

DELEGATED POWERS REPORT NO.

1527

SUBJECT: GLA Election 2012 Printing Contract

Control sheet

All of the following actions MUST be completed at each stage of the process and the signed and dated report MUST be passed to the Governance Service for publishing

All reports		
1. Governance Service receive draft report	Name of BGO Date	Andrew Charlwood 20 Dec 2011
2. Governance Service cleared draft report as being constitutionally appropriate	Name of BGO Date	Andrew Charlwood 20 Dec 2011
3. Finance clearance obtained (<i>report author to complete</i>)	Name of Fin. officer Date	Debbie Edwards 16 Jan 2012
4. Staff and other resources issues clearance obtained (<i>report author to complete</i>)	Name of Res. officer Date	N/A
5. Trade Union response received (Staffing issues only)	Name of TU rep. Date	N/A
6. Legal clearance obtained from (<i>report author to complete</i>)	Name of Legal officer Date	Philomena Jemide 7 th February 2012
7. Policy & Partnerships clearance obtained (<i>report author to complete</i>)	Name of P&P officer Date	Andrew Nathan 13 Jan 2012
8. Equalities & Diversity clearance obtained (<i>report author to complete</i>)	Name of officer Date	Julie Pal 13 Jan 2012
9. The above process has been checked and verified by Director, Head of Service or Deputy (<i>report author to complete</i>)	Name Date	Jeff Lustig 2 March 2012
10. Signed & dated report, <u>scanned or hard copy</u> received by Governance Service for publishing	Name of BGO Date	Andrew Charlwood 2 March 2012
11. Report published by Governance Service to website	Name of BGO Date	Andrew Charlwood 6 March 2012
Officer reports:		
12. Head of Service informed report is published and can be implemented.	Name of BGO Date	Andrew Charlwood 6 March 2012
Cabinet Member reports:		
13. Expiry of call-in period	Date	N/A
14. Report circulated for call-in purposes to Business Management OSC members & copied to Cabinet & Head of Service	Name of BGO Date	

**ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER
(EXECUTIVE FUNCTION)****Subject** GLA Election 2012 Printing Contract**Officer taking decision** Director of Corporate Governance**Date of decision** 2 March 2012

Summary	To approve the award of a contract to Financial Data Management PLC for the supply and print of all GLA Election Material 2012 and waiver of Contract Procedure Rules
---------	---

Officer Contributors Simon Hime – Document Centre Manager

Status (public or exempt) Public

Wards affected All

Enclosures None

Contact for further information: Simon Hime, Document Centre Manager, 020 8359 2046, simon.hime@barnet.gov.uk

Serial No. 1527

1. RELEVANT PREVIOUS DECISIONS

- 1.1 Cabinet Resources Committee, 2 November 2009 (decision Item 7) authorisation of Print Framework.
- 1.2 A DPR, number 1285 authorisation for the award of a contract to FDM Ltd for the supply and print of Referendum Election material 2011.

2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 2.1 The proposals in this report forward the priority of “Better services with less money”

3. RISK MANAGEMENT ISSUES

- 3.1 Engaging the proposed supplier, FDM PLC who has a proven track record for the provision of printed material for elections, minimises the level of risk associated with such contracts (most significantly, potential delay in the delivery of the election material, the supply of sub-standard or insufficient election material).
- 3.2 Officers are giving consideration to a contingency plan to be relied upon in the event that, at any stage during the contract period, FDM is unable to provide the service.
- 3.3 I do not consider the issues involved are likely to raise significant levels of public concern or give rise to policy considerations.

4. EQUALITIES AND DIVERSITIES ISSUES

- 4.1 Under the Equality Act 2010, the council and all other organisations exercising public functions on its behalf must have due regard to the need to: a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; b) advance equality of opportunity between those with a protected characteristic and those without; and c) promote good relations between those with a protected characteristic and those without. The ‘protected characteristics’ referred to are: age; disability; gender reassignment; pregnancy; maternity; race; religion or belief; sex; and sexual orientation. The duty to eliminate discrimination also extends to marriage and civil partnership.
- 4.2 Printed electoral material is produced in accordance with national criteria which takes into account equalities issues such as accessibility to persons with physical or visual impairment

5. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for money, Staffing, IT, Property, Sustainability)

- 5.1 The supplier is on Barnet’s Print Framework, established in 2010, pursuant to a decision of Cabinet Resources Committee on 2nd November 2009, authorising the

appointment of FDM PLC and other, identified, suppliers to a Framework Agreement for the period of 3 years plus the option of a 1 year extension.

- 5.2 Terms have been agreed with the proposed supplier FDM PLC covering deadlines, quality assurance and estimated print costs.
- 5.3 The total contract spend will be approximately £40,000 which will be met by a grant from the Greater London Authority.

