

Birmingham City Council

Report to Cabinet

Date: 16th May 2023



Subject: KEY DECISION PLANNED PROCUREMENT ACTIVITIES (JUNE 2023 – AUGUST 2023) AND QUARTERLY CONTRACT AWARDS (JANUARY – MARCH 2023)

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

Report author: Steve Sandercock, Assistant Director, Procurement
Email Address: steve.sandercock@birmingham.gov.uk

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: 011349/2023		
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential : 3. Information relating to the financial or business affairs of any particular person (including the council)		

1 Executive Summary

- 1.1 This report provides details of the planned procurement activity for the period June 2023 – August 2023 which are key decisions and all 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 £10m, unless TUPE applies to current Council staff.
- 1.3 Appendix 4 informs Cabinet of the contract award decisions made under Chief Officers delegation during the period January 2023 – March 2023.

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.
- 2.2 Notes the contract award decisions made under Chief Officers delegation during the period January 2023 – March 2023 as detailed in Appendix 4.

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.

- 3.8 A briefing note with details for each item to be procured is listed in Appendix 2. The financial information for each item is detailed in Appendix 3 – Exempt Information.

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 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 June 2023 – August 2023
 - 2. Appendix 2 – Background Briefing Paper
 - 3. Appendix 3 – Exempt Information
 - 4. Appendix 4 – Quarterly Awards Schedule (January 2023 – March 2023)

APPENDIX 1 – PLANNED PROCUREMENT ACTIVITIES (JUNE 2023 – AUGUST 2023)

No.	Type of Report	Title of Procurement	Ref	Brief Description	Contract Duration	Directorate	Portfolio Finance and Resources Plus	Finance Officer	Contact Name	Planned CO Decision Date
1	Strategy / Award	Berkeley Scott Temporary Labour	TBC	To fulfil outstanding temporary vacant positions together with, short and long term sickness absence to ensure adequate levels of delivery of preparation and food service are safely fulfilled within the Cityserve portfolio.	4 years	Council Management	Finance and Resources	Lee Bickerton	Carl Bennett	27/06/2023

APPENDIX 2

BRIEFING NOTE ON PLANNED PROCUREMENT ACTIVITIES **CABINET – 16th May 2023**

Title of Contract	Berkeley Scott Temporary Labour
Contact Officers	Director / Assistant Director: Alison Jarrett – Director of Group & Capital finance Client Officer: Derek Price / Gary Farquhar Procurement Officer: Richard Tibbatts, Head of Category - Corporate
Relevant Portfolio	Cabinet Member for Finance & Resources, Councillor Yvonne Mosquito
Briefly describe the service required	<p>To fulfil outstanding temporary vacant positions together with, short- and long-term sickness absence to ensure adequate levels of delivery of preparation and food service are safely fulfilled within the Cityserve portfolio.</p> <p>Berkeley Scott are specialist providers of temporary staff within the hospitality and education industry with a strong Birmingham presence, thus enabling Cityserve to react to immediate key staffing needs as and when they are required.</p> <p>Cityserve currently have c.50 vacancies due to short and long term sickness, plus c.70 vacancies in school kitchens at various stages of the recruitment & selection process. Currently this shortfall in kitchen resource is having an adverse effect on current workforce health & safety and service delivery. Therefore, this proposed solution will enable Cityserve to reduce health & safety risks and reduce management and field staff resource currently being diverted to the front-line service delivery to ensure minimal disruption – this is not part of their job role. This will reduce workload pressures and improve staff morale & welfare of existing colleagues.</p>
What is the proposed procurement route?	Direct Award via Purchasing Organisation (TUCO) Framework CAT11051-TU - Provision of Temporary & Permanent Catering Staff.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	Currently using HAYS 3SS system however despite much engagement & dialogue with HAYS we have and still cannot meet the past and ongoing requirements in this area.
Will any savings be generated?	No cashable savings will be generated by this scheme.
Has the In-House Preferred Test been carried out?	The services provided by our preferred supplier cannot be delivered by Birmingham City Council, as described above.
How will this service assist with the Council's commitments to Route to Zero?	Not applicable.
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	This solution will assist in creating a better work life balance for existing colleagues who are currently working above their contracted hours to maintain service level agreement to our customers.
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	There is no statutory duty for Birmingham City Council to provide this service. However, individual schools do have a statutory responsibility to provide free school meals. As Birmingham City Councils "in-house" school meal provider, Cityserve is contracted to these schools to work on their behalf to fulfil this statutory requirement and provide a school meal service
What budget is the funding from for this service?	This scheme is cost neutral to the council as all recruitment costs are included within Cityserve's financial budget.
Proposed start date and duration of the new contract	The proposed start date is June 2023 for a period of 4 years.

