

London Borough of Enfield

Report Title:	2023-24 Annual Report on Contract Procedure Rules
•	and Waivers and Procurement Services Update
Report to:	General Purposes Committee
Date of Meeting:	24 July 2024
Executive Director	Fay Hammond (Executive Director – Resources) and
/Director:	Olga Bennet (Director of Finance – Capital &
	Commercial, Resources)
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	Development)
Classification:	Part I Public

Purpose of Report

1. To provide the annual update to the General Purposes Committee on Procurement Services' activity, services compliance with Contract Procedure Rules (CPRs), waivers approved and information on the Council's procurement spend. This report covers the period April 2023 to March 2024.

2. Recommendations

I. To note the contents of this report and accompanying appendices

3. Background

- 4. Procurement Services and Contract Management update
- 5. Procurement Services is a corporately led strategic function, bringing together a range of specialist skills and resources to support all Enfield Council service areas throughout the commissioning, procurement, and contract management cycles through a business partnering approach. This includes support on request, to Housing Gateway Limited and Energetik. The service is responsible for all procurement policy and procurement governance, including management of the Council's Contract Procedure Rules. The service also manages the Procurement pipeline, annual plan,

contracts register and provides access to a range and variety of spend analytics to support departments with service planning and monitoring. Procurement Services does not manage any of the Council's transactional purchasing activities (e.g.ad-hoc purchase orders, purchase cards, etc). These are managed and led by colleagues within the Council's Exchequer Services department. Procurement Services interact and engage with Exchequer Services through direct support on strategic projects and spend analyses activities.

6. Procurement Services lead on all procurement projects over the Public Contracts Regulations 2015 (PCR) financial thresholds (whole life values and inclusive of VAT):

Goods / Services:	£ 214,904
Light Touch Regime:	£ 663,540
Construction / Works:	£5,372,609
Concessions:	£5,372,609

- 7. The function provides strategic procurement and contract management advice early in consideration of any new initiatives, and to support those managing existing contracts to meet or exceed contract outcomes. Procurement Services lead the tendering process for larger and more complex projects. Since establishment and up until April 2024, Procurement Services supported high risk / complex procurements over £100,000 for goods and services and £2,500,000 for construction. However, due to increasing demand, service capacity and the need for the service to lead, manage and implement public sector procurement transformation; the NHS Provider Selection Regime and the Procurement Act 2023, the service is prioritising support to projects above the PCR thresholds. A comprehensive support offer for officers self-serving procurement projects has been developed and is available on the Procurement Services' micro-site. A range of advice, guidance, training, tools, and templates is available to guide officers and ensure compliant procurement.
- 8. To support services and give visibility on procurement activity and compliance, departmental dashboards are produced and presented to departmental management teams on a quarterly basis, with an overall corporate dashboard presented to the Chief Executive, Executive Director, Resources and Director of Finance, Capital and Commercial. The dashboards provide information on:
 - procurement projects let and commenced over £250K in value
 - forthcoming contract expiries
 - largest contracts by value
 - contract management support interventions
 - contract register gaps owners and spend not linked to a contract
 - exceptions and waivers to contract procedure rules
 - local supplier spend
 - Procurement Services' performance
- 9. Demand for support from service departments across the Council continues to increase year on year, from 87 projects received in 2022/23 to 104

projects received in 2023/24. Details of the demand on the service and its performance are included in these departmental dashboards.

10. Procurement Services is currently focussing on preparing the Council to be compliant with the NHS Provider Selection Regime and the Procurement Act 2023, compiling the 2024/25 Annual Procurement Plan and managing working business as usual activities, supporting the Council's budget challenge, and ensuring timely delivery of priority projects. Details of local transformation and implementation is provided later in this report.

11. Contract Management

- 12. The development of a culture of contract management is continuing. A Contract Management Framework has been development to support Contract Managers across the organisation. This sets out key actions and activities contract managers should perform throughout the commercial and contracting cycle to ensure contract outcomes and value for money are achieved. Procurement Services provide a comprehensive support offer to contract managers which includes 1:1 support, tools, templates, and guidance.
- 13. A contract tiering tool was implemented to classify and tier contracts. This links to the Contract Management Framework, Supplier Resilience checking and contract management reviews. The classification also supports the planning of contract reviews for prioritisation. The classification is based on value, risk, data sensitivity and complexity to reprocure. The classifications are:

Platinum	Very high: value, risk, data sensitivity & complexity to re- procure.
Gold	High: value, risk, data sensitivity & complexity to re- procure.
Silver	Medium: value, risk, data sensitivity & complexity to re- procure.
Bronze	Low: value, risk, data sensitivity & complexity to re- procure.
Unclassified	Very low: value, risk, data sensitivity & complexity to re- procure.

- 14. The classifications run from Platinum being the highest risk contract in terms of the four measures (value, risk, data sensitivity and complexity to reprocure), down to unclassified which is very low risk and complexity. This classification method also aligns with the process utilised by Finance colleagues for supplier economic and financial standing tests during Procurement delivery, and with best practice provided by the Government Commercial Function.
- 15. The classification drives the activity required by the contract manager to ensure that proportionate and effective contract management is being carried out to reflect the risk and complexity of the contract. It also ensures that the level of activity is proportionate. The activities required are set out in the Contract Management Framework.

- 16. The Classification will also lead to a supplier resilience programme. It is expected that all Platinum and Gold will carry out a Supply Chain Resilience Tool check on their contracts to monitor risk to the supply chain. This is also linked to Business Continuity and Emergency Planning.
- 17. The table below shows the number of contract classifications completed to date.

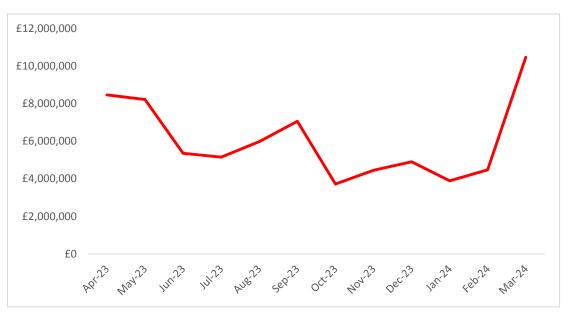
Number of Contracts Classified	Number Platinum	Number Gold	Number Silver	Number Bronze
188	7	78	94	9

- 18. Procurement Services' Contract and Supplier Relationship manager interacts with the client and procurement leads throughout the commercial cycle, from project start up through to contract award, contract handover and delivery, supporting the development of performance management requirements, key performance indicators for suppliers and ongoing management of the contract.
- 19. New processes have been introduced to enhance procurement governance and ensure compliance on contract extensions, modifications, and variations. As described above, these activities now fall within the scope of the Procurement Assurance Group where these are scrutinised and support to the services is provided to ensure governance is followed, and the contract register (LTP) is updated.
- 20. This year Procurement Services have completed 5 reviews on key contracts. The reviews identified opportunities for savings, efficiencies and improvements and recommendations were shared and signed off by the contract owners. These reviews have been well received by contract owners and a further review programme for 2024/25 is being prepared.
- 21. Details of the top ten contracts by value are provided in Appendix E.
- 22. Compliance and Contract Procedure Rules
- 23. Under section 135 of the Local Government Act 1972 a local authority is required to make standing orders for contracting of goods, works and services. There is also an obligation to include in those standing orders provisions for securing competition for contracts and regulating the way tenders are invited. The standing orders may provide that contract of a certain value are exempt and may authorise the authority to exempt the provisions were justified by special circumstances. The Contract Procedure Rules (CPRs) are the Council's standing orders as required under the Act.
- 24. The Council may only contract with external parties within the legal framework for local authority procurement i.e., in accordance with the UK Public Contracts Regulations 2015 (as amended), the Council's Contract Procedure Rules (s135 of the Local Government Act 1972), the general

duty to obtain Best Value (Local Government Act 1999) and by following the principles of transparency, non-discrimination and equality of treatment.

