
Contracts for Award under Delegated Authority from Executive

Committee considering report:	Executive
Date of Committee:	6 July 2023
Portfolio Member:	Councillor Jeff Brooks
Date Portfolio Member agreed report:	Jeff Brooks – 12 June 2023
Report Author:	Kate Pearson / Vicki Murphy
Forward Plan Ref:	EX4407

1 Purpose of the Report

- 1.1 To provide details of forthcoming supply, service and works contract awards that will have a contract value in excess of £2.5m and as such will require approval from the Executive during the next quarter. This report provides the Executive with visibility of all high value contracting activity and the opportunity to request further information regarding any of the contracts identified. It follows the work by a Constitution task group over last two years and resulting recommendations.
- 1.2 To gain approval from the Executive to delegate authority to an individual (Service Director, Head of Service or Executive Director) to proceed with the contract awards provided in this report, on the condition that a Procurement Strategy and a Contract Award report is granted approval by Procurement Board. Updated terms of reference for Procurement Board are attached.
- 1.3 A consolidated report is considered the most effective way of complying with the Council's Contract Rules, whilst providing the Executive with visibility of forthcoming high value contracts requiring approval. This in turn will help minimise any delays that may impact the tender timetable for contract award and service mobilisation.

2 Recommendation

- 2.1 Executive to delegate authority to an individual (Service Director, Head of Service or Executive Director) to proceed with the award of the contracts in table [4.11] in consultation with the portfolio holder following the completion of the appropriate tender process and Procurement Board approval of a Contract Award report.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	<p>Contracts will be procured in line with the Council’s Contract Rules. All contracts with a value in excess of £100k require approval of a Procurement Strategy before tendering is commenced and the award is subject to the approval of a Contract Award report by Procurement Board prior to the formal award of the contract.</p> <p>All contracts over £500k in value are considered key decisions and will be placed on the forward plan at point of Procurement Strategy.</p>
Human Resource:	<p>The social care contracts detailed below all have a TUPE element to them and this will be considered as part of the procurement and any subsequent award process.</p>
Legal:	<p>Contracts will be procured in line with the Council’s Contract Rules and the Public Contracts Regulations 2015.</p> <p>All contracts with a value in excess of £2.5m will have a procurement strategy and contract award report which has been approved by Procurement Board, Corporate Board and Operations Board. The Service Lead and / or Service Director shall have delegated authority to award the contract subject to such approval and in consultation with the portfolio holder, s.151 officer and Monitoring Officer.</p>
Risk Management:	<p>As part of each tender process – supplier due diligence is carried out to include: review and verification of financial health, confirmation of insurances held, credit report, references and reassurance around the ability to evidence and deliver public sector contracts.</p>
Property:	N/A.
Policy:	N/A.

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	Positive	Neutral	Negative	Commentary
Equalities Impact:		X		
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
Environmental Impact:		X		
Health Impact:		X		
ICT Impact:		X		
Digital Services Impact:		X		
Council Strategy Priorities or Business as Usual				Business as usual.
Data Impact:		X		
Consultation and Engagement:	N/A.			

