

AWDURDOD HEDDLU DYFED-POWYS

DYFED-POWYS POLICE AUTHORITY

Standing Orders on Contracts

**Approved by
Dyfed-Powys Police Authority
20th June 2005**

CONTENTS

| | |
|------------------|---|
| SECTION A | INTRODUCTION |
| A1 | Application and Scope of Standing Orders on Contracts |
| A2 | Status |
| A3 | Definitions within the Standing Orders on Contracts |
| A4 | Exemptions from Standing Orders on Contracts |
| SECTION B | MEMBERS AND OFFICERS INTERESTS |
| B1 | Pecuniary Interests of Members |
| B2 | Pecuniary Interests of Officers in Contracts |
| SECTION C | PROCUREMENT STRATEGY AND AUTHORISATION LEVELS |
| C1 | Procurement Strategy |
| C2 | Pre-procurement |
| C3 | Authorisation and Delegated Authority |
| C4 | Budget Authorisation |
| SECTION D | PROCUREMENT THRESHOLDS |
| D1 | Procurement Thresholds |
| D2 | Total Value or Amount of Contracts |
| SECTION E | LIST OF SUPPLIERS |
| E1 | Approved List of Suppliers |
| SECTION F | PROCUREMENT PROCEDURES |
| F1 | Compliance with EC Directives |
| F2 | Selective Tendering From the List of Suppliers |
| F3 | Open Tendering |
| F4 | Restricted Tendering |
| F5 | Exceptions |
| F6 | Use of Framework Agreements |
| SECTION G | SUBMISSION AND OPENING OF TENDERS & QUOTATIONS |
| G1 | Submission of Tenders |
| G2 | Arrangements to cover the Issue of Tender details |
| G3 | Custody, Recording and Opening of Tenders and Quotations |
| G4 | Non Return of Tenders |
| G5 | Late Tenders |
| SECTION H | EVALUATION OF TENDERS AND POST TENDER NEGOTIATIONS |
| H1 | Evaluation of Tenders |
| H2 | Post Tender Clarification |
| H3 | Acceptance of Tenders |
| H4 | Where only one Tender is received |
| H5 | Clerical Error |
| H6 | Nominated Sub Contractors and Suppliers |

SECTION I FORM OF CONTRACT

- I1 Form of Contract
- I2 Security for Performance
- I3 Cancellation of Contracts
- I4 Access to Documentation

SECTION J LAND AND BUILDINGTRANSACTIONS

- J1 Acquisition of Land and Buildings
- J2 Acquisition of Land and Buildings at Auction
- J3 Disposal of Land and Management of Estate

SECTION A
INTRODUCTION

A. INTRODUCTION

A.1 Application and Scope of Standing Orders on Contracts

1. These Standing Orders on Contracts govern the procedures for tenders and Contracts and the relative responsibilities of the Police Authority and Police Force. These standing orders shall apply to all contracts entered into by or on behalf of the Police Authority with any other person or body, other than where the exemptions detailed in paragraph A4 apply.
2. These Standing Orders on Contracts will therefore apply to all orders and contracts for:-
 - i. the supply of goods and materials
 - ii. the provision of services, including professional advice from Consultants
 - iii. the execution of building, engineering, communication or information technology projects.
3. Every contract made by or on behalf of the Authority or the Force shall comply with the law of the European Union, the Law of England and Wales and these Standing Orders. Whenever European Legislation or the Law of England and Wales conflicts with these Standing Orders then that law should take precedence.
4. Outside Consultants and technical officers appointed to supervise the contract must follow these Standing Orders and the Financial Regulations of the Authority as if they were officers of the Authority. Their contracts of engagement must state this requirement.

A.2 Status

1. The Standing Orders on Contracts should not be seen in isolation, but rather as part of the overall regulatory framework of the Authority that includes the role of committees, codes of conduct for members and officers, schemes of delegation and Financial Regulations.
2. The Police Authority is responsible for approving or amending Standing Orders on Contracts. The Treasurer is responsible for maintaining a regular review of Standing Orders on Contracts and submitting any additions or amendments to the Police Authority, after consulting with the Clerk and the Chief Constable.
3. The Chief Constable is responsible for ensuring that all staff, contractors and agents are aware of the existence and the content of the Authority's Standing Orders on Contracts and that they are complied with (this applies equally to the Clerk and Treasurer for staff under their direct supervision). These Standing Orders on Contracts must be available for staff to reference via the intranet.
4. The Chief Constable is responsible for ensuring that Codes of Practice, Guidance or Protocols that may be issued in conjunction with Standing Orders on Contracts, are complied with.

