

**REPORT FROM: CORPORATE DIRECTOR**

**TO: POLICY AND RESOURCES COMMITTEE**

**DATE: 15<sup>TH</sup> JULY, 2021**

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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 -

- (1) the tenders which have been received and accepted be noted;
- (2) the exemption granted from Contract Procedure Rules for the Lancashire Holiday Activities and Food (HAF) Programme 2021 be noted.

### **REASONS FOR RECOMMENDATION**

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

## **ISSUE**

### **Award of Contracts**

1. Following the relevant procurement process, tenders have been received and accepted in relation to the following project:-

#### **(a) Lomeshaye Industrial Estate Extension Phase 3 – Construction of Road Access**

<b>Tenderer</b>	<b>Tender Figure (£)</b>
O'Callaghan Limited	564,106.32
Brewers Contractors	566,273.23

Marchbridge Builders Limited	659,651.30
A&G Landscapes & Groundworks Limited	Opted Out
Barnfield Construction Limited	Opted Out
Monk of Colne Limited	Opted Out

The contract has been awarded to O'Callaghan Limited and will be funded from Lomeshaye Phase 1 Capital Funding.

### **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 exemption to CPRs has been granted:-

### **Lancashire Holiday Activities and Food (HAF) Programme 2021**

Lancashire County Council has received £4.2m in funding from the Government's Holiday Activities and Food (HAF) Programme to deliver a range of school holiday activities over summer and Christmas holidays for children and young people between the ages of 4-16 who are eligible for benefits-related free school meals.

Pendle Council has entered into a Grant Agreement with Lancashire County Council (LCC) to deliver the Pendle element of the programme and has received a grant of £294,000. The funding is time limited and required to be spent quickly for the summer holiday provision.

A process by which prospective providers could apply to deliver activities and/or the food element over the summer holiday period was opened c24th May, 2021, with a deadline of 11<sup>th</sup> June, 2021. Eleven applications were received, with seven providers being able to provide both activities and food, and four only able to provide the activities element.

The Council informally contacted a number of potential caterers to see if they could supply the food element for the four providers delivering activities only but, unfortunately none were able to do so.

Burnley Borough Council, who are also delivering HAF for their area, advised that they use Simplyclassic. Simplyclassic meet the DfE food standards required for HAF and can provide healthy lunches at cost price to providers. Pendle therefore approached Simplyclassic to discuss the Council's requirements. It is anticipated that the overall cost would be between £10,000 and £16,000.

Informal contacting of potential caterers proved to be unsuccessful, indicating that there are few local suppliers for such quantities of food in the local area. There is a need to secure a large number of lunches, over a six week period, which is due to start week commencing 19<sup>th</sup> July, 2021, which is a very short timescale to get the service in place. Simplyclassic already deliver such services for a neighbouring local authority and the prices stated and overall costs are not unduly high for services being rendered in terms of preparation, packaging and delivery of the lunches. They are also ideally situated to deliver the service in light of their close proximity to the Pendle area.

A procurement exercise has not been undertaken as it could entail significant use of staffing resource in undertaking the procurement process, add to costs and will cause a delay in commencing service provision, which could result in criticism of the Council.

In view of the above an exemption from Contract Procedure Rules has been granted to allow the commissioning of Simplyclassic to provide the 'food' element of the HAF Programme over the summer holiday for the four providers who are delivering activities only.

## **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:** None arising directly from the report.
- 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