NOTTINGHAMSHIRE & CITY OF NOTTINGHAM FIRE AND RESCUE AUTHORITY

FINANCIAL PROCEDURES

These financial procedures support the financial control objectives set out in the Financial Regulations of the Fire Authority.

1. CAPITAL EXPENDITURE

- 1.1 Financial Regulations require the Chief Fire Officer to prepare a detailed capital programme which supports the strategy set out in the Service's Business Plan.
- 1.2 For a scheme to be included within the Capital Programme the Chief Fire Officer must be satisfied that it fits into the overall business strategy of the Service and that the timescales and costs are realistic. The inclusion of a scheme within the approved Capital Programme provides an authorisation for funds to be allocated to the scheme but importantly not the final approval for the scheme itself.
- 1.3 Before a project can commence the Chief Fire Officer must be satisfied that, depending on the size and scope of the project:
 - i) it will be properly managed
 - ii) cost estimates remain within budget
 - iii) business benefits have been properly assessed and can be achieved.
 - iv) Appropriate contractual and procurement arrangements are in place
 - v) A proper assessment of ongoing and opportunity costs has been carried out
- 1.4 A latest estimated cost report must be taken to the Finance and Resources Committee for all capital projects included in the first year of the capital programme where the total capital cost estimate exceeds the budget by £100,000 or 5%, whichever is the lower.
- 1.5 Capital costs for the purpose of the latest estimated cost report should be analysed into:
 - (i) Land acquisition costs
 - (ii) Construction costs
 - (iii) Plant, equipment and furniture costs
 - (iv) Professional fees and consultancy costs
 - (v) Hardware and software costs
 - (vi) Any other relevant costs.
- 1.6 Provided the scope of the scheme remains unchanged the Chief Fire Officer is authorised to incur expenditure on any scheme with an approved start date in the first year of the capital programme, provided that the requirements of 1.3 above have been complied with and the capital and revenue costs do not exceed the amounts shown in the detailed annual budget.
- 1.7 Where the capital or revenue costs of any scheme cannot be contained within the amounts shown in the detailed annual budget the Chief Fire Officer must identify the reasons for the variances in expenditure from those included in the detailed estimates, and notify the Assistant Chief Officer (ACO) Director of Finance and Resources of proposals for meeting any overall increase in expenditure.

- 1.8 Where it becomes apparent that the tender sum for a capital scheme will be exceeded by 5% or £50,000 whichever is the lower the Chief Fire Officer shall prepare a report to the Finance and Resources Committee setting out the reasons for the increased cost together with proposals for how it will be met.
- 1.9 In respect of variable price works contracts, the Chief Fire Officer shall periodically review the cost and report to the Fire Authority if the budget provision for the contract is likely to be exceeded by the lower of 5% or £50,000.

2. CONTRACTS

- 2.1 Unless otherwise stated, these Regulations shall apply to all contracts, whether for the supply of goods, materials, professional or technical services or for the execution of works.
- 2.2 Every contract and order shall be in a form drawn up or approved by the Clerk to the Fire Authority.
- 2.3 All contracts, including, where appropriate, nominated sub-contracts and contracts with nominated suppliers shall comply with these Regulations and no exception or amendment to any of their provisions shall be made, other than with the express written approval of the Clerk to the Fire Authority and the Treasurer, where it is believed to be in the best interests of the Fire Authority to do so.
- 2.4 Unless otherwise stated, the term 'contract' shall mean any agreement between the Fire Authority and any other party, which is intended to be legally binding. The term therefore applies to all formal contracts, together with all orders placed on behalf of the Fire Authority.
- 2.5 Members or employees who have a direct or indirect pecuniary interest in a contract must declare it. They shall not be supplied with or given access to any tender documents, contracts or other information relating thereto without the authority of the Clerk to the Fire Authority.
- 2.6 All contracts and related matters shall comply with any legislation and/or overriding requirements of the European Union and/or Her Majesty's Government, for the time being in force.
- 2.7 Where any of these Regulations may affect the action of a tenderer or successful contractor, then a clear reference to that Regulation shall be contained in the tender documents.
- 2.8 An official written order shall be issued for all work, goods or services to be supplied to the Fire Authority.
- 2.9 A formal contract shall be entered into for all work, goods or services to be supplied to the Fire Authority, where the tender accepted is £75,000 or more, or where the Clerk to the Fire Authority considers it necessary. Construction and maintenance contracts and such other contracts as the Clerk to the Fire Authority deems appropriate shall be executed as speciality contracts (i.e. generally under seal).

