

Cabinet (Resources) Panel

17 November 2021

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|--|--|------------------------------------|
| Report title | Procurement – Award of Contracts for Works, Goods and Services | |
| Decision designation | AMBER | |
| Cabinet member with lead responsibility | Councillor Ian Brookfield Leader of the Council | |
| Key decision | Yes | |
| In forward plan | Yes | |
| Wards affected | All Wards | |
| Accountable Director | Claire Nye, Director of Finance | |
| Originating service | Procurement | |
| Accountable employee | John Thompson | Head of Procurement |
| | Tel | 01902 554503 |
| | Email | John.thompson@wolverhampton.gov.uk |
| Report to be/has been considered by | Directorate Leadership Team | |

Recommendations for decision:

The Cabinet (Resources) Panel is recommended to:

1. Delegate authority to the Cabinet Member for City Assets and Housing, in consultation with the Deputy Chief Executive, to approve the award of a contract for Supply and Delivery of Fruit and Vegetables when the evaluation process is complete
2. Delegate authority to the Cabinet Member for City Assets and Housing, in consultation with the Deputy Chief Executive, to approve the award of a contract for Supply and Delivery of Milk and Dairy Products when the evaluation process is complete.
3. Delegate authority to the Cabinet Member for Adults, in consultation with the Executive Director of Families to approve the award of a contract for Healthwatch (Wolverhampton) when the evaluation process is complete.

1.0 Councillor Bhupinder Gakhal, Cabinet Member for City Assets and Housing

1.1 Delegated Authority to Award a Contract – Supply and Delivery of Fruit and Vegetables

| Ref no: CWC21123 | |
|----------------------------------|---|
| Council Plan aim | A vibrant, green city we can all be proud of |
| Originating service | Facilities – Catering Services |
| Accountable officer | Chris East, Head of Facilities (01902) 550132 |
| Leadership Team approval | 20 October 2021 |
| Accountable Lead Cabinet Member | Councillor Bhupinder Gakhal, Cabinet Member for City Assets and Housing (01902) 551218 |
| Date Lead Cabinet Member briefed | 3 November 2021 |
| Procurement advisor | Jose Vitoria, Procurement Manager (01902) 554715 |

1.2 Background

1.3 This contract is for the Supply and Delivery of Fruit and Vegetables to schools and various City of Wolverhampton Council (CWC) establishments providing catering services including arts, leisure centres and catering outlets operated by CWC Catering Services.

| Proposed Contract Award | |
|----------------------------|------------------|
| Contract duration | Five years (4+1) |
| Contract Commencement date | 3 January 2022 |
| Annual value | £104,000 |
| Total value | £520,000 |

1.4 Procurement Process

1.5 The intended procurement procedure will be a Framework Further Competition in accordance with Public Contract Regulations 2015, the evaluation scoring balance will

be 70% Price and 30% Quality. Any amendments to the procurement procedure will be reported in a Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director in accordance with the delegation within this report.

1.6 The evaluation team will comprise:

| Name | Job Title |
|---------------|-----------------------|
| Chris East | Head of Facilities |
| Matthew Lyons | Area Catering Officer |
| Louise Moan | Area Catering Officer |
| Helen Spencer | Area Catering Officer |

1.7 Evaluation of alternative options

- 1.8 CWC has chosen to utilise YPO DPS 985 Food and Drink (OJEU Notice 2019/S 157-387006) as the preferred route to market, Category 5 – Fresh Fruit and Vegetables offers a wide array of suppliers (11 suppliers).
- 1.9 CWC will run a further competition from the suppliers awarded a place on Category 5 – Fresh Fruit and Vegetables.
- 1.10 This framework satisfies the requirement of the Council as it offers a wide array of suppliers capable of delivery this contract as well as, evidencing value for money and obtaining the most cost-effective and consolidated supply of fruit and vegetables for the schools and food and drink establishments operated by the Council's Catering Services.

1.11 Reason for decisions

- 1.12 It was decided to run a further competition of a framework agreement as it offered a quick route to market and it provides value for money for the Council as the suppliers awarded a place on the framework have already undertaken a competition to be awarded a place on the framework.

1.13 Financial Implications

- 1.14 Subject to the evaluation process, the total cost of this proposed contract, for Supply and Delivery of Fruit and Vegetables, is up to £520,000 over a five-year contract period.
- 1.15 The annual cost of £104,000 will be met from the existing revenue budgets for Education catering and other catering establishments supplied via this contract. Whilst the annual contract amount is subject to the outcome of the evaluation process, a significant increase in cost as a result of inflation is not anticipated. Where appropriate

fees and charges to customers will continue to be reviewed and subject of future reports for approval, in line with current processes to ensure cost recovery.

