

Notice of Non-key Executive Decision

Subject Heading:	Approval to embark on a tender for the supply of Light Catering Equipment. on behalf of Havering, members of the London Catering Group (LCG) and other public sector bodies to deliver new Framework from 1 January 2020.
Cabinet Member:	Councillor Robert Benham
SLT Lead:	Tim Aldridge
Report Author and contact details:	James Hughes 01708 4933906 Jame.hughes@havering.gov.uk
Policy context:	High Customer Satisfaction and a Stable Council Tax - Commission goods and service in a way that provides the best possible value for money. For goods to be purchased for the Council Catering Service
Financial summary:	There is no commitment by either Havering or any other participating bodies to use the framework contract. The indicative value of the contract is £300,000 per annum of which Havering's spend is c. £50,000 per annum, funded from purchasing services revenue budgets. The duration of the agreement is four years
Relevant OSC:	Overview and Scrutiny Board
Is this decision exempt from being called-in?	It is a non-key decision by a member of staff

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The subject matter of this report deals with the following Council Objectives

- | | |
|-------------------------------|---|
| Communities making Havering | □ |
| Places making Havering | □ |
| Opportunities making Havering | □ |
| Connections making Havering | □ |

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

That the Director of Children's Services authorise officers to carry out a Catering Light Equipment tendering and procurement process on behalf of Havering. Havering (lead borough) are acting on behalf of members of the LCG and other public sector bodies based on the information, procedures and processes detailed in this report. Present members of the LCG include but is not limited to -

- London Borough of Enfield
- London Borough of Tower Hamlets
- Thurrock Unitary Authority
- London borough of Barking & Dagenham
- London Borough of Waltham Forest
- Royal borough of Greenwich
- London Borough of havering

The Council's current arrangements using the LCG agreement terminates on 31 December 2019.

Havering has been asked to be the lead LCG member for the retendering of a new framework agreement for the supply of Catering Light Equipment for a four-year period starting 1 January 2020.

The agreement will be used by catering departments across a number of named London Boroughs and other public sector organisations, the current arrangements for both Havering and the LCG are managed by the catering team within the Council and procured by the Strategic Procurement Unit within oneSource. Within the framework agreement individual Councils can give 6 months' notice to discontinue calling off from the agreement.

Given the potential value of this agreement, the European Procurement Process will apply. Compliance with the European Procurement rules will ensure compliance with the Council's own competition requirements. A realistic timetable for undertaking this work requires tendering to commence in summer of 2019 to ensure that the specifications can be put together and a robust procurement process followed.

It is proposed that the Framework be tendered on the basis of the open process, therefore all interested parties who apply in response to a European Journal advertisement will have access to the tender documents. It is intended that an e auction is used to ensure the best commercial solution providing value for money is identified from the tender exercise.

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As the requirements will be clearly stated, including all appropriate standards for the supply of Catering Light Equipment in the tender documents, it is proposed to evaluate the opportunity on the basis of the most economically advantageous tender on the basis of the lowest price. This will support the participating bodies in achieving overall value for money and the economies of scale by procuring the opportunity collaboratively, it is also proposed to appoint a single supplier.

The requirements of the Social Value Act 2012 have been considered though due to the nature of this service has not been considered relevant.

The Framework contract will not include any commitment from either Havering or any member of the LCG regarding the amount of orders which will be placed with the suppliers.

The tender process has been approved at Checkpoint 1.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3, section 3.3 - powers of members of the corporate management team, contracts powers (a) to approve commencement of a tendering process for all contracts above a total contract value of £500,000.

STATEMENT OF THE REASONS FOR THE DECISION

To support the catering service and strategic procurement unit in commencing the tendering for a framework agreement for the supply of Catering Light Equipment on behalf of the LCG and other public sector bodies. The framework will be for a duration of four years from commencement on 1st January 2020

OTHER OPTIONS CONSIDERED AND REJECTED

That the contract is not re-tendered and each authority, including Havering, enters into individual contracts with suppliers which will have a significant impact on purchase costs.

That authorities source their own requirements in the wider marketplace, this would create a situation whereby the less reputable companies in this market would be provided with an opportunity to sell to each authority.

PRE-DECISION CONSULTATION

A meeting has been held with Boroughs who have expressed an initial interest in participating in the contract. The outcome of this meeting was that the Boroughs

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requested Havering lead on this opportunity on behalf of the LCG.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: James Hughes

Designation: Catering Contracts Manager

A handwritten signature in black ink, appearing to read 'James Hughes', is centered below the designation text.

Signature:

Date: 18th June 2019

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. The decision is for the approval of Havering to undertake the establishment of a framework contract for the purchase of Catering and Light Equipment for a period of four years commencing on the 1st January 2020. The scope of the range of the value of the contract is stated in the report. .
2. All public goods contracts in excess of £181,302 have to be tendered in compliance with the Public Contracts Regulations Act 2015 ('Regulations'). Compliance with the Regulations can be by appointing a contractor from a Framework, The aim is for Havering to set up its own Framework for use by the London Catering Group (LCG) and other public sector bodies set out in the report. The framework must be established under section 33 of the Regulations. The Council method of call off will be via an e auction .Section 35(5) a of the Regulation permit the use of e auctions where the procurement documents can be established with precision.
3. Any call off from the Framework Agreement will have comes within the scope and value of the Framework as advertised in the OJEU notice and refer specifically or generically to the London Local Authorities and the public sector bodies, that is "*the contracting authorities who can use the Framework must be easily and unequivocally identified.*" Havering should also ensure the financial scope of the value of the contract reflect the anticipated total sum of contract which they expect to be called off during the 4 years of the Framework. If the value is not sufficiently expressed the Framework will have limited effect.
4. The decision to award a call off contract from the Framework may be a key decision, and therefore subject to a 28 day public notice and call In under the Scrutiny Procedure Rules, and the Council's call-in procedure
5. Legal Services takes the view that the procurement can proceed if the Council is otherwise satisfied with the content of the report.

FINANCIAL IMPLICATIONS AND RISKS

There are no immediate financial implications at this point of the procurement exercise; any financial and operational risks will be fully evaluated as part of establishing the framework. Being a wholly traded service, the expectation is for the framework to deliver effective value for money on the cost of supplies, allowing the service to continue operating a commercially viable catering service to its clients.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

There are no recognised issues impacting Havering or placing any risk upon Human Resources in relation to this type of contract.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

BACKGROUND PAPERS

There are no additional background papers supporting this report.

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

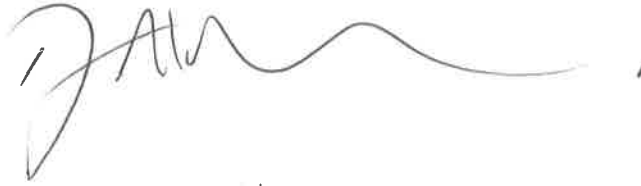
Proposal agreed

Delete as applicable

~~Proposal NOT agreed because~~

Details of decision maker

Signed



Name:

Tim Aldridge

Cabinet Portfolio held:

CMT Member title: Director of children's services

Head of Service title

Other manager title:

Date:

17/09/2019.

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on 17/9/2019

Signed