4 Executive Summary

- 4.1 To gain approval from Executive on forthcoming contract awards due to take place during the next quarter of the financial year.
- 4.2 The Contract Rules state that supply, service and works contracts with a value in excess of £100k must have approval of a Procurement Strategy from Procurement Board prior to conducting a procurement process.
- 4.3 Following the completion and outcome of a tender process, the approval of a Contract Award report must also be granted by Procurement Board before awarding a contract. For contracts with a value in excess of £2.5m the Contract Rules require the approval of a Contract Award report from Procurement Board, Corporate Board, Operations Board and the Executive before the contract can be awarded.
- 4.4 This governance process requires bidders to adhere to an extended tender validity period which in turn can impact on prices as bidders cost in the risk of price increases between submitting bids and contract award. In order to minimise the risk of unsuccessful or more expensive tender processes due to this and the potential for challenge from bidders, it is imperative that delays in contract award are minimised and that the Council adhere to the timetable for contract award as published in the Invitation to Tender documents. The notification of the award decision and outcome of the tender should be communicated to bidders as soon as possible following the conclusion of the tender evaluation.
- 4.5 A consolidated award report is considered the most efficient way of meeting the Council's Contract Rules, whilst providing the Executive with visibility of forthcoming contract awards requiring approval. This in turn will help minimise any delays that may impact the tender timetable for contract award and contract mobilisation.
- 4.6 There are ten contracts with a value of £2.5m+ which are planned to be awarded during the next quarter. These are contracts that have had Procurement Strategies approved by Procurement Board and will follow the Council's Contract Rules for tendering and award approval.
- 4.7 The tenders relating to these contracts will be advertised on the Council's e-tendering portal, relevant external journal publications (e.g. Contracts Finder & Find a Tender Service) or will be procured using compliant framework agreements in line with the Public Contracts Regulations 2015 (or relevant procurement legislation in force at the time).
- 4.8 Following the completion of the tender process, the service areas are then required to submit a Contract Award report back to the Procurement Board, Corporate Board and Operations Board for approval prior to awarding the contract. The Service Lead/Service Director will consult with portfolio holders, the s.151 officer and Monitoring Officer prior to contract award to ensure necessary consultation has been completed.
- 4.9 There are a number of projects listed on the Council's Capital programme where it is not known at this stage if the delivery of these projects will require tendering for supply contracts. Whilst every effort has been made to include all contracts which are likely to

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arise, it is possible that other, urgent requirements may emerge. Such cases will need to be reported separately to the board as individual contract award reports for approval.

4.10 The contract award summary table (4.11) provides an overview of the contracts which are being tendered following approval of a Procurement Strategy by the Procurement Board. These contracts are expected to have a contract value of over £2.5m based on the previous contract term values. The detail of each forthcoming contract award is provided in Part II of this report.

4.11 Forthcoming Contract Award Summary Table

Contract Title	Service Area	Budget (inc. tolerance)	Contract planned start date	Procurement Process	Evaluation weightings	Proposed Contract Term (years)	Estimated contract term award value	Tender Status
Berkshire Community Equipment Service	Adult Social Care / Children & Family Services	£175m gross / £75m expected spend due to recycling model.	01.04.2024	Direct award via Buckinghamshire Framework (call-off single supplier framework)	55% quality 45% price	5 + 2 (extension)	As budget	Partners in-principle agreement
West Berkshire Adult Advocacy Services including: Lot 1: Healthwatch, NHS Complaints, Learning Disability Partnership Board, Lot 2: Independent Mental Capacity Advocate (including Relevant Persons Paid Representative), Independent Mental Health Advocate, Safeguarding Advocacy & Care Act Advocacy	Adult Social Care	Ceiling budget lot 1: £141,333 Ceiling budget lot 2: £186,021	01.10.2023	Open tender	60% quality 10% social value 30% price	5 + 3	Lot 1: £133,803 per annum Lot 2: £166,451 per annum	Procurement complete
Extra Care Housing – Lot 1 – Audrey Needham House and Redwood House	Adult Social Care	£838k per year	01.10.2023	Open tender	50% quality 10% social value 40% price	7 years (5+2)	£4.8m (5yrs) £7.1m (7yrs)	Pending contract award
Extra Care Housing – Lot 2 – Alice Bye Court	Adult Social Care	£451k per year	01.10.2023	Open tender	50% quality 10% social value 40% price	7 years (5+2)	£2.7m (5yrs) £4.0m (7yrs)	Out to tender

