

## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	Permission to waive Contract Procedure Rule 18.4 to use weightings of 40% price 55% quality and 5% social value instead of the standard 70% price, 30% quality
<b>Decision Maker:</b>	Councillor Barry Mugglestone, Cabinet Member for Environment
<b>Cabinet Member:</b>	Councillor Barry Mugglestone, Cabinet Member for Environment
<b>SLT Lead:</b>	Helen Oakerbee – Director of Planning and Public Protection
<b>Report Author and contact details:</b>	Chris McAvoy Head of Enforcement and Community Safety
<b>Policy context:</b>	CCTV – Community Safety
<b>Financial summary:</b>	Changing the weighting and choosing a higher quality specification should have minimal financial impact on the capital budget, however, it should enhance the quality of provision and reduce revenue costs in future.
<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	Places
<b>Is this decision exempt from being called-in?</b>	Yes, this is a non-key decision

**Non-key Executive Decision**

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

People - Things that matter for residents

Place - A great place to live, work and enjoy X

Resources - A well run Council that delivers for People and Place.

## Part A – Report seeking decision

### **DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

The Cabinet member and Portfolio Holder is asked to waive Contract Procedure Rule 18.4 and use weightings of 40% price 55% quality and 5% social value, instead of the standard procurement scoring weighting of 70% price, 30% quality, due to the quality and security of the products and hardware being of vital importance rather than securing the cheapest product on the market.

### **AUTHORITY UNDER WHICH DECISION IS MADE**

#### **Part 3, section 2.5 of the Constitution Individual Cabinet members' responsibilities for functions**

(g) To approve an exception to the Contracts Procedure Rules set out in Part 4 of this constitution, in accordance with Rule 14(1) of those Rules.

### **STATEMENT OF THE REASONS FOR THE DECISION**

The requirement is to start the procurement process to source potential providers to supply the control room technical equipment, compliant furniture, town centre cameras, transmission solutions and the purchase and maintenance of phase one systems as per the Gateway one report.

The Councils Corporate Procurement team have led this review on behalf of the service and support the recommendation.

The project is high risk and so receiving a high-quality bid is imperative to the successful delivery. The project is guided by an experienced CCTV Project Manager who has successfully delivered projects at multiple other Local Authorities.

There is sufficient competition on the market to ensure that bids are still highly competitive, but the weighting change ensures that contractors are focussed on delivering a high quality bid.

This project is a key manifesto pledge as outlined in the Cabinet report March 2023. Cabinet agreed to the commencement of the CCTV Upgrade programme, which includes the creation of a new CCTV Control Room and Server Room environment.

<https://democracy.havering.gov.uk/ieListDocuments.aspx?CIId=153&MIId=7370&Ver=4>

**Non-key Executive Decision**

**OTHER OPTIONS CONSIDERED AND REJECTED**

The standard 70/30 weighting was considered but it is felt does not produce bids that emphasise quality over price and it allows the bidders with the lowest price to be successful which does not necessarily provide the best service for LAs.

**PRE-DECISION CONSULTATION**

N/A

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

Name: Chris McAvoy

Designation: Head of Enforcement and Community Safety

Signature: *C. McAvoy*

Date: 12/09/2023

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

Section 1 of the Localism Act 2011 gives the Council a general power of competence to do anything that an individual can do subject to other statutory provisions limiting or restricting its use of such power. The recommendation in this report is compatible with this statutory power.

The Public Contract Regulations confirm that contracting authorities have flexibility of choice in selecting their price/quality evaluation model.

Contract Procedure Rule 14 provides that a waiver of the Rules is permissible if all relevant law is complied with the contract falls within one of the exceptions listed in CPR4.4. The most relevant exception is that the waiver is in the best interests of the Council.

Officers have satisfied themselves that the requirements for a waiver have been met in this instance and that this decision will result in the best value for the Council overall.

### FINANCIAL IMPLICATIONS AND RISKS

There are limited financial risks to changing the weighting as the CCTV technology market is strong and competitive and this is likely to be reflected in bids received so there are no concerns that we will be at risk of receiving inflated or uncontrolled bids.

The risk of not changing the weighting is that we could end up with sub-standard equipment which may need greater maintenance in the long term and actually cost more to maintain and replace, whilst also providing a vastly reduced service offering.

The longer term risk is having to manage a system that is less reliable and requires expensive maintenance and further time managing and overseeing faults.

Any loss of service could impact future Service Level Agreements as well as jeopardise the protection of council assets and the safety of residents.

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

N/A

### EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

N/A

**Non-key Executive Decision**

**ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

**N/A as part of this paper**

**» Climate Change Committee Guidance ([havering.gov.uk](http://havering.gov.uk))**

**BACKGROUND PAPERS**

**N/A**

**APPENDICES**

**N/A**

**Non-key Executive Decision**

**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

**Details of decision maker**

Signed

*Barry Mugglestone*

Name: Barry Mugglestone

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date: 26/09/2023

**Lodging this notice**

The signed decision notice must be delivered to Committee Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_