

THE HIGHLAND COUNCIL

Resources Committee

1st October 2008

Agenda Item	
Report No	

Amendment to Contract Standing Orders

Report by Depute Chief Executive and Director of Finance

Summary

This report suggests an amendment to the requirements for advertising contract opportunities set out in Contract Standing Orders.

1. Introduction

- 1.1 The Council accepted at the last revision of Contract Standing Orders (CSO) that all contract opportunities should be advertised via the www.publictender.co.uk website hosted by Highland Opportunity Ltd
- 1.2 This site will shortly cease to function, and will be replaced by the Public Contracts Scotland Portal Public Contracts Scotland.
- 1.3 In order to maximise the availability of contract opportunities for Highland businesses, the Council is taking part in the “early adopter” programme in respect of this initiative.
- 1.4 The Scottish Procurement Policy Note SPPN 12-2008 - Public Contracts Scotland, National Advertising Portal sets out the Scottish Governments expectations of all public bodies to use this advertising medium to maximise opportunities for all businesses in Scotland, and in particular SMEs
- 1.5 In order to implement this initiative an amendment to CSO Operational Procedures Paragraph 2 is required as follows:-
- 1.6 Remove
 - (i) In order to meet the requirements of the European Commission for adequate publicity of opportunities, advertising will take place as follows as a minimum:
 - a) Requirements with a value in excess of £25,000: Council's own Website and www.publictender.co.uk,
 - b) Requirements with a value in excess of £50,000: Council's own Website, www.publictender.co.uk, www.supply2.gov.uk, and Government Opportunities
 - c) Requirements with a value in excess of £144,371 (Supplies and Services) or £3,611,319 (Works): Official Journal of the European Union (first), Council's own Website, www.publictender.co.uk, Tenders Electronic Daily, and Government Opportunities.

- (ii) In circumstances in which it is reasonable to expect the requirements to be of interest to companies based beyond the Council's borders, they must be advertised at level (b) above regardless of value.¹

And Replace with

- (i) In order to meet the requirements of the European Commission for adequate publicity of opportunities, advertising will take place as follows as a minimum:
- a) Requirements with a value in excess of £25,000: [Public Contracts Scotland](#)
 - b) Requirements with a value in excess of £50,000: [Public Contracts Scotland](#) and Government Opportunities
 - c) Requirements with a value in excess of £144,371 (Supplies and Services) or £3,611,319 (Works): [Public Contracts Scotland](#) for forwarding to the Official Journal of the European Union (OJEU), and Tenders Electronic Daily, and Government Opportunities.
- (ii) In circumstances in which it is reasonable to expect the requirements to be of interest to companies based beyond the Council's borders, they must be advertised at level (b) above regardless of value.² Advertising of opportunities requiring quotations rather than formal tenders is not obligatory in all cases (se Para 11) but where they are advertised, they must be advertised as per level a) above.

Members may wish to note that a link will be implemented between [Public Contracts Scotland](#) and the Council's own website, so that opportunities will be visible in both places, but information will only need to be uploaded once. Notices will be forwarded to OJEU within four hours of uploading. Notices will be published via the Council's new consolidated procurement service in order to ensure consistency and minimise the requirement for double entry of information.

Recommendations

Members approve the above amendment to CSO:

Signature:

Designation: Depute Chief Executive and Director of Finance

Date: 8th September 2008

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¹ Telaustria Verlags GmbH v. Telekom Austria AG [2000] ECR I-10745.

² Telaustria Verlags GmbH v. Telekom Austria AG [2000] ECR I-10745.