

Birmingham City Council

Report to Cabinet

Date: 12th December 2023



Subject: KEY DECISION PLANNED PROCUREMENT ACTIVITIES (JANUARY 2024 – MARCH 2024)
Report of: ASSISTANT DIRECTOR – PROCUREMENT
Relevant Cabinet Member: Councillor Brigid Jones, Cabinet Member for Finance and Resources
Relevant O & S Chair(s): Councillor Jack Deakin, Chair of Finance and Resources OSC
Report author: Steve Sandercock, Assistant Director, Procurement
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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 012132/2023		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential : n/a.		

1 Executive Summary

- 1.1 This report provides details of the planned procurement activity for the period January 2024 – March 2024 which are key decisions. Planned procurement activities reported previously are not repeated in this report.
- 1.2 The report enables Cabinet to identify whether any reports for procurement activities should be brought to this meeting for specific executive decision,

otherwise they will be dealt with under Chief Officer delegations up to the value of £10m, unless TUPE applies to current Council staff.

2 Recommendations

- 2.1 To approve the planned procurement activities as set out in Appendix 1 and approve Chief Officer delegations, set out in the Constitution, for the subsequent decisions around procurement strategy and contract awards.

3 Background

- 3.1 The report approved by Council Business Management Committee on 16 February 2016 set out the case for introducing this process.
- 3.2 At the 12th July 2022 meeting of Council changes to procurement governance were agreed which gives Chief Officers the delegated authority to approve procurement contracts up to the value of £10m for key decisions over the life of the contract. Where it is likely that the award of a contract will result in staff employed by the Council transferring to the successful contract under TUPE, the contract award decision has to be made by Cabinet.
- 3.3 In line with the Procurement and Contract Governance Rules that form part of the Council's Constitution, this report acts as the process to consult with and take soundings from Cabinet Members and the Resources Overview & Scrutiny Committee.
- 3.4 This report sets out the planned procurement activity over the next few months where the contract value is between the procurement threshold £177,897.50 (excluding VAT) and £10m (excluding VAT) for key decisions. This will give members visibility of all procurement activity within these thresholds and the opportunity to identify whether any procurement reports should be brought to Cabinet for approval even though they are below the £10m delegation threshold.
- 3.5 It should be noted that the procurement threshold has changed from £189,330 to £177,897.50 (excluding VAT) and applies from 1st January 2022 for a period of 2 years.
- 3.6 Individual procurements may be referred to Cabinet for an executive decision at the request of Cabinet, a Cabinet Member or the Chair of Resources Overview & Scrutiny Committee where there are sensitivities or requirements that necessitate a decision being made by Cabinet.
- 3.7 Procurements below £10m contract value that are not listed on this or subsequent monthly reports can only be delegated to Chief Officers if specific approval is sought from Cabinet. Procurements above £10m contract value will still require an individual report to Cabinet in order for the award decision to be delegated to Chief Officers if appropriate.

4 Options considered and Recommended Proposal

- 4.1 The options considered are:

- To identify specific individual procurements as listed in appendix 1 for further consideration, along with clear reason(s) for such additional consideration, to Cabinet around the procurement strategy and contract award.
- To approve the planned procurement activities for all the projects listed in appendix 1 and approve Chief Officer delegations as set out in the Constitution, for the subsequent decisions around procurement strategy and contract awards.– this is the recommended option.

5 Consultation / Engagement

- 5.1 This report to Cabinet is copied to Cabinet Members, Cabinet Support Officers and to Resources Overview & Scrutiny Committee and therefore is the process for consulting with relevant cabinet and scrutiny members. At the point of submitting this report Cabinet Members/ Resources Overview & Scrutiny Committee Chair have not indicated that any of the planned procurement activity needs to be brought back to Cabinet for executive decision.

6 Risk Management

- 6.1 Members should note that in respect of any procurement projects which are sought to be referred back to Cabinet for further considerations these may impact on timescales around the delivery of those projects.
- 6.2 Details of Risk Management, Community Cohesion and Equality Act requirements will be set out in the individual reports.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 Details of how the contracts listed in Appendix 1 and Appendix 2 support relevant Council policies, plans or strategies, will be set out in the individual reports.

