

	CHIEF OFFICER IN CONSULTATION WITH COMMITTEE CHAIRMAN DELEGATED POWERS REPORT
Title	Award of Electoral Print and Postage Framework Contract
Report of	Director of Assurance (in consultation with Leader of the Council)
Wards	All
Status	Public
Enclosures	None
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Summary

Authorisation to award framework contract to commence 1 May 2019 for Electoral Print and Postage for London Borough of Barnet and London Borough of Harrow Returning Officers and Electoral Registration Officers for a period of 3 years plus 1-year extension option.

Decisions

1. To award Electoral Print and Postage framework contract ref 701818 to enable London Borough of Barnet and London Borough of Harrow to engage with named suppliers following an OJEU procurement procedure.

2. Framework Agreement award and call-off contract award for Lot 1 'Elections Print and Post' and Lot 2 'Statutory Registration, Annual Canvass, Household Notification Letters (HNL)' to the successful supplier Electoral Reform Services Ltd for a period of three years with an option to extend this period for up to one year period dependent upon statutory elections and electoral registration requirements. New contract will commence 1 May 2019.

- 3. Framework Agreement award to the three suppliers that met the quality threshold for Lot 1 'Elections Print and Post' and Lot 2 'Statutory Registration, Annual Canvass, Household Notification Letters (HNL)', and notice to identify that the first ranked supplier for Lot 1 and Lot 2 (Electoral Reform Services Ltd) will be awarded call-off contracts for each lot. The three suppliers with approved supplier status are Financial Data Management, Print Image Network and Print UK.**

This is required for provision of a call off arrangement should the first ranked supplier for Lot 1 and Lot 2 not be able to meet London Borough of Barnet and/or London Borough of Harrow requirements. This arrangement is to be for a period of three years with an option to extend this period for up to one-year period dependent upon statutory elections and electoral registration requirements. Framework Agreement to commence 1 May 2019.

- 4. Framework Agreement award for Lot 3 'Innovation, New Ways of Working and Ad Hoc Activity' to the successful suppliers Electoral Reform Services, Print Image Network and Print UK for a period of three years with an option to extend this period for up to one-year dependent upon statutory elections and electoral registration requirements. New Framework Agreement will commence 1 May 2019.**

1. WHY THIS REPORT IS NEEDED

- 1.1 The Council's current framework agreement for the provision of Electoral Print and Postage products and services (signed June 2014), comes to an end on 30 April 2019. After this date the Council will not have a contract in place with any supplier for the provision of statutory print and postage items that are required to deliver electoral legislation and elections in compliance with the law.
- 1.2 In accordance with the Council's Contract Procedure Rules (March 2018), a full Delegated Powers Report (Chief Officer in consultation with Committee Chairman) is required to authorise a new contract with a value between £181,302 and £500,000.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Following a full competitive tendering procurement exercise, run by the Heads of Electoral Services from both Barnet and Harrow, with full support and guidance from Barnet's Central Procurement Team, four suppliers met the threshold quality assessment to be included on a new Electoral Services Print and Postage framework agreement. In Barnet, the estimated costs to be met under this contract over the core three-year period (based upon statutory electoral registration requirements and the current known elections that are scheduled to take place) is approx. £425,000.
- 2.2 The provision of elections and electoral registration services to residents and electors within the borough are highly dependent upon statutory printed products and postal services. The legislation that specifies the printed products that must be delivered to residents and electors is complex and highly prescriptive. The council's Returning Officer and Electoral Registration Officer requires specific assurances on quality and capacity from specialist suppliers that are able to deliver these products and services.

- 2.3 In creating a framework with multiple suppliers named, the Council has assurance that, should the awarded supplier default or be unable to provide the required products and services (e.g. in the instance of a short-notice national election), alternative providers that have already evidenced their quality and capability are immediately available to be used instead.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 To procure short term contracts from appropriate suppliers on an 'as and when needed' basis, in response to the needs of Electoral Registration and Elections. Whilst many local authorities persist with this model, it does not give sufficient assurance that a supplier will have the capacity to deliver products and services to the required quality or within the required statutory timetables of Electoral Services.

4. POST DECISION IMPLEMENTATION

- 4.1 HB Public Law will be instructed to:

- 4.1.1 conclude Framework Agreements and Call-Off contracts between London Borough of Barnet and Electoral Reform Services Ltd, and between London Borough of Harrow and Electoral Reform Services Ltd for Lot 1 Elections Print and Post and Lot 2 Statutory Registration, Annual Canvass, Household Notification Letters (HNL) to deliver required electoral services print and postal products and services with effect from 1 May 2019;.
- 4.1.2 conclude Framework Agreements with the remaining three suppliers that met the quality threshold as approved suppliers on the framework. This is to accommodate provision of a call off arrangement should the first ranked supplier for Lot 1 and Lot 2 not be able to meet London Borough of Barnet and/or London Borough of Harrow requirements, as the next highest ranking Bidder may be awarded the call-off contract in these circumstances; and.
- 4.1.3 conclude Framework Agreements with the successful suppliers for Lot 3. Subject to the future requirements of the two Authorities, mini-competitions will be undertaken between these approved Framework suppliers to issue a call-off contract to the highest ranking supplier.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Council has a responsibility to protect the public purse through proper administration and control of the public funds and assets to which it has been entrusted. Managing the procurement of Electoral Services print and postage products and services in full accordance with the Council's Contract Procedure Rules ensures that these services are legally compliant, of appropriate quality and are as cost effective as possible.
- 5.1.2 Ensuring that Electoral Registration and Elections are delivered in full compliance with the law ensures that eligible residents can fully participate in statutory elections and referendums and that they are properly represented in the democratic processes of the borough and in the decision-making of the Council.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 The Council has a statutory duty to provide the ERO (and the RO in the case of local government elections and by elections) with appropriate resources for the discharge of his functions in compliance with relevant electoral legislation – all expenses properly incurred by an ERO or RO in the performance of these functions must be paid by the local authority that appointed them.
- 5.2.2 Whilst the provision of print and postage products and services for elections within Barnet will be procured from suppliers under this Framework Agreement, all costs for UK Parliamentary and national Referendums are recovered from Cabinet Office. All costs for elections of the London Mayor and London Assembly Members are recovered from the Greater London Authority.
- 5.2.3 An OJEU notice 2018/S 223-510469, with the services divided into lots, was released on 20 November 2018 to conduct an open procedure procurement process to establish a framework of suppliers for London Borough of Barnet and London Borough of Harrow to access. A total of 12 expressions of interest and 5 tender submissions were received. The submissions were fully evaluated and the outcome is summarised in the table below.
- 5.2.4 The quality evaluation included a threshold pass mark. As Bidder A did not achieve this requirement they were disqualified from further evaluation.
- 5.2.5 The four suppliers who passed the quality threshold were evaluated for price and the outcome of the overall evaluation, conducted under 'Most Economically Advantageous Tender' principles, identified the ranking for the Lot 1 and Lot 2 contract award.
- 5.2.6 Three suppliers, Electoral Reform Services, Print Image Network and Print UK applied for and achieved inclusion in provision of Lot 3 'Innovation, New Ways of Working and Ad Hoc Activity' to be awarded through future mini tender competition.

