

Agenda

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Delegated Decisions of the Board Member, Finance and Efficiency

Date: **Monday 15 August 2011**

Time: **5.00 pm**

Place: **Town Hall, Oxford**

For any further information please contact:

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Delegated Decisions of the Board Member, Finance and Efficiency

Board Member

Portfolio

Councillor Ed Turner

Finance and Efficiency

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AGENDA

PART ONE PUBLIC BUSINESS

Pages

1 DECLARATIONS OF INTEREST

Guidance on personal and personal prejudicial interests is attached to these agenda pages.

2 PUBLIC ADDRESSES

Members of the public may, if the Board Member agrees, ask a question of the Board Member on any item for decision on this agenda (other than on the minutes). The full text of any question must be notified to the Head of Law and Governance by no later than 9.30 am two clear working days before the meeting. Questions by the public will be taken as read and, at the Board Member's discretion, responded to either orally or in writing at the meeting. No supplementary question or questioning will be permitted.

The total time permitted for this item will be 15 minutes.

3 COUNCILLOR ADDRESSES

City Councillors may, at the Board Member's discretion, ask a question or address the Board Member on an item for decision on the agenda (other than on the minutes). The full text of any question and the nature of any address must be notified to the Head of Law and Governance by no later than 9.30 am two clear working days before the meeting. Questions by councillors will be taken as read and, at the Board Member's discretion, responded to either orally or in writing at the meeting. No supplementary question or questioning will be permitted. If an address is made, the Board member will either respond or have regard to the points raised in reaching her or his decision. If the address is by the Chair of a Scrutiny Committee or her or his nominee then the Board member will be required to say as part of their decision whether they accept the Scrutiny recommendations made.

4 CAR PARK SECURITY - CONTRACT AWARD

1 - 4

Lead Member: Councillor Turner

Report of the Head of Direct Services

To grant project approval and delegated powers to award to the Executive Director of City Services, for the provision of Car Park Security services to the Council.

5 CIVIL ENGINEERING GOODS AND SERVICES - CONTRACT AWARD

5 - 10

Lead Member: Councillor Turner

Report of the Head of Business Improvement

To grant project approval and delegated powers to the Executive Director for City Services to award a contract for the provision of civil engineering works.

6 MATTERS EXEMPT FROM PUBLICATION

If the Board member wishes to exclude the press and the public from the meeting during consideration of any of the items on the exempt from publication part of the agenda, it will be necessary for the Board member to pass a resolution in accordance with the provisions of Paragraph 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 on the grounds that their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule 12A of the Local Government Act 1972.

The Board member may maintain the exemption if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

DECLARING INTERESTS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

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To: Delegated Decision of the Board Member, Finance and Efficiency

Date: 15th August 2011

Report of: Head of Business Improvement

Title of Report: AWARD OF CONTRACT FOR THE SUPPLY OF CAR
PARK SECURITY TO OXFORD CITY COUNCIL

Summary and Recommendations

Purpose of report: To grant project approval and delegated powers to award to the Director, City Services, for the supply of Car Park Security to Oxford City Council.

Key decision? No

Executive lead member: Councillor Ed Turner

Policy Framework: An efficient and effective Council

Recommendation(s):

- 1) Grant project approval for the supply of car park security.
- 2) Delegate authority to the Director for City Services to enter into the new car park security contract.

1. Summary

- 1.1 This report sets out the suggested procurement route for purchasing Car Park Security.

2. Background

- 2.1 Oxford City Council currently has a contract with Securitas, previously known as Reliant, for Car Park Security. Car Park Security involves the regular patrolling of the Westgate Car Park, to ensure the following:

- safety of vehicles left there – prevention of theft
- prevention of vandalism and graffiti
- and to discourage unauthorised use of the car park, for example the use of alcohol and drug taking and overnight sleeping.

The security guard is on duty between 14.00 and 2am (The hours of 14.00 to 02.00 is a proven best in class security period, where the majority of problems arise. After 02.00 the number of people sleeping rough will have decreased as most have found a place for the night. Drunkenness and drug taking is greatly decreased as is other nocturnal unpleasant activity) responsible also for patrolling and locking up Gloucester Green Car Park.

- 2.3 The existing contract expired at the end of March 2011 and is operating on a month by month rolling contract to accommodate the procurement process. Oxford City Council's Procurement Team is in the process of re-tendering this contract.
- 2.4 Oxford City Council has a duty of care to offer the residents and visitors to Oxford car parks a level of security to keep them safe whilst parking vehicles and walking in the general areas of car parking, and to that end, require the use of Car Park Security to meet this requirement.
- 2.5 The Council spends £60,000 on car park security services every year.