5. Breaches of Standing Orders on Contracts of a serious nature may result in disciplinary proceedings. Such cases shall be reported in the first instance to the Director of Finance & Resources who will in turn discuss the same with the Treasurer. Breaches of Standing Orders on Contracts involving Police Authority Staff shall be reported to the Treasurer. Where the Treasurer is notified he/she will determine, after consulting with the Clerk and Chief Constable as appropriate, whether the matter shall be reported to the Police Authority. The question of disciplinary action will be a matter for the Chief Constable or Treasurer/Clerk (for staff under his/her control), to determine.

A.3 Definitions within the Standing Orders on Contracts

1. The 'Police Authority' or 'Authority' when used as a generic term shall refer to:
 - Members
 - The Clerk and Treasurer and staff under their direction
 - The Force
2. The 'Police Authority' or 'Authority' when used as a body for approving policy decisions shall refer to members.
3. The terms 'Police Authority' or 'Authority' shall also embrace any committee or sub committee exercising functions delegated to it by the Police Authority.
4. The 'Force' shall refer to the Chief Constable, and any staff under his/her direction.
5. Within these Standing Orders on Contracts most of the references have been made to the responsibilities of the Chief Constable since most of the day to day financial management is vested with that post. However, where resources are under the control of the Clerk or Treasurer, the duties, rights and powers as detailed for the Chief Constable shall apply equally to the Clerk or Treasurer.
6. The terms Chief Constable, Clerk and Treasurer include any member of staff, contractors or agents to whom particular responsibilities may be lawfully delegated. However, the level of such delegated responsibility must be evidenced¹clearly, made to an appropriate level, and the member of staff given sufficient authority, training and resources to undertake the duty in hand.
7. In particular, the Chief Constable will exercise his delegated powers for the day to day financial management of the Force, through the Director of Finance & Resources.

A.4 Exemptions from Standing Orders on Contracts

1. These Standing Orders on Contracts will not apply in the following instances:-
 - i. contracts for the sale and purchase of land (see paragraph 2 below)

¹ Footnote: 1 evidenced means 'by some form of written authority'.

- ii. contracts of employment.
 - iii. contracts for the investment or sale of monies or securities
 - iv. the engagement or instruction of Counsel.
2. Only Standing Orders on Contracts Section J shall apply to contracts for the sale and purchase of interests in land and property.

SECTION B
MEMBERS AND OFFICERS INTERESTS

B. MEMBERS AND OFFICERS INTERESTS

B.1 Pecuniary Interests of Members

B.1 Pecuniary Interests of Members

Members are reminded of the provisions of the Authority's Code of Conduct for members and the need to carefully consider their position in respect of the declaration of interest in relation to the award of contracts.

B.2 Pecuniary Interests of Officers in Contracts

The Clerk shall maintain a record of any notice given by an officer or employee of the Authority or Force of a pecuniary interest and the record shall be available during office hours for inspection by a member of the Authority.

SECTION C

**PROCUREMENT STRATEGY AND AUTHORISATION
LEVELS**

C. PROCUREMENT STRATEGY AND AUTHORISATION LEVELS

C.1 Procurement Strategy

1. For each financial year, the Authority shall agree a Procurement Strategy.
2. At each meeting of the Finance, Resources and Policy Committee, the Chief Constable shall present members with an update on progress made in relation to the implementation of the strategy.
3. No scheme will be included in the Procurement Strategy until the outline Business Case has received the approval of the Finance, Resource and Policy Committee.
4. Procurement activity may only be undertaken electronically where both the Director of Finance and Resources and Clerk have given approval for such arrangements.

C.2 Pre-procurement

1. Before commencing a procurement it is essential that an approved officer is authorised to instigate the scheme, to monitor progress and ensure completion in line with the Authority's Procurement Strategy.
2. Before undertaking a procurement the Authorised Officer shall:-
 - a. Consider all other means of satisfying the need (including recycling and reuse where appropriate).
 - b. Prepare a scheme estimate including outline business plan.
 - c. Prepare progress targets.
 - d. Prepare a project appraisal demonstrating costs and benefits.
 - e. Consider whether there is an appropriate contract or framework agreement that should be used.