APPENDIX 4 - QUARTERLY CONTRACT AWARD SCHEDULE (JANUARY 2023 – MARCH 2023)

Type of Rep	Title of Procurement	Ref	Brief Description	Contract Duration	Directorate	Portfolio Finance and Resources	Finance Officer	Contact Name	Comments - including any request from Cabinet Members for more details	Contractor(s) Awarded to	Value of Contracts	Value w/ Option to Extend	Chief Officer	Actual G/ Live date
Delegated Extension Award	Employers Agent Services for the Druids Heath Regeneration Scheme	P0540	The services provided under the Employer's Agent contract include the following disciplines: • Project Management • Programme Management • Architectural Services • Principal Designer • Engineering Services • Party Wall Surveying • Quantity Surveying • Clerk of Works • Liaison between the Council and contractor(s) • Market Information	10 months	Place, Prosperity and Sustainability	Housing	Carl Tomlinson	Simon Fellon / Charlie Short	This contract was included in the Planned Procurement Activities list approved by Cabinet as part of the sounding out process on 9th October 2018 for the estimated value of £800,000 for the duration of 7 years. The value of the modification is within the 20% tolerance stated in the Procurement and Contract Governance Rules Item 4.69(i).	WSP (Real Estate & Infrastructure) Limited	Original value of £730,790 to £960,000		Paul Kilson / Steve Sandcock	10/01/2023
Strategy / Award	Design Services for the Alexander Stadium Legacy Works	P1095	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 design services to support the works.	2 years	City Operations	Leader	Guy Olivart	Dave Wagg / Charlie Short	Presented to Cabinet for info 13/12/2022. Strategy / Award Report signed 20/01/2023.	Alexander Stadium to Ove Arup & Partners Limited	£651,359		Mark Wiltshire / Steve Sandcock	23/01/2023
Strategy / Award	Provision of ERP Functional Support		The provision of ERP functional support, advice, roadmap management, knowledge transfer, configuration, enhancements, audit, account management, minor and major projects and service requests.	2 years	Digital and Customer Services	Digital, Culture, Heritage and Tourism	Lee Bickerton	Ian Badger / Jake Smith	Presented to Cabinet for info 11/10/2022. Strategy / Award Report signed 31/01/2023.	Version 1 Solutions Limited	£1,600,000		Peter Bishop / Steve Sandcock	01/02/2023
Strategy / Award	Children's travel service casual / Agency transport guides		Interim arrangement for the provision of pupil guides.	8 months	Children & Families	Children, Young People and Families	Clare Sandland	Edward Harper / Henrietta Jacobs	On 13th Dec 2022, Cabinet approval was given to procure various providers for the provision of pupil guides with delegated authority to award these contracts. Strategy / Award Report signed 05/02/2023.	1) Aspire 2) Balfour 3) Connought 4) Eynars 5) Teach Active 6) ABC Teachers, 7) CERT 8) Green Destinations	£1,342,641.05		Sue Harrison / Steve Sandcock	07/02/2023
Delegated Award Report	The Domestic Abuse Housing Solution and Support Service	P0994	A Domestic Abuse Housing Solutions and Support Hub for those who are homeless or threatened with homelessness due to domestic abuse. The service will undertake statutory housing needs assessments and deliver homelessness prevention and relief duties in accordance with the Housing Act 1996, as amended by the Homelessness Reduction Act 2017.	3 years with the option to extend for a further 12 months	City Housing	Housing	Carl Tomlinson	Richard Labran / Marie Kennedy	Presented to Cabinet for info 11/10/2022. Approval to Tender Strategy Report signed 16/11/2022 and delegated the award to CO. Delegated Award Report signed 07/02/2023.	Cranstoun	£1,038,558	£1,038,558	Paul Langford / Steve Sandcock	01/04/2023