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Baily Thomas House Respite Service for adults with learning disabilities	Adult Social Care	£435k per year	01.10.2023	Open tender	50% quality 10% social value 40% price	5 years (3+2)	£1.5m (3 yrs) £2.6m (5 yrs)	Pending contract award
Supply, Installation and Maintenance of Electric Vehicle Charge Points (West Berkshire car parks and community locations)	Environment	£1,174,025 Capital funding Potential additional funding up to £382k external grant yet to be confirmed. The Supply, Installation and Maintenance of Electric Vehicle Charge Points is being funded by capital funding and therefore budgets given below are inclusive of tolerance. Future phases of this contract will be decided on costs to fit within the budget and therefore no overspend is anticipated.	01.10.2023	ESPO 636_21– Vehicle Charging Infrastructure	40% cost 50% quality 10% social value	4 years	Not yet known	Going out to tender via ESPO framework in July 2023
Supply and Installation of Photovoltaic (PV) Solar Panels across West Berkshire	Environment	Estimated £690,000 for one year contract. Potential spend over 4 years depending on budget availability is anticipated to be £2,400,000.	01.10.2023	Open tender	50% cost 40% quality 10% social value	1 year contract to be followed by a further procurement process for a further 3 years	£690,000 for one year contract.	Going out to tender in August 2023
Kennet Valley Expansion Project	Property Services / Education	£2,600,000	01.09.2023	Open tender	60% cost 40% quality (inc. social value)	One-off design and build (40 weeks)	£2,000,000	Procurement strategy stage
Northcroft Dryside Development	Leisure	£4,500,000	01.09.2023	Direct Award off UK Leisure Framework	To be agreed in line with framework guidance.	18 months	£4,500,000	In planning stages.
Council Insurances	Finance	£3,900,000	01.11.2023	Open Tender	Price, quality and social elements are tailored to each element.	3 years + 2 year optional extension	£3,900,000	Currently out to tender. Closing date for submissions is 16.06.23

5 Supporting Information

5.1 Introduction

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The contracts presented in this report all have an estimated value in excess of £2.5m for the whole life of the contract term, including any optional extensions. The budget information and previous contract values are currently provided by the service areas leading the procurement strategy.

5.2 Background

Procurement Board has the overall responsibility for monitoring contractual spend within the Council. The Procurement Board scrutinise both the strategy and award reports to ensure the procurement is compliant with the Council's constitution, relevant legislation, the Public Contracts Regulations 2015 and that the award of the contract demonstrates value for money. All contracts with a value in excess of £100,000 require an individual Procurement Strategy to be submitted to Procurement Board for scrutiny and approval prior to the service area conducting a tender process. Following the completion of the procurement process, a contract award report detailing the outcome of the tender is submitted to Procurement Board, Corporate Board and Operations Board for approval prior to awarding the contract.

5.3 The Contract Rules state that for supply contracts with a value of in excess of £2.5m, a Contract Award report must be approved by Procurement Board, Corporate Board, Operations Board and Executive, before the contract can be awarded.

5.4 Further detail regarding the contracts set out in 4.11 is included below (and as a Part II report for the Executive meeting):

5.5 List of Contracts

Included as a Part II report.

6 Other options considered

6.1 The approval of a consolidated contract award report is considered the most efficient way of meeting the governance requirements of the Constitution, therefore no alternative proposals are being made.

7 Conclusion

7.1 This report provides details of contracts which have been registered with the Commissioning Service that are scheduled for award during the next quarter. Whilst every effort has been made to capture and include all of the contracts which are likely to arise, there may be other projects which Commissioning & Procurement have not yet been involved in or the service area have not yet submitted a strategy to the Procurement Board for approval. Should the Commissioning and Procurement team become aware of contracts with a value of over £2.5m that need approval during the next quarter, then these will be submitted separately to Corporate Board, Operations Board and Executive as individual Contract Award reports for approval.

8 Resolution

8.1 The Executive resolves to:

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(1) delegate authority to the relevant Service Lead/Service Director in consultation with the relevant portfolio holder, s.151 officer and Monitoring Officer to proceed with the award of forthcoming contracts that have been identified in this report for award approval during the next quarter of the financial year;

(2) delegate authority to the Service Lead Legal and Democratic in consultation with the relevant Executive Director to finalise the terms of any agreement as set out in the tender documents and make any necessary drafting or other amendments (such amendments not to be substantia or material) to the terms of the agreement necessary to produce a final agreement for execution and to enter into that agreement; and where relevant

9 Appendices

9.1 The detailed list of contracts is provided as a Part II report.

9.2 Updated Terms of Reference for Procurement Board are attached.

9.3 List of pipeline awards over £100k (due between July and October 2023).

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval	<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Wards affected: All

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