



**PORT ST MARY COMMISSIONERS
STANDING ORDERS
FOR THE MAKING OF CONTRACTS**

WITH EFFECT FROM 25TH SEPTEMBER 2024

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STANDING ORDERS ON THE MAKING OF CONTRACTS**

In exercise of the powers conferred on the Port St Mary Commissioners (the "Authority") by Section 27(3) of the Local Government Act 1985, and of all other powers enabling it in that behalf, the following Standing Orders are hereby made:

PART 1 – GENERAL

APPLICATION

1. These Standing Orders shall apply to the making of contracts by the Authority, or on its behalf, for the supply of:
 - (a) goods or materials which have to be specially made and are likely to cost more than £500;
 - (b) for the execution of works; and
 - (c) the provision of a repetitive service e.g. cleaning contracts

INVITATION OF TENDERS

2.
 - (1) Subject to the provisions of Standing Orders 2(2) and 2(3) and Standing Order 3 below, before seeking to make any contract the Authority shall cause appropriate public notice to be placed in a newspaper circulating in the Island and/or a trade journal or electronic bulletin giving not less than 14 days' notice of the intended contract and inviting tenders therefore by a fixed date and time.
 - (2) In the case of a contract for capital works (see Standing Order 13 below), the public notice given under Standing Order 2(1) above may invite any contractor interested in tendering for the work to submit his/her name to the authority and the Authority may then proceed to request tenders from contractors selected from the list of those responding to the notice.
 - (3) The Authority may, by resolution, exempt any contract from the provisions of paragraph (1) where the authority is satisfied that the exemption is justified by special circumstances.
3. Notwithstanding the provisions of Standing Order 2(1) above:
 - (a) Tenders for a contract for the execution of works estimated to cost between £3,000.00 and £12,000.00 may be sought from not fewer than three Accredited contractors without public notice inviting tenders.
 - (b) A contract for emergency works or a contract estimated to cost less than £3,000.00 may be sought or negotiated directly with an Accredited contractor, except that the circumstances of any emergency contract exceeding £500.00 in cost shall be reported to the Authority.

For the purposes of this Standing Order 3, "Accredited" means accredited under the Construction Isle of Man Accredited Scheme administered by the Isle of Man Construction Federation.

TENDERS

4. Tenders shall be required to be forwarded to the Clerk in plain envelopes marked "TENDER". Any tender received after the date and time fixed for receipt shall not be considered.
5. Tenders shall be opened after the fixed date and time for receipt at a time set by the Clerk in the

presence of the Chairman or Vice-Chairman or an appropriate member of the Authority.

6. Where the Authority decides to accept a tender other than the lowest, the reasons for such action shall be specified in the minutes of the meeting at which the Authority makes that decision.
7. Where the Authority decides to reject a tender, the reason for such rejection shall be specified in the minutes of the meeting at which the Authority makes that decision.

CONTRACTS

8. All written contracts must provide for damages for default by the contractor and for possible cancellation in the case of bribery.
9. All written contracts must in all respects be construed and operate as Isle of Man contracts and shall be interpreted in accordance with Isle of Man law.
10. Payments on account to contractors shall be made on a certificate issued by an authorised officer of the Authority which shall show the total amount of the contract, the value of the work executed to date, retention money, amounts paid to date and the amounts now certified.
11. Every significant variation on a contract for the execution of works shall be authorised in writing by an authorised officer of the Authority subject to the approval of the Authority. Variations which will result in the amount of the accepted tender being exceeded shall, as soon as possible, be reported to the Authority and, except where unavoidable in the Authority's interest, no expenditure shall be incurred in respect of such variations without the approval of the Authority.

SUSPENSION OF STANDING ORDERS

12. (1) Subject to Standing Order 12(2), any of the preceding Standing Orders may be suspended so far as regards any contract where the Authority is satisfied that the suspension is justified by special circumstances.
(2) Standing Orders shall not be suspended without notice unless at least two-thirds of the whole number of the members of the Authority support such suspension.

PART II - CAPITAL SCHEMES

APPLICATION

13. In addition to the foregoing provisions in Part I, this Part shall have effect in regard to any contract for the execution of works, which will form the subject of a borrowing petition to the Department of Infrastructure.

This Part is applicable to all capital schemes, including building, engineering and other projects (including but not limited to the leasing or hire purchase of vehicles, operational or administrative equipment, which are wholly or partially funded or underwritten by central government.

PRE-PETITIONING PROCEDURES

14. The Department of Infrastructure's recommended pre-petitioning procedures must be observed.

CONTRACTS

15. An appropriate standard form building or engineering contract must be used and every clause completed or deleted as applicable.

16. Where the contract provides for increases in the cost of labour and materials, a schedule of the price of labour, materials and goods must be completed. The contract must state if this schedule is not completed fluctuations will not be allowed.
17. Provisional sums should be kept to a minimum and wherever reasonably possible, all items should be written into the specification.

ADDITIONS AND VARIATIONS

18. Any significant additions and variations to the contract must be approved and minuted by the Authority and written instructions given to the Authority's architect /supervising professional for the project.
19. Minutes of progress and/or site meetings must be formally recorded and presented to the Authority by the architect / supervising professional.

PART III - DELEGATED PURCHASING POWERS

Where items require to be purchased for the day to day administrative functioning of the authority and which are not otherwise governed by the provisions of Part I of these Standing Orders, then the Authority may sanction from time to time a delegated purchasing authority to the Clerk, or other officer, as it see fit, to a maximum limit of £500. The terms of delegated purchasing power are to be notified either by an approved motion of the Authority or as part of a job specification approved by the Authority for the role of Clerk or other named officer.

PART IV - SUPPLEMENTAL

VARIATION AND REVOCATION OF STANDING ORDERS

20.
 - (1) Any motion to add to, vary or revoke these Standing Orders shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Authority.
 - (2) These Standing Orders will be formally reviewed at least once a year during the month of April and otherwise as the Authority may resolve, to ensure they remain 'fit and proper' for their purpose.

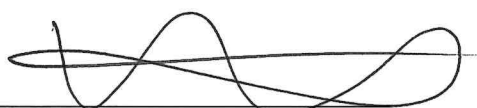
STANDING ORDERS TO BE GIVEN TO MEMBERS

21. A copy of these Standing Orders shall be given to each member of the Authority by the Clerk upon delivery to him of the member's declaration of acceptance of office on the member being first elected to the Authority. Thereafter, following any the making of any amendment to these Standing Orders, a full copy of them shall be given to each member of the Authority by the Clerk and made public as the Authority may resolve.

Executed for and on behalf of the Port St Mary Commissioners at a meeting of the Authority held this 25th day of September 2024



Chairman



Clerk