

PROPOSED AMENDMENTS TO THE CODE OF PROCUREMENT

1. This briefing note provides an explanation of the proposed changes to the Code of Procurement.

Enabling Procurement Support for Huntingdon Ventures

2. The Public Contract Regulations 2015 requires that public bodies accessing frameworks and contracts are named in the initial competition advert. The amendment is to ensure that managers identify the local government Trading Company “Huntingdon Ventures” in any relevant competition advert.
3. The recently formed Local Authority Trading Company (LATC) “Huntingdon Ventures” is a wholly publicly owned Legal Person and as such is entitled to access contracts and frameworks created by its owning and controlling public bodies. The Public Contracts Regulations 2015 state that a public body has to be named in the advert calling the competition in order that the public body identified can legitimately use the framework to procure goods and/or services. The proposed change requires Service Managers to name “Huntingdon Ventures” so that the company can access our contracts and frameworks. Note: this doesn’t apply to any LATC with any direct private capital whatsoever, as they are essentially private bodies.
4. A new paragraph 8.3 has been added to require managers to include suitable reference to “Huntingdon Ventures” in all procurement adverts.

Minor Changes

5. Threshold values for the application EU procurement rules are reviewed every 2 years and amended reflecting changes in the value of sterling:

Effective Date	European Union Threshold		
	Supplies and Services	Works and Concessions	Light Touch Regime Services
1 January 2016	£ 164,176	£ 4,104,394	£ 597,609
1 January 2018	£ 181,302	£ 4,551,413	£ 615,278

The table at paragraph 2.2 has been amended to reflect the new values.

6. The insertion of “e-tendering” at paragraphs 5.3(b) and 11.1(a) to reflect the introduction of an e-tendering system.
7. Paragraph 6.4(d) allows HOS to extended low-value contracts (<£25k) up to a maximum of 10%. The regulations make a distinction for works contracts with a maximum extension of up to 15%. The change aligns the Code with the regulations.
8. Paragraph 6.5 explains the circumstances that the Monitoring Officer may approve single tender requests and the addition of paragraph 6.5(e) explicitly includes the reasons of interoperability/interchangeability or substantial duplication of costs. This mirrors the Regulations and will increase the options for some technical requirements (IT/software).

9. Deletion of paragraph 9.1(d) as the e-tendering system has negated the need for an email questionnaire/tender returns box.
11. Paragraphs 13.1 and 13.2 have been re-arranged for clarity. The only new words reflect an exemption for purchases made at auction to the requirement to use our standards terms and conditions.