. The Procurement Regulations set out remedies available to a Tenderers or who "has suffered, or is at risk of suffering loss or damage" ~~"economic operators which, in consequence, suffers or risks suffering loss or damage"~~ who wish to challenge the award of a contract above the relevant Threshold which has not been subject to a compliant procurement process under the Procurement Regulations. Remedies available include
- An order to set aside a decision of a contracting authority in the course of a tender procedure.
  - ~~The award of damages to an operator which has suffered loss or damages as a result of a breach.~~
  - ~~A declaration of ineffectiveness of the contract awarded where the relevant grounds are met (for example, failure to advertise an awarded contract, or breach of the procurement rules matched with a breach of the standstill or suspension provisions).~~
  - ~~A financial penalty imposed on the contracting authority.~~
- 8.3 Before the award of any contract, financial checks must be carried out on the preferred bidder to ensure that they are of sufficient financial stability to undertake the contract.

## 9 ~~Under-Below~~ Threshold Tenders

- 9.1 Where contracts below the Procurement Threshold figures are being procured, WME officers shall follow the appropriate process for the value of the contract being let as set out in the WME Thresholds.
- 9.2 Where contracts below the Procurement Threshold figures are being procured the relevant Procurement Regulations should also be checked in order to comply with any 'below-threshold' requirements.
- 9.3 ~~The Public Contracts Regulations require procurements with an Estimated Value below the Threshold, but with a value of £25,000 and over, to comply with the requirement of Part 8 of the Regulations (Below-Threshold Procurements) requiring:~~ The Procurement Act 2023 identifies a "notifiable below-threshold contract" as a regulated below-threshold contract with an estimated value of not less than £30,000, requiring that:
- 9.3.1 ~~that where the contract opportunity is being advertised (i.e. put in the public domain or generally brought to the attention of suppliers, although this does not include obtaining quotes), an advert should also be included in Contracts Finder (Regulation 110); A contracting authority may not advertise for the purpose of inviting tenders in relation to the award of a notifiable below-threshold contract without first publishing a below-threshold tender notice~~
- 9.3.2 ~~that the procurement process shall not include a pre-qualification stage, and any "suitability assessment questions" must be relevant to the subject matter of the procurement and proportionate" (Regulation 111); Before inviting the submission of tenders in relation to the award of a regulated below-threshold contract, a contracting authority must—~~

- (a) have regard to the fact that small and medium-sized enterprises may face particular barriers in competing for a contract, and
- (b) consider whether such barriers can be removed or reduced.

~~9.3.29.3.3~~ the publication of information about the contract award on Contracts Finder (Regulation 112); If a contracting authority invites the submission of tenders in relation to the award of a regulated below-threshold contract, the authority may not restrict the submission of tenders by reference to an assessment of a supplier's suitability to perform the contract.

~~9.3.39.3.4~~ certain terms to be included in the contracts, including payment of undisputed invoices within 30 days, verification of invoices submitted by contractors in a timely fashion, and requiring any sub-contract awarded by the contractor to include such provisions and ensure they are passed on through the supply chain. (Public Contracts Regulation 113);

~~9.3.49.3.5~~ In any procurement of a value not requiring a quotation or tender process, the spirit of these Standing Orders shall be followed and although not required, whenever practicable at least three quotes or prices should be obtained from potential suppliers to ensure value for money is obtained.

9.4 A contract may be entered into by WME other than in accordance with Standing Orders 9.1 to 9.3 above in the following circumstances:

- i Where the Director is satisfied that there is only one supplier and no acceptable alternative;
- ii Where the Director is satisfied that it is in the best interests of the business to standardise by buying from only one supplier;
- iii For the extension addition to or maintenance of existing goods, materials or services where the Director is satisfied that this can only be done satisfactorily by the original contractor or supplier;
- iv For the urgent supply of goods where the Director is satisfied that the tender process is likely to prevent the supply of goods or services within the required timescale;
- v For the supply of used or second hand goods or materials where the market for such goods or materials is such that it would be unreasonable to obtain quotes or tender or where the time required to complete the tender process is likely to lead to the loss of the opportunity to purchase a used or second-hand item which, in the Director's opinion, represents value for money;
- vi For the supply of used or second hand goods, materials or services in any other circumstances where the Director is satisfied that there are proper service reasons for not obtaining quotes or tendering for the supply of goods, materials or services and where the Director is satisfied that it represents value for money and there will be no financial disadvantage as a result of not going through a competitive process.

~~vi~~ All contracts let in accordance with Standing Order 9.4 shall be recorded in the Register referred to in paragraph 13 which shall show the Standing Order under which action has been taken and which in the case of 9.4 (vi) shall contain a statement of reasons as agreed by the Director.