1.16 Legal implications

1.17 The Council proposes to call off the framework set out in the body of the report in accordance with the Public Contract Regulations 2015 and Council's Contract Procedure Rules.

1.18 Equalities implications

1.19 There are no equalities implications arising from the recommendations of this report.

1.20 All other implications

1.21 Suppliers tendering for this requirement will be required to implement initiatives that will improve environmental performance, particularly in regard to supporting the Council in reducing its "carbon footprint".

1.22 Recommendation

1.23 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for City Assets and Housing, in consultation with the Deputy Chief Executive, to approve the award of a contract for Supply and Delivery of Fruit and Vegetables when the evaluation process is complete.

2.0 Councillor Bhupinder Gakhal, Cabinet Member for City Assets and Housing

2.1 Delegated Authority to Award a Contract – Supply and Delivery of Milk and Dairy Products

| Ref no: CWC21122 | |
|----------------------------------|---|
| Council Plan aim | A vibrant, green city we can all be proud of |
| Originating service | Facilities – Catering Services |
| Accountable officer | Chris East, Head of Facilities (01902) 550132 |
| Leadership Team approval | 20 October 2021 |
| Accountable Lead Cabinet Member | Councillor Bhupinder Gakhal, Cabinet Member for City Assets and Housing (01902) 551218 |
| Date Lead Cabinet Member briefed | 3 November 2021 |
| Procurement advisor | Jose Vitoria, Procurement Manager (01902) 554715 |

2.2 Background

2.3 This contract is for the Supply of Milk, Eggs and Dairy Products to schools and various CWC establishments providing catering services including arts, leisure centres and catering outlets operated by CWC Catering Services.

2.4 It replaces an existing four-year contract that expires 31 December 2021.

| Proposed Contract Award | |
|--------------------------------|------------------|
| Contract duration | Four years (3+1) |
| Contract Commencement date | 3 January 2022 |
| Annual value | £72,000 |
| Total value | £288,000 |

2.5 Procurement Process

2.6 The intended procurement procedure will be an Open above threshold Procedure in accordance with Public Contract Regulations 2015, the evaluation scoring balance will be 70% Price and 30% Quality. Any amendments to the procurement procedure will be reported in an Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director in accordance with the delegation within this report.

2.7 The evaluation team will comprise:

| Name | Job Title |
|---------------|-----------------------|
| Chris East | Head of Facilities |
| Matthew Lyons | Area Catering Officer |
| Louise Moan | Area Catering Officer |
| Helen Spencer | Area Catering Officer |

2.8 Evaluation of alternative options

2.9 A call off contract or a further competition utilising one of the frameworks available from the national consortiums have been considered, however in doing so, CWC would have excluded local suppliers from being able to bid for this contract. An Open Procedure, in this instance, will provide bids from a wider selection of suppliers, including the incumbent supplier of the Council.

2.10 Reason for decisions

2.11 It was decided to carry out an Open Procedure on the basis that it would offer value for money due to a wider array of suppliers being able to bid. In addition, this route to market would not exclude local suppliers for being able to bid for this contract whilst obtaining the most cost-effective and consolidated supply of milk, eggs and dairy products for the schools and food and drink establishments operated by CWC's Catering Services

2.12 Financial Implications

2.13 Subject to the evaluation process, the total cost of this proposed contract, for Supply and Delivery of Milk and Dairy Products, is up to £288,000 over a four-year contract period.

2.14 The annual cost of £72,000 will be met from the existing revenue budgets for Education catering and other catering establishments supplied via this contract. Whilst the annual contract amount is subject to the outcome of the evaluation process, a significant increase in cost as a result of inflation is not anticipated. Where appropriate fees and

charges to customers will continue to be reviewed and subject of future reports for approval, in line with current processes to ensure cost recovery.

2.15 Legal implications

2.16 The procurement will be an open above threshold procedure in accordance with the Public Contract Regulations 2015 and Council's Contract Procedure Rules.

2.17 Equalities implications

2.18 There are no equalities implications arising from the recommendations of this report.

2.19 All other implications

2.20 Suppliers tendering for this requirement will be required to implement initiatives that will improve environmental performance, particularly in regard to supporting the CWC in reducing its "carbon footprint".

2.21 Recommendation

2.22 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for City Assets and Housing, in consultation with the Deputy Chief Executive, to approve the award of a contract for Supply and Delivery of Milk and Dairy Products when the evaluation process is complete.

