

<b>Report title</b>	Procurement – Award of Contracts for Works, Goods and Services	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor Obaida Ahmed Resources and Digital City	
<b>Key decision</b>	Yes	
<b>In forward plan</b>	Yes	
<b>Wards affected</b>	All Wards	
<b>Accountable Director</b>	Claire Nye, Director of Finance	
<b>Originating service</b>	Procurement	
<b>Accountable employee</b>	John Thompson	Head of Procurement
	Tel	01902 554503
	Email	John.Thompson@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	Directorate Leadership Team	

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**Recommendations for decision:**

The Cabinet (Resources) Panel is recommended to:

1. Delegate authority to the Cabinet Member for Resources and Digital, in consultation with the Director of Finance, to approve the award of a contract for a Contract Lifecycle Management System when the evaluation process is complete.
2. Delegate authority to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of Resident Services, to approve the award of a contract for Inspection of Highway Structures when the evaluation process is complete.
3. Delegate authority to the Cabinet Member for City Housing, in consultation with the Director of Resident Services to approve:
  - a. The award of a contract for Wolverhampton Housing Development Framework - New Build Housing and Regeneration when the evaluation process is complete, including call off contracts from the framework.

- b. Any other agreements including preparing the framework agreement, deed of covenants, collateral warranties, assignments, and such other ancillary agreements, including variations as may be deemed necessary to facilitate the delivery of any projects through the City of Wolverhampton Council (CWC) New Build Housing and Regeneration framework as highlighted within this report.
  - c. Entering into an Authorising Agreement with any Other Users as identified in the framework agreement and procurement process as highlighted within this report.
4. Delegate authority to the Cabinet Member for City Housing, in consultation with the Director of Resident Services, to approve any other agreements including preparing the framework agreement, deed of covenants, collateral warranties, assignments and such other ancillary agreements, including variations as may be deemed necessary to facilitate the delivery of any projects through the City of Wolverhampton Council New Build Housing and Regeneration framework as highlighted within this report.
5. Delegate authority to the Cabinet Member for City Housing in consultation with the Director of Resident Services to approve entering into an Authorising Agreement with any Other Users as identified in the framework agreement and procurement process as highlighted within this report.
6. Delegate authority to the Cabinet Member for Jobs and Skills, in consultation with the Executive Director of Families, to approve the award of a contract for Adult Education Learning Services when the evaluation process is complete.

## 1.0 Councillor Obaida Ahmed, Cabinet Member for Resources and Digital

### 1.1 Delegated Authority to Award a Contract - Contract Lifecycle Management System

Ref no:	CWC20109
Council Plan aim	Our Technology
Originating service	Commercial
Accountable officer	Parvinder Uppal, Head of Commercial (01902) 554029
Leadership Team approval	26 January 2022
Accountable Lead Cabinet Member	Cllr Obaida Ahmed, Cabinet Member for Resources and Digital
Date Lead Cabinet Member briefed	17 July 2023
Procurement advisor	Carol Wintle, Procurement Business Partner

### 1.2 Background

- 1.3 On 23 February 2022 Cabinet (Resources) Panel approved the purchase an e-procurement and contract management system. A tender process was carried out but was unsuccessful because the bidders did not comprehensively evidence how they would meet the specification for the contract management side of the solution. A decision was made by the evaluation panel, in conjunction with the procurement lead, not to award the contract and to carry out a further soft market test for a separate contract management system.
- 1.4 Following the soft market testing, a decision has been made to procure a contract life cycle management (CLM) system as a stand-alone solution. This will still support City of Wolverhampton Council's (CWC) contract management framework and contract lifecycle management strategy.
- 1.5 The system must meet a number of mandatory prerequisites for effective CLM, for example a transparent and visible contract work bank, as well as some additional requirements presumed in the new Procurement Bill, for example key performance, monitoring and management expected sometime in 2023-2024.

