

DELEGATED POWERS REPORT NO.

1909

SUBJECT: Environment, Planning and Regeneration Procurement Measures – Provision of Locksmith Services for Greenspaces

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	Paul Frost 08/01/13
2. Governance Service cleared draft report as being constitutionally appropriate	Name of GSO Date	Paul Frost 08/01/13
3. Finance clearance obtained (<i>report author to complete</i>)	Name of Finance officer Date	Jayne Fitzgerald 12/12/12
4. Staff and other resources issues clearance obtained (<i>report author to complete</i>)	Name of Resource officer Date	N/A N/A
5. Strategic Procurement clearance obtained (<i>report author to complete</i>)	Name of SPO Date	N/A N/A
6. Legal clearance obtained from (<i>report author to complete</i>)	Name of Legal officer Date	Steven Strange 21/12/12
7. Policy & Partnerships clearance obtained (<i>report author to complete</i>)	Name of P&P officer Date	Andrew Nathan 12/12/12
8. Equalities & Diversity clearance obtained (<i>report author to complete</i>)	Name of officer Date	Andrew Nathan 12/12/12
9. The above process has been checked and verified by Director, Head of Service or Deputy	Name Date	Pam Wharfe 9/1/13
10. Signed & dated report, <u>scanned or hard copy</u> received by Governance Service for publishing	Name of GSO Date	Paul Frost 10/1/13
11. Report published by Governance Service to website	Name of GSO Date	Paul Frost 26/2/13
12. Head of Service informed report is published	Name of GSO Date	Paul Frost 26/2/13
Key decisions only:		
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	

ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER (EXECUTIVE FUNCTION)

Subject	Environment, Planning and Regeneration Procurement Measures – Provision of Locksmith Services for Greenspaces
Officer taking decision	Interim Director of Environment, Planning and Regeneration
Date of decision	09 January 2013
Date decision comes into effect	09 January 2013

Summary	This report seeks: (i) the waiver of Contract Procedure Rules and (ii) authorisation to enter into a contract with Barnet Lock Centre Limited for the provision of Locksmith Services for Greenspaces throughout the London Borough of Barnet for the period from 01 February 2013 to 31 January 2014, with the option to extend the contract for a further 12 months.
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Officer Contributors	Robert Wiltshire, Parks and Open Spaces officer Jenny Warren, Greenspaces Service Manager
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Status (public or exempt)	Public (with separate exempt report)
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Wards affected	All
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Enclosures	None
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Reason for exemption from call- in (if appropriate)	Not applicable
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Key decision	No
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1. RELEVANT PREVIOUS DECISIONS

1.1 None

2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

2.1 The Corporate Plan for 2012-13 sets out the strategic objective of “Protecting the Barnet environment”. The maintenance of the green infrastructure located throughout the borough contributes to the good provision of sporting facilities, as well as to the look and feel of the borough; thus enhancing the appearance of the borough and contributing to the corporate objective “a successful London suburb”.

2.2 In carrying out the procurement process, best value has been demonstrated and a specification developed to meet the needs of the service, which have contributed to the objective “better services with less money”.

3. RISK MANAGEMENT ISSUES

3.1 I do not consider the issues involved are likely to raise significant levels of public concern or give rise to policy considerations.

3.2 Failure to appoint and instruct a contractor for the provision of a locksmith service for Greenspaces will leave the security of open spaces at risk. The preferred contractor has demonstrated that they can deliver the works within the contract specification, timescales and quality standards.

3.3 Implementing this work will contribute to the security of the parks across the borough by carrying out necessary maintenance and security works and remove the hazard of buildings and park gates being unsecured and therefore open to unauthorised persons. This is of particular importance with the theft of pipework and metalwork across the country which can result in significant financial loss as well as that of damage to the parks sports facilities.

4. EQUALITIES AND DIVERSITY ISSUES

4.1 In providing the Services, the contractor shall, to the same extent as if it were a public authority within the meaning of the Equality Act 2010 (or any European equivalent), comply with the 2010 Act together with all applicable amendments, regulations and Codes of Practice or any future or other legislation which concerns discrimination in employment and service delivery (the Equalities Provisions) and shall in particular comply with the public sector equality duty under Section 149.

