

WEST DUNBARTONSHIRE COUNCIL

Corporate Services – Finance and Resources

WEST DUNBARTONSHIRE COUNCIL FINANCIAL REGULATIONS



(Revised December 2015)

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WEST DUNBARTONSHIRE COUNCIL – FINANCIAL REGULATIONS

A. FINANCIAL ADMINISTRATION

1. Responsibility of the Council
The Council is responsible for monitoring its finances.
2. Best Value
In securing best value, the local authority shall maintain an appropriate balance among:
 - the quality of the performance of its functions;
 - the cost to the authority of that performance; and
 - the cost to persons of any service provided by it for them on a wholly or partly rechargeable basis.

In maintaining that balance, the local authority shall have regard to:

 - efficiency;
 - effectiveness;
 - economy; and
 - the need to meet the equal opportunity requirements

The Council shall discharge its duties under this section in a way which contributes to the achievement of sustainable development.
3. Section 95 Officer
The Section 95 Officer is the designated Officer responsible for the proper administration of the Council's financial affairs under section 95 of the Local Government (Scotland) Act 1973.

The Section 95 Officer, undertaken by the Head of Finance and Resources, is responsible, under the general direction of the Council, for the proper administration of the Council's financial affairs.

It is the duty of the Council to make arrangements which secure best value, being the continuous improvement in the performance of the authority's functions.
4. Section 95 Officer as Adviser
As the Council's financial adviser, the Head of Finance and Resources will report to the Council with respect to the level of resources proposed to be utilised in each financial year and will keep the Council and relevant Committees informed with respect to its finances and financial performance.
5. Executive Directors responsible for Resources
Executive Directors are responsible for the security, custody and control of all resources including buildings, plant, materials, cash and stores relating to their departments.

6. Executive Directors to Consult Section 95 Officer
- Each Executive Director, with respect to any matter within their scope which is liable to affect materially the finances of the Council, shall consult with the Head of Finance and Resources before any provisional or other commitment is incurred or before reporting thereon to the Council or to a committee. Matters covered by approved budgets are excluded from this requirement.

The question of materiality will be the subject of consultation with the Head of Finance and Resources and, if appropriate, the Chief Executive. Such guidance will form part of these Regulations.

7. Role of Chief Executive, Executive Directors and the Director of the Health & Social Care Partnership (H&SCP)
- Unless otherwise stated, the title "Executive Director" applies also to the Chief Executive and the Director of the H&SCP for the purpose of describing their role in relation to these Regulations.

B. ESTIMATES

1. Form of Estimates
- Subject to the direction of the Council, the detailed form of capital and revenue estimates shall be determined by the Head of Finance and Resources in accordance with normal professional practice.
2. Preparation of Estimates
- It shall be the duty of the Head of Finance and Resources to prepare annual estimates on revenue and capital accounts relating to all departments and services of the Council, and for this purpose the Executive Directors shall furnish the Head of Finance and Resources each year, at dates to be determined by him, with all necessary information regarding the requirements of their departments.
3. Determination Process
- After preparation, the estimates shall be collated and considered within the guidelines laid down by the Council. After consideration, the estimates and any recommendations thereon will be submitted to the Council together with a report by the Executive Director of Corporate Services for consideration.
4. Report on the Estimates
- The Council shall consider the estimates, revise them if appropriate, approve them as so revised and with regard to the revenue estimates authorise the expenditure included therein and determine the level of Council Tax.
5. Council Consideration and Council Tax Level
- The timetable for the process of estimates and budget shall be in accordance with that determined by the Council.

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| 6. Long Term Capital Programme | A capital programme shall be prepared annually by Executive Directors in conjunction with the Head of Finance and Resources for submission to the Asset Management Group and thereafter consideration by the Corporate Management Team. The programme will then be submitted to the full Council for approval. Thereafter the Council shall consider the capital programme, revise it if appropriate, and approve it as revised. |
| 7. Authority to Proceed with Capital Projects | The inclusion of a project in the capital programme does not, of itself, authorise expenditure and the provisions in Standing Orders as to the placing of contracts and Council approval shall apply. |
| 8. Urgent Updates to Capital Programmes | Should any slippage or other unforeseen factor arise such as would materially alter the assumptions underlying the programme or the likely spend under any heading, where approval is required prior to the next appropriate Committee or Council, then the relevant Executive Director, after consultation with and the agreement of, the Head of Finance and Resources and the relevant Convenor, will amend the programme accordingly. Any such amendment will be reported to the next appropriate meeting of the Council and relevant Committee as part of the usual Budgetary Control Reporting regime. |

C. CONTROLOFEXPENDITURE

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| 1. Need for Budgetary Provision | No expenditure shall be incurred unless included in the annual estimates or covered by a supplementary estimate approved by the Council after the submission of a report thereon. |
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2. Virement

Revenue

Chief Officers may vire between subjective headings within a Service to a maximum of £10,000 with approval of the Head of Finance and Resources. Any virement above £10,000 requires the approval of the Head of Finance and Resources then approved by the relevant Committee.

Head Teachers are constrained as to their powers as set out in the Delegated Management of Resources Scheme (DMR).

Chief Officers may vire between Services within a Directorate with the approval of the Head of Finance and Resources then approved by the relevant Committee.

Chief Officers may vire between Directorates with the agreement of all Chief Officers concerned; the approval of the Head of Finance and Resources then approved by all relevant Committees.

All virement requested is deemed to be permanent – i.e. to be carried forward into future years, unless specifically highlighted as being ‘one-off’ at the time of submitting the virement request

Capital

Chief Officers may vire between capital projects to a maximum of £60,000 with the agreement of all Chief Officers concerned, the approval of the Head of Finance and Resources in consultation with the relevant Service Convener.

Any virement above £60,000 requires the agreement of all Chief Officers concerned, the approval of the Head of Finance and Resources in consultation with the relevant Service Convener and approval by Council.

3. Updates to Capital Programmes

In line with regulation B8 above, such changes to the capital programme as described at regulation B8 will not constitute a virement and the process for authorisation of such a change is as described at B8 above.

4. Overspendings

Where it appears that the amount of any head of estimate of approved expenditure may be significantly exceeded or the amount of any head of approved income may fall significantly short of that estimated, it shall be the duty of the Executive Director concerned, after consultation with the Chief Executive and the Head of Finance and Resources, to inform the Council of the estimated amount of the deviation, the reasons for the deviation and the options for addressing it.