Proposed Contract Award	
Contract duration	Five years (3+1+1)

Contract Commencement date	1 September 2023
Annual value	Implementation costs of £45,000 and annual costs of £31,000
Total value	£200,000

## 1.6 Procurement Process

- 1.7 The procurement procedure will be an open tender in accordance with the Public Contract Regulations 2015, with an evaluation scoring balance of 70% Quality and 30% Price. This route to market also offers opportunities for local suppliers to submit bids supporting the Wolverhampton Pound.
- 1.8 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.
- 1.9 The evaluation team will comprise:

Name	Job Title
Parvinder Uppal	Head of Commercial
John Thompson	Head of Procurement
Darren Herris	Head of the Hub
Trina Briers	Business Analyst
Nick Alderman	Project Advisor
Louise Bulless	Senior Contracts Manager
Jai Ghai	Head of Digital and IT
Mike Allen	Digital Solutions & Development Manager
Alan Spratt	IT & Systems Category Manager

## 1.10 Evaluation of alternative options

- 1.11 Develop a new system internally; however, this would be technically challenging and resource intensive.

1.12 Do nothing, although this is possible CWC currently does not have all contracts, and/or their data, such as contract value, spend, performance and documentation, in one place. The only way this could be achieved is to utilise internal resources and diverse storage locations, which would create a vast administrative burden on CWC.

### **1.13 Reason for decisions**

1.14 The procurement of a new CLM System will provide consistency, visibility and efficiencies to CWC while expanding visibility of management information to senior leaders. The system will also contribute to CWC being fully compliant with the upcoming Procurement Bill.

### **1.15 Financial implications**

1.16 The implementation costs will be funded from the Transformation Reserve approved by Cabinet on 28 July 2021, Performance, Budget Monitoring and Budget Update 2021-2022. The annual cost of £31,000 will be met from existing budgets within Commercial Services.

### **1.17 Legal implications**

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

### **1.19 Equalities implications**

1.20 Although no direct equality implications have been identified for the system, the Commercial team are working with CWC's Equalities team to develop a checklist to be utilised in the CLM system and processes. This will provide data that can be considered by CWC in delivery of its strategies.

### **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 Resources and Digital, in consultation with the Director of Finance, to approve the award of a contract for a Contract Lifecycle Management System when the evaluation process is complete.

## 2.0 Councillor Craig Collingswood, Cabinet Member for City Environment and Climate Change.

### 2.1 Delegated Authority to Award a Contract – Inspections of Highways Structures

Ref no:	CWC23082
Council Plan aim	Thriving economy in all parts of the city
Originating service	City Transport
Accountable officer	Amjid Mehmood, Professional Lead - New Works (01902) 555717
Leadership Team approval	1 April 2023
Accountable Lead Cabinet Member	Cllr Craig Collingswood, Cabinet Member for City Environment and Climate Change
Date Lead Cabinet Member briefed	31 May 2023
Procurement advisor	Anna Du-Mont, Procurement Manager (01902) 551099

### 2.2 Background

- 2.3 The Highways Act 1980 places a duty on CWC in its capacity as the local highway authority to inspect and maintain highway structures required for the provision and support of the public highway.
- 2.4 The local authority is duty bound to carry out these inspections by following Code of Practice 'Well Managed Highway Infrastructure and undertaking inspections in accordance with CS 450 - Inspection of highway structures.
- 2.5 CWC is looking to establish a contract with a single service provider for use in the appointment of a suitably qualified civil engineering consultant to carry out Principal Inspections and General Inspections of Highway Structures in accordance with DMRB CS 450, including the organisation of safe access, required permits, traffic management and report production and entry onto CWC's asset management system. Additional inspections maybe necessary for safety reasons or if required by other CWC departments.

Proposed Contract Award	
Contract duration	Four years (3+1)

Contract Commencement date	1 September 2023
Annual value	£125,000
Total value	£500,000

## 2.6 Procurement Process

2.7 The intended procurement procedure will be an open above threshold procedure in accordance with Public Contract Regulations 2015. This route to market has been decided because it supports local business and the Wolverhampton Pound with opportunities for companies based in the city to bid and employ local people, where possible.

