

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

28 NOVEMBER 2017

REPORT OF THE INTERIM CORPORATE DIRECTOR EDUCATION AND FAMILY SUPPORT

EXTENSION OF THE SUPPLY OF FRESH, FROZEN AND COOKED MEATS CONTRACT

1. Purpose of Report

1.1 The purpose of this report is to:

- i) Suspend those parts of the Council's Contract Procedure Rules (CPR's) in respect of the procurement requirements relating to the tendering of the supply of fresh, frozen and cooked meats contract.
- ii) Authorise the Interim Corporate Director Education and Family Support to enter into a contract with the current contractor Mid Glamorgan Provisions Ltd for an additional three month period.

2. Connection to Corporate Improvement Plan / Other Corporate Priority

2.1 The report links to the following improvement priorities in the Corporate Plan:

- Smarter Use of Resources.

3. Background

3.1 The National Procurement Service (NPS) awarded a Framework for the Supply and Distribution of Fresh Food and Beverages (including frozen meat) on 29th August 2017 replacing the Welsh Purchasing Consortium (WPC) Supply of Fresh, Frozen and Cooked Meats Framework which expires on 30th November 2017. The commissioning model being utilised by NPS providing one ranked supplier (Castel Howell) (who must be contracted with unless they are unable to fulfill requirements) has resulted in all local authorities in Wales using the NPS Framework for Fresh and Frozen Meats needing to contract with the same supplier.

4. Current situation / proposal

4.1 The current call off contract from the WPC Framework with Mid Glamorgan Provisions Ltd is due to expire on 31st December 2017. The Council has not undertaken a new procurement process as the intention has been to utilise the new NPS Framework when the contract ends. Due to the commissioning model being employed by NPS, a staggered approach to mobilisation is required. An approach has been made to Castell Howell to propose a date for the Council to join the Framework. As it is essential to maintain supply of this high risk food until the

framework can be utilised, it is proposed that there should be an additional contract with the current contractor for a further three month period to allow for the timely and safe implementation of the new agreement with Castell Howell.

- 4.2 The Council in entering into a contract in this manner will be unable to comply with its Contract Procedure Rules in respect of tendering this contract. The position that the Council now finds itself in is not of the Council's making, as it could not have been anticipated that the awarded ranked 1 supplier for Zone 4 (Bridgend) would be the same for all 32 Geographical Zones (all local authorities, NHS and other public sector bodies). There is the usual risk that entering into the contract in this manner could be open to legal challenge but in the circumstances this is considered low and the period of the extended contract will be kept to the bare minimum. It will be noted that to allow for mobilisation, the provisional new commencement date for the call off contract will be 1st of April 2018.

5. Effect upon Policy Framework and Procedure Rules

- 5.1 This report is requesting a suspension of those parts of the Council's Contract Procedure Rules (CPR) in respect of the procurement of these services.

6. Equality Impact Assessments

- 6.1 There are no equality implications arising from this report.

7. Financial Implications

- 7.1 The estimated annual value of this contract is £115,000. There is a minimal cost differential associated with the extension to the contract compared to the cost of the new provider. The cost of the contract will be met from within current budgets.

8. Recommendation

- 8.1 It is recommended that Cabinet:

- (a) Suspend those parts of the Council's Contract Procedure Rules in respect of the procurement requirements relating to the tendering of this proposed contract;
- (b) Authorise the Interim Corporate Director Education and Family Support to enter into a contract with the current contractor for a further three month period.

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Background papers:

None