

**A protocol** for member  
involvement in procurement in  
contracts valued over £50,000

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2007



# **A protocol for member involvement in procurement in contracts valued over £50,000**

## **Background**

Following agreement by the Executive Committee of the Council in May 2005 officers were asked to develop a protocol outlining how Member involvement can be ensured in procurement decisions over £50,000 in value.

## **Principles**

The protocol is based upon the following principles:

- 1) The protection of the personal integrity of Council members and officers.
- 2) Ensuring the financial and probity interests of the Council are protected
- 3) Ensuring decisions are based on complete and sound financial information and advice from appropriate professional staff
- 4) Ensuring decisions are in accordance with the Council's agreed processes and standards
- 5) Protecting the Council, its members and officers from undue pressure or inappropriate contact from contractors and parties with a commercial interest in a transaction
- 6) Delivering a swift and efficient process that will not prejudice the needs of West Berkshire citizens and delivery of the statutory duties of the Council
- 7) Empowering officers to act appropriately in emergency circumstances

**The Council's Constitution-** The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these decisions are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.

Download a full copy of the Constitution from the West Berkshire Council Website at [www.westberks.gov.uk](http://www.westberks.gov.uk)

**European Tendering Legislation-** For up to date guidance on the community rules on the public procurement of services, please click on: [http://europa.eu.int/comm/internal\\_market/publicprocurement/docs/guidelines/services\\_en.pdf](http://europa.eu.int/comm/internal_market/publicprocurement/docs/guidelines/services_en.pdf). Public supply and service contracts with a total value over £144,371 are subject to the European Community rules as are Public Works Contracts with a value of over £3,611,319.

## **Member Involvement**

Both the Portfolio Holder or the Shadow Portfolio Holder from a service have an open invitation to be involved in any procurement over £50,000. To facilitate this process both the Portfolio Holder and Shadow Portfolio Holder must review the Service Procurement Planner (see Appendix A) provided by the relevant Head of Service at the beginning of each financial year and indicate in which

procurement exercises they wish to be involved, and to what extent. The form breaks down the procurement process in line with the stages indicated in the current Project Management Methodology.

Once agreement has been reached the Service Procurement Planner must be signed, copied and forwarded to the Corporate Contract and Procurement Manager.

Should procurements over £50k be identified later in the financial year these will be added to the forward plan, be discussed with the Portfolio Holder and Shadow Portfolio Holder and an amended Service Procurement Planner must be signed and sent to the Corporate Contract and Procurement Officer.

The procurement exercises identified in the Planner should be used to initiate member involvement at the right time. Where members have indicated they wish to be involved it is assumed they will follow the process through from that stage right through to the completion of the Authorisation Form.

### **Authorisation process**

Should a Portfolio Holder or Shadow Portfolio Holder not wish to be involved actively in a particular procurement exercise, they can either, indicate they do not want to be involved at all, or opt to be informed of the decision made at Gate 3 and asked for their agreement on the Authorisation Form (see Appendix B).

When an Authorisation Form is issued, both members will have five working days from the date of submission (which will be sent electronically and as hard copy to Market Street) to approve or reject the proposal. In the event there is no response in this time the contract will commence as proposed.

Where the proposal is rejected by either party, the appropriate party will complete the appropriate part of the Authorisation Form and contact the officer involved to detail their concerns with the proposal and agree an alternative approach. Every effort will be made to accommodate both the Portfolio Holder and Shadow Portfolio Holder's views, however in case of conflict the Portfolio Holder's view will prevail

Both the Portfolio Holder and Shadow Portfolio Holder will notify the officer involved in writing if they are likely to be unavailable for any period of time and will allocate an alternative named member to oversee the process. If a deputy has not been arranged the officer should send the Authorisation Form to the Group Leader or their deputy.

### **Annual Review**

This protocol will be reviewed on an annual basis by all parties concerned to ensure the principles of member involvement are met to the satisfaction of the stakeholders.

**Exclusions**

The process outlined above will not apply to emergency situations. What constitutes an emergency for a particular service needs to be agreed between the HoS and the respective Portfolio Holder and Shadow Portfolio Holders.

Please note that this protocol does not apply to Adult Social Care for which service a service specific and pre-existing protocol is in place.

## Appendix A

Service Procurement Planner for.....

Year.....

Contract		1	2	3	4	5	6	7	8
Contract Title									
Estimated Value									
Start date									
Completion date									
Gate 0 Strategic assessment – business need identification and outline brief preparation	A								
Gate 1 Business justification – options appraisal completion and preferred option identification	B								
Gate 2 Procurement approach – approach to procurement identification (before advertising)	C								
Gate 3 Investment decision – identification of preferred supplier	D								
PH and SPH authorisation only. See form in Appendix B	E								
PH and SH do not wish to be involved	F								

Please indicate which procurement and at what stage you would like to be involved. Should members not wish to be involved in a particular contract they can be informed of the decision made at Gate 3 above and asked to sign their agreement on the form attached as Appendix B or alternatively indicate that they do not wish to be involved in this particular transaction. Please see flow diagram for clarification of options A to F.

Signed by Portfolio Holder .....

Signed by Shadow Portfolio Holder .....

Signed by Head of Service .....

N.B. This form needs to be included in the Service Plan and a copy forwarded to the Corporate Contract and Procurement Manager

<b>APPENDIX B- PORTFOLIO &amp; SHADOW PORTFOLIO HOLDER AUTHORISATION FORM</b>	
<b>NAMES AND ADDRESSES OF THE PARTIES:</b>	
<p><b>The Purchaser:</b> West Berkshire Council, Council Offices, Market Street, Newbury. RG14 5LD</p> <p>("the Purchaser") Tel. No: 01635 519092 Fax. No: 01635 519939</p>	<p><b>The Supplier selected:</b></p> <p>("the Supplier") Tel. No: Fax. No:</p>
<b>PROCUREMENT PROCEDURE FOLLOWED:</b>	
<b>Procurement Options Considered (delete accordingly):</b>	
<b>Tender:</b>	<b>Yes/No</b>
<b>Alternative Quotes:</b>	<b>Yes/No</b>
<b>(If yes indicate the number of and range of prices quoted):</b>	
<b>Cost breakdown attached?</b>	<b>Yes/No</b>
<b>(If more detail required please attach a separate sheet)</b>	
Funding Source	Amount (£)
<b>AUTHORISATION SIGNATURE:</b>	
<p><b>Authorised to proceed by the Portfolio Holder:</b></p> <p>SIGNED:.....</p> <p>NAME:.....</p> <p>DATE:.....</p>	<p><b>Authorised to proceed by the Shadow Portfolio Holder:</b></p> <p>SIGNED:.....</p> <p>NAME:.....</p> <p>DATE:.....</p>

**APPENDIX B- PORTFOLIO & SHADOW PORTFOLIO HOLDER AUTHORISATION FORM**

**If rejected by the Portfolio Holder or Shadow Portfolio Holder please complete.**

(Please detail your concerns along with a proposal for alternative action)

*(This area is intentionally left blank for detailing concerns and alternative actions.)*

**SIGNATURE:**

**Rejected by the Portfolio Holder:**

**Rejected by the Shadow Portfolio Holder:**

SIGNED:.....

SIGNED:.....

NAME:.....

NAME:.....

DATE:.....

DATE:.....