## 10 - Submitting and Opening Tenders

- 10.1 All Procurement Exercises for contracts in excess of the WME Threshold of ~~£50k~~ £30k shall be issued and submitted electronically via Shropshire Council's (as WME's procurement advisor) secure e-tendering system and overseen by Shropshire Council's Procurement Team in order to provide a full audit trail of the activity undertaken. Tenders will be opened in accordance with Shropshire Council's formal receipt and opening of tenders process within the e-tendering systems and be forwarded on to WME for analysis after the time for receipt of tenders has expired. Shropshire Council shall keep the tenders secure and unopened until the expiry of the allocated tender return date and time. The Director or his delegated representative shall be automatically notified by e-mail when the tender submissions are opened and available for viewing and analysis. Under no circumstances may a tender be opened prior to the allocated return date and time for that tender process. The use of Shropshire Council's e-tendering system does not allow tenders to be opened prior to this time.
- 10.2 The Director or his delegated representative must keep a record of these tenders which record shall be retained for a period of 5 years.
- 10.3 Late tenders must be recorded in the Register when they are received.
- 10.4 No tenders received after the time and date specified for its opening shall be accepted or considered by WME unless agreed by the Director in exceptional circumstances and in accordance with the procedure below.
- 10.5 In exceptional circumstances the Director, in consultation with WME procurement and legal advisors, may:
- i extend the deadline for submission of tenders. All known potential ~~T~~tenderers should be notified of the amended submission date and time as soon as possible following the decision to extend the deadline;
  - ii allow a late tender to be submitted after the deadline provided:
    - The ~~tenderer~~ Tenderer has contacted Shropshire Council's Procurement Manager and provided them with evidence that a genuine attempt to submit the tender prior to the deadline was made which was prevented by matters outside of their control, and
    - None of the tenders submitted in respect of the subject of the procurement have been opened at that time. If a submitted tender has already been opened, no later tenders shall be permitted.

The reasons for any extension of the tender deadline or for allowing a late tender to be submitted shall be recorded ~~-~~ in the Register

## 11 - Evaluation of Quotations and Tenders

- 11.1 All Quotes and Tenders shall be evaluated in accordance with evaluation criteria notified in advance to those submitting quotes/tenders. Over Threshold Tenders shall be evaluated in accordance with the Procurement Regulations.

## 12 - Accepting Quotes and Tenders

- 12.1 Only those Quotes and Tenders that comply with the published evaluation criteria shall be considered for acceptance. The Director shall accept the Quote offering the best value to WME.
- 12.2 The Director may approve the amendment of a tender after it has been received and before it has been accepted only to enable the correction of an arithmetical or other error made in good faith (subject to the procedures for establishing explanation of abnormally low tenders as set out in the Procurement Regulations being followed for contracts so governed.)
  - i In such circumstances the Tenderer shall be given details of the error or discrepancy found during the examination of the tender and shall be given the opportunity of confirming the tender with the amendment or withdrawing the tender.
  - ii A record of any such alteration must be kept in the register.
- 12.3 Where the Director considers it appropriate he may enter into Post Tender Negotiations with the lowest ~~T~~tenderer (or the ~~T~~tenderer whose tender is to be accepted under clause 12.6 below) with a view to reducing the Consideration Payable in cases where payment is being made by WME or secure other improvements for WME, subject always to the Procurement Regulations where applicable.
- 12.4 The Director may also negotiate if he considers it appropriate with the highest ~~T~~tenderer, where payment is to be made to WME, with a view to increasing the Consideration Payable, subject always to the Procurement Regulations where applicable.
- 12.5 If any negotiation takes place under clauses 12.3 or 12.4 above then that fact and a statement of reasons shall be made in the Register.
- 12.6 In respect of quotes or Tenders which are not subject to the Procurement Regulations, the Director is not bound to accept the lowest price and may accept other than the lowest price where:
  - i There is a material improvement in specification in contrast to the lowest priced offer and where the Director is of the opinion that by virtue of the improved specification an offer other than the lowest quotation or tender represents the best value for money and should be deemed the Most Advantageous Tender Financially Favourable.
  - ii The goods, materials or services tendered for are not available for immediate supply with the lowest offer and where in the opinion of the Director by reason of their non-availability another tender might reasonably be regarded as the Most Advantageous Tender Financially Favourable tender.

All action taken under this Standing Order shall be recorded in the Register together with particulars and a statement of reasons.

- 12.7 For contracts subject to the Procurement Regulations, no negotiations will take place except as allowable under the relevant Procurement Regulations. In the case of all other contracts, no negotiations with ~~T~~tenderers after the receipt of tenders shall take place except as authorised by the preceding paragraphs of this Standing Order without the prior approval of the Director and the fact that such negotiations have taken place shall be recorded in the Register with an indication of the reasons therefore.

## 13 - The Register

- 13.1 The Register shall be maintained by the Director and shall contain a record of any action under clauses 9.4, 10.5, 12.2, 12.3, 12.4 and 12.6

- 13.2 The Register shall be open for inspection at each meeting of the Joint Committee.
- 13.3 The Director will present a verbal update to the Joint Committee of any entries in the Register since the previous meeting.

#### 14 - Forms of Contract

- 14.1 Every contract shall be made or confirmed in writing and signed in accordance with any authorisations included within the Scheme of Delegation.

#### 15 - Corruption: Cancelling Contracts

- 15.1 Every contract must contain an appropriate Anti-Corruption and Bribery clause providing WME with the ability to cancel the contract and recover any resulting losses if the contractor or his/her employees or agents with or without his/her knowledge does anything improper to attempt to influence the award process.

#### 16 - Compliance with Standing Orders

- 16.1 It shall be a condition of employment of the staff of WME that they should at all times observe the provisions of these Standing Orders. Failure to observe these Standing Orders will be regarded as a disciplinary matter.
- 16.2 When outside consultants or technical officers, excepting staff of WME, are employed to supervise contracts they must similarly follow these Standing Orders. Their contract for services must include this requirement.

#### 17 - Review and Changes to these Standing Orders

- 17.1 These Contract Standing Orders shall be reviewed by the Director and updated on a regular basis. Save as set out below, amendments to these Standing Orders shall require approval of the WME Joint Committee and shall only be made after due consideration of a written report from the Secretary, the Treasurer and the Director.
- 17.2 The Director is permitted to make revisions to these Standing Orders to maintain compliance with and reflect changes to the Procurement Thresholds or legislation and is permitted to undertake such non-material amendments as a result of business changes from time to time.