4.2 The quotation response included requiring all interested companies to complete the London Borough of Barnet’s Diversity Monitoring Form.

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

5.1 Due to the value of the works five quotations were sought.

- 5.2 The Contract Operations are funded from the Greenspaces revenue budget and is accounted for within annual budget provisions for Lot 1 part A and Lot 2. The introduction of a new security lock system, Lot 1 part B, is an optional service which the council can draw upon and would be funded from capital reserves as a one-off project.
- 5.3 Bidders were required to complete a schedule of rate for the provision of services for Lot 1 part A and Lot 2, the costs for these elements of service forming the evaluation cost detailed in the tables below. The contract is to be awarded based upon 60% technical and 40% pricing to ensure best value for money. Based on the schedule of rates cost supplied by the contractor, the total contract price for Lot 1 part A is £30,000.00 which is the previous annual spend for these services.
- 5.4 An Experian credit check was carried out by Procurement to assess the risk of entering into a contract with the preferred suppliers. Barnet Lock Centre Limited are detailed as low risk.
- 5.5 Table 1 - Lot 1 Part A: Maintenance and replacement of existing locks.

<u>Supplier</u>	<u>Quote</u>	<u>Quality Score</u>
Barnet Lock Centre Limited	£5,041.00	43.8
Contractor B	Declined to Quote	-
Contractor C	Declined to Quote	-
Contractor D	Declined to Quote	-

- 5.6 Table 2 - Lot 1 Part B: Introduction of a new security locks system.

<u>Supplier</u>	<u>Quote</u>	<u>Quality Score</u>
Barnet Lock Centre Limited	£64,000.00	43.8
Contractor B	Declined to Quote	-
Contractor C	Declined to Quote	-
Contractor D	Declined to Quote	-

- 5.7 The total price quoted for Lot 1 Part B is £64,000.00
- 5.8 Table 3 - Lot 2: Supply of Chains, Padlocks and Associated Sundries.

<u>Supplier</u>	<u>Quote</u>	<u>Quality Score</u>
Barnet Lock Centre Limited	£1,276.00	43.8
Contractor B	Declined to Quote	-
Contractor E	Declined to Quote	-
Contractor D	Declined to Quote	-

- 5.9 Based on the schedule of rates cost supplied by the contractor, the total contract price for Lot 2 is £10,000.00, derived from previous annual expenditure.
- 5.10 The identity of Suppliers 'B', 'C', 'D' and 'E' referred to in Tables 1, 2 and 3 above are detailed in the accompanying exempt report.
- 5.11 There are no issues to report regarding staffing, IT, property and sustainability.

6. LEGAL ISSUES

- 6.1 The Public Contracts Regulations 2006, applies to contracts for works, services and supplies over particular financial thresholds. It also requires contracts above the threshold to be advertised and the current threshold for supplies and services contracts under the Regulations is £173,934. In addition, to offer equal opportunity in line with the general principles of non-discrimination, equal treatment, transparency, proportionality and mutual recognition as set out in the TFEU (Treaty on the Functioning of the European Union) the contracting authority should consider whether there is a market for the service/supplies they require in other member states prior to award of contract and if there is, they are required to appropriately advertise before awarding the contract.
- 6.2 The contract is not subject to the EU procurement regulations that require Europe wide advertising as the value of the contract to be awarded to Barnet Lock Centre Limited is within the threshold set under the Public Contracts Regulations 2006.
- 6.3 In accordance with the Council's Contract Procedure Rules, there will be a need for the parties to execute a formal contract for the provision of locksmith services.

