

MAIDSTONE BOROUGH COUNCIL

STANDARDS COMMITTEE

6 APRIL 2011

REFERENCE FROM AUDIT COMMITTEE

1. ELECTRONIC TENDERING – AMENDMENT TO CONTRACT PROCEDURE RULES

- 1.1** The Audit Committee, at its meeting held on 21 March 2011, considered a report by the Assistant Director of Environment and Regulatory Services setting out a suggested amendment to the Contract Procedure Rules within the Constitution arising out of the introduction of electronic tendering. A copy of the report is attached as an Appendix to this reference.
- 1.2** It was noted that following the purchase of an electronic tendering system, the procedure for the submission of tenders required minor changes to be made to the Contract Procedure Rules within the Constitution to ensure compliance. The proposed amendment related to the deletion of the specific reference to an email address as the new system was web-based. It was the intention that the new system would be used for the submission of tenders in respect of contracts in excess of £75,000.
- 1.3** The Committee asked a number of questions of the Officers relating to, inter alia, the arrangements for storing, opening and recording the tenders; the safeguards in place; and the possibility of smaller businesses being disadvantaged by the new system.
- 1.4** Having received replies to its questions, the Committee:-

RESOLVED:

1. **To RECOMMEND to the Council:** That the Contract Procedure Rules within the Constitution be amended by the deletion of Rule 11.3 and the insertion of the following:-

11.3 Where the Council has indicated in the Invitation to Tender that a tender can or must be submitted electronically, then those tenders shall be:

- 11.3.1** in the format specified in the Invitation to Tender
11.3.2 stored securely with a secure method of opening

11.3.3 retained unopened until the date and time specified for their opening.

2. That the Standards Committee be requested to evaluate the proposed amendment to the Contract Procedure Rules prior to it being considered by the Council.
3. That the Officers be requested to submit a short report to the Audit Committee in six months time setting out any issues arising from the first six months of e-tendering, including any concerns raised by local traders about using the system.

1.5 RECOMMENDED: That the Standards Committee evaluate the proposed amendment to the Contract Procedure Rules within the Constitution prior to it being considered by the Council.