C.3 Authorisation and Delegated Authority

1. The Dyfed-Powys Police Authority is the sole legal entity for all contracts relating to the Dyfed-Powys Police.
2. The Dyfed-Powys Police Authority delegates its authority to the Chief Constable or Director of Finance & Resources to commit the Authority to contractual agreements below £150,000 in value.
3. The Clerk to the Police Authority will be responsible for the authorisation of all contracts of £150,000 and above.
4. The Police Authority will be responsible for the authorisation of all contracts of £500,000 and above.

5. The affixing of the Common Seal shall only be attested by the Clerk or a person authorised by him/her. A record of the contracts once sealed shall be maintained by the Clerk and the record signed by the person who shall have attested the seal.

C.4 Budget Authorisation

1. Before entering into any contractual commitment on behalf of the Authority, the Chief Constable or Director of Finance & Resources must ensure that there is sufficient approved budget to meet the commitment being made.

SECTION D
PROCUREMENT THRESHOLDS

D. PROCUREMENT THRESHOLDS

D.1 Procurement Thresholds

(N.B. All the values stated within this procedure are exclusive of Value Added Tax (VAT).

1. Quotations shall be obtained in respect of all goods and services with total value of less than £1,000. More than one quotation may be obtained where it is considered appropriate to demonstrate value for money.
2. Procurement of goods and services whose total estimated value exceeds £1,000 but are less than £15,000 shall be made only after quotations have been sought from not less than three suppliers or suitable persons. (Faxed or emailed quotations may be obtained where the purchase is of an urgent nature.)
3. Procurement of goods and services whose total estimated value exceeds £15,000 shall be made only after formal tenders have been invited as described in Section F of this document.
4. Procurement of goods and services which fall within the requirements of the European Union Directives shall be made only after the relevant Directive and any associated UK Statutory Instruments have been complied with.

(For details of current financial limits relating to the European Union Directive reference should be made to the Procurement Department).

D.2 Total Value or Amount of Contracts

1. A project shall not be divided into a number of separate contracts in order to avoid the limitations imposed by statute, EU directives or Financial Regulations. Deliberate division of projects in such a way could result in disciplinary action.

SECTION E
LIST OF SUPPLIERS

E. LIST OF SUPPLIERS

E.1 Approved List of Suppliers

1. Where permitted by law a list may be kept of persons/bodies who have been approved to supply specific types of goods and services. The list shall be compiled and maintained by or under arrangements approved by the Chief Constable.
2. The list must be reviewed at intervals not exceeding three years and notices inviting applications for inclusion in it shall be published in one or more local newspaper, or journals circulating among such persons as undertake contracts for the type of work required. Notices must be placed at least 4 weeks prior to updating the list.
3. The Director of Finance & Resources may approve deletions and additions to the list between review dates, but must record the reasons for the removal. Persons/bodies must be advised that they have been removed from the list. The record showing deletions from the list will be maintained under arrangements approved by the Chief Constable.
4. The list shall indicate in respect of a person or body whose name is included on it, the categories of goods and service and the values or amounts in respect of these categories for which approval has been given.
5. Persons/bodies shall be entitled to apply to be included on the list at anytime, whether or not an advertisement has recently been issued and shall have their application dealt with reasonably promptly.
6. The above provisions will not apply in cases where European thresholds are exceeded. Advice in respect of adherence to European thresholds will be obtained from the Procurement and Contracts Manager.

SECTION F
PROCUREMENT PROCEDURES

F. PROCUREMENT PROCEDURES (for estimated values exceeding £15,000)

Before any contract is entered into, procurement must be undertaken in one of the ways described in paragraphs F2, F3, F4 except as provided in paragraphs F5 and F6. The detailed administrative procedures are more particularly prescribed in the Financial Control procedures.

F.1 Compliance with EU Directives

1. Where the estimated value of the contract exceeds the EU threshold:
 - i. The appropriate notice must be placed in the Official Journal of the European Union and the time scales relating to the specific tendering process complied with.
 - ii. Additionally further notice may be given in one or more local newspapers or journals circulating among persons who undertake such contracts or via the National Procurement Website.