7.2 Legal Implications

- 7.2.1 Members are reminded that as a Local Authority the Council has specific duties under public sector procurement, specifically the Public Contract Regulations 2015.
- 7.2.2 Specific details of any implications related to public sector procurement Regulations are set out- in the individual reports appended to this report.

7.3 Financial Implications

- 7.3.1 Specific details of how decisions will be carried out within existing finances and resources will be set out in the individual reports.
- 7.3.2 Any cashable savings generated as a result of the procurement exercises are detailed in Appendix 2 to the delivery of procurement related savings and be removed from Directorate where identified in addition to the existing service area

savings target as set out in the Medium-Term Financial Plan (MTFP) in line with the principles to treatment of identified savings against third party contracts as agreed by CLT on 24th January 2022.

7.4 Procurement Implications (if required)

7.4.1 As noted under the Legal Implications the Council has a duty to ensure that public sector procurement activity is in line with public sector legislation, specifically the Public Contracts Regulations 2015.

7.4.2 For each of the individual projects the specific procurement implications associated to the legislation are set out and detailed in the appendices.

7.5 Human Resources Implications (if required)

7.5.1 None.

7.6 Public Sector Equality Duty

7.6.1 Details of Risk Management, Community Cohesion and Equality Act requirements will be set out in the individual reports which should also give consideration to application of Equality Impact Assessments in line with Council Policy

8 Background Documents

8.1 List of Appendices accompanying this Report (if any):

- 1. Appendix 1 - Planned Procurement Activity January 2024 – March 2024
- 2. Appendix 2 – Background Briefing Paper

APPENDIX 1 – PLANNED PROCUREMENT ACTIVITIES (JANUARY 2024 – MARCH 2024)

No.	Type of Report	Title of Procurement	Ref	Brief Description	Contract Duration	Directorate	Portfolio	Finance Officer	Contact Name	Planned CO Decision Date
1	Strategy / Award	Electoral Print and Services	P0358	The services are for: 1) Electronic verification of returned postal votes and; 2) Elections print services – Postal voting ballot pack production the printing of registration forms for the purpose of updating the Register of Electors and printing ballot papers and poll cards for elections.	2 years	Council Management	Deputy Leader	Lee Bickerton	Andrea Webster	22/01/2024
2	Approval to Tender	Enforcement Agency Services – Unauthorised Encampments	P0439_2024	The provision of Enforcement Agency Services for Unauthorised Encampments is required to ensure that the Council is able to support the management of unauthorised encampments (the removal of unauthorised encampments on Council owned land).	4 years	City Operations	Housing and Homelessness	Carl Tomlinson	Mark Wolstencroft / Snehal Patel	01/03/2024
3	Strategy / Award	Stock Condition & Energy Performance Surveys		The Council needs to appoint the services of surveying contractors to carry out all Stock Condition Surveys (SCS's) and/or Energy Performance Certificates (EPCs) to approximately 8,000 of its properties by 31st March 2024.	3 months	City Housing	Housing and Homelessness	Andrew Healey	Adele Livesey / Dean Billingham	22/01/2024
4	Strategy / Award	Works to create Playzones	TBC	To refurbish multi use games areas and to erect new outdoor sports facilities on Council land as listed below for resurfacing and painting, upgrades to fencing, gated access and new posts and nets: •The Concord Centre •Action Indoor Sports Centre •Adderley Park •Batchelors Farm Recreation Ground	6 months	City Operations	Health and Social Care	Carl Tomlinson	Panikos Panayiotou / Charlie Short	22/01/2024
5	Approval to Tender	Maintenance and Replacement of Non-PFI Lighting Assets on Housing Land	TBC	Provision of lighting maintenance and replacement services to around 3,000 non-PFI lighting assets, which are located City-wide on Housing land. The benefit of the proposed contract will enable a structured programme of maintenance and replacement of the assets throughout the city.	4 years	City Operations	Housing and Homelessness	Andrew Healey	Paul Laythorpe / Charlie Short	19/02/2024