Strategy / Award	Administrative Replacement Process in respect of the Confirm IG Highways Management Information Systems (MIS System)		The Highways Management Information Systems (MIS) is used to underpin the day-to-day operation of the Highways Maintenance and Management PFI contract, as well as other core Highway Service activities, which in turn enables the council to fulfil its statutory and regulatory responsibilities as Highway Authority.	7 years	City Operations	Digital, Culture, Heritage and Tourism	Carl Tomlinson	Mark Shelswell / Jake Smith	Presented to Cabinet for info 08/11/2022. Strategy / Award Report signed 09/02/2023.	Softcat PLC	£1,477,020	£590,808	Mark Wiltshire / Steve Sandcock	13/02/2023
Delegated Award Report	Integration support services for sanctuary seekers	P0915A		4 years	Adults and Social Care	Adults Social Care and Health	Yusef Shaibu	Bethany Finch / Marie Kennedy / Manjit Samra	The requirements of the Flexible Contracting Arrangements has been included in the Cabinet Report approved by Cabinet on the 26 July 2022. Delegated Award Report signed 15/02/2023.	<u>Lot 1 - Tenancy & Family Support (follow on service)</u> 1) Beam 2) Father Hudson's Society 3) Migrant Helpline 4) Spring Housing Association 5) The Refugee Migrant Centre Limited <u>Lot 2 - Refugee Participation and Engagement</u> 1) Bosnia and Herzegovina UK Network 2) Migrant Helpline Page 2 of 12 3) Refugee Action 4) The Refugee Migrant Centre Limited 5) Trident Reach the People Charity <u>Lot 3 - Employability Service</u> 1) Ashley Community & Housing Ltd (Via ACH) 2) Beam 3) Bosnia and Herzegovina UK Network 4) Breaking Barriers 5) Father Hudson's Society 6) Migrant Helpline 7) The Refugee Migrant Centre Limited 8) Trident Reach the People Charity <u>Lot 4 - Wellbeing & Mental Health</u> 1) Birmingham and Solihull Mental Health NHS Foundation Trust 2) Father Hudson's Society 3) The Refugee Migrant Centre Ltd	up to £16,050,000.		Graeme Betts / Steve Sandcock	01/04/2023
Strategy / Award	Maintenance, Servicing and Supply of Fire Extinguishers	P0417_2022	The maintenance, servicing and supply of fire extinguishers at Council sites is required for directorates of the Council and schools on an annual basis in accordance with legislation and British Standard (BS) 5306 part 3:2009 and part 8:2012. As part of this contract, there is a requirement for the servicing and supply of fire blankets and fire equipment signage.	4 years	Council Management	Finance and Resources	Lee Bickerton	Jose Vitoria	Presented to Cabinet for info 17/01/2023. Strategy / Award Report signed 02/03/2023.	Firemark Limited	£880,000		Steve Sandcock	01/04/2023
Strategy / Award	Installation of energy efficiency measures in owner occupied and private rented properties	P1096	The Council has secured funding from the then Department for Business, Energy and Industrial Strategy (BEIS) for measures to improve the energy efficiency of up to 630 owner occupier privately owned domestic properties (Local Authority Delivery Phase 3, - 'on gas' properties.) and (Home Upgrade Grant Phase 1) there is a total of up to 103 owner occupier/private rented properties which are 'off gas'. Applications are submitted to the Council for specific measures.	5 months	City Housing	Housing	Carl Tomlinson	Gwen Mayo	Approved by Cabinet in the Green Homes Grants – Local Authority Delivery Phase 2 report dated 7th September 2021. Strategy/ Award Report signed 03/03/2023.	Dodd Group Limited	£7,600,000		Paul Langford / Steve Sandcock	06/03/2023
Delegated Award Report	Processing Green Waste	P0402	The provision of Processing Green Waste.	5 years with option to extend for a further period of 2 years	City Operations	Environment	Carl Tomlinson	Darren Share / Meena Chuhani	Cabinet approved the Procurement Strategy in Support of the Waste Strategy Framework 2017 – 2040, dated 13 February 2018 and delegated the award to CO. Delegated Award Report signed 03/03/2023.	Veolia ES Limited	£4,050,000	£1,620,000	Mark Wiltshire / Steve Sandcock	17/01/2024