F.2 Selective Tendering from the List of Suppliers

1. Where permitted by law a list may be kept of persons to be invited to tender for specific types of contracts. The list shall be compiled and maintained by or under arrangements approved by the Chief Constable, appropriate to the nature of the particular contract. (See Section E.)
2. Where an approved list of suppliers exists tenders should be invited from a minimum of four suppliers. If four suitable suppliers cannot be identified from the list, the Procurement and Contracts Manager will on approval of the Director of Finance and Resources establish whether additional suppliers should be researched for inclusion on the list or whether in exceptional circumstances a smaller number should be invited. In the circumstances that less than four suppliers be invited to tender this will be reported to the Authority.
3. Where more than 4 suppliers are available on the Select list for a particular category of goods/services the appropriate selection criteria should be agreed in advance with the Procurement Department.

F.3 Open Tendering

1. Where the estimated value of the contract exceeds £15,000 at least 14 days notice must be given in one or more local newspaper, trade journal or via the National Procurement Website.
2. The notice must state the nature and purpose of the contract, invite tenders for its execution and specify the last date and time when tenders must be received.
3. All those who respond must be invited to tender.

F.4 Restricted Tendering

1. Where goods and services of a specialised nature are required, it may be appropriate to apply a restricted tendering process where the estimated value of the contract exceeds £15,000. In such cases at least 14 days notice must be given in one or more local newspaper, trade journal or via the National Procurement Website.
2. The notice must state the nature and purpose of the contract, invite persons to express an interest in submitting a tender, and specify the last date and time when applications must be received.
3. After expiry of the specified period, a pre-qualification questionnaire should be sent to all persons who have expressed an interest to tender by the date and time specified.
4. The criteria for short listing to tender will be confirmed within the pre-qualification questionnaire. These criteria must not be adjusted in any circumstances following the issue of the questionnaire.
5. After expiry of this specified period, invitations to tender should be sent to not less than four of the prospective contractors who have returned the pre-qualification questionnaire.
6. If fewer than four persons have applied and are considered suitable, reference should be made to the Procurement and Contracts Manager.
7. The process of selecting prospective contractors must be seen to show no favour and be fully documented by ensuring the evaluation criteria to be used are included in the tender documentation.

F.5 Exceptions

1. Subject to European Union directives, the provisions of the tendering procedure set out herein do not apply where the Chief Constable and/or Clerk/Treasurer is satisfied that:-
 - i. There is no effective competition for the supply as prices are fixed under Statutory Authority.
 - ii. There is only one source of supply.
 - iii. There is a justifiable case to use a specific supplier for reason of compatibility with existing equipment or to maintain continuity of supply. Where such a case is made, it is imperative that evidence of costs and associated factors are provided to support the assertion.
 - iv. Security considerations make the use of a particular contractor essential.

- v. A genuine unforeseeable operational need arises so that the supply is urgently required and loss, damage or injury could result from delay due to the advertising procedure.
 - vi. The purchase or sale of goods is to take place by auction.
 - vii. The Police Authority/Force is required to acquire particular goods or services by operation of law.
2. Those wishing to rely on any of the foregoing shall seek advice from the Procurement and Contracts Manager and submit an evidenced case to the Director of Finance & Resources. Details of such contracts shall be reported to the next meeting of the Police Authority where the value exceeds £15,000.
3. These exceptions apply provided that in each instance specified in sub-paragraph 1:
 - i. Such action does not contravene any statutory or EU requirement; and
 - ii. details of the contract are reported to the Authority where the value of the contract exceeds £15,000; and
 - iii. Adequate documentation is retained for all contracts where tenders are not invited.

F.6 Use of Framework Agreements

1. Tenders or quotations are also not required to be invited where:
 - i. Direct purchasing arrangements have already previously been agreed by the Authority.
 - ii. The Authority is a member of a consortium created for the purpose of acquiring goods or materials of the relevant type; or
 - iii. The Authority has access to Framework Agreements entered into by another agency. E.g Police Information Technology Organisation (PITO)
 - iv. Use of Office of Government Commerce (OGC), Government Catalogue (GCATT) or SCATT agreements apply. However, pursuance of such agreements may only follow the approval of the Procurement and Contracts Manager, demonstration of the Value for Money process and authorisation by the Director of Finance and Resources and/or Clerk/Treasurer.

