

Cabinet (Resources) Panel

23 March 2022

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 Tel Email	Head of Procurement 01902 554503 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 Governance and Equalities, in consultation with the Director of Strategy, to approve the award of a contract for Health & Safety Training when the evaluation process is complete.
2. Delegate authority to the Cabinet Member for Governance and Equalities, in consultation with the Chief Operating Officer, to approve the award of a contract for the Provision of Physiotherapy Service when the evaluation process is complete.
3. Delegate authority to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of Communications and External Relations, to approve the award of a contract for Digital Advertising Signs when the evaluation process is complete.

4. Delegate authority to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of City Housing and Environment to approve the award of a contract for Waste Disposal of Road Sweepings when the evaluation process is complete.
5. Delegate authority to the Cabinet Member for Adults, in consultation with the Executive Director of Families to approve the award of a contract for Shared Lives for Adults with Disabilities when the evaluation process is complete.

1.0 Cllr Paula Brookfield, Cabinet Member for Governance and Equalities

1.1 Delegated Authority to Award a Contract – Health & Safety Training

Ref no: CWC21020	
Council Plan aim	Well skilled people working in an inclusive economy
Originating service	Organisational Development
Accountable officer	Paula Moore, Head of Organisational Development (01902) 552756
Leadership Team approval	25 January 2022
Accountable Lead Cabinet Member	Cllr Paula Brookfield, Cabinet Member for Governance and Equalities (01902) 550200
Date Lead Cabinet Member briefed	19 January 2022
Procurement advisor	Karen Boden, Procurement Manager (01902) 555136

1.2 Background

- 1.3 There is a requirement for the City of Wolverhampton Council (CWC) to appoint a suitably qualified and experienced Provider to ensure that CWC has appropriate courses available to staff as and when they need them.
- 1.4 Health & Safety training will be identified during the annual workforce planning process and will include the following:
- Fire Marshal
 - Moving and Handling People
 - Moving and Handling People Update
 - Emergency First Aid at Work
 - First Aid at Work
 - First Aid at Work Requalification
 - First Aid at Work Annual refresher
 - Paediatric First Aid

Proposed Contract Award	
Contract duration	Four years
Contract Commencement date	1 July 2022
Annual value	£45,000
Total value	£180,000

1.5 Procurement Process

1.6 The intended procurement procedure will be an Open above threshold, in accordance with Public Contract Regulations 2015. The evaluation scoring balance will be 60% Quality and 40% Price. The evaluation criteria will be determined by the requirements of the tender documents. 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.

1.7 The evaluation team will comprise:

Name	Job Title
Sarah Preston-Loader	OD Advisor
Ashley Stanton	OD Advisor
Paula Moore	Head of Organisational Development and Apprenticeships

1.8 Evaluation of alternative options

1.9 The alternative options are:

- Provide no training for employees – employees will be at greater risk of Health and Safety incidents, the organisation will fail to meet its statutory duties under the Health and Safety Executive (HSE) legislation and the organisation could be potentially exposed to legal action for failure to comply with the legislation or exposed to legal claims as a result of failure to train employees resulting in injury or death to either employees or members of the public.
- Provide the service in house – the training is required to be certificated and delivered by qualified instructors. In order to deliver the training in house, the organisation would need to recruit instructors with the relevant qualifications, pay for relevant governing body membership, invest in team members to administer, deliver the training and comply with any requirements of the awarding bodies. Investment in

Continued Professional Development for the trainers and the purchasing of training equipment would also be a consideration alongside having the necessary space and infrastructure to carry out regular training sessions. In house would also prove costly if only single spaces on a training course were required.

- ELearning delivered via the Learning Zone – This is not a suitable option as employees need to complete practical activities for the courses listed above to complete the necessary requirements of the qualifications. ELearning will not provide the necessary training to meet the statutory legal requirements.

1.10 Reason for decisions

- 1.11 By going out to the market through procurement ensures that CWC obtains high quality training, delivered in the most cost-effective manner to ensure that all employees are trained to the required standard to meet their statutory duties.

1.12 Financial implications

- 1.13 The costs for this requirement will be met from the Strategy Directorate's Central Workforce Training annual budget totalling £362,000.

1.14 Legal implications

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

1.16 Equalities implications

- 1.17 CWC is a public body listed in Schedule 19 of the Equality Act 2010. CWC must therefore comply with the requirements of the General Equality Duty whether services are provided directly by CWC or via third parties.
- 1.18 The successful bidder will be able to demonstrate that they are capable of
- Eliminating discrimination, harassment, and victimisation,
 - Advancing equal opportunities and,
 - Fostering good relations.
- 1.19 CWC require successful bidders to have and adhere to an Equal Opportunities Policy in terms of their employment practice and in relation to the services they offer. It would also be expected that the successful organisation would be in a position to discuss methods by which it monitors this policy.
- 1.20 Important amongst the equalities observations that CWC would expect is that the successful bidder will be able to meet trainees' diversity related requirements. These could include observing dietary requirements; avoiding notable holy days from a range of faith backgrounds and reasonable adjustments offered to disabled people. This can include adjustments offered to trainees on the day as well as those planned in advance

for disabled people, for example accessible training venues chosen and materials prepared in different accessible formats.

