

Birmingham City Council

Report to Cabinet

Date: 14th February 2023



Subject: NON-KEY DECISION PLANNED PROCUREMENT ACTIVITIES AND QUARTERLY CONTRACT AWARDS (OCTOBER 2022– DECEMBER 2022)

Report of: ASSISTANT DIRECTOR – PROCUREMENT

Relevant Cabinet Member: Councillor Yvonne Mosquito, Finance and Resources

Relevant O &S Chair(s): Councillor Akhlaq Ahmed, Chair of Resources O & S

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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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference:		
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 :		

1 Executive Summary

- 1.1 This report provides details of the contract award decisions made under Chief Officer's delegation during the previous quarter. 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 £500,000, unless TUPE applies to current Council staff.

- 1.3 Appendix 1 informs Cabinet of the contract award decisions made under Chief Officers delegation during the period October 2022 – December 2022.

2 Recommendations

- 2.1 To note there are no non-key decisions planned procurement activities for this month.
- 2.2 Notes the contract award decisions made under Chief Officers delegation during the period October 2022 – December 2022 as detailed in Appendix 1.

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 £500,000 for non-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 £500,000 (excluding VAT) for non-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 £500,000 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 note the planned procurement activities for all the projects listed in Appendix 1 and the 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 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 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.

7.4 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):

APPENDIX 1 - QUARTERLY CONTRACT AWARD SCHEDULE (OCTOBER 2022 – DECEMBER 2022)

