

ACTION TAKEN BY CABINET MEMBER (EXECUTIVE FUNCTION)

Subject	Award of Sandwiches and Filled Bread Products Contract
Cabinet Member	Cabinet Member for Education, Children and Families (in consultation with the Deputy Leader of the Council and Cabinet Member for Resources and Performance)
Date of Decision	6 November 2013
Date of decision comes into effect	13 November 2013

Summary	This report seeks to award the Sandwiches and Filled Bread Products contract to Raynor Foods Ltd for a period from 12 March 2013 until 11 March 2015 with an option to extend for a further twelve months.
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Officer Contributors	Teresa Goodall, Catering Services, Children’s Service
Status (public or exempt)	Public (with accompanying exempt section)
Wards affected	All
Enclosures	None
Reason for exemption from call-in (if appropriate)	N/A
Key decision	Yes

Contact for further information: Teresa Goodall, Extension 5140

1. RELEVANT PREVIOUS DECISIONS

- 1.1 None

2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 2.1 The Corporate Plan 2013-2016 states that under the Financial Strategy “We will continue to keep a tight rein on our finances and provide quarterly reports on how we are managing the business – and our new contracts – to ensure even better value for money for tax-payers.”
- 2.2 The provision of an efficient and cost effective supply of sandwiches and filled bread products will assist the Council in meeting the outcome objectives outlined in the Corporate Plan.

3. RISK MANAGEMENT ISSUES

- 3.1 The contract with Raynor Foods Ltd will be a call-off contract which facilitates the provision of sandwiches and filled bread products as and when required. There is no risk of financial commitment incurred by the contract as there is no specific requirement for levels or frequency of use. In addition payment terms provide for payments in arrears for sandwiches and filled bread products received.
- 3.2 As the framework is let on behalf of the partner authorities of Eastern Shires Purchasing Organisation (ESPO) the continuity of supply is protected. The Business Continuity plan for the framework contract includes provision for access to alternative suppliers within the framework should there be a risk of interruption of service.

4. EQUALITIES AND DIVERSITY ISSUES

- 4.1 Pursuant to section 149 of the Equality Act, 2010, the council has a public sector equality duty to have due regard to: (i) eliminating unlawful discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (ii) advancing equality of opportunity between those with a protected characteristic and those without; (iii) promoting good relations between those with a protected characteristic and those without. The, relevant, ‘protected characteristics’ are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. It also covers marriage and civil partnership with regard to eliminating discrimination

Having ‘due regard’ means: (i) consciously thinking about the three aims as part of the decision-making process; (ii) that an incomplete or erroneous appreciation of the duties will mean that due regard has not

been given to them; and (iii) that the duty must be exercised in substance, with rigour and with an open mind.

- 4.2 The tendering documentation included provision for ensuring equality and diversity which incorporated the Council's current policies and the Council's duties under the 2010 Equality Act. In addition providers were asked to submit a Diversity Monitoring Form and there were no areas of concern in relation to the submissions. Raynor Foods Ltd has an Equal Opportunities Policy in place and this was provided as part of their submission.

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

- 5.1 **Finance** – The likely expenditure with Raynor Foods Ltd from 12 March 2013 – 11 March 2016 is expected to be approximately £600,000 which will be met from the Catering Services trading account within the Children's Service budget.
- 5.2 **Procurement** – The Sandwiches and Filled Bread Products framework contract is procured and let on behalf of the partner authorities of the ESPO. The framework contract does not commit the Council to any financial liability, unless it obtains sandwiches and filled bread products from Raynor Food Ltd. However it has the advantage of securing value for money and security of supply. Following a further competition within the framework Raynor Foods Limited submitted the most economically advantageous bid and was the highest scoring against a range of performance criteria which are set out in Item 8.5. The identities of the remaining tenderers are set out in the accompanying exempt report.
- 5.3 **Staffing, IT, Property, Sustainability** – There are no staffing, IT or property implications associated with the award of contract to Raynor Foods Ltd.

