



ARTICLE NO: 1D

CORPORATE OVERVIEW AND  
SCRUTINY COMMITTEE:

MEMBERS UPDATE 2009/2010

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Article of: Council Secretary and Solicitor

Issue: 4 February 2010

Relevant Portfolio Holders: Councillor I. Grant  
Councillor D. Westley

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**SUBJECT: CONTRACT PROCEDURE RULES – EXCEPTION – CASE  
MANAGEMENT, TIME RECORDING AND DEEDS/FILE MANAGEMENT  
SOFTWARE PROCUREMENT**

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District wide interest

## **1.0 PURPOSE OF THE ARTICLE**

1.1 To advise Members of an exception to Contract Procedure Rules in relation to procedures for selective tendering and production of an ad hoc list.

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## **2.0 BACKGROUND**

2.1 The Council's Contract Procedure Rules (CPR) specify arrangements for all aspects of the tendering process leading to the award of a contract by the Council for goods or services.

2.2 CPR No. 8 – Selective Tendering – Ad Hoc List – provides the procedure for preparation of a list of prospective tenderers following a public notice, some or all of whom may later be invited to tender. In accordance with that Rule public notice is to be given in at least one newspaper where appropriate (what is 'appropriate' is a matter delegated to the commissioning Divisional Manager) and where the estimated value of the contract exceeds £50,000, in at least one newspaper or journal circulating amongst such persons or bodies who undertake such contracts as is the subject matter of the immediate procurement exercise.

### **3.0 ISSUES**

- 3.1 In conducting the procurement of a Case Management, Time Recording and Deeds File Management System in accordance with delegated arrangements, there was an opportunity to advertise the procurement through Supply 2.gov.uk. This is a free online facility to advertise procurement exercises by public authorities, with pan European coverage and including computer software purchases within the categories of advertisement allowed to be presented there. It is frequently used within the computer software industry as a source of prospective business. This has been borne out in the responses received to the placing of the notice.
- 3.2 The giving of the notice is not in accordance with the strict requirements of the Council's CPR No. 8 as the Notice was not placed in a newspaper or journal circulating amongst persons or bodies undertaking the relevant Contracts. However, as noted above, the exercise undertaken had the desired effect of notifying the industry of the opportunity and has been borne out by the response gained.
- 3.3 CPR4 (1) gives authority to waive the requirements of the CPRs to various bodies, including the Chief Executive; this includes the waiver of the requirement to advertise in accordance with Contract Procedure Rule 8.
- 3.4 It is a requirement of the exemption procedure that notification of the exercise of the power to waive any requirement of the rules is brought to Members' attention through the Members Update process.

### **4.0 SUSTAINABILITY AND FINANCIAL AND RESOURCE IMPLICATIONS**

- 4.1 There are no significant implications

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#### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

#### **Equality Impact Assessment**

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

#### **Appendices**

None