2.8 The evaluation scoring balance will be based on 60% price 40% 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.

2.9 The evaluation team will comprise:

Name	Job Title
Amjid Mehmood	Professional Lead - New Works
Ian Hipkiss	Service Lead - Network Development

## 2.10 Evaluation of alternative options

2.11 There is currently no specific contract in place. CWC currently utilises the Midlands Highways Alliance Professional Services Contract for the procurement of inspections to highway structures. However, this method often results in delays awarding annual contracts which has a significant impact on CWC meeting its statutory obligations in delivering the service. It also places additional pressure on suppliers who are tasked to find resources to deliver inspections at very short notice and in a reduced timeframe.

2.12 An alternative option would also be to deliver this service in-house, but due to the specialist nature of the work, this is not possible due to capacity and resources available. The preferred option is therefore to tender for a suitably qualified contractor to carry out the work on CWC's behalf.

## 2.13 Reason for decisions

2.14 This contract will encompass a targeted approach specifically for the inspection of highway structures. It will reduce the requirement of procuring, awarding annual

contracts, subsequent delays, and result in cost savings. This will allow the authority to meet its statutory requirements. It will also allow the supplier to employ and retain qualified bridge inspectors to undertake the inspections in timely manner, supporting the local economy.

## **2.15 Financial implications**

2.16 The inspection of highway structures allows the local authority to manage its bridge stock effectively and plan work programmes, directing resources and budgets to the structures at most need. The costs for the inspections are met from the Structures revenue budget for Bridges and Highways of £148,130.

## **2.17 Legal implications**

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

2.19 The Highways Act 1980 places a duty on CWC in its capacity as the local highway authority to inspect and maintain highway structures required for the provision and support of the highway.

2.20 The local authority is duty bound to carry out these inspections by following Code of Practice 'Well Managed Highway Infrastructure and undertaking inspections in accordance with CS 450 - Inspection of highway structures.

## **2.21 Equalities implications**

2.22 CWC has undertaken an Equalities Impact Assessment. The procurement of the new contract will ensure bridges and other structures are safe for all users.

## **2.23 All other implications**

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

## **2.25 Recommendation**

2.26 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of Resident Services, to approve the award of a contract for Inspection of Highway Structures when the evaluation process is complete.



### 3.0 Councillor Steve Evans, Cabinet Member for City Housing

#### 3.1 Delegated Authority to Award a Contract – Wolverhampton Housing Development Framework - New Build Housing and Regeneration

Ref no:	CWC23084
Council Plan aim	Good homes in well-connected neighbourhoods
Originating service	Resident Services
Accountable officer	Paul Beddard, Service Manager – Housing Development (New Build) (01902) 554894
Leadership Team approval	4 July 2023
Accountable Lead Cabinet Member	Cllr Steve Evans, Cabinet Member for City Housing (01902) 861498
Date Lead Cabinet Member briefed	7 July 2023
Procurement advisor	Anna Du-Mont, Procurement Manager (01902) 551099

### 3.2 Background

3.3 CWC intend to procure a Framework Agreement for the delivery of new homes and estate regeneration across a number of CWC owned sites.

3.4 CWC has successfully delivered new council housing in recent years, however this has been on an individual basis. The setting up of a CWC owned framework will support medium to long term delivery of new homes, supporting the wider Housing Development strategy and the Council Plan aim of Good Homes in Well Connected Neighbourhoods.

### 3.5 Framework Proposals

3.6 Having CWC owned framework will allow CWC to meet its strategic objectives within Our City; Our Plan and deliver 'Good Homes in well-connected neighbourhoods' and to meet the deliverables within the Housing Strategy 2019-2024 by providing "More and Better Homes" to meet the local housing need, including specialist and supported accommodation to meet specific resident needs. The framework will also allow Housing to develop an ongoing pipeline of sites for future delivery.