- 25. The Council's Contract Procedure Rules and tendering systems are compliant with UK procurement regulations as set out in the Public Contracts Regulations 2015. The regulations make competition of certain contracts mandatory, and these requirements cannot be waived. Aligned to the last update of the Council's Constitution, the current CPRs were reviewed and updated in July 2020. They are used in conjunction with the Procurement Manual which provides guidance, tools, and templates to support officers self-serving procurement projects. Any key legislative, policy developments are noted together with user feedback and incorporated into policy, as necessary. Compliance by service departments with CPRs is reported quarterly within the departmental dashboards.
- 26. Compliance to the CPRs for the period of April 2023 to March 2024 is set out in **Appendix B**. Overall compliance to the CPRs is good. Compliance and requests for waivers to CPRs are managed by the Procurement Assurance Group which is also responsible for endorsing procurement strategies, contract awards and requests for contract extensions, variations, or modifications. The group is comprised of procurement, finance and legal professionals and facilitates the alignment of all three functions throughout the delivery of procurement projects.
- 27. Compliance monitoring is challenging due to internal procurement and finance systems not being able to interface with each other together with diminished resources available. Work is going on to develop a business case for a replacement system that will be able to integrate with existing systems and provide a combined eTendering portal and contract and supplier relationship management functionality. This will automate several current manual tasks as well as providing enhanced oversight of the Council's procurement and contracting activity.
- 28. Analysis of the year's data has highlighted 'off contract spend' (Gaps) as being the largest area of non-compliance. This is a particular issue for low value spend. A 'Gap' is where there is spend in SAP which Procurement Services cannot link to a contract in the London Tenders Portal, or 'under £25,000 spend' spreadsheet. Monthly reports are reviewed to identify 'gaps' in the contract register. These gaps are then investigated, and relevant actions taken to create a record in the contract register and develop a longer-term strategic solution.
- 29. Off Contract Spend (Gaps) falls into six main areas:
 - Over £25k contract not procured through LTP
 - Spend has exceeded the contract value including low value spend under £25k
 - Procurement project admin not completed in LTP
 - Contract extended but not updated in LTP
 - Contract expired but spend continues
 - SAP supplier number does not link to contract register
 - 'False gap': non-procurement spend

- 30. In total, over one hundred contracts have been located and placed onto the corporate contract register during 2023, equating to £14,500,000 contractual value being identified. The Percentage of spend that is not linked to a contract has reduced significantly from 30% to 15% over the past year, with a slight increase during March, which has now been resolved.
- 31. Chart 1 below illustrates monthly value of spend not linked to contracts (gaps) by month.



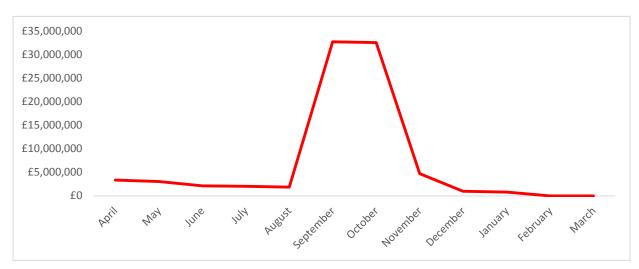
32.	Chart 2 below shows	Gaps closed	per month as a	percentage of spend.

Month	Commissioned Spend	Gaps	%
Apr-23	£25,589,482	£7,937,324	31%
May-23	£35,852,875	£10,989,927	31%
Jun-23	£23,510,803	£6,255,832	27%
Jul-23	£22,334,421	£6,642,410	30%
Aug-23	£28,076,880	£7,627,994	27%
Sep-23	£27,829,186	£8,193,037	29%
Oct-23	£26,878,428	£5,015,593	19%
Nov-23	£27,935,175	£5,573,858	20%
Dec-23	£25,847,104	£5,481,662	21%
Jan-24	£26,729,897	£3,898,105	15%
Feb-24	£29,089,777	£5,629,552	19%
Mar-24	£41,772,766	£11,649,815	28%

33. Analysis on low value spend shows trends where service departments are continuing to spend over the £25,000 threshold. Procurement Services are working with Exchequer Services to address this, and close suppliers once the spend value is reached. Off Contract Spend can be a problem where several Service Departments use one supplier but have not carried out a procurement as their spend individually is below £25k, but the aggregate is

over the threshold for quotation, as our systems are not sophisticated enough to deal with this.

34. We have also been tackling 'contracts with no owner'. When a contract manager leaves a replacement is not always nominated within the service area. We are working on highlighting the need for a nominated contract manger within the LTP, with access to maintain the data.



35. The chart below illustrates Live Contracts with no 'owner' in the LTP.

- 36. Regular Procurement training including Contract Procedure Rules compliance is available on iLearn. This is also offered to schools, however there is often poor take up of this offer despite recommendation within Audit reports to schools.
- 37. Prior to the restructure that established the current function, there were resources available to support below threshold procurement. Services that do not procurement regularly struggle to understand what is needed and spend a lot of time trying to be compliant. Given our constrained resources, support time can be disproportionate for low value contracts, needing high levels of support. To address this matter the Procurement Self-Service offer has been reviewed and improved with a range of advice, guidance, tools, templates and short training videos and guides within the Procurement Services microsite.
- 38. Waivers
- 39. There are instances where it is not practical or possible to follow a full competitive process in accordance with the CPRs. In such instances service departments may request a Waiver or Exception to the CPRs, the procedure for which is included in **Appendix A**. The approval of such Waivers and Exceptions is compliant with the CPRs but where procurement projects exceed the Public Contracts Regulations 2015 financial thresholds, it is not possible to waive legislative requirements on procurement procedures. All waivers must be presented to the Procurement Assurance Group for scrutiny, challenge, and endorsement before passing to the Executive Director, Resources for review and approval.