1.21 All other implications

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

1.23 Recommendation

1.24 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for Governance and Equalities, in consultation with the Director of Strategy, to approve the award of a contract for Health & Safety Training when the evaluation process is complete.

2.0 Councillor Paula Brookfield, Cabinet Member for Governance and Equalities

2.1 Delegated Authority to Award a Contract – Provision of Physiotherapy Services

Ref no: CWC21138	
Council Plan aim	Our People
Originating service	Human Resources
Accountable officer	Amanda Porter, HR Business Partner (01902) 554066
Leadership Team approval	2 December 2021
Accountable Lead Cabinet Member	Cllr Paula Brookfield, Cabinet Member for Governance and Equalities (01902) 550200
Date Lead Cabinet Member briefed	7 December 2021
Procurement advisor	Carol Wintle, Procurement Business Partner

2.2 Background

2.3 CWC has the requirement to provide physiotherapy treatments, undertake workplace assessments and obtain advice and information with the aim of reducing sickness absence and ill health within the workforce.

2.4 The service is currently outsourced to an external provider.

Proposed Contract Award	
Contract duration	Four years (2+1+1)
Contract Commencement date	1 April 2022
Annual value	£45,000
Total value	£180,000

2.5 Procurement Process

2.6 The intended procurement procedure will be open above threshold in accordance with Public Contract Regulations 2015. The evaluation scoring balance will be 50% quality

and 50% price. 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
Amanda Porter	HR Business Partner
Karen Elphick	HR Advisor
Tim Munro	Head of Health and Safety

2.8 Evaluation of alternative options

2.9 The alternative options are:

- Provide service on an ad-hoc basis - Issues of reliability and consistency of service delivery.
- Cease provision of service.
- To retender the physiotherapy service

2.10 Reason for decisions

2.11 Retendering the service would enable the organisation to continue to support employee wellbeing and the management of musculoskeletal absence and ill health.

2.12 Financial implications

2.13 The estimated annual contract cost of £45,000 will be funded from the £50,000 budget set aside within Human Resources for professional services.

2.14 Legal implications

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

2.16 Equalities implications

2.17 This contract will support having a fair and inclusive offer for all employees. An Equalities Impact Assessment has been produced with no impacts noted.

2.18 All other implications

- 2.19 An open tender procedure will enable local providers to tender to support Relighting Our City and the Wolverhampton Pound.

2.20 Recommendation

- 2.21 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for Governance and Equalities, in consultation with the Chief Operating Officer, to approve the award of a contract for the Provision of Physiotherapy Service when the evaluation process is complete.

3.0 Councillor Evans, Cabinet Member for City Environment and Climate Change

3.1 Delegated Authority to Award a Contract - Digital Advertising Signs

Ref no: CWC21207	
Council Plan aim	A vibrant, green city we can all be proud of
Originating service	Communications and External Relations
Accountable officer	Ian Fegan, Director of Communications and External Relations (01902) 554286
Leadership Team approval	3 August 2021
Accountable Lead Cabinet Member	Cllr Evans, Cabinet Member for City Environment and Climate Change (01902) 861498
Date Lead Cabinet Member briefed	8 October 2021
Procurement advisor	Karen Boden, Procurement Manager

3.2 Background

- 3.3 A Sponsorship and Advertising Strategy has been devised which will direct CWC's approach to identifying and pursuing sponsorship and advertising opportunities across the City for generating income and, where possible, promoting its own events and services. Income achieved through agreements will be earmarked for re-investment back into the City to support CWC's events and regeneration strategies.
- 3.4 Following a previous evaluation of assets and a recent soft market testing exercise, sponsorship and advertising through digital signage has been identified as one opportunity where CWC can generate income.

Proposed Contract Award	
Contract duration	15 years (10 + 3 + 2)
Contract Commencement date	1 June 2022
Estimated annual income	£100,000
Estimated total income	£1.5 million

3.5 Procurement Process

3.6 This is a below threshold concession contract and the intended procurement procedure will be an open procedure. The evaluation scoring balance will be 70% price and 30% quality (including 10% Social Value). 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.