- 3.7 The procurement of a framework will allow CWC to forward plan a pipeline of sites to deliver new homes across the city over a number of years. It will also allow Housing to plan future estate regeneration schemes, where necessary, and gain advice from contractors/developers on buildability and viability, working in a partnership basis. This will ensure value for money for CWC throughout the duration of the framework.
- 3.8 The proposal is to tender varying Lots to deliver different parameters, as detailed in the table below:

Lot Number	Delivery	Award Route	Number of Providers
1	1-2 Units	Direct Award	1 + 2 reserves
2	3-15 Units	Direct Award	1 + 2 reserves
3	16-40 Units	Direct Award	1 + 2 reserves
4	40+ Units	Further Competition	3-4
5	Demolition	Further Competition	3-4

- 3.9 Each Lot will have a value for CWC over the duration of the framework, but this will also have to have an allowance for the potential use of the framework by Other Users i.e., local authorities, registered provider's etc, forecast details are:

Lot Number	Forecast Annual Spend CWC	Forecast Total Spend CWC	Lot Value Threshold
1	£2.5 Million	£10 Million	£60 Million
2	£10 Million	£40 Million	£140 Million
3	£12.5 Million	£50 Million	£300 Million
4	£12.5 Million	£50 Million	£400 Million
5	£2.5 Million	£10 Million	£100 Million
Total	£40 Million	£160 Million	£1 Billion

- 3.10 CWC propose a commercial element of the framework by allowing Other Users to appoint contractors through the signing up to an Authorising Agreement. The Other Users will need to procure contracts on the basis of the CWC framework i.e., Lots and applicable awards. Each underlying contract procured by an Other User will be subject to a Fee. This fee is expected to reflect the relevant Lot and will be in the range of 0.50-2.5%.
- 3.11 It is proposed that the framework will also deliver significant social value benefits to the city including:
- Providing opportunities for longer term partnerships with contractors to invest in the City.
  - Training and apprenticeship schemes.
  - Local employment opportunities including support for local small and medium sized enterprises (SME's).

### 3.12 Contract Award

<b>Proposed Contract Award</b>	
Contract duration	Four years
Contract Commencement date	1 April 2024
Annual value (CWC)	£40 Million
Total value (CWC)	£160 Million
Total Value (overall)	£1 Billion

3.13 As the framework will be accessible for use by other local authorities through an Authorising Agreement, the potential spend by other local authorities will need to be advertised as part of the tender and so an additional allowance up to £1billion over the full four years of the framework will be advertised as part of the contract notice.

### 3.14 Procurement Process

3.15 The intended procurement procedure will be an open above threshold procedure in accordance with Public Contract Regulations 2015 and the Council's Contract Procedure Rules. This route to market has been decided because it will allow local contractors to apply to the framework, supporting the Wolverhampton Pound and local economy, while also ensuring that capable contractors are offered the opportunity to bid.

3.16 The evaluation scoring balance will be 60 price, 30 quality, 10 social value for each Lot with the exception of lot 5 which will be 45 price, 55 quality, 10 social value . All bidders will be required to provide a copy of their Carbon Reduction Plan in line with the Council's sustainability framework and demonstrate their commitment to achieving net zero, supporting the Council's climate emergency pledge. Any significant amendments to the procurement procedure, including Lots, thresholds, values and award criteria 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.

3.17 The evaluation team will comprise:

<b>Name</b>	<b>Job Title</b>
Paul Beddard	Service Manager (New Build)
Kerry Madeley	Project Manager (New Build)
Sangita Kular	Service Manager (Regeneration)

### **3.18 Evaluation of alternative options**

3.19 Other options considered included the use of other frameworks which is only a short term solution or procuring each site individually, which would may delay delivery and not provide value for money for CWC.