- 40. Over recent years the numbers of waivers have reduced however, since the establishment of the new Procurement Services function, there has been greater scrutiny on spend across the Council, engagement with Service Departments on their procurement and contracting activity and risk mitigation. As a result of these interventions instances of contracts that have not been let compliantly, or where in the past contracts would have been let non-compliantly have been discovered and has led to an increase in the number of Waivers. This has been necessary to regularise contractual arrangements, ensure transparency and to drive collaboration with the client to ensure future requirements are considered more strategically and a compliant procurement process is put in place.
- 41. During 2022/23 there were four waivers approved however, thirty-three waivers were issued for the period April 2023 to March 2024. This equates to a total contract value of £27,623,301. This is an increase on last year's value of £367,750. Details of these waivers and reasons are provided in **Appendix C**.
- 42. A summary analysis of the waivers is provided below:
 - (i) The largest by spend was attributed to one waiver, which was the direct award of the Leisure Services contract to GLL, with a contract value of £15,900,000.
- (ii) Six waivers issued to cover one contract failure financial. The lead contractor led a partnership of six other suppliers to deliver services to ensure continuity of service provision, waivers were issued to award directly to the six suppliers. This equates to £139,917 of the value of the waivers.
- (iii) Eight waivers issued due to supplier failure and the need to maintain services. This equates to £4,640,818 of the value of waivers.
- (iv) Nine Waivers as a short-term solution while the procurement was completed, or a longer-term strategy completed to enable provision of the service.
- (v) Two waivers issued due to non-compliance and spend already committed.
- 43. Exceptions
- 44. Within the CPRs there is provision to consider areas that are Exceptions e.g., individual adults and children's social care packages. These are permissible within the UK Public Contract Regulations 2015, and the Council's CPRs. Exceptions issued for April 2023 March 2024 are set out in **Appendix C**.
- 45. From client engagement and analysis described above, this has also led, where appropriate, to an increase in Exceptions. The number of Exceptions sought for the period April 2023 to March 2024 is one hundred, equating to a total contract value of £5,567,640. This is an increase on 2022/23 of 53 Exceptions with a value increase of £154,641 on last year's spend.
 - (i) Thirty-Four due to non-use of the London Tenders Portal, where competition took place outside of it.

- (ii) Fifty-three of the Exceptions were for the Holiday and Food Project (HAF) project. For future projects, Procurement Services has worked with the service to establish a compliant solution.
- 46. As with requests for waivers, all Exceptions are scrutinised at the Procurement Assurance Group for endorsement and for a procurement lead to engage with the client to remedy for future requirements.

47. Contract Extensions and Frameworks

- 48. Following presentation of the 2022/23 report, Members requested improved governance and scrutiny on contract extensions, variations, and modifications. This has been actioned and is now incorporated into the Procurement Assurance Group's scope. All requests for all contract changes must now be presented for scrutiny prior to endorsing the request for the ultimate decision maker. Through these interventions, opportunities to carry out contract reviews have been identified and actioned with further potential to programme in reviews of contracts that have an extension due. Members also requested more visibility on the use of Frameworks, details are provided below.
- 49. At the time of writing this report there are 417 live contracts in the Contract Register (LTP). Total number of contracts in the contract register that have an extension option is 111 of which forty have already had the extension option taken.

Number of contracts accessed via a framework or is a framework	78
Number of live contracts let via a single supplier Framework	8
Number of live contracts with extensions	111
Number of contracts expiring this year (2024-25) with extensions	65
(See appendix G)	
Number of current live contracts that have executed an extension.	40

50. Overview Table of Framework and Extensions 2023 - 2024

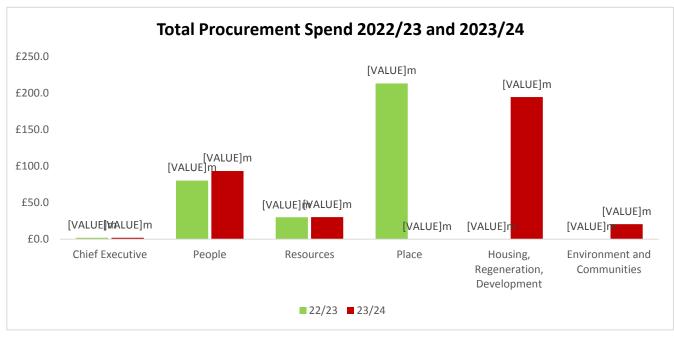
51. Table of live contracts let via a Single Provider Framework

Title	Dept.	itart Date	End Date	Net Value
Amazon Business – Public Sector Digital Marketplace	Resources	05/05/2023	04/05/2026	£303,000
Educational Psychology Assessments	People	01/09/2023	31/08/2024	£396,000
Investment Management Consultancy Services for the London Borough of Enfield Pension Fund (National LGPS Framework)	Resources	10/02/2021	09/02/2025	£325,000

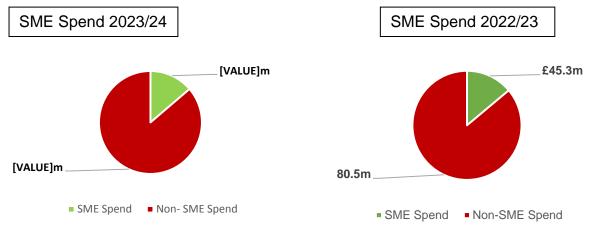
Learning Management System - Annual Maintenance & Support	Resources	02/08/2022	01/08/2024	£107,720
Out of hours telephony service	Resources	28/03/2019	30/09/2025	£1,386,000
Prepaid Cards NEPO505 Framework Contract for the provision of Prepaid Card Accounts.	People	01/03/2021	28/02/2025	£280,000
Repairs Materials Supply	Housing, Regeneration and Development	01/02/2024	31/07/2024	£497,681
The provision of MFDs and services for the council CCS Framework agreement RM3781 LOT1	Resources	01/01/2021	31/08/2024	£375,000

52. Procurement Spend Summary

- 53. The spend profile of Enfield Council is typical for a tier 1 Local Authority with the main spend categories being People and Place. Total third party spend for April 2023 March 2024 was £1.05B. This is an increase on the previous period April 2022 March 2023 of £984.9M, representing a change of 6.2%. Spend profile is set out in below for period April 2023 to March 2024. Tables of spend by category is set out in **Appendix D**.
- 54. Typically spend is classified as 'subject to procurement' or 'not subject to procurement'. Not subject to procurement spend is spend that is exempt from Public Contract Regulations 2015, e.g., salaries, taxes, property purchasing or rent, care packages, barristers.
- 55. The spend subject to procurement for the period 2023 2024 was £341.4M. The Council spends a further £704.5M with third parties that is classed as not subject to procurement, making a total of £1.05B
- 56. The procurement spends of £341.4M is divided between five departments as shown below.



57. Spend with Small to Medium Enterprises companies was £46.9m equating to 13.7% of total spend. This is an increase from £45.3m last year. Tracking SME spend is difficult if the Supplier does not inform the Council, it is an SME.

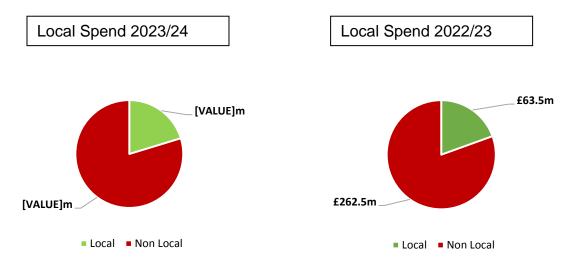


59. Overview of SME Spend

60. Local spend with suppliers subject to procurement was £47.1M, equating to 13.8% of total procured spend. This is an increase of £0.1m from 2022/2023. Local spend is defined by the 'Payee address' being within an Enfield Borough postcode.

