

DELEGATED POWERS REPORT NO.**1683****SUBJECT: Environment, Planning and Regeneration Procurement Measures****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 GSO Date	Jeremy Williams 22/03/2012
2. 2. Governance Service cleared draft report as being constitutionally appropriate	Name of GSO Date	Paul Frost 23/03/2012
3. Finance clearance obtained (<i>report author to complete</i>)	Name of Fin. officer Date	Jayne Fitzgerald 26/03/2012
4. Staff and other resources issues clearance obtained (<i>report author to complete</i>)	Name of Res. officer Date	N/A
5. Strategic Procurement clearance obtained (<i>report author to complete</i>)	Name of SPO Date	Lesley Meeks 27/03/2012
6. Legal clearance obtained from (<i>report author to complete</i>)	Name of Legal officer Date	Stephen Stewart 02/04/2012
7. Policy & Partnerships clearance obtained (<i>report author to complete</i>)	Name of P&P officer Date	Andrew Nathan 02/04/2012
8. Equalities & Diversity clearance obtained (<i>report author to complete</i>)	Name of officer Date	Andrew Nathan 02/04/2012
9. The above process has been checked and verified by Director, Head of Service or Deputy	Name Date	Declan Hoare 05/04/2012
10. Signed & dated report, <u>scanned or hard copy</u> received by Governance Service for publishing	Name of GSO Date	Paul Frost 11/04/12
11. Report published by Governance Service to website	Name of GSO Date	Paul Frost 25/05/12
12. Head of Service informed report is published	Name of GSO Date	Paul Frost 25/05/12
13. Expiry of call-in period	Date	N/A
14. Report circulated for call-in purposes to Business Management OSC members & copied to Cabinet Members & Head of Service	Name of GSO Date	N/A

**ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER
(EXECUTIVE FUNCTION)**

Subject **Environment, Planning and Regeneration**
Procurement Measures - Green Biodegradable
Polythene waste sacks

Officer taking decision Interim Director of Environment, Planning and
Regeneration

Date of decision 5 April 2012

Summary	This report seeks authorisation to accept a quotation from the following company to provide green biodegradable polythene waste sacks for use by the street cleansing and greenspaces teams. The period of the contract being 1 st April 2012 to 31/03/2014. Recommendation is to award the contract to BPI.
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Officer Contributors Dave Ward, Street Cleansing Manager.

Status (public or exempt) Public (with separate exempt report)

Wards affected All

Enclosures None

Reason for exemption from call-in (if appropriate) Not applicable

Contact for further information: Dave Ward, Street Cleansing Manager, Environment Planning and Regeneration, 020 8359 5137 dave.ward@barnet.gov.uk

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1. RELEVANT PREVIOUS DECISIONS

- 1.1 None

2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 2.1 The Council has a duty to ensure that any agreement it enters into has been performed within the Council policy and procedures to ensure transparency.
- 2.2 In line with the corporate plan 2011-2013 and to meet the objective of “Better services with less money” the Council has a responsibility to ensure that it adheres to corporate procurement guidelines and demonstrates that contracts are procured on a fair and just basis and offer the best value for money.
- 2.3 The Council as a ‘litter authority’ has a legal responsibility to ensure that land open to the public including highways, parks and open spaces are kept free of litter and refuse in line with Environmental Protection Agency (EPA) code of practice 1997. The Councils ‘clean and green’ corporate objective aims to address this through six weekly cyclic sweeping of all highways and EPA clearance of litter and refuse from all public areas. The ‘clean and green’ objective is also addressed by the use of biodegradable polythene bags.

3. RISK MANAGEMENT ISSUES

- 3.1 Failure to provide the contract would result in a failure to provide sweeping sacks used throughout the Borough. Purchasing outside of the framework would result in increased spend for the Borough.