3.7 The evaluation team will comprise:

Name	Job Title
Ian Fegan	Director of Communications and External Relations
Parvinder Uppal	Head of Commercial Services
Michael Hallows	Commercial Business Partner

3.8 Evaluation of alternative options

3.9 The alternative option is to do nothing and not pursue sponsorship and advertising opportunities for digital signs, however, this will result in no income generation which will impact CWC's Events Strategy.

3.10 Reason for decisions

3.11 The reason for this decision is to generate income to be invested into CWC's events and regeneration strategies, as well as opportunities to promote CWC events and services.

3.12 Following soft market feedback, CWC was informed by potential suppliers that it will take approximately seven years to break even, due to the level of investment required by the supplier. Suppliers advised a contract term of 15-20 years would deliver the highest commercial benefits. Consequently, the Council would like to obtain the best commercial opportunity and therefore are recommending a 15-year contract term.

3.13 Financial Implications

3.14 The annual income estimated to be generated for the Council through a digital signage contract is £100,000, comprising site rental and a share of anticipated advertising revenue. Costs such as signage installation and maintenance will be passed to the supplier. This is an initial estimate derived from soft market testing exercises conducted prior to the pandemic and at the end of 2021. The Council is also set to benefit from free digital signage advertising time which is expected to reduce other marketing costs. More detail will clearly emerge and be reported through the tender process.

- 3.15 It should be noted that income to be generated through the wider Sponsorship and Advertising Strategy, including digital signage, has already been earmarked for reinvestment in the City. Part of it will also fund the additional resource required for the ongoing management of various contracts.

3.16 Legal implications

- 3.17 The procurement will be a below threshold procedure adhering to the principles of the Concession Contracts Regulations 2016 and Council's Contract Procedure Rules.

3.18 Equalities implications

- 3.19 An equalities analysis has been completed for this strategy and reviewed by the Equalities Team.
- 3.20 An equalities opportunity has been identified to utilise some of the free advertising space once agreed with the supplier to advertise key messages for the various communities in the City.

3.21 All other implications

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

3.23 Recommendation

- 3.24 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of Communications and External Relations, to approve the award of a contract for Digital Advertising Signs when the evaluation process is complete.

4.0 Councillor Steve Evans, Cabinet Member for City Environment and Climate Change

4.1 Delegated Authority to Award a Contract: Waste Disposal of Road Sweepings

Ref no: CWC21224	
Council Plan aim	A vibrant, green city we can all be proud of
Originating service	City Environment
Accountable officer	Claire Walters, Environmental Place Based Development Manager (01902) 554846
Leadership Team approval	8 February 2022
Accountable Lead Cabinet Member	Cllr Steve Evans, Cabinet Member for City Environment and Climate Change (01902) 861498
Date Lead Cabinet Member briefed	11 February 2022
Procurement advisor	Sean Hynes, Procurement Manager (01902) 554950

4.2 Background

- 4.3 Under the Environmental Protection Act 1990 Section 89, CWC has a duty to keep land and highways clean and kept clear of litter and refuse as far as is reasonably practicable.
- 4.4 The Code of Practice on Litter and Refuse, a government statutory guidance document, provides guidance to organisations with a duty to fulfil the legal requirements of section 89, (1) and (2) of the Act.
- 4.5 CWC Street Cleaning Highway team remove approximately 2,400 tonnes of detritus per annum. This is done using Council fleet vehicles. Mechanical channel sweepers and precinct sweepers collect and remove detritus. The highway gully tanker removes and flushes out the highway gully pits ensuring they do not get blocked dispersing standing water during heavy rain fall.
- 4.6 CWC need to dispose of the waste on a daily basis.

Proposed Contract Award	
Contract duration	Four years and 6 months ¹
Contract Commencement date	1 May 2022
Annual value	£180,000
Total value	£810,000

¹To co-terminate with all other existing waste service contracts

4.7 Procurement Process

4.8 The intended procurement procedure will be an above threshold Open procedure in accordance with Public Contract Regulations 2015. The evaluation scoring balance will be 60% price, 30% quality and 10% Social Value. 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.

4.9 The evaluation team will comprise:

Name	Job Title
Paul Hodgetts	Environmental Services Performance & Intelligence Service Lead
Richard Macvicar	City Wide Environmental Area Manager
Richard Johnson	Direct Works/Arboriculture Manager

4.10 Evaluation of alternative options

4.11 The alternative options are:

- Do Nothing – CWC will be non-compliant as it will not have a current contract to dispose of the litter cleaned from the street.
- Outsourcing – CWC could outsource the whole of the Street Scene service, which would mean the providers would have the responsibility for removing fly tipping across the city and CWC would not need to have a contract in place. This is not currently an option for the service as the service has been restructured in order to develop an Environmental Place Based Approach along with Environmental Crime and Direct Works. Having Street Scene as a CWC service is integral to this development.