SECTION G

**SUBMISSION AND OPENING OF TENDERS AND
QUOTATIONS**

G. SUBMISSION AND OPENING OF TENDERS AND QUOTATIONS

G.1 Submission of Tenders

1. Where in pursuance of the Standing Orders invitation to tender is made, every invitation shall state:
 - i. The place where, time and method(s) by which the tender should be delivered.
 - ii. That no tender will be considered unless submitted in a plain sealed envelope bearing the words “Tender for.....” followed by the subject to which it relates and the tender reference.
 - iii. There must be no name or mark to identify the sender, including company-advertising logo. Any external wrapping used by a courier service must not reveal the name of the sender.
 - iv. Except in exceptional circumstances tenders submitted by Fax or E-mail will not be considered. Where a tender submitted by fax or e-mail is considered a report covering the circumstances should be submitted to the Finance, Resources and Policy Committee of the Authority.
 - v. That the Authority does not bind itself to accept the lowest or any tender
 - vi. The terms and conditions that will apply to the final contract to be made when the successful tenderer has been selected. Attempts by potential contractors to replace or amend the Authority’s terms and conditions may constitute grounds for rejection of that tender.

Note: Electronic Tendering which preserves the principles of submission of the tender and its confidentiality until such time as it is opened and reported, should be deemed to be acceptable within these Standing Orders.

G.2 Arrangements to Cover the Issue of Tender Details

1. The Procurement and Contracts Manager shall ensure:
 - i. That there are proper controls to ensure that tender documents are sent to all tender invitees, and that the details sent are correct and complete.
 - ii. That any amendments to tender documents required during the tender period are provided to all tender invitees in writing.
 - iii. That invitees are asked to notify the Authority in writing that they have received the tender documents, including any tender amendment, and that they will be submitting a tender by the due date.
 - iv. That records are kept of all amendments issued in the tender period and of the invitees’ notification of receipt.

- v. That where acknowledgement of receipt is not received from a tender invitee, wherever administratively expedient, confirmation is pursued and the details were received.

G.3 Custody, Recording and Opening of Tenders and Quotations

1. Where the estimated value of the contract is more than £1,000 but does not exceed £15,000 formal quotations may be received by the Budget Holder. The Budget Holder shall record full details of all quotations received.
2. Where the estimated value of the contract exceeds £15,000 all tenders are to be received by the Clerk to the Police Authority.
 - i. The Clerk shall record in a Tender Register to be kept for the purpose full details of all tenders received and ensure that they are retained in secure custody unopened until the time appointed for their opening.
 - ii. Tenders received under this provision shall be opened at the same time in the presence of the Clerk and the Chief Constable or officers representing them.
 - iii. These two persons shall sign and date the document listing the tenders and witnessing that they were opened in their presence. All tenders shall be endorsed with a number, the date of opening and initialled by the two persons present.
 - iv. All tenders shall be retained for the required time period to comply with Force Retention of Document requirements..

G.4 Non Return of Tenders

1. A record shall be maintained by the Chief Constable or Clerk as appropriate to the nature of the Contract of any tender invitees failing to reply to their invitation to tender. The reason for failure to reply shall also be sought and duly recorded.

G.5 Late Tenders

1. The envelope of any tender received after the latest date and time for receipt shall be endorsed by the Clerk or his designated officer, with a note of the date and time of receipt. Any such tender shall not be considered unless it was the only tender that was invited and is received within two working days of the original time and date of receipt. In all other cases, the Clerk shall open late tenders and in conjunction with the Treasurer shall exercise discretion as to whether the same should be considered. In the case of contracts for the sale of land, those administering a tendering exercise must also have regard to the over-riding requirements of Section 123 of the Local Government Act 1972, which will require the investigation of a late tender, if it appears likely to provide the best consideration, and if no contract has yet been entered into.

SECTION H

EVALUATION OF TENDERS AND POST TENDER NEGOTIATIONS

H. EVALUATION OF TENDERS AND POST TENDER NEGOTIATIONS

H.1 Evaluation of Tenders

1. Wherever practicable, tenders will be evaluated using an appropriately structured evaluation model. The Procurement and Contracts Manager in conjunction with the originating Department shall approve in writing the outline of any tender evaluation model used to judge tenders, before the respective tenders are issued. In the majority of cases, price will be the determinant factor in terms of assessing best value. In the case of procurement of certain services however, it may be appropriate to consider other factors and to apply weightings to price and other factors as part of the evaluation model. In such an event, price should receive a weighting of not less than 60%. In exceptional circumstances, a weighting of less than 60% may be applied but in such circumstances a detailed justification should be presented for the written approval of the Director of Finance & Resources or Clerk as appropriate. Where such written approvals have been provided and the evaluation model applied, a contract may be awarded for a tender, which is judged to provide the best value to the Police Authority.

