

Appendix H

Legal Comment

(Eric Andrews, Corporate and Governance Team, Legal Services 14/12/17)

The Council is permitted to specify standards and criteria relating to the procurement of food and their production process (where they are objectively justifiable) however what is not permitted to do is only allow those accreditations to the exclusion of others.

Procurements should be devised in a way which will allow the authority to accept not only equivalent accreditations but also be able to accept other accreditation and/or evidence which will allow the bidder to show that they meet the standard rather than the accreditation. Consideration will need to be given to how assessment of tenders will be conducted and how the tenderer might be able to meet the requirements without having the necessary accreditation.

The authority should be able to specify the standards they require without making the particular accreditation compulsory (i.e. an evaluation/award criteria). It should consider the standards required and how these might be met by those who do not have a particular accreditation, and consider those bidders who are not inside the UK and how they are able to meet the standards without the specific accreditation.