APPENDIX 2

BRIEFING NOTE ON PLANNED PROCUREMENT ACTIVITIES CABINET – 12th December 2023

Title of Contract	Electoral Print and Services
Contact Officers	Director / Assistant Director: Robert Connelly, Assistant Director Legal & Governance Client Officer: Victoria Beavon, Electoral Services Manager Procurement Officer: Andrea Webster, Sub Category Manager
Relevant Portfolio	Councillor Brigid Jones - Cabinet Member for Finance & Resources and Councillor Sharon Thompson - Deputy Leader
Briefly describe the service required	The services are for: 1) Electronic verification of returned postal votes and; 2) Elections print services – Postal voting ballot pack production the printing of registration forms for the purpose of updating the Register of Electors and printing ballot papers and poll cards for elections.
What is the proposed procurement route?	To call off the Council's existing framework agreements (FA) for the two services set out above. To undertake two separate call off contracts (1) and (2) under these FAs for a period of 2 years (one call off per FA).
What are the existing arrangements? Is there an existing contract? If so when does that expire?	There are two single supplier Framework Agreements. The FAs will expire on 28 January 2024. The FA permits multiple call off contracts to be let under the Framework Agreement. Call off contracts # 1 commenced 29 January 2019 & will expire 28 th January 2024.
Will any savings be generated?	No cashable savings will be generated by this project.
Has the In-House Preferred Test been carried out?	Previous procurement has established that the in-house option is not viable as they are unable to meet all the technical specifications required in respect of both frameworks and all goods & services.
How will this service assist with the Council's commitments to Route to Zero?	There is no direct impact on the Councils commitments to Route to Zero from the award of this contract.
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	There is no direct impact on Everybody's Battle; Everybody's Business from the award of this contract.
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	The Council is under a statutory obligation to ensure it conducts all relevant polls in accordance with the statutory requirements and that the register of electors is maintained to ensure its accuracy in order to allow citizens to register to vote and then have the ability to vote. Save for local polls (such as the City Council elections, and certain by elections), the costs of producing ballot papers, ballot packs, and poll cards are a recoverable cost.
Approval via Spend Control Board.	Approval to conduct the schedule polls in May 2024 was obtained from Section 151 Board on 19 th September 2023 (ID: 1071) and further approvals are currently being sought in relation to other polls that are likely to be held in 2024 including the Parliamentary General Election (date unknown).
What budget is the funding from for this service?	The funding of schedule elections due in May 2024 and the Parliamentary General Election will be met by external grant funding whereas all registration costs (including printing of registration forms) will be met from the general fund, (save where these will fall under the new governments new burden principles)
Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	The estimated value for the period of the contract for call off 1 is £188,000 and for call off 2 approximately £500,000 based on costs of previous schedule elections.
Proposed start date and duration of the new contract	The proposed start date is 29 th January 2024 for a period of 2 years for call off under framework 1 above (Electronic verification of returned postal votes) and 2 years for call off under framework 2 above (Elections print services).

Title of Contract	Enforcement Agency Services – Unauthorised Encampments
Contact Officers	Director / Assistant Director: Sajeela Naseer, Director of Regulation & Enforcement Client Officer: Mark Wolstencroft, Operations Manager, Environmental Health Procurement Officer: Snehal Patel, Sub Category Officer
Relevant Portfolio	Councillor Jayne Francis - Cabinet Member for Housing and Homelessness
Briefly describe the service required	The provision of Enforcement Agency Services for Unauthorised Encampments is required to ensure that the Council is able to support the management of unauthorised encampments (the removal of unauthorised encampments on Council owned land).
What is the proposed procurement route?	An open tender exercise is proposed advertised on www.finditinbirmingham.com , Contracts Finder and Find A Tender.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	There is an existing contract which will expire on 31 st August 2024.
Will any savings be generated?	No cashable savings will be generated by this project.
Has the In-House Preferred Test been carried out?	There is no in-house option. This is a specific function requiring trained and competent officers and BCC does not have a cadre of officers who act as certified bailiffs in the eviction of persons from land.
How will this service assist with the Council's commitments to Route to Zero?	Companies who are commissioned are expected to be able to draw on a cadre of officers (enforcement agents) from the locality so as to provide a more localised and speedy response, whilst also reducing miles driven. Enforcement agents attend site in fewest vehicles possible e.g. car sharing, so as to reduce miles driven.
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	The repossession of land is undertaken by certified bailiffs who's competency / knowledge and experience encompasses: <ul style="list-style-type: none"> • Understanding differences especially those relating to the GRT (Gypsy, Romany & Traveller) communities • Conflict management so as to deliver the service without escalating conflict or undermining community cohesion
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	There is not a statutory duty to provide this service. However, the service is required to manage unauthorised encampments in line with the joint protocol between Birmingham City Council and West Midlands Police and to remedy the illegal trespass on Council land and to return said land to proper use in the shortest possible time.
Approval via Spend Control Board.	Approval for this requirement was obtained from City Operations Spend Control Board on the 24 th October 2023 and approved at Section 151 Board on 6 th November 2023.
What budget is the funding from for this service?	This will be funded from the Environmental Health budget where pre-eviction action is taken and from the landowning budgets (Parks & Leisure, Housing, EDD, Education) where eviction action is undertaken.
Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	The estimated value for the period of the contract is £180,000 per annum based on historic spend with a total value of £720,000 over the 4 years.
Proposed start date and duration of the new contract	The proposed start date is 1 st September 2024 for a period of 4 years.

