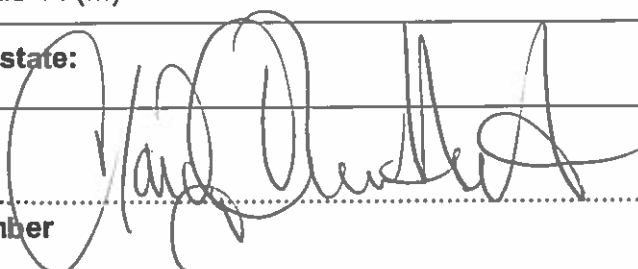


**TO: THE MONITORING OFFICER  
(TOM CLARK, SOLICITOR TO THE COUNCIL)**

**RECORD OF ACTION TAKEN BY A CABINET MEMBER  
UNDER DELEGATED POWERS**

<b>Subject: Procurement Code Review</b>	
<b>Cabinet Member: Mandy Thomas-Atkin</b>	
<b>Has the Cabinet Member received a report prior to making the decision?</b>	<b>Yes</b>
<b>In the case of a key decision where the Cabinet Member has received a report, please state the date a copy of the report was made available to the Chair of the relevant Scrutiny Committee and placed in the public domain:</b>	
<b>Record of decision taken: Approval of new Procurement Code</b>	
<b>Date of decision: 5<sup>th</sup> March 2019</b>	
<b>Statement of reasons for making the decision: Requirement to update the procurement Code in line with legislative changes</b>	
<b>Alternative options considered and rejected: N/a</b>	
<b>Code of Conduct Interest of Cabinet Members? If yes, please advise on the nature and whether dispensation in place</b> No	
<b>Is the decision to be protected from call-in? (i.e if any delay would seriously prejudice the Council's or the public's interest) - see Scrutiny Procedure Rule 14 (M)</b>	<b>No</b>
<b>If so, please state:</b>	

**Signed:.....**  
**Cabinet Member**



**This record must be forwarded immediately to the Monitoring Officer (TC) and copied to the relevant Cabinet Member.**

**For Monitoring Officer**

<b>Date of publication of Member Information Service Bulletin</b>	
---	--

<b>Date of decision can be implemented (on the Thursday after publication of the Member Information Service Bulletin, unless already protected from call-in)</b>	
--	--

REPORT OF: Tom Clark Solicitor to the Council and Head of Regulatory Services  
Contact Officer: Franca Currall Solicitor & Deputy Monitoring Officer  
Email: [franca.currall@midsussex.gov.uk](mailto:franca.currall@midsussex.gov.uk) Tel: 01444 477484  
Wards Affected: *None*  
Key Decision: No  
Report to: Mandy Thomas –Atkin Cabinet Member  
11<sup>th</sup> March 2019

---

### **Purpose of Report**

1. The purpose of this report is to outline the changes to the Council's procurement rules to take account of legislative and internal departmental changes that have taken place since the Council's Procurement Code (the Code) was last updated in September 2015. The changes are in blue in the attached copy of the proposed Code.

### **Summary**

2. Key changes

Update of the Scheme of Delegations for the authorisation levels for entering into a contract.

Amendments to include reference to legislation that has been come into force since September 2015 when the Code was last updated.

Amendments to take account of factors that need to be taken into consideration when undertaking Procurement exercises.

### **Recommendations**

**To adopt the new MSDC Procurement Code and for it to apply from the 1<sup>st</sup> April 2019.**

---

### **Background**

3. The Council is required by law to have a policy/procurement code within its Constitution which sets out how the Council will undertake procuring goods, services and purchases from contractors and suppliers.

The Code assists MSDC officers to understand what steps they need to take when procuring on behalf of the Council and ensure that all procurement exercises are carried out without breaching the principles of the EU Regulations of openness, transparency and without bias.

The Contracts Solicitor and the Procurement Manager ensure the Code is up to date and undertake a full review when legislative changes take place or any internal changes may result in a need to amend the Code.

### **Financial Implications**

4. There are no direct financial implications for updating the Code

### **Risk Management Implications**

5. The biggest threat to a Public Body such as the council is a legal challenge from suppliers and contractors who feel the procurement process was flawed and breached the principles of the Regulations. The costs to the council of facing a legal challenge not only in financially but also its business reputation is high and the Code helps identify risks and provides ways to mitigate those risks.

### **Equality and Customer Service Implications**

6. There are no direct equality implications, however equality considerations should be assessed as part of every procurement and any provisions embedded into specification and contractual conditions.

### **Other Material Implications**

7. None, the Council is legally obliged to comply with the Public Contract Regulations and have a set of documentation setting out how it will conduct procurement and purchasing activities.

### **Background Papers**

- None.