3.0 Councillor Linda Leach, Cabinet Member for Adults

3.1 Delegated Authority to Award a Contract – Healthwatch (Wolverhampton)

| Ref no: CWC21023 | |
|----------------------------------|---|
| Council Plan aim | Strong, resilient and healthy communities |
| Originating service | Healthwatch (Wolverhampton) |
| Accountable officer | Jacqui McLaughlin, Commissioning Officer (01902) 551915 |
| Leadership Team approval | 14 October 2021 |
| Accountable Lead Cabinet Member | Cllr Linda Leach, Cabinet Member for Adults (01902) 555002 |
| Date Lead Cabinet Member briefed | 1 November 2021 |
| Procurement advisor | Alastair Jewson, Procurement Manager |

3.2 Background

- 3.3 The Health and Social Care Act 2012 required the establishment of a local Healthwatch organisation.
- 3.4 The purpose of Healthwatch is to gather people’s views and experiences of health and social care services in order to influence improvements to local provision and to reduce health inequalities. As part of its remit, Healthwatch also has the right to enter and view provider services to seek improvements in addition to providing advice and information (signposting) to local people in respect of the range of and access to local health and social care services to support choice.
- 3.5 Healthwatch has representation on the Health and Wellbeing Together Board and Health Scrutiny Panel to ensure public involvement in the wider strategic decision-making process across local health and social care services
- 3.6 Healthwatch Wolverhampton feeds in to Healthwatch England which has been established as the independent patient champion with the Care Quality Commission (CQC) and provides advice and guidance to local Healthwatch organisations and disseminates good practice.

| Proposed Contract Award | |
|--------------------------------|------------------|
| Contract duration | Five years (3+2) |
| Contract Commencement date | 1 April 2022 |
| Annual value | £194,000 |
| Total value | £970,000 |

3.7 Procurement Process

3.8 The intended procurement procedure will be an open above threshold procedure in accordance with Public Contract Regulations 2015. The evaluation criteria will be determined by the requirements of the tender documents. Any amendments to the procurement procedure will be reported in a Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director in accordance with the delegation within this report.

3.9 The evaluation criteria will be quality 70%, price 20% and 10% social value.

3.10 The quality criteria will evaluate the bidders' proposals to involve local people in the provision of health and social care services.

3.11 The social value criteria evaluate the bidders' proposals in relation to the Wolverhampton City Charter.

3.12 The evaluation team will comprise of:

| Name | Job Title | Organisation (if not WCC) |
|-----------------------|---|--------------------------------------|
| Alison Dowling | Head of Patient Experience and Public Involvement | The Royal Wolverhampton NHS Trust |
| Susan Eagle | Commissioning Officer, Adults | |
| Jacqueline McLaughlin | Commissioning Officer, Adults | |
| Lesley Johnson | Community Support Manager | |
| Riva Eardley | Principal Public Health Specialist | |

3.13 Evaluation of alternative options

3.14 As this is a mandatory requirement of the Health and Social Care Act 2012, there are no alternative options available.

3.15 Reason for decisions

3.16 Compliance with the Health and Social Care Act 2012.

3.17 Financial Implications

3.18 The £194,000 Healthwatch contract is funded from the Local Reform and Community Voices cost centre, there is a mainline budget of £117,000 and the balance is funded from the annual Local Reform and Community Voices grant which is circa £171,000 per annum.”

3.19 Legal implications

3.20 The procurement will be an above threshold procedure in accordance with the Public Contract Regulations 2015 and Council’s Contract Procedure Rules.

3.21 Equalities implication

3.22 The service is city-wide and will continue to support equality. In addition, the new provision will target ‘hard to reach’ and marginalised individuals and groups in addition to younger adults to augment equality.

3.23 All other implications

3.24 There are no other implications arising from the recommendations of this report.

3.25 Recommendation

3.26 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for Adults, in consultation with the Executive Director of Families to approve the award of a contract for Healthwatch (Wolverhampton) when the evaluation process is complete.

4.0 Evaluation of alternative options

4.1 All alternative options are included within the relevant section of the report.

5.0 Reasons for decision

5.1 The reason for the recommendations are included within the relevant section of the report.

6.0 Financial implications

6.1 All financial implications are included within the relevant section of the report.
[RP/28102021/Z]

7.0 Legal implications

7.1 All legal implications are included within the relevant section of the report.
[JA/21102021/N]

8.0 Equalities implications

8.1 The relevance to equalities and progress in terms of equality analysis will vary for each proposal included in this report. Accountable officers have and will ensure that evidence is collected and used to demonstrate compliance with the Council's legal obligations under the Equality Act 2010.

9.0 All other implications

9.1 All other implications are included within the relevant section of the report.

10.0 Schedule of background papers

10.1 Relevant background papers are included within the relevant section of the report.