

Cabinet (Resources) Panel

15 June 2022

Report title	Procurement – Award of Contracts for Works, Goods and Services	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Obaida Ahmed Resources and Digital City	
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 City Environment and Climate Change, in consultation with the Director of City Housing and Environment, to approve the award of a contract for Environmental Enforcement when the evaluation process is complete.
2. Delegate authority to the Cabinet Member for Health and Wellbeing, in consultation with the Director of Public Health, to approve the award of contracts for Voluntary and Community Sector Contracts when the evaluation process is complete.

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

1.1 Delegated Authority to Award a Contract – Environmental Enforcement

Ref no: CWC21144	
Council Plan aim	Climate Conscious
Originating service	Environmental Services
Accountable officer	Shaun Walker, Environmental Crime Service Lead (01902) 554470
Leadership Team approval	22 March 2022
Accountable Lead Cabinet Member	Cllr Steve Evans, Cabinet Member for City Environment and Climate Change (01902) 861498
Date Lead Cabinet Member briefed	1 April 2022
Procurement advisor	Karen Boden, Procurement Manager (01902) 555136

1.2 Background

- 1.3 This new contract aims to build on the success of a previous contract that has existed since August 2015. The contract will focus on the key areas of littering, dog fouling and drinking alcohol in public places. Options to widen the scope of offences during the lifetime of the four year contract will exist. A similar business model to the previous contract will also exist whereby the provider and the City of Wolverhampton Council (CWC) will share an amount from the paid Fixed Penalty Notices (FPNs). This has proven to be fair to both parties rather than payment based on FPNs issued or an officer hourly rate.

Proposed Contract Award	
Contract duration	Four Years
Contract Commencement date	1 September 2022
Annual value	£200,000
Total value	£800,000

1.4 Procurement Process

- 1.5 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% Quality and 40% Price. This procedure has been chosen because it will support fair and transparent competition, and enable small local businesses to bid, further supporting the Wolverhampton Pound.
- 1.6 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. This procedure is in accordance with the delegation within this report.
- 1.7 The evaluation team will comprise:

Name	Job Title
Shaun Walker	Service Lead
Kevin Roberts	Senior Legal Executive
Lisa Wycherley	Solicitor

1.8 Evaluation of alternative options

- 1.9 There are three options to consider:
- Cease fixed penalty enforcement activity
 - Deliver enforcement activity in-house using existing resources
 - Outsource the activity to a private company

1.10 Reason for decisions

- 1.11 Failure to carry out any enforcement activity would lead to greater amounts of litter and dog fouling in public places and would frustrate delivery of the Council Plan Part 4.4: Clean, green neighbourhoods and public space.
- 1.12 Litter enforcement was carried out in-house between 2005 – 2015. Only a very small number of FPNs were issued to pedestrians over a ten-year period and was considered an inefficient use of resources.
- 1.13 Outsourcing this type of low level / high volume enforcement activity allows for specialisation to occur and supports CWC's aim to discharge its duty to maintain clean streets. Officers from within CWC can then focus more on complex investigations and larger scale fly tipping offences.

1.14 Financial implications

- 1.15 This contract will be funded from existing revenue budgets held within Environmental Crime, which has an annual expenditure budget of £300,000.
- 1.16 Having effective litter / dog fouling enforcement activity will lead to reduced clean - up costs of our public places.

1.17 Legal implications

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

1.19 Equalities implications

- 1.20 The Equality Diversity and Inclusion team were consulted during development of the tender and advised that certain criteria should be part of the specification. For example, the providers staff will, when required, undertake CWC training. This includes but is not limited to:
- Protecting Information via e-learning offered free of charge by CWC
 - Safeguarding Basic Awareness via e-learning offered free of charge by CWC
 - Equality & Diversity via e-learning offered free of charge by CWC
 - The provider will consider how best it can operate a service that is responsive to the requirements of CWC in terms of other protected characteristics described by the Equality Act 2010 and can demonstrate this.
 - The provider must ensure that no group with protected characteristics under the Equality Act 2010 is disproportionately targeted in the performance of this contract and be able to collect adequate equalities related data to demonstrate an unbiased approach.
 - The provider shall have a fully developed communication plan which, as a minimum shall include an office contact telephone number, an SMS text number to support people without access to standard telephones – for example D/deaf people and people without speech. a supervision mobile number and patrol staff mobile phones. These numbers shall be available at all times to CWC's contract manager and CWC's legal team. The plan will also include how the provider plans to communicate with British Sign Language users in their wider communication requirements.

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 City Environment and Climate Change, in consultation with the Director of City Housing and Environment, to approve the award of a contract for Environmental Enforcement when the evaluation process is complete.

2.0 Councillor Jasbir Jaspal, Cabinet Member for Health and Wellbeing

2.1 Delegated Authority to Award a Contract: Voluntary and Community Sector Contracts

Ref no: CWC22067	
Council Plan aim	Fair and Equal
Originating service	Public Health - Communities
Accountable officer	Joanna Grocott, Place Based Manager (01902) 555644
Leadership Team approval	13 October 2021
Accountable Lead Cabinet Member	Councillor Jasbir Jaspal, Cabinet Member for Health and Wellbeing (01902) 551218
Date Lead Cabinet Member briefed	25 November 2021
Procurement advisor	Adebimpe Winjobi, Procurement Manager

2.2 Background

2.3 On 6 December 2016 following a tender exercise, Cabinet (Resources) Panel awarded seven contracts to six Voluntary and Community organisations (VCS) for a period of five years. These contracts support a number of city priorities targeting those most in need in the city including job and training support, welfare and advice, voluntary sector engagement and partnership working and volunteering. All seven contracts commenced on 1 April 2017.

