

REPORT FROM: CORPORATE DIRECTOR

TO: POLICY AND RESOURCES COMMITTEE

DATE: 28TH OCTOBER, 2020

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TENDERS AND OTHER CONTRACT RELATED MATTERS

PURPOSE OF REPORT

To report, for information, tenders which have been received and accepted and to report any exemptions from the requirements of the Contract Procedure Rules.

RECOMMENDATION

That the exemptions granted from Contract Procedure Rules for services provision (GWE), Further Clough Head, Nelson and Burnley, Pendle and Rossendale Emergency Assistance Grant Scheme (BPR EAGS) be noted.

REASONS FOR RECOMMENDATION

To agree acceptance of tenders/offers in accordance with Contract Procedure Rules.

ISSUE

Award of Contracts

Exemptions from Contract Procedure Rules (CPRs)

1. CPR 5 includes provision for exemption from the requirements to comply with CPRs in certain circumstances where it is considered justifiable, value for money is maintained and such action does not contravene EU and domestic legislation. Exemption from CPRs is, however, subject to the prior approval of the Corporate Director and Chief Financial Officer provided that details of such exemptions granted are reported to the next possible meeting of the Policy and Resources Committee.
2. Since the last meeting of the Policy and Resources Committee, the following exemptions to CPRs have been granted:-

(a) Services Provision (GWE), Further Clough Head, Nelson

Tenders for the provision of services for Further Clough Head, Nelson were sent to three multi-utility providers. This is a specialist type of contract and, although previously quotes would have been obtained from the statutory service providers, there are now companies that can provide all new services for a much more competitive price.

A generous tender period was given, together with an extension due to COVID-19. From three tenders, only one was received, from Aptus Utilities Limited.

The funding of this contract is subject to time constraints.

In view of the above an exemption from Contract Procedure Rules has been granted in accordance with CPRs 5.2(e).

The contract at a cost of £236,305.97 has been awarded to Aptus Utilities Limited.

(b) Burnley, Pendle and Rossendale Emergency Assistance Grant Scheme (BPR EAGS).

Burnley, Pendle and Rossendale Councils have developed a joint scheme for distribution of the Local Authority Emergency Assistance Grant for Food and Essential Supplies, to support people who are struggling to afford food and other essentials due to COVID-19. The funding is time limited and required to be spent quickly.

There is a need to secure a large supply of food, already boxed into food parcels, quickly and there are few local suppliers for such quantities of food in the local area. Birchall Foodservice has very recently managed to deliver on this.

Also, during the spring 2020 COVID-19 lockdown, Birchall Foodservice was the most reliable partner in delivering the Council's food reserve, which it did so, on time and accurately. It is ideally situated to deliver this fund in light of its close proximity to the Pendle area and working relationship with the borough.

A procurement exercise has not been undertaken as the time limits required for tendering cannot be met for reasons of extreme urgency. The Council has only very recently, 1 week ago, received funding for this scheme from Lancashire County Council (LCC) via a Grant Agreement and the funding must be used by the end of March 2021, which is a very short timescale for funding to be spent. Further, the grant is for the Council to use to support people who are struggling to afford food and other essentials due to COVID-19. Long delays caused by a tender process, risks many people being left without support and also potentially could risk significant criticism of the Council / reputational harm.

In view of the above an exemption from Contract Procedure Rules has been granted to allow the commissioning of Birchall Foodservice to provide the required food for the 'Pendle' element of BPR EAGS. Birchall Foodservice will provide the actual 'food' for the scheme which is anticipated to cost c£50k, although this figure could rise/fall depending on take up of the 'essential items' element of the wider BPR EAGS scheme.

IMPLICATIONS

Policy: None arising directly from the report.

Financial:	The financial implications are as provided in the report. Assessment of awarded tender against budget provision available is part of the budget tendering exercise.
Legal:	None arising directly from the report.
Risk Management:	As part of the financial assessment for the service provision at Further Clough Head, Nelson, an evaluation of the Company's financial standing was undertaken and was deemed satisfactory relative to the tendered sum.
Health and Safety:	None arising directly from the report.
Sustainability:	None arising directly from the report.
Community Safety:	None arising directly from the report.
Equality and Diversity:	None arising directly from the report.
APPENDICES:	None