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| 5. | Report on Capital and Revenue Schemes | No capital work out-with the capital programme, (unless agreed by the Chief Executive as relatively minor and of an urgent nature), and no major revenue project (even where included in the annual estimates) shall be commenced unless it has been the subject of a report to the relevant service Committee or Council by the relevant Executive Director. Where expenditure on a capital or revenue scheme is significantly greater than the budget amount it must be reported to the full Council. |
| 6. | Loan Consents | Subject to 5 above, no capital expenditure will be incurred unless the appropriate Executive Director has ensured it is contained within the capital programme and is covered by appropriate resources. |
| 7. | Responsibility for Budgetary Control | <p>(i) Head of Finance and Resources:
It is the responsibility of the Head of Finance and Resources to furnish each Executive Director at regular intervals (normally monthly), a comparative statement showing the estimated revenue income and expenditure of each department and the payments and receipts actually made to that date.</p> <p>(ii) Executive Directors:
It is the responsibility of each Executive Director to ensure that the items in the annual estimates are not overspent and that the department's expenditure conforms to the requirements of the financial regulations. Each Executive Director shall submit to the relevant service Committee on a regular basis, a statement comparing expenditure and income with their departmental budget.</p> <p>(iii) The Executive Director of Corporate Services shall submit to the Council, on a regular basis, a statement comparing expenditure and income with the corporate budget.</p> |

D. CONTROL OF INCOME

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| 1. | Determination and Alteration of Charges | The rate of charge for Supplies, Works or Services supplied by the Council shall not be altered without the approval of the Council (or appropriate service Committee where appropriate), unless an alteration is required arising from a change in legislation. |
| 2. | Accounting Arrangements | It shall be the duty of the Head of Finance and Resources to make adequate financial and accounting arrangements to ensure the proper recording of all monies due to the Council, the proper collection, custody, control and disposal of all cash in all departments of the Council. |

3. Notification of Income to Head of Finance and Resources
Particulars of all charges to be made for Supplies, Works or Services provided or undertaken by the various departments of the Council and of all other amounts due to the Council shall be promptly notified to the Head of Finance and Resources in a form approved by him. All accounts for income to the Council shall be rendered by or under arrangements approved by the Head of Finance and Resources
4. Write-Offs
Individual sums due to the Council and exceeding £5,000 (excluding VAT) shall not be written-off except after consideration by the appropriate service Committee or Council. Sums up to £5,000 which are due, may be written off on the authority of the Head of Finance and Resources if satisfied that they cannot reasonably be recovered.
5. Benefit Overpayment
An overpayment of Housing/Council Tax benefit will not be recoverable where it arose resulting from a "technical error" and where the claimant (or someone acting on their behalf) could not reasonably have been expected to realise that it was an overpayment.
6. Treatment of Money Collected
All money received on behalf of the Council in any department shall be deposited with the Head of Finance and Resources or the Council's bankers in accordance with arrangements made with the Head of Finance and Resources. No deduction may be made from such money save to the extent that the Head of Finance and Resources may specifically authorise.
7. Forms, Books and Tickets
All official forms, books and tickets for the disbursement and collection of monies shall be in a form approved by the Head of Finance and Resources.
8. Personal Cheques
Personal cheques shall not be cashed out of the money held on behalf of the Council.
9. Transfers of Money
All transfers of official money from one member of staff to another will be evidenced in the records of the departments concerned by the signature of the receiving officer.
10. Exchequer Grants
The Head of Finance and Resources will be advised of all relevant information necessary for him to make application for all exchequer grants due to the Council.

E. STORES, INVENTORIES AND COSTINGS

1. Costing Systems and Stores Control Arrangements made by Executive Directors for costing systems and stock and stores control shall be subject to the approval of the Head of Finance and Resources and shall, at least annually, be subject to review by the Executive Directors.
 2. Custody of Stores and Stocktaking The care and custody of stores and equipment in any department shall be the responsibility of the Executive Director of that department who will ensure that stocktaking is carried out at regular intervals as agreed with the Head of Finance and Resources.
 3. Write-Offs or Surpluses of Stores No entries will be made, in the records, to write-off stores deficiencies or to bring surpluses into charge unless authorised by the Head of Finance and Resources who may refer such adjustments to the Council. The Head of Finance and Resources may issue guidance, from time to time, on this subject and such guidance will form part of these Regulations.
 4. Disposal of Surplus Plant, etc. Subject to prior consultation with the Head of Finance and Resources, all useable surplus plant, equipment, furnishings, materials, etc., to be disposed of by any department of the Council, and which cannot be utilised by any other department, shall be advertised for sale by sealed offer unless in special circumstances approved by the Council.
 5. Inventories All departments will maintain inventories of furniture, fittings, equipment, plant and machinery. The form of the inventories will be determined by the Head of Finance and Resources.
 6. Stock Levels Stocks and stores held shall not be in excess of normal requirements except in special circumstances with the approval of the committee concerned.
- F. BANKING, CONTROL OF CHEQUES, BORROWING, INVESTMENT AND TRUST FUNDS
1. Arrangements with Bankers All arrangements with the Council's Bankers concerning the Council's bank accounts and the issue of cheques shall be made by the Head of Finance and Resources.
 2. Payments into Bank All monies received shall be paid into the Council's bank account daily or at such other intervals as may be arranged by the Head of Finance and Resources.

3. Cheque Control

All cheques, including National Giro Payment forms, shall be ordered and controlled on behalf of the Council by the Head of Finance and Resources and shall bear the facsimile signature of the Head of Finance and Resources, or be signed by him or other officer authorised by him to do so.
4. Code of Practice on Treasury Management

This Council adopts CIPFA's "Code of Practice for Treasury Management in the Public Services".
5. Treasury Policy Statement

A Treasury Policy Statement setting out its strategy and procedures has been adopted by the Council.
6. Aggregation

All money (other than miscellaneous balances such as imprest accounts and deposit receipts) in the hands of the Council shall be aggregated for the purposes of treasury management and shall be under the control of the Head of Finance and Resources.
7. Delegation to Section 95 Officer

All executive decisions on borrowing, investment or financing shall be delegated to the Head of Finance and Resources, or through him to his staff, who shall be required to act in accordance with CIPFA's 'Code for Treasury Management in Local Authorities' and the Council's Treasury Policy Statement.
8. Investments

All investments of money under its control shall be made in the name of the Council or in the names of nominees approved by the Council
9. Borrowing

All borrowing shall be made in the name of the Council.
10. Trust Funds

Trust funds shall wherever possible be in the name of the Council.
11. Deposit of Fund

All officers acting as trustees by virtue of their official position shall deposit all securities, etc., relating to the trust with the Head of Finance and Resources unless the deed otherwise provides.
12. Registrar of Bonds and Mortgages

The Head of Finance and Resources shall be the Council's registrar of stocks, local bonds and mortgages, except where an outside Registrar is appointed by the Council. The Head of Finance and Resources shall maintain records of all borrowing of money by the Council.
13. Control of Charitable Funds

The Head of Finance and Resources shall ensure the proper and safe custody and control of all charitable funds held by the Council and that all expenditure is in accordance with the conditions of the trust deed, etc.

14. Reports by Executive Director of Corporate Services
- The Executive Director of Corporate Services shall report twice annually to the Council on the activities of the Treasury Management operation and on the exercise of Treasury Management powers delegated to them. One such report shall comprise an Annual Report on Treasury Management for presentation by 30th September, of the succeeding financial year.

G. ORDERING (of SUPPLIES, WORKS & SERVICES) AND PAYMENT OF ACCOUNTS

1. Official Requisitions and Orders
- All Supplies, Works and Services supplied or executed for the Council shall be ordered or confirmed by means of an official requisition or order. The form of official requisitions and orders must be through a system as approved by the Head of Finance and Resources. Such requisitions or orders will be authorised only by officers authorised by the appropriate Executive Director. Such authorised persons shall be reviewed on a regular basis by the relevant Executive Director.
2. Exemption from Official Requisition or Order
- An official requisition or order will not be required for supplies of public utility services, periodical payments or petty cash purchases.
3. Central Purchasing and Standardisation
- Each requisition and order shall conform to any directions of the Council with respect to central purchasing and the standardisation of supplies, works and services.
4. Check on Supplies, Works and Services undertaken
- It shall be the duty of each Executive Director to ensure that all Supplies, Works and Services received or undertaken are as requisitioned or ordered in respect of value, quantity and quality.