Title of Contract	Stock Condition & Energy Performance Surveys
Contact Officers	Director / Assistant Director: Service Director Asset Management (Housing) Client Officer: Adele Livesey, Lead Consultant (Capital Programme) Procurement Officer: Dean Billingham, Procurement Specialist
Relevant Portfolio	Councillor Jayne Francis - Cabinet Member for Housing and Homelessness
Briefly describe the service required.	The Council needs to appoint the services of surveying contractors to carry out all Stock Condition Surveys (SCS's) and/or Energy Performance Certificates (EPCs) to approximately 8,000 of its properties by 31 st March 2024. Whilst the Council undertakes a recruitment exercise to appoint in house surveyors, it has been agreed that it should appoint additional resource to help increase the level of recent stock data held. Acivico have already been appointed to undertake a significant number, but it was agreed that additional alternative resources should be identified. Savills are providing an equivalent surveying service undertaken by directly employed teams, at the same rate as the reduced rates agreed with Acivico but will also undertake in house validation and reporting which is added value we do not receive from Acivico.
What is the proposed procurement route?	Direct Award to Savills via the Procurement Hub. Savills have been identified as having the resource capacity and necessary skill sets following a robust Expression of Interest (EOI) process to complete both SCS and EPC at the same time therefore reducing occupier/tenant disruption. The framework rate card has been competitively competed with the wider market prior to the appointment of Savills to this framework. The framework rate card agreed for the combined delivery of SCS and EPC surveys is also comparable with the reduced rate charged by Acivico.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The Council is currently utilising the services of Acivico, under its exclusivity arrangements, however whilst the recruitment exercise is undertaken to source in house resources it was agreed that alternative surveying resources be identified. The Acivico arrangements will remain in place alongside the Savills contract arrangements until the required number of surveys required by the Regulator are completed within the agreed timeframes.
Will any savings be generated?	No cashable savings will be generated by this project.
Has the In-House Preferred Test been carried out?	The Council does not currently have a team of in-house surveyors with the necessary skill sets to deliver this service. The Council is currently utilising the services of Acivico, and additional resources have been identified via this proposed route for immediate short-term resource whilst it implements an external campaign to recruit its own surveyors to deliver the services over the long term.
How will this service assist with the Council's commitments to Route to Zero?	The EPC data we collect as part of this programme will help us to develop future retrofit programmes and identify any energy inefficient properties within the Councils current housing stock.
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	These services will support the Councils Levelling Up Strategy (November 2021) and ensure its housing stock meets the minimum statutory requirements to provide a safe, clean, dry and warm environment for its residents.
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	There is a statutory duty to provide this service. The Regulator expects the Council to hold on record accurate up to date data on its housing stock and this will help accelerate this process.
Approval via Spend Control Board.	Approval for this requirement was obtained from City Housing Spend Control Board on the 9 th October 2023 and approved at Section 151 Board on 30 th October 2023.
What budget is the funding from for this service?	This is funded from the HRA budget.

Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	The estimated value for the initial 3-month contract period is £517,690.
Proposed start date and duration of the new contract	The proposed start date is mid to end January 2024 for an initial period of 3 months.

