

**MAIDSTONE BOROUGH COUNCIL**

**COUNCIL**

**27 APRIL 2011**

**REPORT OF THE AUDIT COMMITTEE HELD ON  
21 MARCH 2011**

**1. ELECTRONIC TENDERING – AMENDMENTS 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 suggested amendments to the Contract Procedure Rules within the Constitution arising out of the introduction of electronic tendering.

**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 Contract Procedure Rules currently stated that:-

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 email 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.

The proposed amendments 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. On this latter point, the Officers were asked to submit a short report to the

Committee in six months' time setting out any issues arising from the first six months of e-tendering, including any concerns expressed by local traders about using the system.

**1.4 RECOMMENDED:**

**1.4.1 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.**

**EVALUATION BY THE STANDARDS COMMITTEE – 6 APRIL 2011**

In accordance with Article 15.02 (a) of the Constitution, the Standards Committee has evaluated the proposed amendments to the Contract Procedure Rules within the Constitution and believes that their implementation will help to ensure that the aims and principles of the Constitution are given full effect, as any decision not to make the amendments would prevent tenders being submitted using the new system, and thus would hinder the efficient and effective taking of decisions.