4.12 Reason for decisions

- 4.13 The decision has been made to procure this contract through an open tender process to ensure that we achieve for best value for money through disposal costs and make sure that the Waste disposal fits in with our target to be Net Carbon Zero by 2028, and all waste is disposed of ethically and recycled where possible.

4.14 Financial implications

- 4.15 This contract will be funded from the Street Scene Waste Disposal annual budget totalling £257,000..

4.16 Legal implications

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

4.18 Equalities implications

- 4.19 Whilst there are no direct equalities implications in the award of the particular contract, equalities considerations have been taken into account for each of the areas of work for which the contract relates and have been reflected in the contract the Council is entering into.

4.20 Recommendation

- 4.21 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of City Housing and Environment to approve the award of a contract for Waste Disposal of Road Sweepings when the evaluation process is complete.

5.0 Councillor Linda Leach, Cabinet Member for Adults

5.1 Delegated Authority to Award a Contract - Shared Lives for Adults with Disabilities

Ref no: CWC21029	
Council Plan aim	A vibrant, green city we can all be proud of
Originating service	Shared Lives for Adults with Disabilities
Accountable officer	Mark Williams, Commissioning Officer (01902) 550364
Leadership Team approval	3 February 2021
Accountable Lead Cabinet Member	Cllr Linda Leach, Cabinet Member for Adults
Date Lead Cabinet Member briefed	7 March 2022
Procurement advisor	Babita Mal, Procurement Manager

5.2 Background

5.3 The Shared Lives Service is a form of care and support where people share the family home of a specially recruited and trained Shared Lives Carer and their family. The purpose of the Shared Lives Service is to support people to live as independently as possible. The objective is to provide the best possible support in accordance with the lifestyle and wishes of each individual person, incorporating a person-centred, asset-based approach to service delivery.

5.4 The vision for Shared Lives is a kinder, stronger society built on carers sharing their lives and their homes. Shared Lives help build communities where everyone lives a full life, regardless of the support they need. This is achieved by turning Shared Lives into thriving, mainstream options with all the right structures in place to support and guide who want to share their lives and homes.

Proposed Contract Award	
Contract duration	Three Years
Contract Commencement date	30 June 2022
(Estimated) Annual value	Year 1: £113,000 Year 2: £133,000 Year 3: £154,000
(Estimated) Total value	£400,000

- 5.5 Following pre-tender market engagement an arrangement/management fee will be paid directly to the new provider for all existing and new people accessing the Shared Lives service in consideration of the overall management and operation of the service. The contracted provider is responsible for the recruitment, retention and training of highly skilled Shared Lives carers.
- 5.6 The estimated annual value of the proposed contract award has taken into account all existing placements and anticipated growth of five new placements per year.

5.7 Procurement Process

- 5.8 The intended procurement procedure will be a Light Touch Regime procedure in accordance with Public Contract Regulations 2015. The evaluation scoring balance will be 60% quality, 30% price and 10% social value. 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.
- 5.9 The evaluation team will comprise:

Name	Job Title
Mark Williams	Commissioning Officer
Sara Forsbrook	Senior Social Worker

5.10 Evaluation of alternative options

- 5.11 A range of options have been considered but CWC wishes to recommission the service. Shared Lives is a cost-effective service which provides better value for money than residential care for permanent or short-term placements, respite care for all client groups.
- 5.12 Shared Lives offers a person-centred service as placements are bespoke and extensive compatibility work is undertaken to match people to carers.
- 5.13 The Council does not wish to consider commissioning in-house provision for this service.

5.14 Reason for decisions

- 5.15 New contracting arrangements provide better value for money and offers providers an incentivised approach. A revised service specification has been developed which reflects the recommendations received from the provider market and following feedback received.

5.16 Financial Implications

- 5.17 The current number of placements at the proposed management fee for years 1, 2 and 3 can be met from existing approved budgets within Adult Services. There is also some scope for an increase in the number of placements.

5.18 Legal implications

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

5.20 Equalities implications

- 5.21 An equalities analysis has been completed and is applicable to Shared Lives. The service provider appointed will have their own equalities policy.

5.22 All other implications

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

5.24 Recommendation

- 5.25 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 Shared Lives for Adults with Disabilities when the evaluation process is complete.

6.0 Evaluation of alternative options

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

7.0 Reasons for decision

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

8.0 Financial implications

8.1 All financial implications are included within the relevant section of the report.
[RP/09032022/Y]

9.0 Legal implications

9.1 All legal implications are included within the relevant section of the report.
[SZ/07032022/P]

10.0 Equalities implications

10.1 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.

11.0 All other implications

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

12.0 Schedule of background papers

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