H.2 Post Tender Clarification

Post-tender discussions

1. For the purposes of tender evaluation it is acknowledged that from time to time it is necessary for discussions with tenderers to take place in order to clarify any aspect of the information provided including price. Such post-tender discussions are to be undertaken solely by the Procurement and Contracts Manager in a controlled manner that affords all valid tenderers an equitable opportunity to clarify their tender submissions. It expressly does **not** extend to encompass negotiations on price.

Post-tender negotiations

2. Post-tender negotiations shall only be permitted with the express written approval of the Chief Constable or in his absence the Director of Finance & Resources in respect of which the following procedures are applicable:-
 - i. The Procurement and Contracts Manager is responsible for preparing any application to the Chief Constable seeking permission to conduct post-tender negotiations on price, contract specification or contract conditions. In the event that it is proposed that post-tender negotiations should exclude the lowest compliant tender, the necessary written agreement shall first be obtained from the Chief Constable and the Treasurer.
 - ii. The application to conduct post-tender negotiations to be submitted to the Chief Constable in accordance with this paragraph shall include the following details:-
 - a. Copies of all tenders received by the due date.
 - b. A report documenting the process to date with full details of the initial tender evaluation that has been carried out.

- c. A report detailing fully the reasons why post-tender negotiations are proposed and the purposes/objectives to be achieved.
 - d. A report specifying the criteria used to select the preferred tenderer, or preferred tenderers, as the case may be, to be subject to the proposed post-tender negotiations.
 - iii. Applications approved by the Chief Constable shall be endorsed accordingly.
 - iv. All approved post-tender negotiations shall be supervised by the Procurement and Contracts Manager. In conducting post-tender negotiations, the Procurement and Contracts Manager shall be accompanied at all times by a second officer duly authorised by the Chief Constable for the purpose.
 - v. All post-tender negotiations must be recorded formally either in writing (including fax and e-mail) or by minuted meetings. Such written records or minutes are required to be endorsed as a correct record by the Procurement and Contracts Manager, the second officer duly authorised in accordance with sub paragraph (iv) and the designated representative of the tenderer.
 - vi. When post-tender negotiations have been concluded, the Procurement and Contracts Manager shall submit a tender acceptance report to the Director of Finance & Resources who shall seek the Chief Constable's approval. Such approval shall be supported by the full documentary evidence specified in sub paragraph (v).
3. Where the contract relates to matters solely pertinent to the Police Authority's budget, then references to the Chief Constable and Director of Finance and Resources should be construed as the Clerk and the Treasurer respectively.

H.3 Acceptance of Tenders

1. Subject to paragraphs H1 and H2 the Chief Constable shall be empowered to accept Tenders.

H.4 Where only one Tender is received

1. Where only one tender is received the written approval of the Director of Finance and Resources (or Clerk and Treasurer in respect of the Police Authority) will be required before a contract is let. In seeking such approval, officers must provide an explanation for only one tender being received and provide reasons why a second tendering process is not feasible/necessary.

H.5 Clerical Errors

1. If during the evaluation process a clerical error is identified, the Procurement Department must confirm assumptions with the Tenderer.

H.6 Nominated Sub Contractors and Suppliers

1. Tenders for sub-contracts to be performed or goods or materials to be supplied by nominated sub-contractors or suppliers as the case may be, shall be invited and dealt with in accordance with these Standing Orders.
2. Additionally, the terms of an invitation to tender shall require an undertaking by the tenderer that if he/she is selected he will be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against his/her own obligations under the main contract in relation to the works or goods included in the sub-contract unless provision is made to the contrary under conditions of contract.
3. The lead officer or an officer designated by him/her shall nominate to the main contractor the person whose tender is in his opinion most satisfactory.
4. It shall be a condition of the engagement by or on behalf of the Authority of any person who is not an officer of the Authority that such person if he/she is to supervise a contract shall comply with the provision of those Standing Orders whether or not he/she is specified as an Approved Officer.
5. The contract will contain a clause requiring the contractor to obtain the written permission of the lead officer before assigning or sub-letting the contract or any part of it, other than as specifically allowed under the terms of the contract.