4. EQUALITIES AND DIVERSITY ISSUES

- 4.1 The Council must demonstrate that it has procured contracts and services on a fair, just and equitable basis evidencing best practice and value for money. The procurement exercise carried out has satisfied corporate procurement requirements. The exercise was undertaken via a Framework agreement in line with the Council’s Contract Procedure Rules Table 5-1. The procurement process, has been fair and transparent, with the Council ensuring it is fully accessible.
- 4.2 The Council is responsible for ensuring that all contracts for supplies, works and services are consistent with its equality & diversity obligations. The Council has a duty to promote equality of opportunity and the procurement process must ensure that this extends to parties carrying out work on behalf of the Council.

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

- 5.1 The contract for green sweeping sacks was valued at approximately £55,000 per annum. The agreement is to be let for the 1st April 2012 under the Kent County Council framework contract. The framework will be in place until 31/03/2014 and the Council have the option to use the framework up until then. All costs associated with this contract will be met from EPR revenue budgets.

- 5.2 The agreement will be let in line with Contract procedure Rules section 6.9.
- 5.3 Table 1 below shows the price quoted by each bidder.

Table 1 Streetscene Green Sweeping sacks

<u>Supplier</u>	<u>Units</u>	<u>Quote</u>
BPI	1000	£38.95
Contractor B	1000	£43.00

- 5.6 There are no issues to report regarding staffing, IT, Property and sustainability.

6. LEGAL ISSUES

- 6.1 This is one of a number of Contracts within EPR, and certain other Directorates, where, for whatever reason, formal contract documentation was not finalised as it should have been. Based on what is shown in this Report, the Procurement Process has been competitive and a VFM test will be satisfied by the way it has been conducted.
- 6.2 It is perfectly possible to produce and regularise, Terms and Conditions and a Scope leading to an effective, manageable, legally correct Contract and Legal Services are happy to accept such instruction and are resourced to ensure such is put into place as swiftly as practical.

7. CONSTITUTIONAL POWERS

- 7.1 Council's Constitution, Responsibility for Functions, paragraph 6.1 "Chief Officers (i.e. the Chief Executive, Directors and Heads of Service as listed in Article 12) can take decisions, in consultation with the Cabinet Member concerned (or without consultation where it is a decision authorised to be taken by the Chief Officer under the Contract Procedure Rules or it involves the implementation of policy or earlier decision of the Council or Cabinet or Committee or it is in respect of operational matters within the Chief Officer's sphere of managerial or professional responsibility and is not significant in terms of budget or policy):
- 7.2 Contract Procedure Rules – Table 5-1 Authorisation (where not previously Authorised by the Budget and supporting plans and strategies) and Acceptance Thresholds for Works, Supplies and Services:
- 7.3 Authorisation by: Director/Head of Service:
- 7.4 Acceptance by: Director/Head of Service where tender/quotation is lowest or where tender/quotation represents value for money and is the best available for the Council.
- 7.5 The value of works is within the acceptance threshold for Director/Head of service.

8. BACKGROUND INFORMATION

- 8.1 The current provision of biodegradable polythene waste sacks is purchased via the Kent County Council framework and the agreement with the current supplier is

coming to an end. The new provision saw the Council perform a mini competition via the framework obtaining two quotes from suppliers available on the Framework to obtain value for money.

9. LIST OF BACKGROUND PAPERS

9.1 Kent County Council Framework, available upon request from Kent County Council.

10. OFFICER'S DECISION

10.1 I authorise the following action:

10.1 That, the Council accept the quotations from the company shown in Table 2 below for the provision of green sweeping sacks for Streetscene, and subject to acceptance, all necessary legal and other documentation be prepared and executed by the Council and the identified suppliers.

10.2 That officers prepare letters of appointment and relevant Terms and Conditions for signature by the vendor identified.

Table 2

Contract Description	AWARD
Streetscene supply of green biodegradable polythene sacks	BPI

Signed	Declan Hoare
	Assistant Director of Environment, Planning and Regeneration
Date	05/04/2012