Title of Contract	Works to create Playzones
Contact Officers	Director / Assistant Director: Chris Jordan, Assistant Director, Neighbourhoods Client Officer: Panikos Panayiotou, Sports Development Manager Procurement Officer: Charlie Short, Procurement Manager
Relevant Portfolio	Councillor Mariam Khan – Cabinet Member for Health and Social Care
Briefly describe the service required	To refurbish multi use games areas and to erect new outdoor sports facilities on Council land as listed below for resurfacing and painting, upgrades to fencing, gated access and new posts and nets: <ul style="list-style-type: none"> • The Concord Centre • Action Indoor Sports Centre • Adderley Park • Batchelors Farm Recreation Ground
What is the proposed procurement route?	The Football Foundation undertook a procurement process using their framework agreement for works to create Playzones across the country. The Council will enter into a contract with Support in Sport (SIS Pitches) called off this framework in accordance with its protocol.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	This is a one-off requirement.
Will any savings be generated?	No savings will be generated from this procurement process for a one-off works project.
Has the In-House Preferred Test been carried out?	Yes, and the test demonstrated this is not suitable to be carried out in-house for a construction project.
How will this service assist with the Council's commitments to Route to Zero?	The works will be undertaken using the most up-to-date sustainable materials.
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	The creation of Playzones will be inclusive and available to all sections of the community.
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	There is not a statutory duty to provide this service. However, the works support the Council's commitment to creating a sustainable legacy of hosting the Commonwealth Games and delivering sporting facilities and infrastructure that encourage all citizens to engage in sport and physical activity.
Approval via Spend Control Board	Approved at City Operations Spend Control Board on the 16th of October 2023 and Section 151 approval on 18th of October 2023.
What budget is the funding from for this service?	The scheme is funded by the Sport Service budget from funding received by the Football Foundation.
Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	The value of the contract is £858,645 based on the fixed costs of the Football Foundation contract.
Proposed start date and duration of the new contract	The proposed start date is February 2024 for a period of 6 months.

Title of Contract	Maintenance and Replacement of Non-PFI Lighting Assets on Housing Land
Contact Officers	Director / Assistant Director: Wayne Davies, Director Asset Management Client Officer: Paul Laythorpe, Highways Electrical Asset Manager Procurement Officer: Charlie Short, Procurement Manager
Relevant Portfolio	Councillor Jayne Francis – Cabinet Member for Housing and Homelessness
Briefly describe the service required	Maintenance and replacement services to around 3,000 lighting assets located city-wide on land owned by City Housing to support a structured programme of maintenance and replacement. Maintenance of these assets is currently undertaken on an ad-hoc basis primarily on a 'make safe' basis under the Housing repair and maintenance contract. The requirement is not covered under the scope of the Highways PFI and the housing repair and maintenance contracts.
What is the proposed procurement route?	A procurement process open to the market advertised on www.finditinbirmingham.com and Contracts Finder.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	There is no existing contract for this work.
Will any savings be generated?	No cashable savings will be generated by this project.
Has the In-House Preferred Test been carried out?	Yes, and the test demonstrated this is not suitable to be carried out in-house as there is not the resources within the Council to provide these services.
How will this service assist with the Council's commitments to Route to Zero?	The contract will facilitate the replacement of old lamp sources with new LED lamp sources, which are more energy efficient and will assist with the reduction of service-related carbon use. In addition, the new units will have the capability to be dimmed, thus providing a further opportunity to reduce energy consumption and carbon.
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	There is no direct impact on Everybody's Battle, Everybody's Business from the award of this contract.
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	The Council has a duty of care to maintain its lighting assets under Section 97 of the Highways Act 1980 - Lighting of Highways (maintenance of existing lighting assets) and the Council also has a duty to adhere to the regulations set out in 'Electrical Testing of Street Lighting Assets –BS7671:2018 IET Wiring Regs'.
Approval via Spend Control Board.	Approved at City Housing Spend Control Board on 14th November 2023 and Section 151 approval on 16th November 2023.
What budget is the funding from for this service?	This is funded from the Housing Revenue Account budget.
Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	The estimated total contract value is £3,000,000 for the period of 4 years.
Proposed start date and duration of the new contract	The proposed start date is 1 st June 2024 for a period of 4 years.