5. Certification by Executive Director
- Each Executive Director shall arrange to certify that all payment vouchers comply with the following:
- The Supplies, Works or Services to which the account relates have been received, carried out, examined and approved and are in accordance with the order;
 - The prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct;
 - The expenditure has been properly incurred, is within the relevant estimate provision and the provision of standing orders as to limits of expenditure authority have been observed;
 - Appropriate entries have been made in inventories, stores records or stock books as required; and
 - The appropriate expenditure code numbers are entered on the document for payment.
- Having so certified the voucher, the Executive Director or other authorised officer shall pass it to the Head of Finance and Resources for payment.
6. Separation of Duties
- Each Executive Director shall ensure that an appropriate separation of duties exists between officers authorising requisitions and orders and certifying payment of invoices.
7. Authorised Signatories
- The Head of Finance and Resources will compile a list of authorised signatories for this purpose in each department and specimen signatures will be required from the persons concerned.
8. Duplicate Invoices, etc.
- Payment will not be made on duplicate or photocopy invoices unless the Executive Director certifies on the appropriate batch slip that the amounts have not been previously paid.
9. Corporate Services (Finance) Department checks
- The Head of Finance and Resources shall supplement the departmental checks on payment of accounts as he considers necessary.
10. 10. Amendments to Payment Vouchers
- Any amendments made to payment vouchers shall be made in ink and initialled by the officers making them stating briefly the reasons where this is not self-evident.

11. Electronic Procurement The above requirements apply equally to orders and payments made through approved electronic systems including through purchasing cards. Each Executive Director shall ensure that all staff using electronic systems operate in accordance with the relevant authorisation levels and thresholds embedded within the systems.
12. Employee Code of Conduct All employees must comply with the Code of Conduct, in particular, all policy, processes and procedures produced by the Corporate Procurement Manager when purchasing Supplies, Works and Services.

H. ACCOUNTING

1. Accounting Procedures and Records All accounting procedures and records of the Council and its officers shall be determined by the Head of Finance and Resources. All accounts and accounting records of the Council shall be compiled by the Head of Finance and Resources, or under his direction.
2. Internal Checks The provision of information about sums due to or by the Council and the process of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting, disbursing, or authorising payment of such sums.
- Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.
3. Year End Accounting Returns Executive Directors shall annually, at dates to be specified by the Head of Finance and Resources, submit to him:
- Inventories of stocks, stores and plant in hand as at the year-end;
 - Inventories of equipment and furnishings in hand as at the appropriate date;
 - Details of sums due to or by the Council and remaining unpaid at the year end; and
 - Any other information necessary to close the Council's accounts at the year end.
4. Year-End Final Accounts Executive Directors shall have a duty to comply with deadlines defined by the Head of Finance and Resources for the completion of the year-end final accounts.

I. INTERNAL AUDIT AND VALUE FOR MONEY

1. Continuous Internal Audit A continuous internal audit, under the independent control and direction of the Head of Finance and Resources, as described in the Council's Internal Audit Charter and in accordance with the Public Sector Internal Audit Standards (PSIAS), shall be undertaken.

2. Authority of Audit The Head of Finance and Resources or his authorised representatives shall have authority to:
 - Enter at all reasonable times any Council premises or land;

 - Have access to all records, documents and correspondence relating to financial and other transactions of the Council;

 - Require and receive such explanations as are necessary concerning any matter under examination; and

 - Require any employee of the Council to produce cash, stores, or any other Council property under his/her control.

3. Contract Audit The Audit and Risk Manager or his authorised representatives, subject to the consent of the Head of Finance and Resources, shall have authority to engage the services of professional persons from appropriate Council departments to assist in the examination of contracts under review or investigation by Internal Audit.

4. Business Irregularities

No investigatory work is to be undertaken by any Officer of the Council without the express approval of:

- the Head of Finance and Resources for allegations relating to financial issues (or in his absence the Audit & Risk Manager); or
- the Head of People and Transformation for alleged breaches of Human Relations policies or procedures (in her absence the HR and Workforce Development Manager)

All Executive Directors and Heads of Service will make arrangements within their own Directorate to ensure that, where it is suspected or identified that business irregularities have or may have occurred, the matter will be reported immediately to them or the senior officer nominated by them in order that an investigation can be considered by Head of Finance and Resources or the Head of People & Transformation. Examples of such irregularities include but are not limited to:

- Misappropriation or embezzlement of monies, materials etc. placed in the employee's charge;
- intentional distortion of records for any fraudulent purposes; and
- misuse of the Council's ICT infrastructure including information.

Anonymous allegations and all categories identified within the Council's Policy in relation to the Public Interest Disclosure Act 1998 are covered by these Regulations.

Such irregularities shall be dealt with in accordance with the Council's Business Irregularity Procedures.

J. CASHIMPRESTS

1. Provision of Imprest

The Head of Finance and Resources shall provide such imprest accounts as they consider appropriate for such officers of the Council as may need them for the purposes of defraying petty cash and other expenses.
2. Bank Accounts for Imprest Holders

The Head of Finance and Resources shall open bank accounts where it is considered appropriate and in no circumstances shall the imprest holder overdraw the account. It shall be a standing instruction to the Council's bankers that an imprest holder's account shall not be overdrawn. Bank accounts will not be opened or amended by any officer other than the Head of Finance and Resources, or his nominated deputed.
3. Exclusion of Income Collected

No income received on behalf of the Council may be paid into an imprest account but must be banked or paid to the authority as provided in these regulations. Any bank interest earned on imprest accounts will be remitted separately and immediately to the Head of Finance and Resources and will not be left in the imprest bank balance.
4. Limit on Expenditure

Payments shall be limited to minor items of expenditure and to such other items as the Head of Finance and Resources may approve. Payments shall be supported by a receipted voucher to the extent that the Head of Finance and Resources may require.
5. Statement of Account

An officer responsible for an imprest account shall, if so requested, give to the Head of Finance and Resources a certificate as to the state of his/her imprest account.
6. Termination as Imprest Holder

On leaving the employment of the Council or otherwise ceasing to be entitled to hold an imprest advance, an officer shall make account to the Head of Finance and Resources for the amount advanced to him/her.
7. Insurance Cover

The Head of Finance and Resources will ensure that insurance cover is obtained for all cash imprest accounts and the officers responsible for these.

K. CLAIMS FOR EXPENSES AND ALLOWANCES

1. Arrangements for Claims
The Head of People and Transformation in consultation with the Head of Finance and Resources shall be responsible for making arrangements for the administration and regulation of claims for expenses and allowances to Members and employees of the Council and other approved bodies.

2. Regulations for Elected Members Allowances and Expenses
The Head of Finance and Resources shall at all times make the current regulations on expenses and allowances available to Members.

