

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO CABINET

17 NOVEMBER 2020

### REPORT OF THE CORPORATE DIRECTOR - EDUCATION AND FAMILY SUPPORT

#### CONTRACT FOR THE SUPPLY OF FRESH, FROZEN AND COOKED MEATS – SUSPENSION OF THE CONTRACT PROCEDURE RULES

#### 1. Purpose of report

1.1 The purpose of this report is:

- to suspend those parts of the Council's contract procedure rules in respect of the procurement requirements relating to the tendering of the contract for the supply of fresh, frozen and cooked meats; and
- to authorise the Corporate Director Education and Family Support to enter into a contract with the current contractors, Mid Glamorgan Provisions Ltd on the same terms as the current contract to 18 December 2021.

#### 2. Connection to corporate well-being objectives/other corporate priorities

2.1 This report assists in the achievement of the following corporate well-being objective under the Well-being of Future Generations (Wales) Act 2015:

- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

#### 3. Background

3.1 Following a procurement process in November 2019, the Council awarded a contract for the supply of fresh, frozen and cooked meats to Mid Glamorgan Provisions Ltd. That contract is due to expire on 18 December 2020.

3.2 The Council is part of a regional delivery group and as part of that group has committed to the establishment of a regional framework for the supply of foods such as fresh, frozen and cooked meats. The commissioning of the regional framework is to be led by Caerphilly County Borough Council.

3.3 The contract with Mid Glamorgan Provisions Ltd was awarded for a limited period to 18 December 2020, as it was anticipated that the new regional framework would have been in place by this time and that the Council would utilise that new regional framework.

#### **4. Current situation/proposal**

- 4.1 The Council has committed to establishing and utilising the regional framework to be set up for the provision of food contracts such as the one subject to this report. Using the regional framework will likely bring financial advantages to the Council. However, due to the impact of the Covid-19 pandemic, there have been delays to the commissioning of the regional framework and it has not yet been established by Caerphilly County Borough Council.
- 4.2 As meat is classified as a high-risk food product, and therefore, in order to be accepted by the Council, Mid Glamorgan Provisions has to comply with our requirement for STS Accreditation (Food Safety Standard for Food Suppliers and Distributors) UKAS accredited technical standards, Red Tractor Standards, and have a food hygiene rating of 5. As part of our due diligence, the Council performs regular checks to make sure that these, and all of the originally required insurances, remain in place.
- 4.3 Due to the unprecedented COVID-19 pandemic, and the approach of Brexit, it is essential to maintain supply of these high-risk foods with a supplier who we have tested quality and commitment to our service, until the regional framework can be utilised.
- 4.4 It is therefore proposed that the Council should suspend the contract procedure rules and enter into a contract for fresh frozen and cooked meat with Mid Glamorgan Provisions Ltd on the same terms as the current contract from 19 December 2020 until 18 December 2021. This will allow for the regional framework to be established and for the Council to ensure continuity of provision of this high risk food until such a times as the Council is able to utilise the regional framework to appoint a supplier for the provision of fresh frozen and cooked meats from the regional framework.
- 4.5 Under the Council's contract procedure rules, the Council is required to tender and advertise contracts such as this one on Sell2Wales as a minimum. The Council, in entering into a contract in this manner, will be unable to comply with those requirements.
- 4.6 Cabinet should be aware, that by not complying with its contract procedure rules the Council is exposed to the risk of potential challenge from other suppliers of such products, as we are entering into a contract without any competition which breaches the requirements of procurement legislation.

#### **5. Effect upon policy framework and procedure rules**

- 5.1 This report has no effect on the policy framework and procedural rules. .

#### **6. Equality impact assessments**

- 6.1 An equality impact assessment initial screening has been completed and it is considered that there will be no negative impacts from this report.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

7.1 The Well-being of Future Generations (Wales) Act 2015 assessment has been completed. A summary of the implications from the assessment relating to the five ways of working is as follows:

### **Long-term**

This identifies that the Council is supporting the sustainability of school meals in schools by continuing to offer this important service to pupils.

### **Prevention**

The Council assesses the suitability of food providers supplying high risk products. The Council, in conjunction with procurement experts supports the delivery of a national strategy to support the provision of high risk food in the future.

### **Integration**

School meals are important in ensuring that learners can learn and achieve so that they can access opportunities for further learning and employment, and can play active roles in their communities, contributing positively to society as a whole.

### **Collaboration**

The Council work with schools and local and regional suppliers in delivering school meals. This strategic role is supporting pupils' wellbeing in school. The Council ensures that school meals are delivered to meet the needs of all learners.

### **Involvement**

The engagement with pupils on the range and choice of school meals is an important factor in the delivery and development of this important service. The service provides sufficient time and resources to fully identify, understand and respond to the issues identified by pupils.

## **8. Financial implications**

8.1 The estimated value of the contract from 19 December 2020 to 18 December 2021 is £145k for the supply of fresh, frozen and cooked meat with Mid Glamorgan Provisions Ltd. The cost will be met from within current budgets.

## **9. Recommendations**

9.1 It is recommended that Cabinet:

- suspends the relevant parts of the Council's contract procedure rules in respect of the requirements relating to the procurement of the contract for the supply of fresh frozen and cooked meat; and
- delegates authority to the Corporate Director Education and Family Support in consultation with the Interim Head of Finance and Section 151 Officer and Chief

Officer - Legal, HR and Regulatory Services, to enter into a contract for the supply of fresh, frozen and cooked meat with Mid Glamorgan Provisions Ltd from 19 December 2020 until 18 December 2021.

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**Background papers:**

None