SECTION I
FORM OF CONTRACT

I. FORM OF CONTRACT

I.1 Form of Contract

1. Every contract shall be in writing. Where a contract exceeds £50,000 the contract shall be in a form approved by the Clerk to the Police Authority. Contracts whose value is less than £50,000 may be completed by use of an official order form accompanied by the Authority's standard terms and conditions. Verbal quotations will be evidenced in writing backed up by an appropriate order form.
2. All contracts shall specify:
 - i. The nature and extent of the work and services to be carried out, or the quantity and description of goods and materials to be supplied.
 - ii. The price to be paid with a statement of discounts or other deductions or variations.
 - iii. The time or times within which the contract is to be performed or the goods delivered.
3. Where European and British standards of specification, or standard codes of practice are available at the date of tender, the contract should require all goods, material and workmanship to be at least in accordance with those standards/specifications.

I.2 Security for Performance

1. Where the contract is expected to exceed £1,000,000 the Clerk and the Treasurer may be requested to consider whether security should be obtained and, if so, the nature and amount. This may take the form of a performance guarantee bond, a parent company or bank guarantee or occasionally a deposit of money. This provision shall not, however, prevent the taking of such guarantees for contracts less than £1,000,000 where the Clerk and Treasurer may consider it appropriate to do so.

I.3 Cancellation of Contracts

1. There shall be inserted in every written contract a clause empowering the Authority to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation if
 - i. the contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward;
 - ii. for doing or forbearing to do or for having done or forborne to do any action in relation to the obtaining or execution of the contract or any other contract with the Authority; or
 - iii. for showing or forbearing to show favour or disfavour to any person in relation to the contract or any other contract with the Authority; or

- iv. if the like acts shall have been done by any persons employed by him/her or acting on his/her behalf whether with or without the knowledge of the contractor, or
 - v. in relation to any contract with the Authority the contractor or any person employed by him/her or acting on his/her behalf shall have committed any offence under the Prevention of Corruption Acts 1889-1916; or shall have given any fee or reward the receipt of which is an offence under Section 117(2) of the Local Government Act 1972.
2. Contracts must also state that failure to comply with contractual obligation in whole or part may result in cancellation of the contract and recovery of any additional costs from the contractor.

I.4 Access to Documentation

- 1. Auditors or other appointed representatives of the Authority must have right of access to a contractors documents in relation to any contract with the Authority.
- 2. Documentation in relation to any contract must be retained for the required period stipulated in the Authority Policy on retention and destruction of documents.

SECTION J

LAND AND BUILDING TRANSACTIONS

J. LAND TRANSACTIONS

J.1 Acquisition of Land and Buildings

1. Before acquiring any interest in land, and/or buildings the Authority or Committee or Sub-Committee or Officer acting under delegated powers shall consider an estimate from an appropriately qualified person of the value of the land and/or buildings concerned and shall not acquire land and/or buildings at a consideration in excess of that ultimately recommended by its qualified person.

J.2 Acquisition of Land and Buildings at Auction

1. An appropriately qualified person appointed by the Chief Constable in the exercise of his delegated powers for property management, may bid at auctions for land and/or buildings required for any of the Authority's functions provided:
 - i. the legal terms have been approved in accordance with appropriate legal advice.
 - ii. the bid does not exceed the sum indicated by the Authority or appropriate Committee or Sub-Committee or Officer acting under delegated powers or where no such sum has been indicated the amount allowed in the Authority's approved estimates (subject to any allowance under the Authority's Financial Regulations) for that purpose.

J.3 Disposal of Land and Management of Estate

1. The Chief Constable is empowered:-
 - i. in accordance with appropriate professional advice, to determine any action as appropriate in connection with reviewing rating assessments, lodging objections, assessing rents for property, attending at valuation courts, dealing with tenants'/licensees; requests to assign or carry out improvements and requests to vary conditions of tenancies, or licenses and to determine routine matters of estates management.
 - ii. after the Authority's approval in principle has been obtained to a disposal of property and subject to compliance with any procedures adopted by the Authority relating to former owners and with Section 123 of the Local Government Act 1972, to arrange a disposal at not less than the valuation of an appropriately qualified person appointed by the Chief Constable for that purpose.
 - iii. with the advice of an appropriately qualified person appointed by the Chief Constable, to carry out any other land transaction where the total amount of the consideration, (including the cost of accommodation works) or in the case of a rent review, the amount of any increase, is provided for in the approved estimates.