3. Submission of Claims
All claims for payment of travelling allowances, subsistence allowances, car allowances and incidental expenses shall be submitted, duly certified, in a form approved by the Head of People & Transformation to her at regular intervals as agreed.

Such payments will not be made out of imprest accounts without the express authority of the Head of Finance and Resources. All such expenses shall as far as practicable be paid through approved payroll processes.

4. Payment of Claims for Elected Members
Payments to Members, of claims for expenses and allowances, will be made by the Head of Finance and Resources upon receipt of the required information duly completed. All claims for a financial year are to be submitted within one month of 31 March.

5. Certification of Claims
The certification of claims shall mean that the certifying officer is satisfied that the journeys were authorised, the expenditure properly and necessarily incurred and that the allowances are properly payable by the Council.

L. SALARIES, WAGES AND PENSIONS

1. Arrangements for Payments
The payment of all salaries, wages, pensions, compensation and other emoluments to all employees or former employees of the Council shall be made by the Head of People and Transformation or under arrangements approved and controlled by them.

2. Application of National Agreements
The Head of People and Transformation shall be responsible for the application of all appropriate wages and salary agreements to all employees of the Council.

3. Notification
- The Head of People and Transformation will be notified as soon as possible, in an agreed form, of all matters affecting payment of such emoluments and in particular:
- Appointments, resignations, dismissals, suspensions, secondments and transfers;
 - Absences from duty for sickness or other reasons, apart from approved leave;
 - Changes in remuneration, pay awards and agreements of general application; and
 - Information necessary to maintain records of service for superannuation, income tax and national insurance.
4. Appointments
- Appointments of all employees shall be made in accordance with the regulations of the Council and the approved establishments, grades and rates of pay.
5. Form and Certification of Records
- Time records or other pay documents shall be in a form prescribed or approved by the Head of People and Transformation and shall be certified by or on behalf of the appropriate Executive Director. The names of officers authorised to sign such records shall be sent to the Head of People and Transformation by each Executive Director together with specimen signatures.

M. GRANTS, CONTRIBUTIONS AND SUBSCRIPTIONS TO OTHER BODIES AND PERSONS

1. Administration and Payment
- All grants, contributions and subscriptions shall be administered and paid by the Head of Finance and Resources, under delegated powers, and in consultation with the Corporate Services Committee.
- For the Common Good Fund, Council will set the annual budget and in doing so the majority of the grants to be paid. Any remaining Common Good funds available for grant payment will be administered and paid by the Head of Finance and Resources in consultation with the Corporate Services Committee, except where specified by Council where alternative arrangements may be agreed.
- Community Chest grants will be administered and paid by the Community Volunteer Service and reported in detail to the Corporate Services Committee annually.

2. Applications All applications for grants and subscriptions shall be accompanied, where appropriate by the accounts and other relevant information of the organisation, and the Head of Finance and Resources may be asked to report thereon.
3. Application of section Q; the *Procurement Financial Regulations* When awarding grants which may involve the delivery of Supplies, Works and Services, due consideration must be paid to the provisions of section Q; the *Procurement Financial Regulations*, notwithstanding the source and nature of any funding provided.

N. CAPITAL, REVENUE AND RENEWAL FUNDS

1. Policy for Administration The Council shall determine the policy on the administration of these funds.
2. Council Consideration The Council, at the consideration of the budget, shall take into account the allocation of resources, and the policy on such funds.

O. SECURITY

1. Responsibility for Security Each Executive Director is responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash etc., under his/her control. He/she shall consult the Head of Finance and Resources in any case where security is thought to be defective or where it is considered that special security arrangements may be needed. Regular review of such security arrangements shall be carried out by the directors.
2. Limits to Cash Holdings Maximum limits for cash holdings shall be agreed with the Head of Finance and Resources and shall not be exceeded without his/her express permission.
3. Safe Keys Keys to safes and similar receptacles are to be securely held by those responsible for them at all times. The loss of any such keys must be reported immediately to the Head of Finance and Resources. A register of all such key-holders will be kept by each Executive Director
4. Computer Security The Executive Director of Corporate Services is responsible for maintaining proper security and privacy as regards information held in the Council's computer installations or for their use. Each Executive Director is responsible for information held in their respective departments.

5. Pre-printed/Pre-signed Cheques etc. The Head of Finance and Resources shall be responsible for ensuring that secure arrangements exist for pre-printed/pre-signed cheques, stock certificates, bonds and deeds etc.

P. INSURANCE

1. Head of Finance and Resources Responsible for Insurance Subject to the general supervision of the Council, the Head of Finance and Resources will effect and maintain adequate insurance cover for all of the Council's activities. He will also negotiate insurance claims, in consultation with Executive Directors, where necessary.
2. Notification of Risks Executive Directors will give prompt notification to the Head of Finance and Resources of all new and increased risks, properties, or vehicles or of any deletions affecting their department or services.
3. Notification of Claims Executive Directors will immediately notify the Head of Finance and Resources in writing of any loss, liability or damage or any event likely to lead to a claim.
4. Fidelity Guarantee Insurance All appropriate employees of the Council will be covered by fidelity guarantee insurance.
5. Review of Insurance Cover The Head of Finance and Resources will periodically review all insurances in consultation with the Executive Directors as appropriate.

Q. PROCUREMENT - CONTRACTS FOR SUPPLIES, WORKS AND SERVICES (the *Procurement Financial Regulations*)

1. Application of these Procurement Financial Regulations Except where an explicit decision by a meeting of Council or a Committee having delegated authority for the matter in question exists, these *Procurement Financial Regulations* will apply subject to the undernoted further Caveats.

Where strict application of these *Procurement Financial Regulations* would be likely to place the Council in conflict with any applicable law, the *Procurement Financial Regulations* will be read with the omission of any offending provision and in the manner which best protects the Council's interests.

For the avoidance of doubt, no failure to comply with these *Procurement Financial Regulations* will have any negative bearing on the vires of any action or the validity of any Contract following on such action where the action would otherwise be within the Council's powers and the Contract would otherwise be valid.

2. Standing Orders
- These *Procurement Financial Regulations* shall be read in conjunction with and subject to the provisions of Parts III and Part IV of the Standing Orders relating to Officers Delegated Powers and to Procurement, Contracts and Tendering respectively. No provision in these *Procurement Financial Regulations* will be taken to extend or limit the vires of the Council to act in a manner which conflicts with the natural meaning of the Standing Orders. As provided for in Section S of these Financial Regulations, all Officers of the Council are required to adhere to their terms.

In the event of any conflict between these *Procurement Financial Regulations* and Standing Orders, the provisions of the Standing Orders will have precedence. However, this provision will not have the effect of removing the requirement to comply with the *Procurement Financial Regulations* simply on the basis of that permissive provision of the Standing Orders does not specify any qualification or condition on its application. Where these *Procurement Financial Regulations* contain provisions which qualify or place conditions on any permission granted in any Standing Order, officers shall have regard to such permission as so qualified or made conditional.