6. LEGAL ISSUES

- 6.1 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires all prospective executive decisions which are classified as key decisions (expenditure or savings over £500,000 or significant in terms of effects on two or more wards in the borough) to be published at least 28 days before the decision is taken. Where the publication of the intention to make a key decision is impracticable the decision may only be made where the Chairman of the Business Management Overview and Scrutiny

Committee has agreed that the making of the decision is urgent and cannot reasonably be deferred.

- 6.2 With respect to procurement rules, on the basis that the process, which was utilised to identify Raynor Foods Ltd, complies with the relevant provisions of the ESPO Framework, the award will be in compliance with European procurement regulations and the principles of fairness, non-discrimination and transparency, enshrined within the Treaty on the Functioning of the European Union.

7. CONSTITUTIONAL POWERS

- 7.1 Council Constitution, Part 3 (Responsibility for Functions), Section 3.2 sets out the responsibilities of Cabinet Members. The Cabinet Member for Education, Children and Families has responsibility for education matters which includes catering services to schools and the Council. Section 3.3 provides that Cabinet Members may:

- discharge the executive functions that fall within their portfolio, whether or not they are also delegated to officers, except for matters specifically reserved to Council, Cabinet or cabinet committees.
- authorise inviting tenders for and acceptance of tenders or quotations in accordance with the Contract Procedure Rules. Acceptance must be following consultation with the Cabinet Member for Resources and Performance.

- 7.2 Council Constitution, Contract Procedure Rules, Rule 17 Appendix 1 – Table A – Authorisation and Acceptance Thresholds provide that a Cabinet Member can accept contracts with values of £500,000 and above. .

8. BACKGROUND INFORMATION

- 8.1 A new Sandwich and Filled Bread Products Framework Contract was tendered by ESPO in the Autumn of 2012. This resulted in a panel of six suppliers being appointed to the framework. The new Framework Contract commenced on 1 January 2013.
- 8.2 In order to ensure best value a further competition was held by ESPO between all the suppliers within the new framework. This provided the opportunity for the suppliers to offer the most economically advantageous prices for the scope and value of business required by the London Borough of Barnet. This resulted in further reductions in price and consequent savings over the base prices within the framework contract.

- 8.3 To ensure continuity of service provision during the further competition period, ESPO negotiated with Raynor Foods Limited, the successful provider to the council under the previous contract, to continue to supply the council on the same pricing basis as the previous contract with no increase, pending award of contract.
- 8.4 Raynor Foods Limited were the successful tenderer following the further competition.
- 8.5 A new ESPO Sandwich and Filled Bread Products contract was awarded in March 2013 following a further competition. Six bids were received to secure a supplier for the London Borough of Barnet and the following table shows the results of the tender evaluation.

Award Criteria	Maximum points 100	Raynors Foods Ltd	Supplier A	Supplier B	Supplier C	Supplier D	Supplier E
Price Award Criteria	75	70.46	59.96	58.33	60.58	56.30	54.71
None Price Award Criteria	25	20.00	17.60	15.60	13 .00	13.4	13.6
Highest Score Basis of Award		90.46	77.56	73.93	73.58	69.70	68.31

9. LIST OF BACKGROUND PAPERS

- 9.1 None

10. DECISION OF THE CABINET MEMBER(S)

That following consultation with the Deputy Leader of the Council and Cabinet Member for Resources and Performance, I authorise the following action:

- 10.1 The award of the Sandwich and Filled Bread Products Contract to Raynor Foods Limited with retrospective effect, from 12 March 2013 – 11 March 2015 and completion of all necessary legal and other documentation.

Signed

A handwritten signature in black ink, appearing to read 'R Thompstone', is written over a horizontal line.

Councillor Reuben Thompstone
Cabinet Member for Education, Children and Families

Date

6 November 2013
