

## **STANDING ORDERS RELATING TO THE SALE OF ASSETS INCLUDING LAND**

### **1.1 Disposal of Land**

This Standing Order shall apply to any disposal of land or of any interest in land where:

- 1.1.1 Subsequent to presentation at the Asset Management Working Group, a decision of the Executive Board or Officer exercising delegated powers on behalf of the Council so requires; or
- 1.1.2 A rule of law obliges the Council to dispose of land at the best price reasonably obtainable

The method of disposal by sale on the open market shall be as determined by the Operational Director - Employment, Enterprise and Property. Any disposal that may be recommended for sale by negotiated agreement without open market testing shall be supported by a report by the District Valuer or other reputable Independent Valuer.

### **1.2 Disposal of Assets (not land or interest in land) – value not exceeding £50,000**

Sale of assets (**not land or interest in land**) for less than £50,000 in value shall be dealt with in accordance with the Standing Orders relating to Finance.

### **1.3 Preliminary Estimates of the Price receivable by the Council**

- 1.3.1 Before entering into a contract for the disposal of any assets (which term includes scrap materials), the consideration for which is likely to exceed £100,000 the Executive Board shall receive from the appropriate Officer a written report on the proposed disposal which shall include an estimate in writing of the probable consideration to be received by the Council.
- 1.3.2 Where the estimated value or amount of a proposed contract does not exceed £100,000, the Operational Director concerned shall receive the appropriate written report.

### **1.4 Requirement of Public Advertisement**

- 1.4.1 Where the consideration for the disposal of any assets has been estimated at a figure exceeding £100,000 and less than the EU Public Procurement Values the Council shall, before entering into a formal contract, give at least 10 days public notice of its intention to enter into a contract, in accordance with Procurement Standing Orders which apply to all contracts - paragraph 3.2
- 1.4.2 Such notice shall be placed electronically and in one or more local newspapers circulating in the district and if the consideration to be received by the Council is likely to exceed £250,000 it shall also be placed in one or more specified journals or publications circulating amongst such persons, firms or

companies as deal in assets of the same type as those to be disposed of by the Council. If the consideration is less than £250,000 a notice may be placed in one or more specified journals if this is considered appropriate.

**1.4.3** The notice shall state the nature and purpose of the proposed Contract; invite tenders for the purchase of the assets to be disposed of, and state the last date when tenders will be received.

**1.4.4** Notice shall not be required if:

(i) There would be no genuine competition (for whatever reason);

(ii) The goods or materials to be disposed of are so specialised that only a limited number of potential buyers are available but in such cases a reasonable number of those potential buyers shall be invited to submit tenders;

(i) Sales are to be by Auction.

## **1.5 Method of Tendering and Interim Custody of Tenders**

The method and procedure to be followed is in accordance with Procurement Standing Orders which apply to all contracts – both paragraphs 1.6.2 (Invitations to Tender) and 3.2 (Value exceeding £1000)

## **1.6 Closing Date for the Receipt of Tenders**

No tenders received at the specified place after the fixed date and appointed time shall be opened or considered in accordance with Procurement Standing Orders which apply to all contracts - paragraph 1.6.3

## **1.7 Forfeiture in cases of bribery**

Shall be in accordance with Procurement Standing Orders which apply to all contracts paragraph 1.11.2 (iii)

## **1.8 Method of Opening Tenders**

Tenders shall be opened in accordance with Procurement Standing Orders which apply to all contracts - paragraph 1.7

## **1.9 Method of Acceptance of Tenders**

The method of acceptance of tenders shall be in accordance with Procurement Standing Orders which apply to all contracts - paragraphs 1.9.1 except that the words 'highest tender' shall be substituted for the words 'lowest tender'.

## **1.10 Acceptance of Tenders other than the highest**

It shall be clearly stated in all tender documents that the Council reserves the right:

**1.10.1** to accept a tender other than the highest

**1.10.2** to decline to accept any tender

## **1.11 Errors in Tenders**

If before the date of entry into a contract it is discovered that an error has been made in the tender:-

**1.11.1** Mathematical errors (e.g. of extension or summation) apparent on the face of the tender shall be corrected by the relevant Council Officer and the tenderer shall be given the opportunity of confirming or withdrawing the tender on the basis of the corrected figures.

**1.11.2** Non-Construction Contracts – the Tenderer should be given the opportunity of confirming the offer or of amending it to correct genuine and obvious errors.

Should a Tenderer elect to amend its offer and the revised tender is no longer the lowest, the offer of the firm now lowest should be examined on the basis of the same rules.

Clarification is to be requested and returned electronically.

Where the tenderer elects to withdraw the tender under either paragraph 1.11.1 or 1.11.2 above the next highest tender shall be considered and the same rules shall be applied in considering that tender.

The above action by the relevant Council Officer shall take place before the date of entry into a contract.

## **1.12 Contracts to be in Writing**

Unless the assets to be disposed of are such that the title passes on delivery, every contract shall be in writing in accordance with Procurement Standing Orders which apply to all contracts - paragraph 1.11.1.