3. Pre-requisites for Procurement
- For all contracts having an estimated value of more than £50,000, no procurement activity will commence unless and until each of the following conditions have been met:-
1. Sufficient budgetary provision exists (Capital, Revenue or both) in terms of the Standing Orders and these Financial Regulations;
 2. Express Council, Committee or other relevant authority has been granted in accordance with Standing Orders or the Council's Scheme of Delegation; and
 3. A Contract Strategy, in a format approved by the Corporate Procurement Manager, has been agreed.

4. Value of Contracts
- In estimating the value of a contract for the purposes of these *Procurement Financial Regulations*, the following factors must be accounted for:
1. The Capital cost of the acquisition of any assets, Revenue lump sums and one off payments e.g. for acquisition of licenses.
 2. Training to be undertaken as a direct result of the Supplies, Works or Services acquired under the contract.

3. Support services by or through the supplier on an ongoing basis for the duration of the contract, or where the period of required support is indefinite, for a period of 48 Months.
4. Third party supplies of Supplies, Works or Services, associated with, or necessary to support the contract and its deliverables.
5. Annual recurring maintenance or license costs associated with the contract and its deliverables.
6. The value of any Works Concession or Service Concession to the Council.

If any officer has doubt as to the appropriateness of the inclusion of any cost, the Corporate Procurement Manager must be consulted.

In every schedule of rates contract, following discussion with the Corporate Procurement Manager, the Executive Director of the procuring department shall fix an indicative total value for the contract prior to invitations to tender being issued. If there is any doubt about the anticipated duration of the continuing supply, the Corporate Procurement Manager shall base the estimate of the value of the contract on a period of 48 months.

5. Disaggregation
It is not permitted to deliberately divide any procurement exercise or divide into two or more contracts if the intention in doing so is to avoid the application of any financial thresholds in these *Procurement Financial Regulations*, Standing Orders, domestic law or the EU Procurement Rules.
6. Contracts Governed by these *Procurement Financial Regulations*
In these *Procurement Financial Regulations*, the word "Contract" will apply to any arrangement for provision of Supplies, Works or Services to the Council including in so far as relevant, any framework arrangement; either solely or along with others, either written or unwritten by which, legally enforceable rights and responsibilities are created for the parties to the arrangement.

Subject as undernoted, the full provisions of these *Procurement Financial Regulations* will only apply to Contracts having a value in excess of £50,000.

For the avoidance of doubt, individual arrangements where the primary purpose is the supply of funding, either by or to the Council, e.g. loans, bonds, securities, grants (other than where the Council receives Supplies, Works or Services) or other financial instruments, will not be a contract for the purposes of these *Procurement Financial Regulations*, notwithstanding that some strictly limited and

ancillary provision of Supplies, Works or Services may also be involved.

Further, subject to the provisions of national legislation and case law, no arrangement will be classed as a contract for the purposes of these *Procurement Financial Regulations*, where the Council:

1. solely or predominantly sells or acquires land or rights in land;
2. provides Supplies, Works or Services for third parties;
3. performs the functions of or delivers services to another public body in accordance with The Local Authorities (Goods & Services) Act 1970;
4. receives services from another public body in accordance with The Local Authorities (Goods & Services) Act 1970;
5. performs for or receives services from (a) an arms length organisation whether wholly or partly owned by the Council or (b) a wholly owned subsidiary or group company of the Council, provided the arrangement is compliant with European Law.

Notwithstanding that an arrangement may not be classed as a contract for the purposes of these *Procurement Financial Regulations* under this Section Q, the wider Financial Regulations will still apply to the arrangement.

7. Specific Exemptions to these *Procurement Financial Regulations*

Notwithstanding that they may otherwise fail to be viewed as Supplies, Works or Services to the Council, there shall be exempted from the scope of these *Procurement Financial Regulations* any arrangement:

1. where the Council seeks or receives legal advice, assistance or an opinion from Junior or Senior Counsel, or a Professor of Law;
2. where the Council disposes of surplus or scrap materials and equipment previously used by the Council, except where such disposal is, or is part of, a Contract for which the Council pays (in cash or kind) a sum exceeding £50,000;
3. for the commissioning of theatrical, musical, dramatic or other artistic performances, subject to the prior approval of the Corporate Procurement Manager;
4. for Social Care and Education packages which fall below the EU Procurement Threshold (Services);

where the Executive Director is satisfied that application of the full provisions of these *Procurement Financial Regulations* would impede their duty to respond to individuals' needs and wishes or to meet the best interests of service users. Wherever possible, such decisions shall be made in consultation with the Corporate Procurement Manager. In any event, the Executive Director shall ensure adherence to the provisions of all *Procurement Financial Regulations* that do not impede their duty to respond to individuals' needs and wishes or to meet the best interests of service users. In all circumstances, the Scottish Government and COSLA guidance on the *Procurement of Care and Support Services* should be followed.

8. Application of and Departure from the Requirements of Financial Regulations

These *Procurement Financial Regulations* will apply to all Contracts for Supplies, Works and Services save in the following circumstances:

- a) Where a proviso within the Standing Orders, or the Officers Scheme of Delegation expressly permits or requires the Chief Executive or other Chief Officer of the Council to act in a manner which may not be in accordance with these Financial Regulations, but that only to the extent that such express permission or requirement requires, and subject to such subsequent reporting as such provision may require;
- b) Where the departure is expressly agreed by a meeting of Council, the appropriate Service Committee or the Tendering Committee in advance of such departure;
- c) Where in the express and written opinion of i) the Section 95 Officer, or ii) the Head of Legal, Democratic and Regulatory Services, the application of the *Procurement Financial Regulations* would be such as to impose a financial or legal penalty upon the Council such that it would be perverse to strictly apply these *Procurement Financial Regulations*;
- d) Where the strict application of these *Procurement Financial Regulations* would place the Council in conflict or mean non-compliance with the provisions of any funding arrangement, where such funding, i) makes a substantial contribution to any Contract for Supplies, Works and Services, and ii) there is no opportunity to renegotiate the terms of any such funding within a timescale which permits the drawdown of the funds or the performance of

the Contract in accordance with its aims;

- e) Where the Council is entitled, as a member of a consortium, or is otherwise permitted to utilise a framework arrangement which is compliant with domestic and European law, the rules and procedures of such consortium or framework arrangement will, where in conflict with these *Procurement Financial Regulations*, have precedence, save insofar as these *Procurement Financial Regulations* relate to internal procedures only or insofar as they are a direct translation of any Standing Order or aspect of the Scheme of Delegation.

With the exception of those provided for within the Standing Orders and Scheme of Delegation, and those determined by Council or Committee such provisos will only be exercised after consultation with the Corporate Procurement Manager and will be reported to the first appropriate Committee where expenditure exceeds or is likely to exceed £50,000.

9. Sub £50,000
Contracts

For all contracts having a value below £50K for Supplies, Works or Services, the procuring officer shall be responsible, in consultation with the CPU, for verifying whether there is an existing contractual arrangement in place which should be utilised. Where there is no existing contractual arrangement, the procuring officer shall adhere to the following procedures:

- Below £1,999.99 (exc. VAT) - ensure best value is met; this may involve a quotation procedure
- £2K - £9,999.99 (exc. VAT) - seek a minimum of 3 written quotes
- £10K to £49,999 (exc. VAT) - undertake a Quick Quote process by inviting six firms (where possible) to participate from the relevant category of suppliers registered on: www.publiccontractsscotland.gov.uk

All sub £50K contracts shall be subject to the *Procedures for Contracts Below £50,000* produced by the Corporate Procurement Manager.