7. CONSTITUTIONAL POWERS

- 7.1 Council Constitution, Part 3, Responsibility for Functions, Section 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): to authorise and accept quotations for contracts to the limits placed on Chief Officers by Contract Procedure Rules for approved schemes with sufficient estimate provision

- 7.2 Council Constitution, Part 4, Contract Procedure Rules, Section 5.7 Urgent/Emergency Procedures & Waiver of Contract Procedure Rules -
“Directors/Assistant Directors may take decisions on urgent or emergency matters as set out in the Leader’s Scheme of Delegation providing they report afterwards to the relevant decision making body setting out the reasons for the urgency. Such decisions include waiver of the Contract Procedure Rules where this is justified on the basis of urgency and one or more of the matters set out in 5.8 below
- 7.3 Council Constitution, Part 4, Contract Procedure Rules, Section 5.8 Waiver of Contract Procedure Rules, where urgent/emergency does not apply
- 5.8 Except in situations of urgency or emergency (see 5.7 above) the Contract Procedure Rules may only be waived on the decision of Cabinet Resource Committee and only where that Committee is satisfied, after considering a written report by the appropriate officer, that the waiver is justified because:
- 5.8.1 the nature of the market for the works to be carried out or the supplies or services to be provided has been investigated and is demonstrated to be such that a departure from the requirements of Contract Procedure Rules is justifiable; or
 - 5.8.2 the contract is for works, supplies or services that are required in circumstances of extreme urgency that could not reasonably have been foreseen; or
 - 5.8.3 the circumstances of the proposed contract are covered by legislative exemptions (whether under EU or English Law); or
 - 5.8.4 there are other circumstances which are genuinely exceptional

8. BACKGROUND INFORMATION

- 8.1 The contract was advertised on procure 4 London for all Lots, with a contract term of 12 months with the option to extend for a further 12 months. We had interest expressed from five different companies who accessed the tender document. Only one of the five companies finally submitted a quote. As contract procedure rules require a minimum of two quotations to be returned, and for the reasons set out in paragraph 8.5 below, a waiver of the contract procedure rules is required.
- 8.2 The return of tenders was disappointing given that Officers contacted five organisations in person to advise them of the tender opportunity and where to access the procurement documentation, and register with the procurement website, which they duly did. Bidders did not return for some of the following reasons; the scope of the works, geographical knowledge of the borough and a longer tender return time.
- 8.3 As there were no other tender returns against which to assess the schedule of rates for services, a comparison of key items was carried out against current and previous costs, which proved favourable. Furthermore, a sample market test was undertaken by Officers to gauge a comparable price from an alternative supplier for a number of key items, again the rates were favourable.

- 8.4 There is no current locksmith service; however the preferred supplier has previously provided the service to a good standard which has been evidenced further in the quality evaluation of the tender return.
- 8.5 The current key system has been in operation for 20 years, and we have had a number of security breaches due to lost keys and historic poor record keeping has allowed for keys to be mislaid. It is essential that a contract be in place by January 2013 to ensure we are able to access a supply of locks and padlocks for the security of the Greenspaces buildings, gates and barriers. Faulty, missing locks need immediate attention otherwise Greenspace sites are vulnerable. There have been several incidents in the last few years which have resulted in pavilions being broken into and pipework being stolen. These pavilions are still out of use due to the estimated cost in repairs being £25k for one and £60k plus for another. When pavilions are closed due to vandalism or theft a loss of income is also experienced which is hard to replace in the present economic climate. There are over 21 pavilions across the borough at various sites, some being very vulnerable to break-ins due to their remote location, and it is imperative that the security is kept high and reviewed. This is one of the reasons provision within the contract has been made to upgrade the current key suite and introduce a new master suite system. Pavilions are not insured for theft of pipework, thus a good locking system in place supported by a locksmith service is key in ensuring their security and continued use. The provision of locksmith services is urgently required for these reasons. In accordance with contract procedure rules a report will be submitted to the relevant decision making body setting out the reasons for the urgency and the waiver of contract procedure rules.

9. LIST OF BACKGROUND PAPERS

9.1 None

10. OFFICER'S DECISION

10.1 I authorise the following action:

10.2 That authority is given to waive the contract procedure rules so as to permit the entry into a contract with Barnet Lock Centre Limited for the provision of Locksmith Services for Greenspaces, at the rates detailed in this report, for the period of one year from 1 February 2013 with the option to extend for a further 12 months.

Signed Interim Director of Environment, Planning and Regeneration

Date 09 January 2013