

MINUTES OF THE CJC MEETING ON 29 JULY 2005 IN THE CIPFA COUNCIL CHAMBER

Present – Bob Atkins (APA), Derek Collins (BSA), Mike Davis (OGC), Malcolm Dawes (ACES), Suzanne Dowse (secretary), Phil Hall (Audit Commission), Richard Harbord (IRRV), Kevin Harrison (OGC), Henry Merritt (LGA), Dave Neilson (Fusion 21), Andy Oakley (SOPO), Ken Odgers (AP), Nick Powell (CSS), John Serle (SOCITM), Gail Shadlock (SOCPO), Charlotte Spencer (OGC), Will Werry (chair)

Apologies - John Blair (APSE), Clive Bone (IQA), Ossie Dodds (PSnet), Louise Dunne (IPF), Roy Fairclough (TAG), Kirsten Gillingham (BUFDG), Lesley Lodge (CIPFA), Mair Molteno (LGA), John Plumb (IPF), Ian Schollar (CIOPS), Richard Schmidt (CIPFA), Derek Stacey (SOPO)

CJC response to the draft Public Contracts Regulations 2006 & meeting with OGC

- 1 Agreed to delete paras 06 & 07 (thresholds) and 29 (buyers profiles)
- 2 Agreed that the CJC would draft paragraphs, for agreement with OGC, identifying some of the 'exceptional' circumstances in which framework agreements would need to be for more than 4 years
- 3 Noted that OGC agreed to
 - review the wording of the Regs as to aggregation (paras 08 to 11), professional ability (13 to 15) and time limits (30)
 - explain (eg in the explanatory notes to the regs) the rights of economic operators in non-member states
 - consider using the term 'applicant', and avoiding 'offer' and 'bid' altogether

CJC review 'Making Sense of Competition'

- 4 Part 2 (Commissioning Strategies) approved
- 5 Part 3 (Joint Procurement of Services) approved subject to members forwarding any comments to the officers, particularly about the structural and legal problems
- 6 Part 4 (Partnering Contracts) approved subject to
 - linking paragraph 04.08 (capital starvation) to paras 02.07 and 08
 - expanding paras 04.07 (contracting out problems), 04.17 (contracts now increasingly an obstacle to change) and 04.22 (unrealistic tenders)

Standing Guide

- 7 Part 42A (Buying from the Third sector) approved subject to
 - explaining the position of housing associations
 - para 05 warning against allowing grants to distort competition, and referring to the requirements of the SORP as to assets provided free
 - para 06 explaining the need for authorities to be clear whether they are buying or supporting
 - expanding para 60 to note the need for the absence of cover to be taken into account
 - deleting para 84 (competition for grants)

Calendar of Meetings for 2005 & 2006 noted – all in CIPFA offices, Robert Street

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| 30 September 2005 | 24 November (Conference) | 25 November 2005 |
| 27 January 2006 | 31 March 2006 | 26 May 2006 |
| 28 July 2006 | 29 September 2006 | 24 November 2006 |

Approved and signed



Will Werry, chair, 29 July 2005