10. Minimum Contract Provisions
- Except in circumstances where the Corporate Procurement Manager and Head of Legal, Democratic and Regulatory Services agree otherwise, every contract shall be:
- a) in the name of West Dunbartonshire Council;
 - b) in probative writing;
 - c) signed by an officer authorised by the Council to sign contracts;
 - d) subject to the Laws of Scotland; and
 - e) subject to the agreed exclusion or amendment of any such provisions in terms of Regulation Q.12 hereof, including all provisions required by the Standing Orders or Regulation Q.11 hereof.
11. Contract Documents
- With the exception of the specification of the contract requirements, the Contract Documents in respect of all contracts shall be prepared by the Corporate Procurement Manager in consultation with the Executive Director of the procuring department and in relation to the Terms and Conditions of the contract, the Head of Legal, Democratic and Regulatory Services.
- The Corporate Procurement Manager may also, after consultation with the Head of Legal, Democratic and Regulatory Services as aforesaid; make use of Contract Documents prepared by the Crown Commercial Service, Scotland Excel or the Scottish Procurement and Commercial Directorate amended as appropriate, where permitted by those bodies to do so. It is the Corporate Procurement Manager's responsibility to ensure that the Contract Documents are suitable for the contract.
- For repeat requirements and contracts which are agreed in advance to fall within particular categories, the Corporate Procurement Manager may dispense with consultation with the Head of Legal, Democratic and Regulatory Services, subject to their consulting in the event of any particularly onerous or unusual requirement arising during the course of any procurement, and subject to any agreed Terms and Conditions being reviewed annually with the Head of Legal Democratic and Regulatory Services to ensure their continued relevance, accuracy and fitness for purpose.
12. Supplementary Procedures
- The Corporate Procurement Manager may, following consultation with the Corporate Management Team and any relevant officers, as determined by the subject matter, issue supplementary procedural notes ("Supplementary

Procedures”) to be read in conjunction with these *Procurement Financial Regulations*, and complied with when a Contract for Supplies, Works and Services is being sought. These additional procedures will be notified to all Executive Directors who will ensure their distribution to and compliance by, all staff.

13. Compliance with the Procurement Reform Act and EU Procurement Rules

Where the estimated value of any contract is likely to equal or exceed the thresholds for the application of the Procurement Reform Act or the EU Procurement Rules, the Corporate Procurement Manager taking advice from the Head of Legal, Democratic and Regulatory Services where appropriate, will determine whether the provisions of the Procurement Reform Act and the EU Procurement Rules apply and will ensure in such circumstances that the various requirements are followed.

14. Choice of EU Procurement Procedure

Where it is established that the EU Procurement Rules apply to any contract, the Corporate Procurement Manager will following consultation with the Executive Director with responsibility for the proposed contract, agree the appropriate procedure to be followed in terms of those Rules. Such procedure will be identified as part of the agreed Contract Strategy. The Corporate Procurement Manager shall ensure that the contract is advertised, tendered, evaluated and awarded in compliance with those Rules.

15. Advertising and
Publicity for
Contracts

The Council is under a duty to ensure that in relation to each contract it intends to award, a degree of advertising is undertaken which is sufficient to enable open competition and to meet the requirements of the principles of equal treatment, non discrimination and transparency. Contracts that are subject to the EU Procurement Rules must comply with the provisions relating to advertising of contracts in these Rules. For all other contracts with an aggregated value in excess of £50,000, the following procedures shall apply:

- a) Council contracts shall be advertised using the Public Contracts Scotland portal by way of a Contract Notice.
- b) In addition to advertising on the Public Contracts Scotland portal, the Corporate Procurement Manager may authorise the advertisement of the contract in any other way such as in trade journals or newspapers.
- c) The Corporate Procurement Manager shall ensure that the Council's own website contains links to the Public Contracts Scotland portal.

16. Lists

The Council will not operate a list for the pre-selection of contractors to tender for Contracts having an aggregated value in excess of £50,000.

For the avoidance of doubt, the Council may retain records of recent contractor vetting or make use of tools such as the Scottish Government's Scottish Procurement and Commercial Directorate's e-Vendor Management tool in order to reduce the information that bidders require to provide each time they bid for a Council contract and to ensure that the tendering processes remain efficient and cost effective.

Use of such tools must be approved by the Corporate Procurement Manager in consultation with the Head of Legal, Democratic and Regulatory Services and must not preclude any bidder from submitting more up to date information.

17. Procedures:
Restricted
Procedure

In accordance with the agreed Contract Strategy, the Corporate Procurement Manager may approve the use of the Restricted procedure which shall be conducted in accordance with these *Procurement Financial Regulations*. In particular:

- a) The Corporate Procurement Manager will ensure that any Contract Notice and Contract

Documentation contain sufficient information to enable any potential bidder to determine whether they are interested in bidding for the contract; including i) the subject matter of the contract, ii) its duration, iii) reference to selection criteria, iv) estimated commencement date and where v) appropriate and available its estimated value. The notice must also confirm whether e-procurement is being used. The notice must also specify a date and time by which requests to be selected to tender must be received. This date and time must be no sooner than 10 working days from the date the notice is published and where the spend is likely to exceed the EU Thresholds, no less than those timescales prescribed by the EU Procurement Rules.

- b) A pre-qualification questionnaire, in terms agreed between the Corporate Procurement Manager and the Executive Director of the procuring department shall be issued by the Corporate Procurement Manager to all potential contractors responding to the notice issued.
- c) No contractor may be invited to tender unless they have successfully complied with the Council's technical, financial and health and safety checks and have met all other criteria to be invited to tender as set out in the pre-qualification questionnaire issued.
- d) A sufficient number of bidders must be invited to tender to ensure genuine competition, which should not, except with the express agreement of the Corporate Procurement Manager, be fewer than five. Where fewer than five contractors express an interest, all those contractors meeting the minimum evaluation criteria, must be invited to tender.
- e) The Corporate Procurement Manager will be responsible for issuing Invitations to Tender.
- f) All invitations to Tender will include the final date and time for receipt of the tenders by the Council. The Invitations to Tender must also include the criteria to be used in evaluating the tenders.
- g) The Corporate Procurement Manager will co-ordinate and respond to all tender correspondence, queries and clarifications throughout the Tender Process; including seeking input as required from the procuring department and other relevant areas of expertise within the Council.
- h) The Corporate Procurement Manager will consider

and respond to any requests for extensions to the Tender period, having regard to the terms of any request and any input from the procuring department.