### **3.20 Reason for decision**

3.21 The procurement of a framework will allow CWC to forward plan a pipeline of sites to deliver new homes across the city over a number of years. It will also allow Housing to plan estate regeneration, where necessary, and gain advice from contractors and developers on buildability and viability working in a partnership arrangement. This will ensure value for money for CWC throughout the duration of the framework.

3.22 If CWC did not procure their own New Build Housing and Regeneration framework it could delay development of future sites and further delay the delivery of new homes for Wolverhampton.

### **3.23 Financial implications**

3.24 Each of the identified projects, that either form part of the proposed framework tender or form part of the framework pipeline of sites, will have an approved budgets as part of the Housing Revenue Account (HRA) capital programme. There are currently approved budgets within the medium term capital programme for the delivery of new housing of £109.3 million, and further provision is allowed for within the 30 year HRA business plan.

3.25 A framework and pipeline of sites will give confidence to potential grant awardees, such as Homes England, and delivery will enhance CWC's reputation to be awarded grant monies for the future schemes. This potential grant money will also aid the cost viability of each potential site.

3.26 Each Underlying Contract, when agreed in principle, would be subject to a further Individual Executive Decision Notice (IEDN) or further reports, to award where additional specific details will be highlighted alongside a viability study to demonstrate value for money for CWC.

### **3.27 Legal implications**

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

3.29 This report will approve the delegation of any other agreements including preparing the framework agreement, deed of covenants, collateral warranties, assignments and such other ancillary agreements, including variations as may be deemed necessary to facilitate the delivery of any projects through the CWC New Build Housing and Regeneration framework as highlighted within this report to the Cabinet Member for City Housing in consultation with the Director of Resident Services.

3.30 This report will also approve the delegation and authorisation of CWC entering into an Authorising Agreement with any Other Users as identified in the framework agreement and procurement process as highlighted within this report to the Cabinet Member for City Housing in consultation with the Director of Resident Services.

### **3.31 Equalities implications**

3.32 An equalities impact assessment will be completed in conjunction with the equalities team. The development of all future housing sites will bring forward new affordable homes to meet the needs of applicants on the housing waiting list including specialist and supported housing for vulnerable residents.

### **3.33 All other implications**

3.34 The future redevelopment programme this framework will deliver will bring forward newbuild homes that will meet all modern standards for sustainability and will help reduce carbon emissions in the city.

3.35 The framework will support the regeneration of existing housing stock and estates to meet current and future housing standards.

### **3.36 Recommendation**

3.37 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for City Housing, in consultation with the Director of Resident Services to approve:

- a. The award of a contract for Wolverhampton Housing Development Framework - New Build Housing and Regeneration when the evaluation process is complete, including call off contracts from the framework.
- b. Any other agreements including preparing the framework agreement, deed of covenants, collateral warranties, assignments, and such other ancillary agreements, including variations as may be deemed necessary to facilitate the delivery of any projects through the CWC New Build Housing and Regeneration framework as highlighted within this report.
- c. Entering into an Authorising Agreement with any Other Users as identified in the framework agreement and procurement process as highlighted within this report.

#### 4.0 Councillor Louise Miles, Cabinet Member for Jobs and Skills

#### 4.1 Delegated Authority to Award a Contract – Adult Education Learning Services

Ref no:	CWC23049
Council Plan aim	More local people into good jobs and training
Originating service	Adult Education
Accountable officer	Anna Place, Senior Manager Business Operations and Student Services (01902) 556718
Leadership Team approval	8 June 2023
Accountable Lead Cabinet Member	Cllr Louise Miles, Cabinet Member for Jobs and Skills (01902) 550200
Date Lead Cabinet Member briefed	28 June 2023
Procurement advisor	Sheena Douglas, Procurement Buyer (01902) 553836

#### 4.2 Background

4.3 CWC was awarded £400,000 of additional Adult Education Budget grant from the West Midlands Combined Authority (WMCA) for delivery in the 2019-2020 academic year. £300,000 of this was subcontracted to five local third sector organisations to deliver first steps learning in deprived communities, as part of a 'one city' approach to learning and skills development for residents. All courses are pre-level 1, unless vocational and the intention is to specifically engage those groups who experience long-term worklessness and do not traditionally engage in adult education and skills improvement, through qualification achievement and progression to further learning and work.