		Lot Ranking	Lot 1 Elections Print and Post				Lot 2 Statutory Registration, Annual Canvass,					
			1	3	2	4	1	3	2	4		
	%	%		Electoral Reform Services	Financial Data Management	Print Image Network	Print UK		Electoral Reform Services	Financial Data Management	Print Image Network	Print UK
		Pass Mark	Bidder A					Bidder A				
			Score	Score	Score	Score	Score	Score	Score	Score	Score	Score
Quality	70%	42%	29.60	65.80	51.60	60.30	47.70	29.60	65.80	51.60	60.30	47.70
Price Lot 1	30%			27.61	30.00	29.72	26.99					
Price Lot 2	30%								29.11	28.68	30.00	22.10
GRAND TOTAL	100%		29.60	93.41	81.60	90.02	74.69	29.60	94.91	80.28	90.30	69.80

5.3 Social Value

- 5.3.1 Ensuring that Electoral Registration and Elections are delivered in full compliance with the law ensures that eligible residents can fully participate in statutory elections and referendums and that they are properly represented in the democratic processes of the borough and in the decision-making of the Council.

5.3.2 Successful suppliers have confirmed they deliver London Living Wage.

5.4 **Legal and Constitutional References**

5.4.1 Every district and London borough council is required to appoint an ERO (Representation of the People Act 1983 (RPA1983), Section 8 (2)(a)), and must provide the resources needed by them to discharge their statutory functions. London boroughs must also appoint a Returning Officer for the conduct of Local Elections (RPA 1983, s35 (3)) and provide the resources for the statutory discharge of their duties.

5.4.2 This procurement exercise has been conducted in accordance with the Public Contracts Regulation 2015 and EU principles of transparency, equality, fairness and non-discrimination, and in accordance with Section 18 of the Council's Constitution (Contract Procedure Rules (March 2018)). HBPL was involved in advising on the procurement exercise and preparation of the Framework Agreement and the call-off terms and conditions. The procurement procedure that was undertaken is set out at 5.2.3 *above*

5.4.3 Framework Agreements between the two Councils (Barnet and Harrow) and the selected Framework Suppliers will be finalised with the assistance of HBPL for the provision of Electoral Services Print and Postage products and services, and will be executed by the parties. Call-off contracts under the Framework will be established in accordance with the terms and conditions of the Framework Agreement and the Call-off contract.

5.4.4 The contract is within the budget provision; there has been a compliant Procurement process; and the Council has confirmation of acceptable financial status from each of the successful suppliers to be appointed to the Framework in accordance with Rule 8.1 of the Contract Procedure Rules. A Financial Officer, as delegated by the Director of Finance, has undertaken a financial evaluation of the proposed contracts under the Framework in compliance with Rule 8.4 of the Contract Procedure Rules.

5.4.5 This DPR may be authorised by the Chief Officer in consultation with the Committee Chairman as required by Rule 8.1, and method of acceptance of contracts set out in Article 10 of the Constitution (Table B).

5.5 **Risk Management**

5.5.1 Maintaining a framework agreement for the provision of high quality and legally compliant electoral print and postage products and services mitigates the risk that the Council's ERO or RO falls into a breach of official duties.

5.5.2 Having a contract in place with suppliers to deliver essential and statutory electoral print and postage products and services mitigates the risk that the Council needs to procure these at short notice and at greater expense in the event of unscheduled elections or national referendums being called.

5.6 **Equalities and Diversity**

5.6.1 Effective products, processes and activities with regards to registering residents on the electoral roll, in compliance with all relevant electoral legislation, ensures that all eligible individuals can choose to exercise their democratic rights in whichever manner they

choose (as allowed by law).

5.7 Corporate Parenting

5.7.1 N/A

5.8 Consultation and Engagement

5.8.1 N/A

6. BACKGROUND PAPERS

6.1 Policy & Resources Committee 5 December 2018 Agenda item 11 Annual Procurement Forward Plan 2018-19 – *Appendix 1 (line 105)*

<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=8739&Ver=4>

Chairman: Has been consulted

Signed

Councillor Richard Cornelius

Date: 26 February 2019

**Chief Officer:
Decision maker - having taken into account the views of the Chairman**

Signed

Clair Green

Date: 26 February 2019