- 2.10 No work may be commenced on site or goods or materials ordered until either an official written order has been issued, or a formal contract and a bond (if appropriate), has been duly executed by the contractor and returned to the Fire Authority.
- 2.11 The Chief Fire Officer, the Clerk, The Treasurer and the ACO Director of Finance and Resources are authorised to enter into contracts on the Fire Authority's behalf and manage the tendering and contract process.

3. TENDERING PROCEDURES

- 3.1 The method of selecting tenderers for contracts shall be agreed with the ACO Director of Finance and Resources. The letting of a contract or series of contracts whose aggregate value exceeds the regularly updated EU threshold figure must, where applicable, comply with prevailing EU directives in respect of tendering procedures, technical specifications, the selection of tenderers and the awarding of contracts.
- 3.2 Detailed guidance for tender thresholds and for compliance with EU directives is contained in Annex A to these procedures. Annex A provides details of how tendering will be carried out and guidance for managers seeking to procure goods and services.
- 3.2 Tendering procedures may be waived in the following specific circumstances:
 - (a) Tenders have been invited by a recognised consortium or similar body. See annex A for guidance on the use of frameworks etc.
 - (b) In the case of contracts for the supply of goods or materials, where the goods or materials are sold only at a fixed price and no reasonable satisfactory alternative is available;
 - (c) The work to be executed or the goods or materials to be supplied constitute an extension of an existing contract, and the necessary budget provision exists.
 - (d) The work to be executed or the goods or materials to be supplied are required so urgently as not to permit the invitation of tenders;
 - (e) The work to be executed or the goods or materials to be supplied consist of repairs to or parts for existing proprietary machinery, where such repairs or parts are specific to that machinery;
- 3.3 For any of the above exemptions to apply the specific written approval of the Estates and Procurement Manager must be obtained. The Estates and Procurement Manager will maintain a record of all occasions when these exemptions have been applied and will report these annually to the Finance and Resources Committee.
- 3.4 If there are any other reasons why tendering procedures should be waived the approval of both the Clerk and the Treasurer shall be sought. All such instances shall be reported to the Finance and Resources Committee.
- 3.5 Tenders for contracts shall be opened by at least three Members of staff, one of whom should be a Principal Officer. The Finance and Resources Committee may

nominate an elected Member to be present at the opening of any tender but particularly those that are expected to be over the OJEU limit.

- 3.6 The Chief Fire Officer shall maintain a register of all tenders accepted, which shall in each case list all the tenders received and which shall be in a form approved by the Clerk to the Fire Authority and the Treasurer.
- 3.7 Where deemed appropriate by the Clerk to the Fire Authority and the Treasurer, contracts under seal which are for the execution of work or for the supply of goods or materials by a particular date or series of dates shall provide for liquidated and ascertained damages of an amount to be specified in each such contract by them.
- 3.8 The Clerk to the Fire Authority will advise the Chief Fire Officer on circumstances where there is a requirement to provide security for the due performance of any contract exceeding £500,000. The nature and amount of any such security shall be specified as a provisional item in the conditions of tender and be in a form and obtained from an institution approved by the Treasurer.
- 3.9 Every extra or variation on a contract for the execution of works shall be authorised in writing by the Chief Fire Officer, his/her nominee or by a consultant appointed by the Chief Fire Officer.
- 3.10 Claims from contractors in respect of matters not clearly within the terms of the contract shall be referred to the Clerk to the Fire Authority for consideration of the Fire Authority's legal liability as soon as they are known. Valid claims for loss and expense arising from delay and disruption shall be notified to the Finance and Resources Committee where they are likely to exceed £50,000 in value or where there is a possibility of legal proceedings, including arbitration procedures as provided for by the conditions of contract, being commenced.
- 3.11 Unless the Treasurer and the Clerk to the Fire Authority agree otherwise, liquidated and ascertained damages, where allowed for, shall be applied in respect of contracts not completed within the original contract period, together with any extensions of time granted in accordance with the contract.

