

	<h2>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER</h2>
<p style="text-align: center;"><b>Title</b></p>	<p>Direct award under the ESPO Framework Lot 2c – General Finance for a 3-year contract with the option for a further year extension</p>
<p style="text-align: center;"><b>Report of</b></p>	<p>Director of Finance</p>
<p style="text-align: center;"><b>Wards</b></p>	<p>N/A</p>
<p style="text-align: center;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: center;"><b>Enclosures</b></p>	<p>None</p>
<p style="text-align: center;"><b>Officer Contact Details</b></p>	<p>Gary Hussein, Head of Finance – Major Projects          Email: <a href="mailto:gary.hussein@barnet.gov.uk">gary.hussein@barnet.gov.uk</a>          Telephone: 020 8359 7884</p>

## Summary

This report seeks the approval of the Resources Directorate to enter a direct award under the ESPO Framework Lot 2c – General Finance. The award will consist of a 3-year call off with the option for an additional year. The full value inclusive of the additional year is £0.400m. The nature of the engagement of the successful supplier is to assist the council on investment opportunities arising in the borough.

## Decisions

1. To directly award to 31Ten Consulting under the ESPO Framework Lot 2c for investment advice on a 3-year call off contract, with the option for an additional year as required. The total value will be £0.100m per annum or £0.400m in total.

## **1. WHY THIS REPORT IS NEEDED**

- 1.1.1 To procure specialist third party investment expertise to advise the council prior to making decisions to meet future Medium Term Financial Savings (MTFS) targets within the Growth Directorate.
- 1.1 This procurement has been approved in the Annual Procurement Forward Plan by Policy & Resources Committee. As the contract length has been reviewed and therefore outside of the purposed Forward Plan value a delegated powers report (DPR) is required for approval to award.
- 1.2 The Council's Contract Procurement Rules requires that a contract above the value of £0.189m but under £0.500m requires a Chief Officer decision.
- 1.3 Under Rule 6 of the Council's Contract Procedure Rules, a single tender action is the awarding or entering into a contract with a contractor without the undertaking a competitive tendering exercise. This is only permitted with the approval Director of Commercial & ICT.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The council are currently exploring various development options within the Growth Directorate to assist with generating additional income to support the MTFS. These decisions will require specialist knowledge and expertise which are currently not available within the council. The successful supplier will be reviewing business cases, testing financial assumptions and offer a third-party assurance to Chief Officers prior to decisions being made at the appropriate Theme Committees.
- 2.2 The nature of the contract will be a call off contract, therefore the council will only utilise the time as and when required
- 2.3 The ESPO Framework provides the council the most effective way to procure a supplier whilst maintaining value for money
- 2.4 The direct award as a single tender action has been agreed with the Director of Commercial & ICT in line with the Council's Contract Procurement Rules due to demonstration of continued value for money & specialist expertise
- 2.5 The chosen direct award maintains value for money as well as a current working relationship on previous council projects

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 Alternative options to undertake a full tender exercise where reviewed. Due to the urgent need to procure the expertise to continue current work programmes the direct award option was agreed. The direct award delivers both value for money and resolves an ongoing current requirement. There is a risk that a new procurement may not have

delivered the required competitive rates as well as having material financial impact on current work programmes due to timescales

#### **4. POST DECISION IMPLEMENTATION**

4.1 A direct award with the chosen supplier under a 3+1 contract will be entered within the ESPO Framework Lot 2c – General Finance.

4.2 Resources, as the contract lead with support from the Growth Directorate will continue to contract manage the supplier ensuring the desired outcomes are maintained as agreed within the contract documentation.

#### **5. IMPLICATIONS OF DECISION**

##### **5.1 Corporate Priorities and Performance**

5.1.1 This Procurement supports the Corporate Priority Outcome of “A pleasant and well maintained borough that we protect and invest in” specifically the sub-outcome of “Responsible delivery of our major regeneration schemes to create better places to live and work, whilst protecting and enhancing the borough”

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

5.2.1 The contract term is for three years with an option for a further year, subject to satisfactory performance

5.2.2 The annual contract of up to £0.100m on a call off framework will be met within existing budgets. Where appropriate the charges will be allocated to project budgets funded appropriately within the capital programme.

5.2.3 A value for money exercise was completed as a part of the decision-making process against other key suppliers on the Lot 2c framework as well as reviewing against existing arrangements. In both scenarios the direct award to 31Ten Consulting maintained value for money

##### **5.3 Social Value**

5.3.1 Not applicable in the context of this report

##### **5.4 Legal and Constitutional References**

5.4.1 Under the Council’s Contract Procedure Rules authority to enter a contract of this value within budget requires a full officer DPR. The procurement was listed on the Procurement Forward Plan for 2020/21.

5.4.2 Officers must satisfy themselves that the Framework Agreement was tendered in accordance with the Public Contracts Regulations 2015 and lists the Council as one of the authorities that could access this Framework Agreement. Officers must follow the process set out in the Framework Agreement in selecting the supplier and must also adhere to the EU Treaty principles of equal treatment, fairness and non-discrimination.

## 5.5 Risk Management

5.5.1 Procurement advice was sought to minimise any risks in line with the contract award. General risk monitoring will be undertaken as part of the standard contract monitoring process.

## 5.6 Equalities and Diversity

5.6.1 Not applicable in the context of this report

## 5.7 Corporate Parenting

5.7.1 Not applicable in the context of this report

## 5.8 Consultation and Engagement

5.8.1 Not applicable in the context of this report

## 5.8 Insight

5.8.1 Not applicable in the context of this report

## 6. BACKGROUND PAPERS

6.1 Budget Council, 3<sup>rd</sup> March 2020 – Item 12.2 Referral from Policy and Resources Committee - Business Planning - Medium Term, Financial Strategy 2020-25, Budget Management 2019/20 and Budget for 2020/21

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=9956&Ver=4>

6.2 Policy & Resources Committee, 6<sup>th</sup> January 2020 – Item 10 Annual Procurement Forward Plan [APFP] 2020/2021

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=10084&Ver=4>

## 7. DECISION TAKER'S STATEMENT

7.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision-making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations. The decision is compliant with the principles of decision making in Article 10 of the constitution.*

**Chief Officer: Director of Finance**

**Dated: 5<sup>th</sup> August 2020**