3. Tender Process

- 3.1 The value of the contract does necessitate an OJEU procurement process, however, security personnel is listed as a part B service; therefore, there is only a requirement for the Council to place an award notice. The tender is being advertised via the South East Business Portal and the Council's website. The procurement route is an Open Tender (stage 1 process) and this may encourage the smaller local companies to apply for the opportunity.
- 3.2 The evaluation panel consists of one Senior Procurement Officer and the Parking and Shopmobility Manager. Finances will be evaluated by Oxford City Council's Finance Team.
- 3.3 The evaluation panel have determined the relevant financial and technical evaluation criteria that will provide the most economically advantageous contract. Contractors must demonstrate that they are technically and operationally competent and are able to meet the specification.
- 3.4 The tender has been offered as a single supplier solution for the following requirements:
 - Security at Westgate Car Park
 - Security at Gloucester Green Car Park

4. Savings

- 4.1 Tenderers are invited to submit proposals of how they can support Oxford City Council's Value for Money agenda.
- 4.2 The tender will enable those companies applying, to suggest ways in which they can offer added value, for example, security personnel may be able to include other tasks within their regular patrol routes. It may also be possible to gather ideas on ways of further reducing the cost of car park security services.

5. Other Options

- 5.1 The Constitution and Procurement Commissioning and Supplier Strategy advises that the Single Member Decision Process considers what other options are available before giving major project approval and awarding a contract over 100K. These are detailed below.

5.2 Continue as we are

The current Car Park Security contract expired at the end of March 2011 and is operating on a month by month rolling contract. To remain compliant and ensure best practice in providing value for money, the Council is obliged to make provision for a replacement contract.

5.3 Use an Existing Contract, set up by another organisation

There is no suitable contract that meets the needs of Oxford City Council.

6. Benefits of this Contract

- 6.1 It is expected that the contract will provide competitive pricing.
- 6.2 By re-tendering the contract the Council is ensuring that they are compliant with the EU Procurement regulations.

7. Financial Implications

- 7.1 Direct Services currently hold a budget for this work, the evaluation process will review the sufficiency of this in light of the tenders received.

8. Legal Implications

- 8.1 TUPE will apply to this contract; therefore, the Procurement Team will work with Legal to ensure a smooth transition. TUPE is the acronym for 'Transfer of Undertakings (Protection of Employment)'. This is a piece of legislation that protects employee terms and conditions of employment, if the responsibility for the work they currently do is taken

over by another employer. The legislation gives specific protection to: length of service, salary, Hours of work, terms and conditions detailed, Any collective agreements .TUPE legislation excludes pension protection. TUPE legislation places an obligation on the current employer and the transfer employer, to consult about the changes. TUPE protection is not time limited.

9. Risk Management

Risk	Likelihood	Mitigation
No new competition.	L	The tender is being competitively advertised and also local suppliers are being signposted to the SE Portal with instructions for use.
Changes in Council requirement and move the security to an in-house service.	M	Wording in the contract to cover this eventuality.

10. Climate Change/Environmental Impact

10.1 Tenderers will be asked how they are able to contribute to the Council's carbon reduction policy.

11. Equalities Impact

11.1 There are no equalities implications.

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List of background papers:

Version number:

To: Delegated Decision of the Board Member, Finance and Efficiency

Date: 15th August 2011

Report of: Head of Business Improvement

Title of Report: AWARD OF CONTRACT FOR THE PROVISION OF A RANGE OF CIVIL ENGINEERING WORKS TO THE COUNCIL

Summary and Recommendations

Purpose of report:

To grant project approval and delegated powers to the Executive Director for City Services to award a contract for the provision of civil engineering works.

Key decision? No.

Executive lead member: Councillor Ed Turner.

Policy Framework: An efficient and effective Council.

Recommendation(s):

- 1) Grant project approval for the provision of civil engineering works.
- 2) Delegate authority to the Executive Director for City Services to enter into the new engineering works contracts.

1. Summary

- 1.1 This report sets out the procurement route being undertaken to appoint new contractors to provide civil engineering works to the Council. The Council uses a range of external contractors to maintain roads, general maintenance and repair of damaged roads including potholes. The

Council carries out these works via a Section 42 agreement with Oxfordshire County Council.

2. Background

- 2.1 The Council currently has contracts with Sheehan Haulage and Plant Hire, Smiths and Sons of Bletchington, M&J Plant Hire and Hanson Aggregates for a range of works and the provision of associated materials.
- 2.2 The current contracts expire at the end of July 2011. The Procurement Team together with an officer panel from the client service are in the process of re-tendering these requirements.
- 2.3 The Council spends approximately £208,000 a year on these works activities which also include the purchase of tarmac, stones, rock salt and the hire of machinery.