- i) The Corporate Procurement Manager together with officers from procuring departments and other officers with relevant input e.g. Finance and Legal Services; will evaluate the tenders, strictly in accordance with the established evaluation criteria.
- j) In the event of any matter being unclear to those conducting the evaluation, the Corporate Procurement Manager will arrange for clarification or verification of matters within any tender. In the event of such clarification or verification revealing a matter which may be common to one or more tenders, the Corporate Procurement Manager may, following verification of such with those bidders as appear appropriate, determine that the impact of any such issue on the evaluation be applied to all those to which the matter applies.
- k) On completion of the evaluation of bids and subject to the necessary consents having been obtained, the Corporate Procurement Manager shall close the competitive stage of the tendering process.
- l) Subject to authority to award the contract from Council or the appropriate Committee having been obtained, the Corporate Procurement Manager shall advise all unsuccessful bidders in writing of the outcome of the tender process and issue the Notice of Intention to Award letter to the most economically advantageous bidder. The Notice of Intention to Award letter shall confirm the Council's intention to formally award the contract subject to agreement of any outstanding matters not conclusively addressed in terms of the tender process. This may include any changes to terms and conditions or commercial terms deemed necessary to best deliver the purpose of the proposed contract. Changes which materially alter aspects of the contract such that the outcome of the tender process may have been different, will not be permitted.
- m) Where the contract value exceeds the EU Procurement Thresholds, the Corporate Procurement Manager will implement the Relevant Standstill Period, including issue of the Relevant Standstill letters to all bidders, in accordance with the requirements of the EU Procurement Rules.
- n) Following conclusion of any outstanding matters with the most economically advantageous bidder

and compliance with any Relevant Standstill Period, the Executive Director of the procuring department may instruct the Corporate Procurement Manager, the Head of Legal, Democratic and Regulatory Services or any other proper officer in terms of the Scheme of Delegation to enter into a binding contract.

- o) The Corporate Procurement Manager will ensure that all lawful, appropriate and necessary feedback is delivered to unsuccessful bidders.

18. Procedures:
Open Procedure

In accordance with the agreed Contract Strategy, the Corporate Procurement Manager may approve the use of the single stage Open Procedure which shall be conducted in accordance with these *Procurement Financial Regulations*. In particular:

- a) The Corporate Procurement Manager will ensure that any Contract Notice and / or Contract Documentation will state the selection criteria, award criteria and weightings for the award of the contract and must contain sufficient information to enable any potential contractor to determine whether they are interested in bidding for the contract. This should include the subject matter of the contract, its duration, estimated commencement date and where appropriate its estimated value. The Contract Notice or Contract Documentation must also specify a date and time by which tenders must be received. This date and time must be no sooner than 10 working days from the date the notice is published and where the spend is likely to exceed the EU Procurement Thresholds, no less than those timescales prescribed by the EU Procurement Rules.
- b) The Corporate Procurement Manager shall include within the Contract Notice, a web link to the Public Contracts Scotland-Tenders portal from where the electronic Invitation to Tender can be immediately accessed or in exceptional circumstances e.g. where a tender is being invited under an existing multi-supplier Framework Agreement, will advise potential bidders of how Contract Documentation including an Invitation to Tender, can be obtained.
- c) The Corporate Procurement Manager will co-ordinate and respond to all tender correspondence, queries and clarifications throughout the Tender Process; including seeking input as required from the procuring department and other relevant areas of expertise within the Council.

- d) The Corporate Procurement Manager will consider and respond to any requests for extensions to the Tender period, having regard to the terms of any request and any input from the procuring department.
- e) The Corporate Procurement Manager together with officers from procuring departments and other officers with relevant input e.g. Finance and Legal Services; will evaluate the tenders, strictly in accordance with the established evaluation criteria.
- f) In the event of any matter being unclear to those conducting the evaluation, the Corporate Procurement Manager will arrange for clarification or verification of matters within any tender. In the event of such clarification or verification revealing a matter which may be common to one or more tenders, the Corporate Procurement Manager may, following verification of such with those bidders as appear appropriate, determine that the impact of any such issue on the evaluation be applied to all those to which the matter applies.
- g) On completion of the evaluation of bids and subject to the necessary consents having been obtained, the Corporate Procurement Manager shall close the competitive stage of the tendering process.
- h) Subject to authority to award the contract from Council or the appropriate Committee having been obtained, the Corporate Procurement Manager shall advise all unsuccessful bidders in writing of the outcome of the tender process and issue the Notice of Intention to Award letter to the most economically advantageous bidder. The Notice of Intention to Award letter shall confirm the Council's intention to formally award the contract subject to agreement of any outstanding matters not conclusively addressed in terms of the tender process. This may include any changes to terms and conditions or commercial terms deemed necessary to best deliver the purpose of the proposed contract. Changes which materially alter aspects of the contract such that the outcome of the tender process may have been different, will not be permitted.
- i) Where the contract value exceeds the EU

Procurement Thresholds, the Corporate Procurement Manager will implement the Relevant Standstill Period, including issue of the Relevant Standstill letters to all bidders, in accordance with the requirements of the EU Procurement Rules.

- j) Following conclusion of any outstanding matters with the most economically advantageous bidder and compliance with any Relevant Standstill Period, the Executive Director of the procuring department may instruct the Corporate Procurement Manager, the Head of Legal, Democratic and Regulatory Services or any other proper officer in terms of the Scheme of Delegation to enter into a binding contract.
- k) The Corporate Procurement Manager will ensure that all lawful, appropriate and necessary feedback is delivered to unsuccessful bidders.

19. Procedures:
Negotiated
Procedure

In accordance with the agreed Contract Strategy, the Corporate Procurement Manager may approve the use of Negotiated Procedure which shall be conducted in accordance with these *Procurement Financial Regulations*. In particular:

a) Where the EU Procurement Rules apply to a proposed contract, the Negotiated Procedure may only be used in strict compliance with the requirements of such EU Procurement Rules for the use of the Negotiated procedure either with or without the publication of a contract notice.

b) Where the value or any other aspect of the proposed contract excludes application of the European Procurement Rules, the only grounds on which the Negotiated Procedure (which in this context means direct negotiations with a single contractor without competition or without further competition, with a view to awarding a contract) may be used are:

- i) where the Council is a member of a consortium, or is otherwise permitted to utilise a framework arrangement which permits the Negotiated Procedure;
- ii) where goods or materials are proprietary articles and or services specific to one provider, and following due and diligent research no reasonable satisfactory alternative goods or services have been

located;

- iii) where the contract constitutes an extension of an existing contract, provided that the extension is approved by the Council, or the appropriate Committee or where the Council is otherwise contractually bound to proceed with a single supplier;
 - iv) where the contract consists of repairs to or the supply of parts for existing proprietary plant or machinery and provided such repair or supply represents Best Value and is legally compliant;
 - v) where following one of the other procedures referred to in these *Procurement Financial Regulations*, there has been no successful conclusion to the Tender exercise; and
 - vi) where following consideration of all the factors applying to the contract, the Corporate Procurement Manager, in consultation with the Head of Legal, Democratic and Regulatory Services and such other officers as they deem appropriate, and with the consent of the Chief Executive or the appropriate Executive Directors, determines that Negotiated Procedure is manifestly in the interests of the Council and compliant with Standing Orders and applicable law.
- c) In all such cases where the Negotiated Procedure is being followed, the actual process adopted will ensure fairness and compliance with best practice and a full written record of all contacts, discussions and communications with prospective contractors shall be kept by the Corporate Procurement Manager.

Such negotiations will be conducted in a manner that ensures that the Council does not contract on terms that are materially less advantageous than would be the case were another available procedure adopted.