	Value 2022/23	Percentage 2022/23	Value 2023/24	Percentage 2023/24
				13.7%
SME Spend	£45.3m	14%	£46.9m	
Non-SME				86.3%
Spend	£280.5m	86%	£294.5m	
Total Spend	£325.8m		£341.4m	

61. Development of reports over the past year have helped to identify local spend that going through 'agent systems' such as Access UK and Matrix MM. Through this we have identified a further £22.2m of spend that is remaining within the borough. This takes the total spend to £69.3m and increased to 20%.



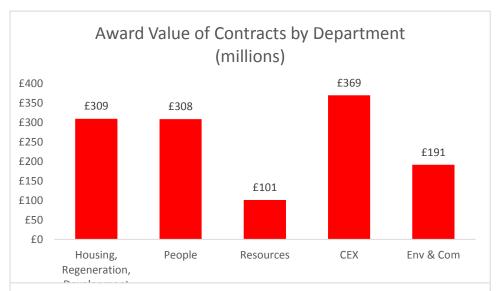
58.

*Includes agency system spend

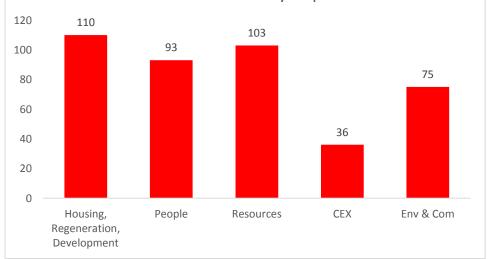
- 62. The CPRs require officers to obtain quotes from local suppliers where possible, subject to best value considerations and to consider how to develop the local market to support delivery of the contract.
- 63. Work is being undertaken to increase the number of local suppliers and opportunities offered to them. This includes application of the Sustainable and Ethical Procurement Policy, regular engagement with local businesses at events held by organisations such as Enterprise Enfield, the North London Chamber of Commerce and through advertising pre-procurement market engagement events, and development of advice and guidance on the Council's website.

	2022/23 Value	2022/24 Percentage	2023/24 Value	2021 – 2022 Percentage
Local				
Spend	£63.3m*	19%	£69.3m*	20%
Non-Local				
Spend	£262.5m	81%	£272.2m	80%
Total				
Spend	£325.8m		£341.4m	

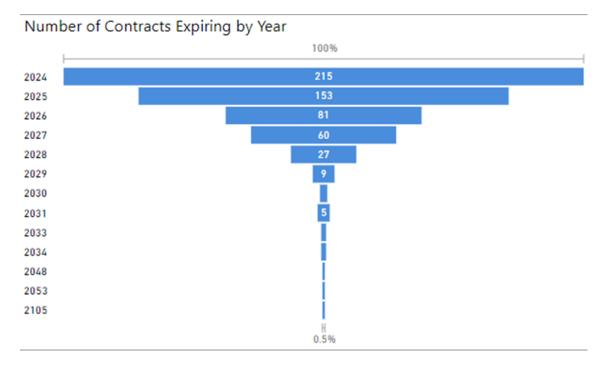
- 64. <u>Contracts Overview</u>
- 65. At the time of writing this report there were 417 live contracts in the Councils Contract Register. The diagram below shows the breakdown of contracts across the Council.



Number of Contracts by Department



66. The number of contracts expiring in 2024 is 215, with sixty-five extensions due. Last year and this year have had an exceptionally high number of contracts expiring. The table below shows contracts expiring. The 2024/25 Annual Procurement Plan will be comprised of supporting these contracts and any agreed re-procurement or first-generation procurement projects.



67. Transforming Public Procurement

- 68. An update on the key features and impacts of the NHS Provider Selection Regime and the Procurement Act 2023 together with details of local transformation and planning was provided to the Finance and Performance Scrutiny Panel during January 2024 and to the Executive Management Team during May 2024. The NHS Provider Selection Regime was implemented on 1st January 2024 and the go-live date for implementation of the Procurement Act 2023 has been confirmed as 28th October 2024.
- 69. For the first time, three distinct procurement legislations will be in place:
 - (i) Public Contracts Regulations 2015
 - (ii) The NHS Provider Selection Regime
 - (iii) The Procurement Act 2023
- 70. A significant review and rewrite of local policies, procedures, processes, guidance, and the Councils Contract Procedure Rules is required. The local

implementation plan is underway and workstreams to cover all elements of the implementation are established These include:

- (i) Stakeholder Engagement
- (ii) Training
- (iii) Contract Procedure Rules & PSR
- (iv) Governance and Best Practice
- (v) Systems
- (vi) Implementation & Monitoring
- (vii) PMO & Project Management
- 71. The Procurement Act 2023 will not be applied to retrospective contracts or procurements commenced before the go-live date. These arrangements will continue under the Public Contracts Regulations 2015 until the contract has expired.
- 72. This report was presented at Assurance Board 11th July 2024 and was endorsed.
- 73. The CPRs form part of the Council's Constitution and must be approved by Full Council. This is scheduled for the Full Council meeting of 18th September 2024. Following the approval of the new CPRs, policies and procedures, awareness raising, and training sessions will be rolled out across the Council with a training session for Members arranged during November 2024.

74. Relevance to Council Plans and Strategies

- 75. Procurement Services supports the delivery of the Councils Plan priorities by enabling services to commission and procure contracts that deliver council outcomes, supporting clean and green places, strong, healthy, and safe communities, thriving children and young people, more and better homes and an economy that works for everyone.
- 76. Procurement Services supports the delivery of the Councils Plan principles through its sustainable and Ethical Procurement Policy, the Contract Procedure Rules and Contract management framework.
- 77. Providing a wide range of policy and analytical support as it relates to suppliers and external markets and to provide guidance through the legal and internal processes that govern how the public's money is spent.
- 78. Procurement Services is an enabling service and supports Council services through procurement to support the delivery of homes in well-connected neighbourhoods, safe, heathy, and confident communities, and an economy that works for everyone. Through procurement activity it ensures that suppliers support the Fairer Enfield Policy and Climate Action.

79. **Financial Implications**

80. This is an update only report and there are no financial implications for this report. Procurement Services works closely with Financial Services throughout the life cycle of the Procurement Project to ensure financial probity.

81. Legal Implications

82. This is an update report and there are no legal implications for this report. Procurement Services works closely with Legal services throughout the life cycle of the Procurement Projects to ensure legal compliance and governance.

83. Equalities Implications

84. Equalities are considered during procurement through the Sustainable and Ethical Procurement Policy, which includes sections on equalities.

85. Environmental and Climate Change Implications

86. Climate implications are considered during procurement through the Sustainable and Ethical Procurement Policy, which includes sections on Climate Action and sustainability.

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Appendices

Appendix A	Excerpt from CPR rules for Exceptions and Waivers (Rules 15 and 17)
Appendix B	CPR compliance April 2023 – March 2024
Appendix C	Waivers and Exceptions issued April 2023 – March 2024
Appendix D	Spend breakdown by General Ledger Classification & UNSPSC classification
Appendix E	Top 10 Contracts by value
Appendix F Appendix G	Top twenty suppliers by spend April 2023 – March 2024 Contract extensions April 2023 – March 2024

Background Papers None.