3. Tender Process

- 3.1 The value of the contract does not exceed the EU Procurement Regulations for works. The current EU threshold for works is £3,927,260. This tender has been advertised via the South East Business Portal and the Council's website. The Council is carrying out an open tender (single stage process) in order to encourage the smaller local companies to be able to apply for the opportunity.
- 3.2 The evaluation panel includes members of Procurement and the Highways and Maintenance Manager. The financial suitability of the tenderers will be assessed by the Finance Team.
- 3.3 The evaluation panel have determined the relevant financial and technical evaluation criteria that will provide the most economically advantageous contract. Contractors must demonstrate that they are technically and operationally competent and are able to meet the specification in their tender proposal and meet the Council's requirements in relation to the Living Wage and sustainability.
- 3.4 The tender has been offered as six lots: supply of coated (tarmac), stone and granular material, hire of operated plant, disposal of spoil, hire of non operated small plant, rock salt and supply of New Roads and Streetworks Act (NRSWA) qualified labour. This constitutes a works procurement as the labour element will be using the materials and plant to carry out the works. Tenderers may bid for any number of the lots according to their expertise in providing these works.
- 3.5 The Council currently spends £41K each year on rock salt (this is included in the £208,000 spend). This has been included in this tender to enable us to market test whether there is a more cost effective

solution than the current arrangement via the County Council framework.

3.6 The new contract will be put in place for four years.

4. Savings

4.1 Tenderers have been requested to submit proposals which include ideas for reducing the cost of road repairs through the use of new materials and repair arrangements. It is anticipated that this tender will identify new savings which will support the Council's value for money commitment.

5. Other Options

5.1 The Constitution and Procurement Strategy requires officers to advise what other options are available before giving project approval and awarding a contract of over £100K. These are detailed below:

Continue as we are - The current Civil Engineering contract is due to expire at the end of July. To remain compliant and ensure best value is achieved, the Council is obliged to make provision for a replacement contract.

Use an existing contract or framework set up by another organisation - There is no suitable contract that meets the needs of the Council.

6. Benefits of this Contract

6.1 The tender process will enable bidders to submit competitive pricing and tailor their offers to meet the Council's requirements. The contract will also require the provider to meet the Council's policy requirements.

7. Financial Implications

7.1 The Council has an ongoing revenue budget to fund works associated with Section 42 Works. If, going forward, there are any changes to responsibilities under the current Section 42 agreement, because the contract will be awarded on a call off basis this will give the Council full control over the expenditure it commits for each road repair.

8. Legal Implications

8.1 This contract is being tendered in accordance with the Council's Constitution.

9. Climate Change/Environmental Impact

9.1 The tender documentation makes it clear that the Council wishes to minimise the amount of excavated material being sent to disposal sites and maximise the quantity of recyclable material from the waste. The Council will work with the successful contractors in order to develop the use of alternative recycled materials as part of their products. Over the course of the contract, suppliers should identify ways that their plant and vehicles reduce emissions.

10. Equalities Impact

10.1 There are no equalities implications. The tender requires bidders to commit to the Council's Living Wage for the complete supply chain if successful.

Name and contact details of author:-

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List of background papers:

**Appendix 1:
Provision of a Range of Civil Engineering Works.
Risk Register**

Risk Score **Impact Score:** 1 =Insignificant; 2 = Minor; 3 = Moderate; 4 = Major; 5 = Catastrophic **Probability Score:** 1 = Rare; 2 = Unlikely; 3 = Possible; 4 = Likely; 5 = Almost Certain

No.	Risk Description Link to Corporate Obj	Gross Risk		Cause of Risk	Mitigation	Net Risk		Further Management of Risk: Transfer/Accept/Reduce/Avoid		Monitoring Effectiveness				Current Risk	
		I	P			I	P	Action: Action Owner:	Outcome required: Milestone Date:	Q 1	Q 2	Q 3	Q 4	I	P
					Mitigating Control: Level of Effectiveness: (HML)					⊗	⊗	⊗	⊗		
										☹	☹	☹	☹		
										☺	☺	☺	☺		
6 1	No New Competition	4	3	Suppliers not aware of the requirement from the council SMEs not trained to use e Tendering	All incumbent suppliers and potential suppliers have received a signpost email advising them of the tender, the tender is advertised on the Oxford City Council web site and also advertised on the S E Portal Council training for SMEs have been identified and advertised on the S E Portal	4	2	Action: Accept Action Owner: M Woodward Mitigating Control: Bidders encouraged to bid. Ensure competition is maximised Control Owner: M Woodward	Outcome Milestone Date: Contract Award Date – September 2011						

2	Price Fluctuations	4	3	Historic pricing fluctuation throughout the previous contract, where the market prices were lower than the tender prices.	The contract includes clauses to manage market fluctuation and will be monitored by the Highways and Maintenance Manager with support from procurement.	3	3	Action: Avoid Action Owner: Ensure competition is maximised Mitigating Control: Increase awareness and control with Business Partner. Identify KPIs to control price fluctuations Control Owner: M Woodward	Outcome Milestone Date: Contract Award Date – September 2011						
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