Type of Rep	Title of Procurement	Ref	Brief Description	Contract Durati	Directorate	Portfolio Finance and Resources	Finance Officer	Contact Nam	Comments - including any request from Cabinet Members for more details	Contractor(s) Awarded to	Value of Contracts	Value w/ Option to Extend	Chief Office	Actual G/ Live date
Delegated Award Report	Demolition of the Tower Balroom	13309R	Provision for some salvaging of internal materials mitigation of adjacent works under a party wall procedure additional works and necessary monitoring adjacent to a known fresh water supply on behalf of the Canal & Rivers Trust.	14 weeks	Place, Prosperity and Sustainability	Leader	Carl Tomlinson	Andrew Cox / Charlie Short	Presented to Cabinet for info 28/08/2022. Approval to Tender signed 07/05/2021 and delegated the award to CO. Delegated Award Report signed 09/09/2022.	PBM Contractors Limited	£254,150		Paul Kitson / Steve Sandercock	10/10/2022
Strategy / Award	Perry Barr 2040 Regeneration Programme: Commercial and Development Advice for the Delivery of the Perry Barr 2040: A Vision for Legacy Masterplan	NA	Commercial and development advice to support the delivery of the Perry Barr 2040 Programme (PB2040) called off under the Crown Commercial Services Management Consultancy 3 Framework Agreement by direct award in accordance with its protocol.	Up to 24 months	Place, Prosperity and Sustainability		Carl Tomlinson	Guy Olivant	Gloria Ighodaro / Charlie Short	Presented to Cabinet for info 07/06/2022. Delegated Award Report signed 19/10/2022.	£300,000		Paul Kitson / Steve Sandercock	24/10/2022
Delegated Award Report	Demolition and associated works of various residential properties at Barratts Road, Sisefield Road, Little Hill Grove and Hillmead Road	13227	The demolition & associated works of various residential properties at Barratts Road, Sisefield Road, Little Hill Grove and Hillmead Road.	1 year	Place, Prosperity and Sustainability		Carl Tomlinson	Joseff Mcalinden	Presented to Cabinet for info 13/11/2018. Approval to Tender Strategy Report on 07/08/2019 and delegated the award to CO. Delegated Contract Award Report signed 19/10/2022.	PBM Contractors Limited	£452,375		Paul Kitson / Steve Sandercock	19/10/2022
Strategy / Award	Construction Professional Services for the Alexander Stadium	P1094	To support the reinstatement of the Alexander Stadium site to operate as a functional community and events facility to support the legacy from the Commonwealth Games 2022, there is a requirement for construction professional services for the works.	2 years	City Operations	Leader	Guy Olivant	Dave Wagg / Charlie Short	Presented to Cabinet for info 27/07/2022. Strategy / Award Report signed 25/10/2022.	Mace Consult Limited	£398,530		Rob James / Steve Sandercock	28/10/2022
Delegated Award Report	Virtual School Tutor Programme	P0885	To provide an alternative education service for young people in the absence of a school place or while awaiting allocation of a school place. Tutor will be delivered through a hybrid model: face to face and remote learning. There will be some face to face tuition based on child's learning needs. Where the young person can access learning remotely and would value doing so and it will not slow progress, lessons may be virtual for the following lots: Lot 1 - Standard face to face delivery Lot 2 - Standard remote delivery Lot 3 - Specialist face to face delivery Lot 4 - Specialist remote delivery	4-years with a break clause in Years 2 and 3	Education and Skills	Education, Skills and Culture	Clare Sandland	Sandra Asiedu / Lisa Marie Smith	Presented to Cabinet for info 09/11/2021. Approval to Tender Strategy Report on 13/04/2022 and delegated the award to CO. Delegated Contract Award Report signed 04/11/2022.	a) Academy/21 for Lot 2 services b) Equal Education for Lots 1, Lot 2, Lot 3 and Lot 4 services c) Five Rivers for Lot 2 and Lot 4 services d) Fleet Tutors for Lots 1, Lot 2, Lot 3 and Lot 4 services e) Targeted Provision for Lots 1, Lot 2, Lot 3 and Lot 4 services f) Teaching Personnel for Lots 1, Lot 2, Lot 3 and Lot 4 services g) Tute Education for Lots 2 and Lot 4 Services	£500,000		Sue Harrison / Steve Sandercock	07/11/2022
Delegated Award Report	Increase the expenditure of the contract - Our Future City Plan Framework and Delivery Plan	NA	Our Future City Plan – Central Birmingham Framework 2040 will replace the existing Big City Plan with a new vision for the central area of the city to help deliver new homes, jobs and commercial development. The Draft Central Framework 2040 is now being produced and expert advice is required.	8 months	Planning, Transport & Sustainability	Transport and Environment	Carl Tomlinson	Simon Delahury / Forrest / Charlie Short	Presented to Cabinet for info 27/07/2021. Strategy / Award Report signed 24/11/2021. Additional Increase Report signed 17/11/2022. This increase is due to unforeseen extra works and delays required during the delivery period that were not identified as part of the original procurement process and contract award. Increase from £593,349 to £712,019	Arcadis UK Ltd	£118,670		Paul Kitson / Steve Sandercock	21/11/2022
Delegated Award Report	Technology Enabled Care (TEC) Consultative Support Service Specification	P0979	To support the creation and development of a transformational TEC service for Birmingham. The service required will involve working closely with Council colleagues and experts by experience and includes revising the TEC commissioning strategy, undertaking market engagement and the creation of a robust service specification that is ready to share with the market to procure a transformational TEC service for Birmingham, if this is the preferred option and will include key deliverables such as a robust culture change programme and the model to identify the benefits of deploying technology.	1 year, plus 1 year option to extend	Adult Social Care	Health and Social Care	Yusef Shaibu	Julie Harrison / Marie Kennedy / Marjit Samra	Presented to Cabinet for info 06/09/2022. Approval to Tender Strategy Report on 09/09/2022 and delegated the award to CO. Delegated Contract Award Report signed 23/11/2022.	Rethink Partners Limited	£250,000		Graeme Betts / Steve Sandercock	05/12/2022
Strategy / Award	Corporate telephony – Operator Connect		The new platform (MS Teams with Operator Connect) that will replace Cisco, tightly integrates into MS Teams, which is currently used by the majority of council staff and will create a more seamless user experience when making external calls and online meetings (conference calls) from within the MS Teams platform. The platform will also support the NWOW programme's and simplify the administration for IT&D and the wider user base through the consolidation into MS Teams.	3 years, 6 months	Digital and Customer Services	Digital, Culture, Heritage and Tourism	Lee Bickerton	Ben Sawyer	Presented to Cabinet for info 11/10/2022. Strategy / Award Report signed 05/12/2022.	Gamma Telecom Limited	£469,838	£497,340	Peter Bishop / Steve Sandercock	09/12/2022
Strategy / Award	Increase in contract value - Non-PFI Lighting Assets on Housing Land	P0428	Provision of lighting maintenance and replacement services to around 3,000 non-PFI lighting assets, which are located City-wide on Housing land.		City Housing	Housing	Andrew Healey	Paul Laythorpe / Charlie Short	Presented to Cabinet for info 12/12/2018. Approval to Tender Strategy Report signed 13/04/2018 and delegated the award to CO. Delegated Award Report signed 29/11/2018. Increase additional report signed 07/12/2022. From the original value of £3,800,000 to £4,150,000. This increase is for the unforeseen extra works and delays required during the installation period that were not identified as part of the original procurement process and contract award.	McCann Ltd	£350,000		Paul Langford / Steve Sandercock	
Strategy / Award	Pre-Employment Checks		An outsourced digitalised pre-employment check service provided by a third party. This includes Right To Work, References, DBS and all associated checks required for employment with BCC.	2 years	Council Management	Finance and Resources	Lee Bickerton	Sherrie Walkins / Richard Tibbatts	Presented to Cabinet for info 11/10/2022. Strategy / Award Report signed 08/12/2022.	Security Watchdog (part of Capita plc)	£240,000		Darren Hockaday / Steve Sandercock	12/12/2022