

# NORTH YORKSHIRE COUNTY COUNCIL

## Report for Consideration by the Chief Executive Using Emergency Powers, taking into account the views of the Executive

7th April 2020

### Procurement and Contract Procedure Rules (PCPRs) Delegation

#### 1.0 Introduction

- 1.1 The North Yorkshire County Council (the council) Constitution explains the structure and workings of the council, including all the rules and procedures under which the council operates. It sets out who makes decisions and how they are made, and the rights of citizens to obtain information and to influence decisions. The Constitution is maintained under Section 37 of the Local Government Act 2000.
- 1.2 Part 4, Rules of Procedure, within the Constitution sets out the Procurement and Contract Procedure Rules (PCPRs).
- 1.3 Due to COVID-19 there is a requirement to amend some of the existing delegation and approval procedures within the PCPRs due to senior management taking on wider portfolios in response to the current crisis.

#### 2.0 Considerations

##### Directors Recommendations and Waivers

- 2.1 Two areas have been identified to date, requiring amendments;
- Rule 16 – Exceptions to the Procurement and Contract Procedure Rules (Directors Recommendation)
  - Rule 16.4 - Waivers.
- 2.2 Currently under the PCPRs Directors Recommendations can only be approved and signed off by the Corporate Director. Waivers can only be approved and signed off by the Corporate Director – Strategic Resources and Assistant Chief Executive – Legal and Democratic Services. Neither of these rules can be delegated.
- 2.3 There is an acknowledgement that due to additional resource requirements on senior management, and to ensure the continued efficient operating of decision making, there is a need to amend this element of the PCPRs and implement appropriate delegation.

##### Forward Procurement Plan

- 2.4 The Procurement and Contract Management Service has reviewed all current projects and liaised with Directorates to confirm which projects to:
- Continue

- Delay – delay procurement process work commencing, however the overall contract start date is still achievable.
- Use emergency / special measures – these procurement projects need to be extended or varied specifically due to COVID-19. This will be undertaken in accordance with the Procurement Policy Note PPN) 01/20.

Amendments may be required to officer's delegations to ensure the continued efficient operating of decision making in relation to these areas.

### Executing Deeds

- 2.5 There is an intention to permit executing deeds electronically as the current government advice in relation to home working and social distancing means hard copy executing of deeds is not possible. This would require a change to the PCPRs.

### **3.0 Recommendations**

- 3.1 The Chief Executive is asked to consider the following recommendations and make a decision, taking into account the views of the Executive members:
- That delegated authority is provided from the Chief Executive (in consultation with the Executive) to the Corporate Director – Strategic Resources, in consultation with the Assistant Chief Executive – Legal and Democratic Services to enable required amendments to the Procurement and Contract Procedure Rules, to ensure business continuity and appropriate approvals are implemented. This will be for an interim period and in response to COVID-19.

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