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# Contracts for Award Under Delegated Authority from Executive

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<b>Committee considering report:</b>	Executive
<b>Date of Committee:</b>	14 March 2024
<b>Portfolio Member:</b>	Councillor Jeff Brooks
<b>Date Portfolio Member agreed report:</b>	12 February 2024
<b>Report Author:</b>	Kate Pearson
<b>Forward Plan Ref:</b>	EX4501

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## 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.
- 1.2 To gain approval from the Executive to delegate authority to an individual (Service 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.
- 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 procurement timetable for contract award and service mobilisation.
- 1.4 In addition, to provide an overview of contracts with a value in excess of £2.5M which are anticipated to be awarded during the following quarter, further details of which will be subject to inclusion in a future report.

## 2 Recommendation

- 2.1 Executive to delegate authority to an individual (Service Director) to proceed with the award of the contract in table 4.7 in consultation with the Portfolio Holder, following the completion of the appropriate procurement process and Procurement Board approval of a Contract Award report.

### 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	<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 procurement 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>
<b>Human Resource:</b>	N/A
<b>Legal:</b>	<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 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>
<b>Risk Management:</b>	<p>As part of each procurement 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>
<b>Property:</b>	N/A
<b>Policy:</b>	<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 procurement 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>

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	All contracts over £500k in value are considered key decisions and will be placed on the forward plan at point of Procurement Strategy.			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>		X		
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
<b>Environmental Impact:</b>		X		
<b>Health Impact:</b>		X		
<b>ICT Impact:</b>		X		
<b>Digital Services Impact:</b>		X		
<b>Council Strategy Priorities:</b>				Business as usual
<b>Core Business:</b>		X		
<b>Data Impact:</b>		X		

<b>Consultation and Engagement:</b>	N/A
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## 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 We currently have one contract with a value of £2.5m+ which is planned to be awarded during the next quarter for the main construction at Four Houses Corner Traveller Site.
- 4.3 The procurement process relating to this contract was a restricted tender which was advertised on the Council’s e-tendering portal, Contracts Finder and Find a Tender Service.
- 4.4 Following the completion of the tender process, the service area will be required to submit a Contract Award report to Procurement Board for approval prior to awarding the contract. The 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.
- 4.5 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 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. It is acknowledged that there will also remain the need for some contracts to follow the standard governance process rather than be included in this report.
- 4.6 The contract award summary table (4.7) provides an overview of the contract which is being tendered following approval of a Procurement Strategy by the Procurement Board. This contract is expected to have a contract value of over £2.5m based on the available budget.
- 4.7 Forthcoming Contract Award Summary Table – subject to approval within this report

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
Four Houses Corner Traveller Site – Main Construction	Housing	£2.8m	April 2024	Restricted tender	70% cost 30% quality	8 months	£2.8m	ITT stage published 16/01/24

- 4.8 In addition, it is anticipated that the following contracts are likely to be awarded within the next six months and these will be presented to Executive for approval in the report next quarter, if applicable:

- Grazeley solar farm construction – anticipated award in August / September 2024

- Castle School expansion – anticipated award in August / September 2024

## 5 Supporting Information

### 5.1 Introduction

The contract presented in this report has an estimated value in excess of £2.5m for the whole life of the contract term, including any optional extensions. The budget information is currently provided by the service area 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 procurement process. Following the completion of the procurement process, a contract award report detailing the outcome of the procurement is submitted to Procurement 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 contract set out in 4.7 is included as a Part II report for the Executive meeting.

## 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 the contract which has been registered with Commissioning & Procurement and scheduled for award during the next quarter. Whilst every effort has been made to capture and include all the forthcoming contracts, 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.

7.2 The Executive resolves to:

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- (1) delegate authority to the relevant Service Director in consultation with the relevant portfolio holder, s.151 officer and Monitoring Officer to proceed with award of the forthcoming contract that has 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 procurement 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.

## 8 Appendices

None.

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### Subject to Call-In:

Yes:  No:

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|---|-------------------------------------|
| 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 checked="" type="checkbox"/> |
| Delays in implementation could compromise the Council's position  | <input checked="" type="checkbox"/> |
| Considered or reviewed by Scrutiny Commission or associated Committees, 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:** The named contracts above related to services for West Berkshire as a whole authority rather than specific areas.

### Officer details:

Name: Kate Pearson  
Job Title: Service Manager – Commissioning and Procurement, Resources and Place  
Tel No: 07827 958350  
E-mail: kate.pearson1@westberks.gov.uk

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