4. PAYMENT FOR WORKS, GOODS AND SERVICES

- 4.1 Before authorising an official order, or any process which may lead to a payment, employees shall:-
 - (a) ensure they are authorised to order or process the payment;
 - (b) satisfy themselves that the works/goods/services are a proper charge on the funds under their control;
 - (c) ensure there is adequate budget provision;
 - (d) satisfy themselves that the works/goods/services have been received, conform in all respects with an official order and are acceptable in every way;
 - (e) ensure prices, arithmetic and discounts are correct.

- 4.2 Official orders are not necessary for supplies of public utility services, for periodic payments such as rent and rates, for imprest purchases or such other exceptions as the Chief Fire Officer and ACO Director of Finance and Resources shall agree.
- 4.3 The duties of ordering, receiving goods and certifying invoices for payment must not be performed by the same officer..
- 4.4 Where contracts provide for payment to be made by instalments, the Chief Fire Officer shall maintain a contract register in a form approved by the ACO Director of Finance and Resources which shall show the state of account on each contract between the Fire Authority and the contractor together with any other payments and any related professional fees.
- 4.5 Payments to contractors on account of works contracts shall be made only on a certificate which shall show the total amount of contract, the value of work executed to date, retention money, amount paid to date and the amount now certified. Such certificate shall be issued by the Chief Fire Officer, his/her nominee or the consultant authorised to do so.

5. BANKING AND INCOME

- 5.1 The ACO Director of Finance and Resources is responsible for all banking arrangements and must authorise the creation, amendment or closure of any Fire Authority accounts. All bank accounts shall have an official title and in no circumstances shall a bank account be opened or operated in the name of an individual.
- 5.2 The ACO Director of Finance and Resources is responsible for the daily management and operation of all bank accounts including the regular reconciliation of bank accounts with banking records at not less than monthly intervals.
- 5.3 The ACO Director of Finance and Resources is responsible for arranging appropriate imprest accounts and associated banking facilities.
- 5.4 All cheques drawn on the Fire Authority account shall be signed by two officers authorised by the Chief Fire Officer. All cheques issued by the Fire Authority should bear a minimum of two authorised signatures.
- 5.5 The ACO Director of Finance and Resources will ensure that all income is properly accounted for, secure, safeguarded and paid into the Fire Authority's bank account promptly and intact.
- 5.6 No income may be paid into any imprest account or used to defray expenditure.

6. INVESTMENT AND BORROWING

- 6.1 The ACO Director of Finance and Resources is responsible for arranging the investment of Fire Authority funds in accordance with policies approved by the Fire Authority.
- 6.2 The ACO Director of Finance and Resources will ensure the investment of money on the best available terms, in accordance with prudent investment policies, taking into account present and anticipated economic conditions and projected cash flow of funds.

- 6.3 This report will include the limits prescribed within the Prudential Code procedures and processes for the monitoring and reporting on such limits.
- 6.4 The ACO Director of Finance and Resources shall ensure that a report is taken to the Fire Authority on an annual basis which sets out the investment policy for the Fire Authority and authorises the use of a range of potential borrowers. Such report should again be in compliance with the Prudential Code.

7. INSURANCE ARRANGEMENTS

- 7.1 The general policy on insurance should be agreed by the Fire Authority.
- 7.2 The ACO Director of Finance and Resources must advise the Fire Authority on appropriate insurance arrangements for the following:
 - (a) Fire Authority employees
 - (b) Fire Authority members
 - (c) Buildings
 - (d) Liabilities
 - (e) Vehicles and other assets
 - (f) All other risks.
- 7.3 The ACO Director of Finance and Resources is responsible for securing insurance arrangements in accordance with the policy laid down by the Fire Authority.

8. PAYMENT OF SALARIES, WAGES AND PENSIONS

- 8.1 The payment of salaries, wages, pensions or other emoluments shall be made only by the ACO Director of Finance and Resources through the payroll system.
- 8.2 All appointments, terminations of employment, absences and any other changes which may affect the pay or pension of present and past employees and pensioners must be notified to the Chief Fire Officer.