20. Procedures: Competitive Procedure with Negotiation, the Competitive Dialogue Procedure & Innovation Partnerships

The Corporate Procurement Manager may choose to adopt the Competitive Procedure with Negotiation or the Competitive Dialogue Procedure or an Innovation Partnership where, in their view and in consultation with the Head of Legal, Democratic and Regulatory Services, the other procedures referenced herein will not be effective in facilitating the award of a contract. In considering the appropriate grounds and conditions for the use of either the Competitive Procedure with

Negotiation or the Competitive Dialogue Procedure or an innovation Partnership, the Corporate Procurement Manager will consider amongst other matters:

- a) the available resources within and willingness of the procuring department to support such a process;
- b) the extent to which dialogue with bidders will assist in developing a specification, terms and overall solution best suited to meet the Council's needs;

Where the Corporate Procurement Manager elects to use Competitive Procedure with Negotiation or the Competitive Dialogue Procedure or an Innovation Partnership for a below EU Procurement Threshold contract, the principles for such procedures as set out in the EU Procurement Rules shall be followed insofar as reasonable and practicable.

21. E-procurement

E-procurement shall generally be used for contracts let by the Council including mini competitions where permitted under framework agreements and negotiated procedures (offers), unless there are valid and substantial reasons for not doing so. In applying e-procurement the following processes and procedures will apply:

- a) Where e-procurement is to apply, no offer submitted will be considered unless it is received via the Council's approved e-procurement system; in the format requested and prior to the deadline for the receipt of offers as stated by the Council in the Contract Documents unless a valid and legally competent reason for not doing so e.g. defect in the system, has been highlighted by a bidder at or prior to the deadline for the receipt of tenders.
- b) The Corporate Procurement Manager shall ensure that each offer is kept unopened in a single secure electronic mailbox that cannot be opened before the deadline for the receipt of tenders.
- c) The Corporate Procurement Manager shall ensure that a record is maintained showing the time and date of receipt of all tenders.
- d) The Corporate Procurement Manager may authorise, in consultation with the procuring department, the extension of the deadline for the receipt of tenders in the following circumstances: i) prior to any tender being received by the Council; or (ii) where, following tenders being received but before the Council is able to open those tenders due to the functionality of the e-procurement system, a bidder notifies a material error in the

documentation issued by the Council or the e-procurement system, or indicates to the Council any credible and reasonable ground it may have to challenge the Council were such an extension not granted. In the circumstances in (ii) above, any bidder who has already submitted a tender shall be given the opportunity to re-submit their tender.

- e) All tender shall be opened immediately one after the other during one session; and the Corporate Procurement Manager shall ensure that a record showing the particulars of each tender received and the date and time when those tenders were opened shall be kept.

22. Electronic Reverse Auctions

The Corporate Procurement Manager may authorise the carrying out of an electronic reverse auction (e-auction) where they are satisfied that the likely benefit of such will outweigh the costs and that the e- auction is in accordance with the EU Procurement Rules: The following provisions will apply in the event of any e-auction:

- a) An e- auction may only be carried out where the possibility of the use of an e- auction has been stated in the Contract Documents issued to bidders and, where the EU Procurement Rules apply, in the contract notice published in OJEU.
- b) Before the Corporate Procurement Manager can authorise an e-auction, they must ensure that a full initial evaluation of tenders has been undertaken in accordance with the award criteria set and with the weighting fixed for them. All bidders who have submitted admissible tenders shall be invited simultaneously by electronic means to submit new prices and/or new values.
- c) Throughout each phase of an e-auction the Corporate Procurement Manager shall instantaneously communicate to all bidders involved, at least sufficient information to enable them to ascertain their relative rankings at any moment. The Corporate Procurement Manager may also, at any time, announce the number of participants in that e-auction however at all times, the names of bidders will be kept anonymous.

Any e-auction will be subject to such additional procedural requirements as the Corporate Procurement Manager in consultation with the Head of Legal, Democratic and Regulatory Services considers necessary.

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| 23. Contract Register | The Corporate Procurement Manager shall maintain a register of all contracts. For department led procurement of Supplies, Works or Services valued between £10K and £50K, the procuring department shall log details of the planned contract with the Corporate Procurement Manager, providing all information deemed necessary by the Corporate Procurement Manager to create a record of the contract within the Contracts Register. On appointment of the successful contractor(s), the procuring department shall provide the Corporate Procurement Manager with all information necessary to complete the record of this contract within the Contracts Register. |
| 24. Reports on Procurement Matters | No report will be submitted to Council seeking approval to award a contract for Supplies, Works or Services in excess of £50,000 unless the Corporate Procurement Manager has first been consulted and their comments noted in the report. |
| 25. Payment Arrangements | All payment arrangements will be fully compliant with UK and sectoral legislation and will be fully documented in any contract documentation. |
| 26. Pecuniary Interest of Members or Officers | Where a Member or officer involved in a contract has a pecuniary interest in that contract, he/she must declare that interest and abide by the provisions of the Ethical Standards in Public Life etc. (Scotland) Act 2000, the Councillor's Code of Conduct and any guidance made there-under and the Council Code of Conduct for Employees. |

R. COMPLIANCE OF MEMBERS AND OFFICERS

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|-------------------------|---|
| 1. Members' Code | All Members shall observe and comply with the Councillor's Code of Conduct issued by the Scottish Ministers in terms of the Ethical Standards in Public Life etc (Scotland) Act 2000 and any guidance made hereunder |
| 2. Officers' Code | All officers shall observe and comply with the Council Code of Conduct for Employees |
| 3. Scheme of Delegation | Officers shall only exercise such functions and powers as are delegated to them by Council or Committee or under the Scheme of Delegation. |
| 4. Other Regulations | All Members and officers will comply with the undernoted regulations in conjunction with these financial regulations: <ul style="list-style-type: none"> • Council Standing Orders including Contract Standing Orders; • Council Treasury Policy Statement; • Member / Officer Protocol; |

1. Responsibility of Executive Directors
It shall be the duty of each Executive Director to ensure that these Regulations are made known to the appropriate persons within his/her department and to ensure that they are adhered to.
2. Breach of Regulations
Any breach or non-compliance with these Regulations must, on discovery, be reported immediately to the Head of Finance and Resources who will discuss the matter with the Chief Executive and/or such other Executive Director as may be appropriate in order to determine the proper action to be taken.
 - Code of Conduct for Employees;
 - Anti Fraud & Corruption Strategy; and
 - Business Irregularity Procedures

S. OBSERVANCE OF FINANCIAL REGULATION

1. Responsibility of Executive Directors
It shall be the duty of each Executive Director to ensure that these Regulations are made known to the appropriate persons within their department and to ensure that they are adhered to.
2. Breach of Regulations
Any breach or non – compliance with these Regulations must, on discovery, be reported immediately to the Head of Finance and Resources who will discuss the matter with the Chief Executive and / or such other Executive Director as may be appropriate in order to determine the proper action to be taken.

REVIEW OF FINANCIAL REGULATIONS

1. Review of Financial Regulations The Head of Finance and Resources shall review the Financial Regulations as circumstances demand, and submit proposals for alterations to the Council for approval.

West Dunbartonshire Council
October 2015