

Notice of Non-key Executive Decision containing exempt information

This Executive Decision Report is part exempt and Appendices [A] is not available for public inspection as it contains or relates to exempt information within the meaning of paragraph 3 of Schedule 12A to the Local Government Act 1972. It is exempt because it refers to financial information/valuation and the public interest in maintaining the exemption outweighs the public interest in disclosing the information

Subject Heading:	Contract for the provision of specialist professional services to continue to support promotion and development of the MSTAR4 contract and the London Collaboration
Decision Maker :	Julie Harris, Director of HR and OD
Cabinet Member:	Cllr Ray Morgon, Leader of the Council
SLT Lead:	Kathy Freeman, Strategic Director, Resources
Report Author and contact details:	Mark Porter, Head of HR Operations mark.porter@havering.gov.uk 01708 432989
Policy context:	The ESPO MSTAR4 contract has been let across London by Havering and will expire in 2028. Evolving Solutions worked with Havering to help deliver the MSTAR4 contract to boroughs across London which has delivered significant savings and income.
Financial summary:	The total contract value is £374,400 over the contract duration of four years.

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Relevant OSC:	Not applicable
Is this decision exempt from being called-in?	Yes, it is a non-key decision by a member of staff

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

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

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This report seeks approval to award a contract to Evolving Solutions Consultancy Ltd (Company No. 11441000) for the provision of professional consultancy services. The proposed contract period is for a period of four (4) years, commencing 1st April 2024 and the total contract value is £374,400.

AUTHORITY UNDER WHICH DECISION IS MADE

Section 3.4 Powers of Second Tier Managers

Second Tier Managers are those managers directly reporting to an SLT Director. Second Tier Managers all have delegated authority to act as follows within the assigned service.

Contract powers

(a) To award all contracts below a total contract value of £500,000 but above the Threshold for Supplies and Services.

STATEMENT OF THE REASONS FOR THE DECISION

The London Borough of Havering (the Council) successfully managed and awarded in February/March 2024 the MSTAR4 framework contract for the provision of agency workers to councils in London in conjunction with the Eastern Shires Purchasing Authority (ESPO).

Evolving Solutions Ltd. supported the Council to deliver that work through the provision of consultancy services including professional advice, support and ongoing work to promote the framework delivering significant savings for participating councils and increased revenue to Havering through the specific structure of the framework that enables significant rebates to be incurred against spend (for instance cost avoidance savings since March 2021 to December 2023 to Havering were £991,881).

Evolving Solutions supported the Council with the award of the MSTAR4 contract and supported previously with the MSTAR3 contract which expired in April 2023. They have provided direct support to grow the number of participating councils in the London Collaboration and supported the process to bring in rebate for Havering already.

This new MSTAR4 contract will continue to deliver significant savings for Havering as detailed in the financial implications below.

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There is limited capacity within the in-house procurement and HR teams to continue to deliver this piece of work alone. Evolving Solutions would support Havering to deliver this piece of work providing detailed specialist knowledge as required.

It is proposed that Evolving Solutions Ltd. support officers in Havering to continue to support the MSTAR4 contract across London using their specialist knowledge and market information to ensure that value is delivered. Evolving Solutions would be called off via ESPO Framework ESPO664.

In addition to these services, should the council require support on the implementation of a new agency provider, Evolving Solutions have agreed to complete this work which would be charged in addition to this at the agreed framework rates for Director level consultancy under Lot2e.

This work also raises the profile of the Council across London and at a national level through ESPO.

The use of Evolving Solutions Consultancy Ltd. to assist officers to deliver the MSTAR4 contract and the London Collaboration will ensure that income and savings on the new contract will be maximised and provide the knowledge and advice that is not present within the procurement and HR teams to deliver this work.

OTHER OPTIONS CONSIDERED AND REJECTED

Evolving Solutions Ltd. have already supported Havering with the drafting, award and implementation of the MSTAR4 contract and the MSTAR3 contract previously which has delivered significant savings. They have also supported the development of the London Collaboration which has supported and promoted the development of the contract across London and ensured a collective approach across London to ongoing management of the contract.

Evolving Solutions have built up a detailed knowledge and understanding of the MSTAR framework which would not be available from another provider.

In addition, Evolving Solutions have built and maintained excellent working relationships with the participating councils in the London Collaboration.

It would not be cost efficient to use another provider to build new relationships with boroughs. The current provider is already well established and trusted by participating boroughs and we could lose boroughs should we appoint a provider without the knowledge and experience of Evolving Solutions.

Failure to manage and monitor the contract will result in savings, rebate and London wide social mobility targets not being delivered.

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PRE-DECISION CONSULTATION

The Directors of HR and OD and the Procurement team have been engaged.

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

Name: Mark Porter

Designation: Head of HR Operations

Signature: Mark Porter

Date: 21st February 2024

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has a general power of competence under section 1 of the Localism Act 2011 to do anything that an individual generally may do subject to other statutory provisions limiting or restricting its use. The recommendation in this report is compatible with this statutory power.

Officers seek approval to award a contract from the ESPO Consultancy Services (664) Framework. Officers propose to appoint Evolving Solutions Consultancy Ltd.

The Framework (Contract Award Notice 2021/S 202-528967) appears to be compliant with the Public Contracts Regulations 2015. Participating authorities have until 31 August 2025 to call-off from this Framework.

The Council's Contract Procedure Rules confirm that all subsequent purchases under a framework shall either not require further competition (if a single supplier) or, if there are two or more suppliers for those goods or services on the framework, follow the express framework provisions for choosing a supplier.

The framework allows direct award and mini competition options. As set out in the body of this report, Officers seek to directly award a contract to Evolving Solutions Consultancy Ltd.

FINANCIAL IMPLICATIONS AND RISKS

The proposed cost of engaging Evolving Solutions to undertake this work of management of the London Collaboration MSTAR4 contract (2 days per week) to deliver ongoing support to the London Collaboration is £93,600 per annum (total £374,400). The contract will commence 1st of April 2024 and cover a four year period

This is an increase from the current arrangement which costs £43,200 per annum (1 day per week). The increase in cost reflects the increase in the number of boroughs taking part, the increase in the amount of rebate collected and the increase in the lots covered (which now includes consultancy). The additional 1 day a week capacity will also enable the possibility of further boroughs joining should they wish to once the MSTAR4 rates are available; this could not be accommodated within the existing 1 day a week.

The cost can be met from the MSTAR contract rebate income which is credited to HR budgets

Not undertaking this piece of work will mean that substantial rebate and income to the council would not be delivered.

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

The MSTAR4 contract will bring significant savings to Havering which will then support service delivery.

There are no TUPE or other HR implications arising from this decision.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

A full Equalities Impact assessment was undertaken by when the MSTAR4 contract was procured in conjunction with the READI team.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

None applicable.

BACKGROUND PAPERS

None.

APPENDICES

Appendix A (EXEMPT) - Rebate details

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.

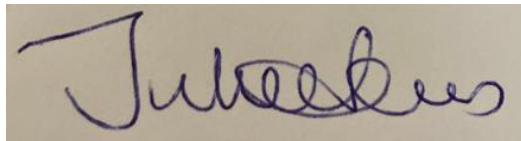
Decision

Proposal agreed

~~Proposal NOT agreed because~~

Details of decision maker : Julie Harris, Director of HR and OD

Signed



Name: Julie Harris

Director of HR and OD

Date: 070324

Lodging this notice

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

For use by Committee Administration

This notice was lodged with me on _____

Signed _____