4.4 The delivery of learning services was procured through an open tendering process which was for a contract duration of three years until 31 August 2023. The WMCA funding is now allocated as part of the main grant. During this time the supply chain partners have consistently under recruited. Adult Education Service has planned over delivery in 2023-2024. As a result, in readiness for delivery from 1 September, the Adult Education Service is procuring learning services of £250,000 through an open tendering process. The contract performance will be reviewed with the WMCA at three points in year to determine future funding levels.

<b>Proposed Contract Award</b>	
Contract duration	Three years (1+1+1)
Contract Commencement date	1 September 2023
Annual value	£250,000
Total value	£750,000

#### **4.5 Procurement Process**

4.6 The intended procurement procedure will be an open tendering process in accordance with Public Contract Regulations 2015. This route to market has been decided because it will allow local contractors to apply to the framework, supporting the Wolverhampton Pound and local economy, while also ensuring that capable contractors are offered the opportunity to bid.

4.7 The evaluation criteria will be 100% 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.

4.8 The evaluation team will comprise:

<b>Name</b>	<b>Job Title</b>
Anna Place	Senior Manager Business Operations and Student Services
Julian Kirkpatrick	Senior Manager Curriculum and Quality
Julia Weston	Programme Manager for Skills for Work and MIS

#### **4.9 Evaluation of alternative options**

4.10 The alternative option would be to undertake the service in-house, however, there is no provision available do so. Therefore, if a new external supplier/s is not sourced, the service would not be able to supply sufficient learning services to meet its Adult Education Budget contract.

#### **4.11 Reason for decisions**

4.12 Procuring via an open tender to establish a framework of providers has been decided as the most suitable route. This route to market has been decided because it is the most appropriate and cost-effective method for the type of contract needed and to ensure it is awarded within the project timeline while giving any local companies the opportunity to bid and widening participation.

#### **4.13 Financial implications**

4.14 The funding will come from the Adult Education Budget grant provided by the West Midlands Combined Authority (WMCA). The funding is paid in 12 equal instalments and will be based on delivery of outcomes in line with WMCA performance management rules.

4.15 The Adult Education Service grant Budget is £3.6 million for 2023-2024 academic year, which includes £250,000 subcontracted to five local third sector organisations to deliver first steps learning in deprived communities as part of a 'one city' approach to learning and skills development for residents. A management fee between the range of £37,500-£62,500 will be retained from the total amount awarded to the supply chain partner for the quality, administration and management service provided.

4.16 There is a risk that if the supply chain partners do not meet their agreed delivery contract targets, then Adult Education will need to exceed their delivery plan targets to ensure that there is no clawback, or any additional payments based on not meeting the expected outcome for each academic year.

#### **4.17 Legal implications**

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

#### **4.19 Equalities implications**

4.20 The delivery of learning services in the neighbourhoods will advance equality of opportunity. Adult Education routinely collects equality data to analyse and improve the service.

#### **4.21 All other implications**

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

#### **4.23 Recommendation**

4.24 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for Jobs and Skills, in consultation with the Executive Director of Families, to approve the award of a contract for Adult Education Learning Services when the evaluation process is complete.



## **5.0 Financial implications**

5.1 All financial implications are included within the relevant section of the report.  
[RP/14072023/H]

## **6.0 Legal implications**

6.1 All legal implications are included within the relevant section of the report.  
[SZ/10072023/P]

## **7.0 Equalities implications**

7.1 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 CWC's legal obligations under the Equality Act 2010.

## **8.0 All other implications**

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

## **9.0 Schedule of background papers**

9.1 All background papers are included within the relevant section of the report.