

Notice of Non-key Executive Decision

Subject Heading:	Approval to award framework supplier status to winning bidders for the provision and supply of Waste Management Services to schools
Cabinet Member:	Councillor Robert Benham, Deputy Leader, Lead Member for Children and Learning.
SLT Lead:	Robert South, Director, Children's Services
Report Author and contact details:	Michelle Tarten, Brokerage and Contracts Manager – Education Services Michelle.tarten@havering.gov.uk 01708 431108
Policy context:	Traded Services
Financial summary:	The estimated framework contract value over a 3 year contract period is approx £500,000 The overall cost of the procurement process is £8.4k. Ongoing contract management is covered by an established post within Traded Services. The funding will come from existing Brokerage Service revenues.
Relevant OSC:	Children and Learning OSC
Is this decision exempt from being called-in?	Yes It is a non-key decision by a senior officer.

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

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input checked="" type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To award a framework contract for the provision of waste management services to schools for a period of 36 months with one optional extension period of 12 months commencing 1st April 2021 to Veolia ES Ltd.

AUTHORITY UNDER WHICH DECISION IS MADE

Constitution of the London Borough of Havering

3.3 Powers of Members of the Senior Leadership Team

Contract powers

(b) To award all contracts with a total contract value of between £500,000 and £5,000,000 other than contracts covered by Contract procedure Rule 16.3.

STATEMENT OF THE REASONS FOR THE DECISION

This is a retender of the current Brokerage Service Waste Management Services Framework for schools. The current multi-supplier framework agreement expires 31st March 2021.

The Brokerage Service has reviewed the requirements of provision of Waste Management Services and needs to proceed to award new contracts to the suppliers in order to ensure that schools will continue to get the benefit of collaborative purchasing and economies of scale.

Tender Evaluation Outcomes

The Service undertook a full OJEU published procurement using the restricted procedure. 16 bidders in total expressed an interest in the tender but only 8 bids were received at the initial Selection Questionnaire (SQ) stage from which 5 suppliers were

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shortlisted to the tender stage. Only 3 of the shortlisted suppliers submitted tender responses as outlined below which were assessed and scored.

The information below summarises the outcomes of the evaluation process.

- Biffa Waste Services Ltd
- BPR Group Europe Ltd
- Veolia ES (UK) Limited

Quality Assessment (60% of the overall assessment)

1. Veolia	51.0%
2. Bidder A	42.0%
3. Bidder B	39.0%

Commercial Assessment (40% of the overall assessment)

The Commercial Assessment is worth 40% of the overall score and is broken down as follows for each supplier;

1. Veolia	38.3%
2. Bidder A	36.5%
3. Bidder B	36.2%

Overall Scores

The overall assessment scores for the 3 bidders is summarised in ranked in order of highest scoring.

1. Veolia	89.3%
2. Bidder A	78.5%
3. Bidder B	75.2%

Given that the intention is to establish a single supplier framework, Veolia has met the necessary quality and commercial assessment criteria. It is therefore recommended that the Director for Children's Services approves the award of the framework contract to this company. Thereafter, the mandatory 10-day standstill period will be observed before the preferred suppliers can be engaged to execute the contract and discussions regarding mobilisation and transition can be finalised.

OTHER OPTIONS CONSIDERED AND REJECTED

Do not renew/ procure the frameworks

The Brokerage adds value for the educational establishments which subscribe to it. The schools that subscribe to the Brokerage Service rely upon the availability of the Brokerage frameworks as part of the Brokerage offer. The frameworks offer schools a supported procurement route which is compliant with relevant Regulations. Schools participate actively in the Brokerage panel.

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The Brokerage service has considered signposting schools to other frameworks however this is not the preference expressed by Havering schools as evidenced in their continue backing of the Brokerage Service with their own budgets. Besides, such frameworks may not fully meet the local needs of our schools and certainly would not offer the same level of rigour in contract monitoring and supplier performance management that has helped to drive up standards of service delivery to our local schools over the years.

If the Brokerage frameworks were not available, schools might not subscribe to the Brokerage and this would not further the Council's objectives to support the schools in its area.

PRE-DECISION CONSULTATION

Havering schools and non-Havering schools subscribing to the Brokerage Service were consulted on the need to renew the brokered services. They were involved in developing the service specifications.

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

Name: Michelle Tarten

Designation: Brokerage and Contracts Manager

Signature: *M Tarten*

Date: 8.4.21

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has power to enter into the contract under the general power of competence contained in section 1 of the Localism Act 2011 which allows the Council to do anything that an individual may do subject to any statutory constraints on the Council's powers. None of the constraints on the Council's s.1 power are engaged by this decision.

The Council is a contracting authority for the purposes of the Public Contracts Regulations 2015 (PCR 2015). The value of the framework is above the PCR 2015 services contracts threshold of £189,330. The contract has been procured in compliance with the PCR 2015 and award to Veolia is therefore lawful.

The contract is for the benefit of schools and the Council will not itself be calling off from the framework contract. It is understood therefore that the Council's spend associated with the contract is below £500k as set out in this report. This decision is not therefore treated as a key decision.

For the reasons set out above the Council may enter into this contract.

FINANCIAL IMPLICATIONS AND RISKS

The procurement activities detailed above fall within the commercial remit of the Council's education traded services, specifically the Brokerage Service which is fully funded by subscription fees and rebate income. The expenditure incurred in procurement process is £8,400. There are also resource implications due to the Council's traded services officers with responsibility to coordinate the procurement processes and manage the contract implementation stages. The associated costs are also covered through the subscription fees paid by schools and rebate income generated from supplier sales.

The Brokerage Service is self-funding and generates sufficient income to cover its running costs.

Risks

The key risk is around maintaining a consistent high level of performance by suppliers that are awarded framework contract status

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

The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

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

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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

Details of decision maker

Signed 

Name: Robert South

Director of Children's Services

Date: 23.04.21

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 _____

Signed _____