6. LEGAL ISSUES

- 6.1 The EU procurement regime, implemented in the UK by the Public Contracts Regulations 2006, applies to contracts for works, services and supplies. Only limited parts of the Regulations apply in the case of Part B services contracts and do not apply to service concessions or contracts that are below the relevant thresholds (the current threshold is £173,934 for services and supplies contracts). Such contracts are nonetheless caught by general Treaty principles of non discrimination on grounds of nationality, equal treatment, and transparency. This means that the contracting authority is expected to ask itself whether there is a market for these services in other member states and if so what form of appropriate notification and advertisement should apply before an award of contract. From the nature and value of the proposed services, it seems unlikely that there will be a sufficient degree of cross-border interest for the duty to advertise to be engaged.

7. CONSTITUTIONAL POWERS

- 7.1 Council Constitution, Part 3, Responsibility for Functions – paragraph 6.1 enables Chief Officers to take decisions without consultation with the Cabinet Member concerned where it is a decision authorised to be taken by the Chief Officer under the Contract Procedure Rules, it is in respect of operational matters within the Chief Officer's sphere of managerial and professional responsibility and is not significant in terms of budget or policy.
- 7.2 Council Constitution, Part 4, Contract Procedure Rules – Table 6-1 stipulates that for supplies and services contracts with an estimated value of between £25,000 and £74,999, a minimum of two written competitive quotations must be requested, with a minimum of two returned. However, in this instance it is proposed to award the contract to FDM PLC without seeking additional quotes. Accordingly, a waiver of the Contract Procedure Rules is being sought (see sections 7.4 and 8 below)
- 7.3 Council Constitution, Part 4, Contract Procedure Rules – Table 5-1 sets out the authorisation and acceptance thresholds for new contracts. For contracts of between £25,000 and £74,999 the Director/Head of Service may (i) authorise, and (ii) accept the contract where tender/quotation is lowest or where tender/quotation represents value for money and is the best available option for the Council
- 7.4 Council Constitution, Part 4, Contract Procedure Rule – Section 5.7 enables Directors/Heads of Service to take decisions on urgent or emergency matters as set out in the Leaders Scheme of Delegation, providing they report afterwards to the relevant decision making body setting out the reasons for urgency. A waiver of

the Contract Procedure Rules is justified in this instance as the nature of the market for the supplies/services to be provided has been investigated and it has been demonstrated that a departure from the requirements of the Contract Procedure Rules is justifiable (see section 8 below)..

8. BACKGROUND INFORMATION

- 8.1 The Director of Corporate Governance has taken the decision to waive the requirements of the Contract Procedure Rules and appoint FDM PLC for the supply and printing of all material required for the GLA 2012 election for the following reasons:
 - 8.1.1 Printed poll cards for the GLA 2012 Election are required by law to be sent out as soon after the 20 March as stated in the Electoral Commission Guidance for Returning Officer.
 - 8.1.2 Returning Officers also have to achieve performance standards of residents receiving poll cards 29 days prior to Polling day.
 - 8.1.3 There is further tight timescales with regards to receiving centrally printed ballot papers and having the capacity to achieve the deadlines for despatch of postal packs.
 - 8.1.4 These timescales prevent the Council from undertaking a competitive tender process for the provision of this service; and;
 - 8.1.5 The supplier has a proven track record for the provision of printed material for elections, minimises the level of risk associated with such contracts (most significantly, potential delay in the delivery of the election material, the supply of sub-standard or insufficient election material).
- 8.2 FDM PLC is on Barnet's Print Framework, established in 2010, pursuant to a decision of Cabinet Resources Committee on 2nd November 2009, authorising the appointment of FDM PLC and other identified suppliers to a Framework Agreement. However, the terms governing particular call-off contracts under the Framework provide only for a mini competition.
- 8.3 The Director of Corporate Governance has taken the decision to enter into a separate contract with FDM PLC, instead of using the Framework Agreement. This is on the basis that FDM PLC are known to the Council, having used them in the past for this type of work. They understand the Council's requirements and it is of benefit to the London Borough of Barnet to deal directly with this company because of the nature of this work.
- 8.4 Printing of Elections material is a specialised area of work and only experienced companies have the capability to carry out this type of work to the required standard and within the timescales required. The work involved is printing of poll cards and postal vote packs, with variable data supplied by the London Borough of Barnet.

8.5 This company currently prints the Council's Electoral Registration forms and Council Tax main billing, amongst other things. Officers have been very satisfied with the company's performance to date.

9. LIST OF BACKGROUND PAPERS

9.1 None

10. OFFICER'S DECISION

I authorise the following action:

10.1 That Financial Data Management PLC be appointed for the supply and printing of all material required for the 2012 GLA election, subject to terms and conditions of contract to be agreed.

10.2 The waiver of the requirement for a minimum of two written competitive quotations as referred to in paragraph 7.2 above.

Signed	Jeff Lustig <hr/>
Date	2 March 2012 <hr/>