2.4 All contract providers have endured a particularly challenging year due to the pandemic but have continued to develop, adapt, and most importantly, deliver services to vulnerable people in the City so they get the support they need. All contracts were due to expire on 31 March 2022 but due to ongoing Covid restrictions and the need to respond to emerging priorities in our communities, the tendering process was pushed back, and all contracts extended to 30 September 2022. Subsequent contracts will be aligned to the Council Plan and utilise a Place Based approach, recovering from Covid-19.

Proposed Contract Award	
Contract duration	Five years (3+2)
Contract Commencement date	1 October 2022
Annual value	£697,000
Total value	£3.485 million

2.5 Procurement Process

- 2.6 The intended procurement procedure will be an open procedure in accordance with Public Contract Regulations 2015. This route to market has been decided because CWC is committed to demonstrating that the services it procures represent good value for money which have been sourced using open, transparent, and equitable processes, supporting the Wolverhampton Pound.
- 2.7 The evaluation scoring balance will be 60% quality, 20% social and environmental value, and 20% cost.
- 2.8 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.
- 2.9 The evaluation team will comprise:

Name	Job Title	Organisation (if not WCC)
Joanna Grocott	Place Based Manager	
Sue Lindup	Skills and Employability Manager	
Martha Cummings	Voluntary Sector Coordinator	
Voluntary Community Sector Partners	TBC	TBC

2.10 Evaluation of alternative options

- 2.11 In considering the options, the primary outcome is to reduce the risk of any further hardship to vulnerable people. Stopping or reducing current provision was not an option as a period of consultation is required. The original contracts were due to end on 31 March 2022, with no options for further extensions within the current contracts.

- 2.12 The extension of these contracts was approved to ensure the continuation of provisions to those with the most need enabling the organisations providing the provisions a period to also rebuild and recover from the challenges of the pandemic. The aim was to reduce the impact any further disruption may cause to the organisation and the vulnerable people that they serve. All contracts were approved for a six month extension, valued at £348,500 by Cabinet (Resources) Panel.
- 2.13 The planned consultation is already underway, and five sessions have been delivered through independent facilitation. This and other consultation exercises over the coming months will inform a service review of all seven of the current voluntary sector contracts, with the expectation that new service models and contracts will be in place from 1 October 2022.

2.14 Reason for decisions

- 2.15 CWC has worked in partnership for many years with a number of local small, medium and large Voluntary and Community Sector (VCS) organisations in the City, providing financial and/or in-kind support to help some of our most disadvantaged, vulnerable and marginalised communities.
- 2.16 Over the life of contracts, inevitably priorities will change and whilst groups have adapted well, new opportunities and ways of working need to be explored to ensure we maximise our ability to respond to needs in the City and deliver services that are of good social, environment and financial value. The Covid pandemic has highlighted aspects that are working well and those that need improvement in relation to the way we support local people and VCS groups. CWC is committed to ensuring that services do not impact adversely on those who need support the most.
- 2.17 The past two years has seen officers and Voluntary Community Sector partners commit to working practices and initiatives to renew the relationships across the sector to better deliver on council plan priorities in partnership whilst creating stronger and more resilient communities.
- 2.18 Activity is taking place in partnership with the VCS, University of Wolverhampton, strategic partners, and primarily local people to provide an evidence base and a new strategic and joint approach to meet the Council Plan priorities and recovery from Covid-19.
- 2.19 This will also provide an opportunity to explore other models that promote co-production, achieve shared outcomes, and contribute to commissioning being need led, baselining for the sector, living safely with Covid-19, reducing duplication and competition in the sector and that has residents at the heart of outcomes.

2.20 Financial Implications

- 2.21 This contract will be funded from existing revenue budgets held with Public Health.

2.22 Legal implications

- 2.23 The process will follow an above threshold procedure in accordance with the Public Contract Regulations 2015 and Council's Contract Procedure Rules.

2.24 Equalities Implications

- 2.25 As part of the procurement process an equalities impact assessment is currently being completed to inform future areas of consideration within the extension of contract and any adverse impacts regarding access and support as part of the ongoing commissioning process. The equality impact assessment is a live document and continues to be reviewed to ensure that it takes account of inclusion groups and the protected characteristics as covered by the Equality Act 2010.

2.26 All other implications

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

2.28 Recommendation

- 2.29 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for Health and Wellbeing, in consultation with the Director of Public Health, to approve the award of a contract for Voluntary and Community Sector Contracts when the evaluation process is complete.

3.0 Evaluation of alternative options

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

4.0 Reasons for decision

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

5.0 Financial implications

5.1 All financial implications are included within the relevant section of the report.
[RP/01062022/Q]

6.0 Legal implications

6.1 All legal implications are included within the relevant section of the report.
[SZ/20052022/P]

7.0 Equalities implications

7.1 The relevant 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.

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