9. ASSETS

- 9.1 The Chief Fire Officer is responsible for the security of all assets under his control and shall maintain an asset register where appropriate.
- 9.2 Assets include land, property, money, stocks, stores, furniture, equipment and electronic data.
- 9.3 Records relating to these assets and the method and frequency of stores and inventory checks shall be agreed with the ACO Director of Finance and Resources.
- 9.4 Where assets are disposed of (including written off) such disposal shall be in accordance with procedures agreed with the ACO Director of Finance and Resources.
- 9.5 As a general principle disposals shall, wherever possible, be subject to competition.

10. DISPOSAL AND ACQUISITION OF LAND AND BUILDINGS

- 10.1 No acquisition or disposal of land and/or buildings shall take place without the approval of the Fire Authority.
- 10.2 Members or employees who have a direct or indirect pecuniary interest in the disposal or acquisition of any Fire Authority land or buildings shall declare that interest and shall not be supplied with or given any access to any tender documents, contracts or other information relating thereto, without the express written authority of the Clerk to the Fire Authority.
- 10.3 Every effort shall be made to maximise the consideration realised by the Fire Authority on the disposal of land and buildings.
- 10.4 The Clerk to the Fire Authority will draw up detailed guidelines to be issued to any consultant or agent appointed on behalf of the Fire Authority to acquire or dispose of property on behalf of the Fire Authority.
- 10.5 Any consultant or agent appointed by the Fire Authority to dispose of property on their behalf shall comply with the procedures contained in these Regulations.
- 10.6 All disposals and acquisitions shall be effected in accordance with the general law operative at the time of the acquisition or disposal.
- 10.7 The Chief Fire Officer or his nominee shall maintain a record of all land and buildings owned by the Fire Authority.

11. Virements

- 11.1 Definition of 'budget head': account code on which a budget is held. Account codes are based on the sub-groups of the standard subjective analysis as recommended by CIPFA's Best Value Accounting Code of Practice.
- 11.2 Any temporary virements to or from pay budget heads must be approved by the Corporate Management Board.
- 11.3 Temporary or permanent virements between budget heads within a department are permitted up to a value of £25k subject to the signed approval of the budget holder.
- 11.4 Temporary virements between budget heads held by different departments are permitted up to a value of £25k subject to the signed approval of both budget holders.
- 11.5 Permanent virements between non-pay budget heads held by different departments must be approved by the Corporate Management Board, regardless of value.
- 11.6 Permanent and temporary virements for values over £25k and up to £50k must be approved by the Corporate Management Board. The Budget Holder must prepare a report which details the reason for the virement and explains the implications in the current financial year and in future financial years if the virement is permanent.

- 11.7 Pay budgets should reflect the approved staffing establishment. Therefore permanent virements to or from pay budgets heads should only take place following a permanent change to the approved establishment, or permanent changes to salary or contribution rates. The Corporate Management Board can approve permanent virements to or from pay budget heads up to the value of £50k.
- 11.8 Virements to or from pay contingency budgets for such things as pay awards, incremental salary increases, changes to pension or national insurance contribution rates, or increases in salaries arising from job evaluation may be approved by the ACO Director of Finance and Resources.
- 11.9 Virement reflecting the internal reorganisation of responsibility, without a change of strategy, is permitted with the approval of the Corporate Management Board, with no limit.
- 11.10 Virement to correct errors in the finance system (where the budgeted amounts held within the finance system do not reflect the approved revised estimate) are permitted with the approval of the ACO Director of Finance and Resources, with no limit. There is no requirement to report these virements to the Finance and Resources Committee.
- 11.11 Virement to allocate approved earmarked reserves or specific contingency budgets is permitted with the approval of the ACO Director of Finance and Resources, with no limit, provided that the amount is used in accordance with the purposes for which it has been established. There is no requirement to report these virements to the Finance and Resources Committee. Virements to or from general contingency budgets require the approval of the Finance and Resources Committee.
- 11.12 All virements, other than the exceptions set out above, will be reported to the Finance and Resources Committee. The ACO Director of Finance and Resources will monitor the extent and level of virement requests during the year to ensure that policies set within the budget are not changed or undermined by the actions of budget holders.

