

MAIDSTONE BOROUGH COUNCIL

AUDIT COMMITTEE

21st March 2011

**REPORT OF ASSISTANT DIRECTOR OF ENVIRONMENT AND
REGULATORY SERVICES**

Report prepared by Steve Trigg

1. **ELECTRONIC TENDERING – AMENDMENT TO CONTRACT
PROCEDURE RULES**
- 1.1 **Issue for Decision**
- 1.1.1 To consider amendments to the Contract Procedure Rules arising out of the introduction of Electronic Tendering.
- 1.2 **Recommendation of The Assistant Director of Environment and
Regulatory Services**
- 1.2.1 That the Audit Committee recommend to Council to amend the Contract Procedure Rules within the Constitution by deleting Rule 11.3 and inserting the revised wording set out below:-
 - 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
- 1.2.2 That the Audit Committee request that Standards Committee evaluate this proposed change to the Contract Procedure Rules prior to consideration by Council.
- 1.3 **Reasons for Recommendation**
- 1.3.1 Following the purchase of an electronic tendering system, the procedure for the submission of tenders requires minor changes to the Contract Procedure Rules within the Constitution to ensure full compliance. The proposed change relates to the deletion of the specific reference to an e-mail address as the new system is a web-based system.

1.3.2 Currently the existing Contract Procedure Rules state:

“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 Addressed to the e-mail address as notified in the Invitation to Tender
- 11.3.2 in the format specified in the Invitation to Tender
- 11.3.3 stored in a secure mailbox, which requires a code or other appropriate security measure, to open it
- 11.3.4 retained unopened until the date and time specified for its opening”

It is proposed that the rules are amended by deleting Rule 11.3.1 and amending Rule 11.3.3 (11.3.2) as follows:

- “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 its opening”

1.4 **Alternative Action and why not Recommended**

1.4.1 The Council could choose not to amend the Contract Procedure Rules, however, this would mean that tenders submitted using the new system would not be fully compliant.

1.5 **Impact on Corporate Objectives**

1.5.1 The recommendation supports the priority of Corporate and Customer Excellence.

1.6 **Risk Management**

1.6.1 There are no risks associated with this recommendation

1.7 **Other Implications**

1.7.1

- 1. Financial
- 2. Staffing
- 3. Legal
- 4. Equality Impact Needs Assessment
- 5. Environmental/Sustainable Development

X

- 6. Community Safety
- 7. Human Rights Act
- 8. Procurement
- 9. Asset Management

1.7.2 Legal implications have been covered within the report

1.8 **Relevant Documents**

1.8.1 **Appendices**

None

1.8.2 **Background Documents**

The Constitution

IS THIS A KEY DECISION REPORT?

Yes No

If yes, when did it first appear in the Forward Plan?

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This is a Key Decision because:

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Wards/Parishes affected:

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