15. EXCEPTIONS TO COMPETITIVE TENDERING

- 15.1 Where competitive tendering is impossible then an exception can be used, but the Service Department, must demonstrate why they were unable to demonstrate VFM through a competitive process and that the use of this rule meets Council needs.
- 15.2 This Rule can be applied only where:
 - (i) The procuring officer uses a legally compliant Framework which the Council has procured or has the right to access (subject to complying with the rules applicable to that Framework, including mini competition).
 - (ii) A suitable corporate contract is in place for the Services/Supplies/Works being procured.
 - (iii) Competition is prevented by government or statutory control.
 - (iv) Repairs, services, works, parts, goods, or materials are required relating to existing machinery, vehicles, plant, or equipment of a proprietary nature, where no suitable alternative Supplier exists.
 - (v) Ongoing maintenance, updating, licencing and support is required relating to existing ICT hardware and/or software that is proprietary in nature and no suitable alternative Supplier exists.
 - (vi) The contract provides in writing for an extension to the length of the contract's term and the following conditions are met:
 - The extension is for substantially the same works, supplies and/or services provided in the original contract.
 - The financial terms for the extension are as agreed in the original contract.
 - The length of the extension is no longer than that permitted by the original contract.
 - Such extension would not breach the Public Contract Regulations 2015; and
 - The appropriate authority/approval is in place in accordance with the Scheme of Delegation.
 - (vii) The contracts being procured are for special education needs or social care services below relevant EU Threshold and, in the opinion of the responsible officer it is considered in the Council's interest or is

required to meet obligations under relevant legislation. If above EU Threshold, officers are reminded that the Public Contract Regulations 2015 may apply.

- (viii) Upon evidence of extensive market testing and consultation with P&C Hub/Legal Services, the Goods, Services or Works are only available from a single Supplier and no suitable alternative is available.
- (ix) Contracts below EU Threshold being procured are for specialist professional services necessary to support children's or adult services where service users/clients select the Supplier, but the grant funding is via the Council.
- (x) Contracts are awarded between the Council and a 'Teckal Company'. Advice should be sought from Legal Services as to the application of the Teckal exception, and appropriate Council governance process should be followed.
- In relation to the exceptions, advice should be sought from the P&C Hub and (where applicable) Legal Services as to whether there is any risk of the Council breaching Public Contract Regulations 2015.
- (xii) Where a contract is entered into via any of the rules above then the contract must be recorded on the <u>E-Tendering Portal</u>.
- (xiii) Over £100,000 where no tenders, no suitable tenders, no requests to participate or no suitable request to participate have been received in response to a tender process, provided that the initial conditions of the contract are not substantially altered, then the Service Department can negotiate with a single Supplier. Refer to the Procurement Manual for the process to follow.
- (xiv) The aim of the procurement is the creation or acquisition of a unique work of art or artistic performance. Refer to the Procurement Manual for the process to use this Rule.
- 15.2 In relation to the exceptions, the requirement to comply with the Public Contract Regulations 2015 remains. Officers should consider publishing a Voluntary Ex-Ante Transparency (VEAT) Notice for any exception granted that is higher than the EU Threshold and the procedures leading to the award under the Regulations must be followed. A VEAT Notice can only be issued with approval from the P&C Hub.
- 15.3 Any decision not to seek competitive tenders must fully comply with this Rule 15, be reasonable in all the circumstances and be in the best interests of the Council. The decision must be recorded in writing and all documentation supporting the decision must be retained on the E-Tendering Portal.

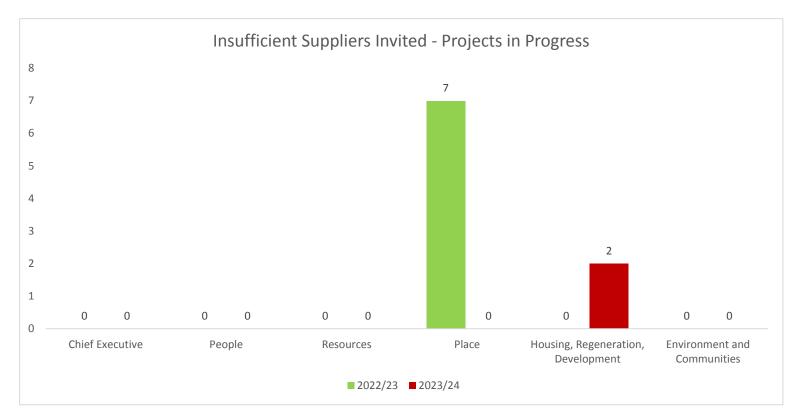
15.4 Exceptions will be reported to the Executive Director of Resources on a quarterly basis. Application for an Exception must be made via the Exceptions and Waiver form for recording and ensuring that the Contract is entered onto the Corporate Contract Register.

17. APPLICATION AND WAIVER OF THE RULES

- 17.1 These Rules apply to all contracts for Supplies, Works or Services entered into by the Council, except where a Waiver of all or part of the Rules is approved. Waivers should only be sought in **exceptional circumstances** given the general presumption that competition is the best way to demonstrate VFM.
- 17.2 It must be noted that where the value of the contract is over the EU threshold the Council must comply with the requirements of Public Contract Regulations 2015 therefore it is not possible to waive these requirements, and contracts let in this way will be in breach of the Regulations.
- 17.3 All Waivers are reported Council's General Purposes Committee on an annual basis by the P&C Hub.
- 17.4 The officer requesting the Waiver **must** keep a written record of any waiver of the Rules. Application of a waiver can be made via the <u>Exceptions and Waiver form</u> and will be reviewed and approved by the Executive Director of Resources.
- 17.5 Contracts let via a Waiver must have documentation held on the E-Tendering Portal to create a record on the Corporate Contract Register.
- 17.6 Waivers will only be issued for a period of 12 months, unless agreed otherwise by the Executive Director of Resources.

Appendix B 2023-2024 Compliance Reports

Number of projects in progress over £25k where too few suppliers were invited to quote.



Appendix B Continued List of projects where insufficient invitations to quote where requested.