12. Write Offs

- 12.1 All credit notes and write offs of debt shall be authorised by the ACO Director of Finance and Resources up to a sum of £10,000. Beyond this sum specific authorisation shall be sought from the Finance and Resources Committee.
- 12.2 Stock adjustments up to £10,000 may be approved by the ACO Director of Finance and Resources . Beyond this sum specific authorisation shall be sought from the Finance and Resources Committee.
- 12.3 Stock adjustments in respect of obsolete stocks may be written off by the ACO Director of Finance and Resources up to a sum of £10,000 per stock line. Beyond this sum specific authorisation shall be sought from the Finance and Resources Committee. (As for 12.2)

Financial Threshold for Procurement

General

NFRS Financial Regulations and Standing Orders set the thresholds at which purchasing for and on behalf of the Service can be undertaken.

The overriding aim of the procurement thresholds are to ensure that best value is obtained and the process in achieving this is recorded and documentation retained.

These financial thresholds and the information contained in this Annex are to be applied in conjunction with all other procurement procedures.

Contract Value

The values shown in the table below are exclusive of VAT.

Where there is a single requirement for goods, services or works and multiple purchase orders have been entered into to fulfil that requirement, the value of the contract is the aggregate value of the multiple purchase orders if the requirement has a value that falls within the heading "£50,000 to EU threshold" in the attached table. The splitting of purchase orders to avoid any contract value or procurement threshold is not permissible.

The contract value is to include the full contract value; this includes any future or ongoing costs attributable to the contract and the contract duration. Where the contract duration is genuinely not known and the contract is open ended the value should be determined for the purposes of this document by examining the last 12 months spend and applying a reasonable adjustment based on planned changes to the value or volume of the requirement.

There are special rules relating to estimating the value of contracts for the hire of goods. Advice should be sought in those circumstances through the Procurement and Estates Department.

Contract Award Requirements

The overriding requirement by the budget holder is to ensure that best value is achieved.

The award of a contract is to be on the basis of the most economically advantageous tender or quotation received. This does not imply the cheapest tender but the one which is most economically advantageous over time.

Frameworks must be used in accordance with the framework's terms and conditions and guidance for use.

Frameworks may include but are not limited to:

The Office of Government Commerce (OGC) administered through the Buying Solutions organisation

- Any framework specific for the supply of goods and services to the emergency services
- Any framework for the supply of goods and services to other Government bodies
- Any Regional Purchasing Organisation framework
- Any Local Government, Regional Government or Central Government sponsored framework

Before any framework is used it must be ascertained whether NFRS is permitted to use it. To have permission, NFRS must have been named in the original contract notice, or must be obviously included in a "class" of users. Statements such as "all public sector organisations" on contract notices do not give NFRS the automatic right to access those arrangements. Clarification should be sought from the framework "owner" to ensure that the framework has been let in accordance with Cabinet Office guidelines on this issue.

Use of frameworks let by private sector organisations should not occur unless NFRS can show that they were acting as an agent at the time the framework was procured.

Documentation Requirement

The budget holder is responsible for ensuring that all documentation relating to the procurement of goods and services are recorded and retained for a minimum of 6 years after the contract has been completed

Budget Holder's Responsibilities

The budget holder is accountable for all of the expenditure of the budget for which they are responsible.

The budget holder is implicitly required to justify any and all expenditure and to obtain best value.

The budget holder is to ensure the recording of all documentation related to the expenditure and for any variance to these regulations.

Exclusions to the Financial Thresholds for Procurement

The following are excluded from competition and the procurement thresholds:

- Official frameworks that have already been competitively tendered by others subject to the caveats set out above.
- Emergency and Urgent building repairs that are covered by the building defects service level agreement
- Planning fees and other fees payable to statutory undertakers
- Mandatory payments for services to Central and Local Government Office which NFRS are mandated to use
- Goods or services to be supplied that are so urgently required as to represent an urgent operational requirement as not to permit the invitation of tenders or competition. In these instances it must be demonstrated that all reasonable steps have been taken to prevent a situation becoming an urgent operational requirement
- Where a task is essential in order to complete a project, and has arisen as an unknown or unplanned consequence of the project where time is of the essence to complete or

progress the project, and only if by not taking such action would have a greater impact on the cost of the project

