

## Contracts Procedure Rules

### 1. Introduction

- 1.1 The Council will maintain by way of periodic review and updates contract and procurement procedures to ensure all activity is in compliance with all relevant legislation, including EU regulations, for the supply of works, goods and services.
- 1.2 Procurement procedures referred to above will be enforced by ensuring adherence to the Council's Procurement Policy and Procedures. Permission for any deviation from this policy must be sought in advance of any procurement activity, and be in extraordinary circumstances.

### 2. Making of Contracts

- 2.1 Every contract, whether made by the Council, or by a Committee acting in pursuance of powers shall comply with these rules and Procurement Policy unless an exception is made by direction of the Council or a duly authorised Committee.
- 2.2 Every exception made by a Committee acting in pursuance of powers delegated to it by Council shall be reported to Council shall be reported to the Council and the report shall specify the special consideration by which the exception shall have been justified.
- 2.3 A record of any exception from any of the rules shall be included in the minutes of the Committee concerned or of Council, and the record shall specify the special consideration by which the exception shall have been justified.

### 3. Procurement Process

- 3.1 All procurement will be carried out in accordance with Standing Orders, Contract rules and Procurement Policy and Procedures.
- 3.2 Where external funders are involved, due to consideration will be given by Council to funder's procurement stipulations and the strictest procurement procedures or rules will apply.

3.3 Tender acceptance of a preferred supplier/contractor will be ratified at the appropriate Council/Committee meeting upon receipt of a recommendation report. Quotation acceptance is completed in conjunction between the selection panel and the Procurement Department.

#### **4. Interests of Elected Members in Contracts and Other Matters**

4.1 Where any Member has declared a pecuniary interest (either directly or indirectly) in a contract, grant, proposed contract or other matter at a Meeting, he shall withdraw from the room in which the Meeting is being held while the matter is under consideration unless the particular issue is under consideration by the Meeting as part of the Report or Minutes of a Committee (in the case of a Council Meeting), and is not itself the subject of the debate.

4.2 Any person, other than a Council Officer, who is appointed to discharge any functions in connection with a Committee which enables him to speak at Meetings of Committee shall make the same disclosures of pecuniary interests, and shall withdraw from the room in which the Meeting is being held on the same occasions, as he would have to do if he were a Member of that Committee.

#### **5. Interests of Officers in Contracts and other matters**

5.1 If it comes to the knowledge of any Council Officer, that he has a disclosable pecuniary interest (either directly or indirectly) in any contract which has been, or is proposed to be, entered into by Council, or in some other matter which is to be considered by the Council or any Committee, and which is not:

- a. The contract of employment (if any) under which he/she serves the Council;
- b. The tenancy of a dwelling provided by the Council;
- c. A contract of which he would have to give notice under Section 46 of the Local Government Act (Northern Ireland) 1972.

he/she shall as soon as practicable give notice of that interest in writing to the Clerk and Chief Executive or another Officer acting in her place.

5.2 For the purposes of this rule, a disclosable pecuniary interest is an interest that, if the employee was an Elected Member, and if the contract or other matter was to be considered at the Council meeting would have to be disclosed under Section 28 of the Local Government Act (Northern Ireland) 1972.

5.3 The Clerk and Chief Executive, or other Officer acting in his place, shall record particulars of any notice of a pecuniary interest given by a Council

employee under Section 46 of the 1972 Act or para. 5.1. The record shall, during ordinary office hours of the Council, be open for inspection by any Member.

- 5.4 Where a Council Officer submits a report to a meeting in a matter which he has declared an interest under Section 46 of the 1972 Act or para. 5.1, he shall state that such declaration has been made, and give brief details of it, in a separate paragraph at the commencement of the report.
- 5.5 Where any Council Officer advises orally at a Council or Committee Meeting on a contract, grant, proposed contract or other matter and has declared a pecuniary interest in that matter, whether under the requirements of Section 46 of the 1972 Act, or of para. 5.1, he/she shall remind the Meeting orally of that interest, and the reminder shall be recorded in the Minutes of the Meeting.