Type of Report	Title of Procurement	Ref	Brief Description	Contract Duration	Directorate	Portfolio Finance and Resources	Finance Officer	Contact Name	Comments - including any request from Cabinet Members for more details	Contractor(s) Awarded to	Value of Contracts	Chief Officer	Actual Go Live date
Strategy / Award	Provision of a Children's Placement Portal		Birmingham Children's Trust require a partner to build a new Placement Portal for managing child placements. A test of the market has suggested that there is currently a gap in regard to this type of system being immediately available.	1 year with option to extend by a further 1 year	Digital and Customer Services	Digital, Culture, Heritage & Tourism	Lee Bickerton	James Gregory / Jake Smith	Presented to Cabinet for info 27/07/2022. Strategy / Award Report signed 06/03/2023.	NEC Software Solutions UK Limited	£999,350	Peter Bishop / Steve Sandercock	31/03/2023
Delegated Award Report	Genealogy Services	P0786	For the provision of National and International genealogy services for the purpose of locating next of kin in order that the Council can comply with its statutory obligations in arranging dignified Public Health Funerals. Where no next of kin is immediately identified the case will be referred to an accredited Genealogist, Family Research and Probate Company to commence a search for family members who need to be notified of the death and provided the opportunity to take over the funeral arrangements. <u>This project is income generation.</u>	5 years	Adult Social Care	Health and Social Care	Yusef Shaibu	Mike White / Stuart Follows	Presented to Cabinet for info 11/10/2022. Approval to Tender Strategy Report signed 30/11/2022 and delegated the award to CO. Delegated Award Report signed 16/03/2023.	Finders Genealogists Ltd, T/A Finders International Probate Genealogists	£1,505,000	Graeme Betts / Steve Sandercock	01/04/2023
Strategy / Award	Insurance services for Acivico and Birmingham Children's Trust (BCT)	P1108	The insurance policies for renewal as follows: • BCT (Birmingham Children's Trust); □ Lot 1 - All required covers including (Money, Employers Liability, Fidelity Guarantee and Personal Accident). • Acivico. □ Lot 2 - All required covers including (Material Damage for Contents only, Public Liability, Employers Liability, Fidelity Guarantee, Personal Accident and Business Travel); □ Lot 3 - Management liability covers including (Professional Indemnity, Directors and Officers).	3 years	Council Management	Finance and Resources	Lee Bickerton	Matthew Z Davis / Stuart Follows	Presented to Cabinet for info 08/11/2022. Strategy / Award Report signed 23/03/2023.	Zurich Municipal PLC	£1,472,014	Rebecca Hellard / Steve Sandercock	01/04/2023
Strategy / Award	A managed service provider to support transformation of BCC and deliver savings efficiencies and opportunities	P1131	To support the scoping, planning and development of transformation and improvement architecture. This contract seeks to establish a more efficient and effective way of sourcing support, specialist resources and expertise over a number of years. It will enhance delivery capacity and allow the Council to have a coherent overview of all the resources engaged on transformation and improvement. It will further ensure the resources are managed accordingly, whilst ensuring value for money and successful achievement of deliverables and outcomes.	4 years	Council Management	Finance and Resources	Lee Bickerton	Nic Fell / Stuart Follows	Presented to Cabinet for info 21/03/2023. Strategy / Award Report signed 30/03/2023.	Constellia Public Limited	£9,000,000	Rebecca Hellard / Steve Sandercock	01/04/2023
Strategy / Award	Neighbourhood Integration – Programme Support	P0937	To support the continued development and implementation of multi-agency neighbourhood working in the local health and social care system. This will include: •Project management for the NI programme; •Working with 5 existing neighbourhood test teams to design and iterate new ways of integrated working across health and social care; •Managing the change process across multi-agency teams; •Managing stakeholder relationships; •Ensuring reporting and accountability through to Integrated Care System Place governance arrangements; •Establishing baselines and measuring impact and benefits of new ways of working.	1 year	Adult Social Care	Health and Social Care	Yusef Shaibu	Michael Walsh / Mike Smith	Presented to Cabinet for info 14/02/2023. Strategy / Award Report signed 30/03/2023.	Newton Europe	£948,150	Graeme Betts / Steve Sandercock	01/04/2023
Delegated Award Report	Primrose Park Landscape Construction Works	P1194	There is a requirement for the construction of a new 1.10 hectare neighbourhood park and the works consist of landscaping, a new play area and equipment for children up to the age of 14, a multi-use games area, outdoor fitness equipment, seating and paths. It will also contain trees and wild flower planting with bulbs. The perimeters of the park will be fenced and new entrance features.	1 year	City Operations	Environment	Carl Tomlinson	Cigdem Jain / Charlie Short	Presented to Cabinet for info 26/07/2022. Delegated Award Report signed 31/03/2023.	Haystoun Construction Limited	£1,145,177	Mark Wiltshire / Steve Sandercock	01/04/2023