- Where there is a clear and justifiable benefit from maintaining continuity with a supplier within the context of a project
- Where there is genuinely only one source of supply for the goods or services
- The NFRS Trading Company for commercial reasons and with the express written permission of at least two company directors

| Contract Value | Contract Award requirements | Documentation Requirement | Budget Holder's Responsibilities | Form of Contract |
|----------------|---|---|---|---|
| Up to £499 | Obtain a minimum of three competitive prices where practicable; | Written quotes may be via email or fax. | Ensure best value has been achieved. | NFRS Purchase Order with standard terms and conditions. |
| | Or The use of an existing framework / term contract where prices are pre- agreed; Or Order from the NFRS catalogue stock list through the financial management system; Or The full justification for the purchase from single source supplier. | Price comparisons may be obtained from on-line price lists. Documents must be retained. | Record all actions taken to achieve best value including the justification to use a single source of supply. If the use of a single source of supply is determined as the only appropriate action for the procurement then the NFRS procedure for the use of single source supplier is to be used. If a framework is used then the terms and conditions of the framework are to be strictly followed. | If purchasing from a framework then the framework terms and conditions may be used. |
| £501 to £5,000 | Obtain a minimum of three written like for like quotes; | Quotes must be based on a written specification or written requirement. | Ensure best value has been achieved. | NFRS Purchase Order with standard terms and conditions may be |

| Contract Value | Contract Award requirements | Documentation Requirement | Budget Holder's Responsibilities | Form of Contract |
|-------------------|---|---|---|--|
| | Or The use of an existing framework / term contract where prices are pre- agreed; Or Order from the NFRS catalogue stock list through the financial management system; Or The full justification for the purchase from single source supplier. | Quotes must be received in writing; alternatively on-line price lists may be used to obtain like for like competitive prices. | Record all actions taken to achieve best value. If the use of a single source of supply is determined as the only appropriate action for the procurement then the use of single source supplier is to be used. If a framework is used then the terms and conditions of the framework are to be strictly followed. | used if appropriate. If purchasing from a framework then the framework contract may be used. For consultancy services a bespoke form of contract should be considered. |
| £5,001 to £50,000 | Obtain a minimum of three written like for like quotes; Or The use of an existing framework / term contract where prices are pre- agreed; | Advertising on the NFRS website or local / regional / national press or selective invitations to tender from approved suppliers lists or frameworks or government approved / sponsored supplier lists. | Ensure best value has been achieved. Record all actions taken to achieve best value. If the use of a single source of supply is | Framework contract Or A standard form of contract Or A bespoke form of contract. |

| Contract Value | Contract Award requirements | Documentation Requirement | Budget Holder's Responsibilities | Form of Contract |
|---|--|---|--|---|
| | Or Order from the NFRS catalogue stock list through the financial management system; Or Authorisation by CMB to use a single source supplier using a single source supplier form and full business case. | Quotes must be based on a written specification or written requirement. Quotes must be received in writing; alternatively on-line price lists may be used to obtain like for like competitive prices. For term contracts full tender documentation required. | determined as the only appropriate action for the procurement then the NFRS procedure for the use of single source supplier is to be used. If a framework is used then the terms and conditions of the framework are strictly followed. | |
| £50,001 up to EU procurement thresholds | Formal tender process to be followed, tenders to be sent to a minimum of five suppliers with a minimum of three tenders to be received; Or Purchase from an existing local, regional or national framework | Advertising on the NFRS website or local / regional / national press or selective invitations to tender from approved suppliers lists or frameworks or government approved / sponsored supplier lists. Formal pre-qualification documentation unless from an approved list. | Ensure best value has been achieved. Record all actions taken to achieve best value. If a framework is used then the terms and conditions of the framework are strictly followed. Take advice from the | Framework contract Or A standard form contract Or A bespoke form of contract; legal advice to be sought. |

| Contract Value | Contract Award requirements | Documentation Reguirement | Budget Holder's Responsibilities | Form of Contract |
|------------------------------|--|--|--|---|
| | | Formal tender documentation. | NFRS Procurement Department | |
| EU Procurement thresholds | Formal tendering following the OJEU and UK procurement rules; Or Purchase from an existing local, regional or national framework | Advertising in the OJEU. Formal tender procedures based on the OJEU procurement route. Full specification and tender documentation. | Ensure the OJEU tendering process is followed. Ensure if using a framework the terms and conditions of the framework are strictly followed, Take advice from the NFRS Procurement | Framework contract Or A standard form contract Or A bespoke form of contract; legal advice to be sought. |
| | | | Department | |