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SECTION A

GENERAL APPLICATION OF THE RULES

1. Introduction

- 1.1 These Contract Rules (“Rules”), issued in accordance with section 135 of the 1972 Local Government Act), are the Council’s procedure rules for procuring, (buying, renting, leasing etc) goods, services and works for the Council. They are intended to promote good purchasing practice and public accountability and to deter acts of corruption.
- 1.2 The Rules are part of the Council’s Constitution and therefore Officers have a duty to ensure they have fully understood them prior to commencing any procurement or contracting activity.
- 1.3 These Contract Rules are prepared and are to be read in conjunction with the provisions of the Regulations. Where there is any conflict between the Regulations and these Rules the Regulations shall prevail.

2. Variation and Amendment of these Rules

- 2.1 The Chief Executive may, on the advice of the Director of Law and Governance, make such necessary or incidental amendments to these Rules to effect or implement any changes in law (whether due to legislation, case law or EU Directive), or to correct any inconsistency in, or clarify any interpretation of, these Rules.
- 2.2 If there is any change to the law which affects these Rules then that change must be observed until these Rules can be revised. If these Rules conflict in any way with the law then the law takes precedence.
- 2.3 In accordance with the Council’s Constitution, the Chief Executive has final say on interpretation of these Rules (after taking advice from Corporate Procurement and Legal Services).

3. Scope of the Contract Rules

- 3.1 These Rules apply to all contracts and procurements for goods, works or services entered into by or on behalf of the Council, irrespective of whether the contract is financed from Council funds or from external funds, grant or other funds intended to be spent on procurement by the Council.

3.2 These Rules apply to all Officers of the Council and third-party contractors providing goods and services for and/or on behalf of the Council where the relevant contract between the Council and contractor provides for the contractor to comply with these rules.

3.3 ~~any companies or organisations wholly or partly owned by the Council or otherwise within the Council’s control~~

3.4 These Rules shall not apply to Council-owned companies, who shall be responsible for ensuring that their procurement arrangements are robust, achieve best value and are legally compliant except where the relevant agreement provides for the company or organisation to comply with these Rules.

3.2 ~~They also apply to third party contractors providing goods and services for and on behalf of the Council where the relevant contract between the Council and Contractor provides for the Contractor to comply with these rules.~~

NOTE: The remainder of the Contract Rules are unamended so have not been included.