LTP Reference	Value	Contract Title	Suppliers Invited	Department	Reason
DN558121	£50,000.00	Civil Engineering and Town Planning advisory support services for Meridian Water Regeneration Programme	2	Housing, Regeneration and Development	Lack of understanding of number of quotes
DN558950	£50,000.00	Incremental housing design study at Meridian Water East Bank	2	Housing, Regeneration and Development	Lack of understanding of number of quotes

Appendix C Table of all Exceptions April 2023 – March 2024

Department Name	LTP Reference	Procurement Title	Supplier	Value	Date					
	Exception 15.2 (vii): Special education needs or social care services below relevant Public Contracts Regulations Threshold and, in the opinion of the responsible officer it is considered in the Council's interest or is required to meet obligations under relevant legislation.									
People	DN671678	50 Statutory assessments in aid of the assessments for EHCP	NonStop Consulting	£75,000	24/05/2023					
People	DN696151	Contract for the Provision of 50 Statutory Assessments	Liquid Personnel	£70,750	24/10/2023					
People	DN667953	High Needs Provision for SEND Pupils	Big Creative Academy	£36,000	27/04/2023					
	Exception 15.2 (iv): Repairs, services, works, parts, goods, or materials are required relating to existing machinery, vehicles, plant, or equipment of a proprietary nature, where no suitable alternative Supplier exists									
Env & Com	DN676940	Adhoc Vehicle Repairs, MOT & Parts Supply	Norfolk Truck & Van	£150,000	28/06/2023					
Env & Com	DN717645	Adhoc plant and equipment repairs and parts reply	P Tuckwell	£150,000	28/03/2024					
Env & Com	DN717648	Adhoc plant and equipment repairs and parts reply	Visiontrack	£150,000	28/03/2024					
Env & Com	DN690891	Adhoc Vehicle Repairs, MOT & Parts Supply	Motus	£150,000	21/09/2023					
Env & Com	DN717633	Adhoc Vehicle Repairs, MOT and Parts Supply	Aebi Schmidt	£150,000	28/03/2024					
Env & Com	DN717640	Adhoc Vehicle Repairs, MOT and Parts Supply	Motus Truck and Van	£150,000	28/03/2024					
Env & Com	DN717644	Adhoc Vehicle Repairs, MOT and Parts Supply	Ernest Doe	£150,000	28/03/2024					

Env & Com	DN717627	Adhoc Vehicle Repairs, MOT and Parts Supply	Acorn Trucks	£25,000	28/03/2024
Exception	15.2 (v): Ong	going maintenance, updating and suppo proprietary in nature and no suitable			e that are
Resources (DS)	DN663996	Annual Fee SYNERGY Core+ Full Managed Service (Education) Contract Number: 83000084	Access UK Limited	£137,868	03/04/2023
Resources (DS)	DN665648	Call Centre Annual Maintenance and Support	Maintel Europe	£86,713	13/04/2023
Resources (DS)	DN676365	Provision of ParkMap hosted solution	Buchanan Computing	£84,628	28/06/2023
Resources (DS)	DN663989	Accounts Payable Forensics Software	Fiscal Technologies LTD	£72,000	03/04/2023
Resources (DS)	DN682909	Azure Support 2023-24	STORM Technologies	£67,500	02/08/2023
Resources (DS)	DN669048	Annual Maintenance & Support - ANSWERLINK	Jontek Ltd	£55,200	05/05/2023
Resources (DS)	DN684729	Managed Service for Client Caseload Information System	Access UK Limited	£50,069	14/08/2023
Resources (DS)	DN704113	Rapid 7 Managed Security Services and Incident Response	Integrity360	£48,000	18/12/2023
Resources (DS)	DN713195	Library Management System	SIRSI	£45,848	28/02/2024
Resources (DS)	DN692995	CarePlace Solution - Annual Fee	London Borough of Ealing	£37,500	04/10/2023
Resources (DS)	DN684788	Citrix License Renewal	SCC Ltd	£34,967	14/08/2023
Resources (DS)	DN682890	BetterOff Licence	Looking Local LTD	£33,984	02/08/2023

Resources (DS)	DN690581	License, Support and Maintenance Renewal of Libraries Self-service kiosks	D-Tech	£30,101	20/09/2023
Resources (DS)	DN690501	Annual Support and Maintenance for Assure/M3	NEC Software	£29,705	19/09/2023
Resources (DS)	DN665678	Equipment logistical warehouse requirements annual maintenance and support	Elcom Systems	£16,740	13/04/2023
		Non-Use of Po	ortal		
People	Various	HAF Summer Project 2023 - 14 Exceptions	Various	£629,800	15/06/2023
Env & Com	DN671879	Refurbishment of tennis courts in Enfield	Chiltern Sports Contractors	£539,000	25/05/2023
People	Various	HAF Winder 2023 - 26 Exceptions	Various	£183,068	22/11/2023
Resources (DS)	DN716184	Mimecast eMail Anti-Virus & Anti-Spam Security	Integrity360	£125,359	19/03/2024
Resources (DS)	DN709141	Civic Centre B Block South Office Move Work	ХМА	£74,934	30/01/2024
People	Various	HAF Easter SEN Programmes - 13 Exceptions	Various	£45,430	20/03/2024
Env & Com	DN686708	Pavilion on The Green - Engagement and Co-Design	Fisher Cheng	£45,103	24/08/2023
Resources	DN705485	Civic Centre EICR Works	Group Metropolitan Services	£42,867	03/01/2024
Resources	DN682253	Director of Property & Director of Meridian Water	Gatenby Sanderson	£41,652	01/08/2023
Resources (DS)	DN698319	IT Peripherals	Galtec Solutions Ltd	£28,038	08/11/2023

HRD	DN685295	Estate Management Contract	Rendall and Rittner Ltd	£498,521	19/01/2024
HRD	DN695511	3 Star Gas Contract	Purdy	£358,805	19/10/2023
HRD	DN695518	3 Star Gas Contract	T Brown	£340,141	19/10/2023
People	DN705497	Completion of Best Interest Assessments for Deprivation of Liberty Safeguards	Kakad Limited	£144,000	03/01/2024
Resources	DN695525	CIPFA Courses, Memberships, Networks and Publications	CIPFA	£100,000	19/10/2023
People	DN708885	Provision of food for LD Team	Savona Foodstuffs	£53,000	29/01/2024
HRD	DN676855	Sheltered Housing Phone Lines	Network Communications	£41,850	28/06/2023
People	DN690898	Process and Policy Writing for ASC	Tri.x	£33,000	21/09/2023
Env & Com	DN712255	Enfield Local Plan Strategic Sites Delivery Strategy	Aspinall Verdi	£30,000	21/02/2024
Resources (DS)	DN680185	LOTI Annual Membership	LOTI	£30,000	19/07/2023
Env & Com	DN717635	SEND Transport Driver and PA Training	Alpha Midas Training	£30,000	28/03/2024
Resources	DN689948	Treasury Advice Contract	Arlingclose	£25,000	15/09/2023
CEX	DN693086	Cooperation Enfield	Cooperation Enfield	£22,500	05/10/2023
People	DN708882	Provision of food for LD Team	Prescott-Thomas	£20,000	29/01/2024

Appendix C - Continued Table of All Waivers April 2023 – March 2024

Department Name	LTP Reference	Procurement Title	Supplier	Value	Date	Reason
Environment and Communities	DN692462	Leisure Services	Greenwich Leisure Limited	£15,900,000	16/10/2023	Direct award to GLL for short term contract while strategy put in place.
Environment and Communities	DN695721	Enfield Council Grounds Maintenance Contract	A H Nicholls	£4,400,000	20/10/2023	Incumbent cancelled contract with only 3 months' notice. Short term contract while procurement carried out. Below threshold
People	DN696107	Individual Placement and Support in Primary Care	Shaw Trust	£2,101,466	24/10/2023	Grant Funding mandated use of supplier Below threshold
CEX	DN665368	Leasehold Property Insurance	Protector Insurance	£1,993,932	05/02/2024	Many suppliers have left the market, no alternative
People	DN696116	Individual Placement and Support in Primary Care	WWT	£1,035,051	24/10/2023	Grant Funding mandated use of supplier Below threshold
Environment and Communities	DN693486	Lift Maintenance	Apex Lifts	£300,000	06/10/2023	Incumbent not performing leading to Health & Safety issues. Needed to terminate and award new supplier urgently. Covered

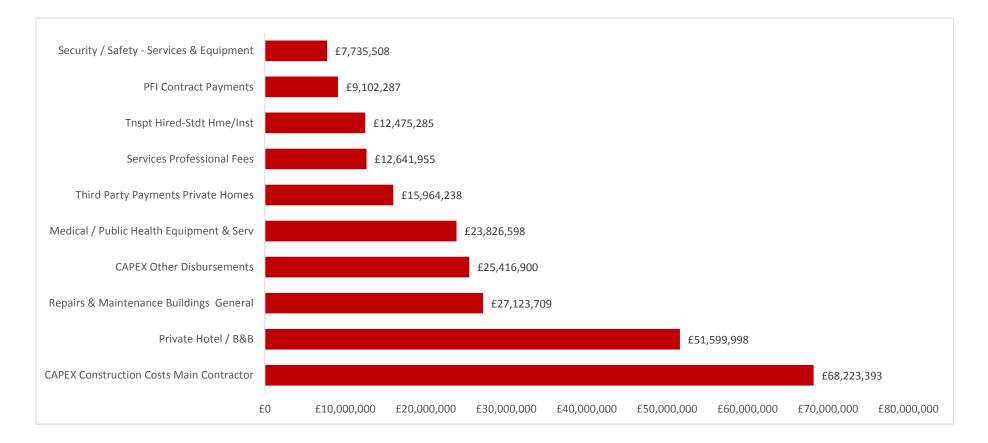
						under PCR regulations for H&S Reg 32 – so compliant.
People	DN709498	Enablement Agencies - 3 of 5	Loyal Care	£250,000	01/02/2024	Ongoing supply with no procurement. Short term waiver till longer term strategy in place.
Environment and Communities	DN686544	Specialist Vehicle Hire	Dawson Group	£150,000	28/08/2023	Previous procurement exercises have only provided one bidder – market unchanged so direct award.
Resources	DN678306	Debt Management Services	Judge and Priestly Solicitors	£140,000	07/07/2023	Short term arrangement till procurement in place
Environment and Communities	DN696526	Enfield Festive Lighting	EML Installations	£140,000	26/10/2023	PFI contractor informed of charging for putting up lights at last minute. Found cheaper alternative.
People	DN695300	Early Words Together	National Literacy Trust	£128,000	18/10/2023	Grant funding for Children's centre. Urgency due to risk of losing funding.
Resources	DN695941	Property Valuations 2023/24	Sanderson Weatherall	£102,500	23/10/2023	Importance of project and supplier. Longer term strategy in discussion
People	DN688480	Telecare Equipment	Appello Smart Living Solutions Limited	£100,902	06/09/2023	Service Department and lead member decided on direct award for small saving

People	DN709482	Family Hubs - Breast Feeding	Breast Feeding Network	£98,500	01/02/2024	Grant funding for Children's centre
People	DN673173	Motivational Interviewing Training	Alasdair Cant & Associates Ltd	£98,000	05/06/2023	Newly emerging market. Supplier used by 21 other London Boroughs. Insufficient time for procurement.
People	DN709504	Enablement Agencies - 4 of 5	Kangaroo Care	£85,500	01/02/2024	Ongoing supplier with no procurement. Waiver in place while service review and longer-term strategy
People	DN713695	Enablement Agencies - 5 of 5	Bluebird Care	£73,500	01/03/2024	Ongoing supplier with no procurement. Waiver in place while service review and longer-term strategy
People	DN707512	Tempest Support Staff	Tempest Resources	£70,000	18/01/2024	Ongoing supplier with no procurement. Waiver in place while service review and longer-term strategy
Resources (DS)	DN691823	XMA Smart Mobile Devices Pilot	ХМА	£54,000	28/09/2023	Longer term solution was inflight; but urgent need for equipment – short term waiver.
People	DN709115	Studybugs	Studybugs	£45,000	30/01/2024	Market research shows only this supplier can meet need.
Environment and Communities	DN707644	CCTV/VSS Maintenance	OpenView	£35,000	19/01/2024	Short term contract while procurement completes for new award.

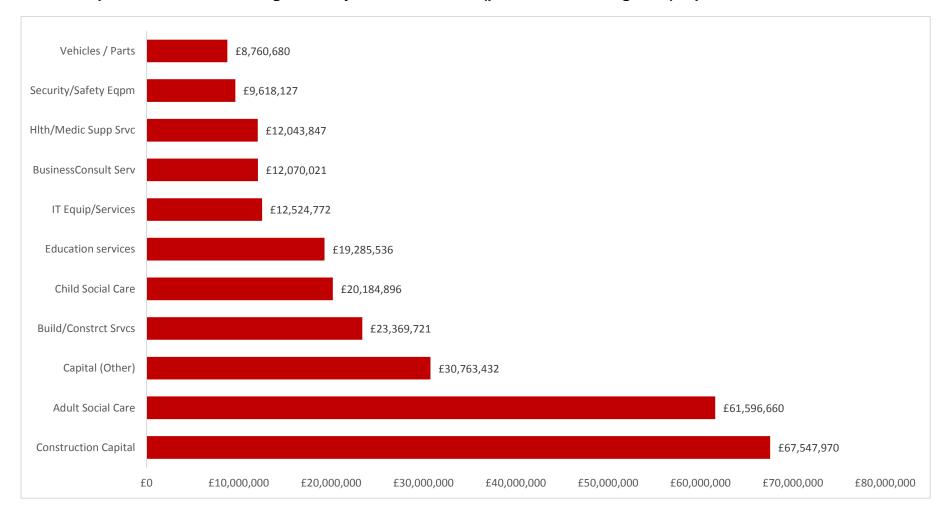
People	DN697872	Outcome 4 - Giving Vulnerable People a Voice	Wellbing Connect Services	£34,206	06/11/2023	Umbrella incumbent became insolvent, transferred undertaking directly to sub-contractor
Environment and Communities	DN713698	Whitewebbs Golf Course PPA - Planning Service	Kew Property Consultants	£33,933	01/03/2024	Due to changes in the situation this was approved, longer term strategy being discussed
Environment and Communities	DN696531	Event Management for Fireworks Display	Insight Risk Management	£32,000	26/10/2023	Competitive process carried out under £25k, but insurance took over £25K so waiver needed. Council had committed to provision of display
HRD	DN690923	Complaints Handling Training	Govnet	£30,000	21/09/2023	Service provision had already taken place.
Environment and Communities	DN715246	Research Services Provided - LGA Net Zero Innovation Programme	University College London	£30,000	12/03/2024	Service had already been provided.
People	DN697994	Outcome 4 - Giving Vulnerable People a Voice	Middlesex Association for the Blind	£29,915	06/11/2023	Umbrella incumbent became insolvent, transferred undertaking directly to sub-contractor
Resources	DN695928	Housing revenue account shops valuations 2023/24 -2027-28	Spencer Craig	£29,500	23/10/2023	Importance of project and supplier. Longer term strategy in discussion

Resources	DN695996	Rural investment assets – valuations 2023/24 -2027-28	Knight Frank	£26,600	23/10/2023	Importance of project and supplier. Longer term strategy in discussion
People	DN697889	Outcome 4 - Giving Vulnerable People a Voice	Age UK	£25,051	06/11/2023	Umbrella incumbent became insolvent, transferred undertaking directly to sub-contractor
People	DN697988	Outcome 4 - Giving Vulnerable People a Voice	Community Aid	£24,206	06/11/2023	Umbrella incumbent became insolvent, transferred undertaking directly to sub-contractor
People	DN698002	Outcome 4 - Giving Vulnerable People a Voice	Mind In Enfield	£24,206	06/11/2023	Umbrella incumbent became insolvent, transferred undertaking directly to sub-contractor
People	DN697897	Outcome 4 - Giving Vulnerable People a Voice	Carers and Parents in Enfield	£2,333	06/11/2023	Umbrella incumbent became insolvent, transferred undertaking directly to sub-contractor

Appendix D The Top 10 Commodities categorised by General Ledger Codes (finance categories). Spend in 2023/24:



Appendix D Continued The Top 10 Commodities categorised by UNSPSC Codes (procurement categories). Spend in 2023/24:



Appendix E Top Ten Contracts by value

LTP Ref	Title	Department	Start date	End date	Estimated value
DN492212	Framework Agreement for Supported Living Services for people with needs arising from Learning Disability, Autism, Mental Health, Physical and Sensory Disability	People	01/07/2021	30/06/2025	£170m
DN372948	Meridian Water Strategic Infrastructure Works Overarching Framework Agreement linked to call off DN536116 and call off DN704603	Chief Executive	12/03/2021	11/03/2026	£135m
DN704603	Meridian Water Strategic Infrastructure Works Framework (DN372948) Works Call-Off	Chief Executive	06/12/2023	31/03/2026	£121m
DN34935	LBE/LBN Joint PFI contract/PFI2	People	01/09/2004	31/08/2029	£114m
DN586505	Managed service for Temporary Agency Resources	Chief Executive	01/02/2023	31/01/2025	£96m
DN38178	PFI Street Lighting Contract	Environment and Communities	01/04/2006	01/03/2031	£73m
DN35198	Highlands school PFI contract	People	25/02/1999	31/08/2025	£72m
DN378106	Meridian One Developer	Chief Executive	12/12/2019	01/01/2030	£63m
DN650430	Highway Maintenance and Civil Engineering Works Contract	Environment and Communities	01/01/2024	31/12/2034	£50m
DN181203	Tender for the provision of passenger transport related services	Environment and Communities	17/04/2017	17/04/2026	£45m

Appendix F Top 20 Suppliers by Spend 2023/24.

Supplier Name	2023/24 Spend	Type of Supply
Access UK Limited	£45,208,343	Temporary Accommodation
Matrix	£34,119,859	Temporary Agency Worker Contract
John Graham Construction Ltd	£20,455,918	Construction
Countryside Properties (UK) Ltd	£14,388,847	Construction
Lura Constructions Ltd	£8,193,657	Construction
North Middlesex University Hospital	£7,612,226	Sexual Health/0-19 Public Health
Vinci Construction UK Ltd	£7,281,173	Construction
Vistry Partnerships Ltd - Meridian 1	£6,827,211	Meridian 1 Master Supply
Housing Gateway Ltd	£6,287,979	Internal Trading Company
NSL Limited	£5,542,685	Parking Enforcement Contract
Education Support (Enfield2) Ltd	£5,518,557	School PFI 2
Kenson Highways Ltd	£5,394,214	Highways Contract
Enfield Lighting Services Ltd	£5,368,451	Street Lighting PFI Contract
Pilon Limited	£4,760,506	Construction
Barnet, Enfield & Haringey Mental Heal	£4,163,698	Various Community Health Services
Rasmi Services Ltd	£3,885,348	SEND Transport
T Brown Group Limited	£3,674,361	Housing Repairs and Maintenance
Education Support (Enfield) Ltd	£3,583,731	School PFI 1
Breyer Group Plc	£3,528,584	Construction
Lyncade Limited T/A Cavendish Radio	£3,524,647	SEND Taxi Supplier

Appendix G Contracts with Extensions due in 2023 - 2024

LTP Reference	Title	Department	End date	Net Value
DN586505	Managed service for Temporary Agency Resources	Chief Executive	31/01/2025	£96,000,000
DN395392	16+ Semi-Independent Living Supported Accommodation Service	People	31/10/2024	£19,525,128
DN48702	Household Waste and Recycling Centre (HWRC) Services Contract	Environment and Communities	31/03/2025	£6,700,000
DN645105	MW - DN556415 - Civil Engineering-Led Planning and Technical Design Services for the Delivery of Strategic Infrastructure at Meridian Water	Chief Executive	26/01/2025	£3,000,000
DN375885	Adult Carers Assessment and Support	People	31/03/2025	£2,944,236
DN416615	Approved Repairer Wheelchair Services	People	29/09/2024	£931,700
DN644231	MW - DN428312 - Property Managing Agent for Meridian Water	Chief Executive	31/08/2024	£900,000
DN320964	Provision of Occupational Health Services	Chief Executive	30/06/2024	£824,495
DN467766	Pan London Postal Contract	Resources	13/09/2024	£800,000
DN568689	Liquid Logic Application-Hosted Service	Resources	31/03/2025	£725,728
DN542025	Merchant Acquiring Services	Resources	31/03/2025	£570,048
DN663762	Meridian Water Financial Analysis	Chief Executive	04/10/2024	£481,000

DN641026	Fire Engineer and Consultancy Services for Housing through the Central Housing Investment Consortium Limiter ("CHIC") Framework Agreement	Housing, Regeneration and Development	30/06/2024	£450,000
DN664779	Educational Psychology Assessments	People	31/08/2024	£396,000
DN604293	Sales and Marketing Services at Bury Street West	Housing, Regeneration and Development	17/08/2024	£365,000
DN377707	Investment Management Consultancy Services for the London Borough of Enfield Pension Fund (National LGPS Framework)	Resources	09/02/2025	£325,000
DN678096	SAP Third Party Support	Resources	31/12/2024	£279,825
DN596590	Meridian Three Commercial Agent	Chief Executive	04/07/2024	£250,000
DN539636	School Holiday Playschemes, Play and Leisure Activities for SEND Children and Young People	People	31/03/2025	£230,061
DN692168	Lift Consultancy Works	Housing, Regeneration and Development	30/11/2024	£203,535
DN671662	Professional Services Relating to Sloemans Natural Burial Ground	Environment and Communities	20/03/2025	£200,000
DN689296	Procurement and technical support for Enfield Chase Rural enhancement projects	Environment and Communities	23/10/2024	£180,000

DN501872	Healthtrust Europe LLP Framework - Enfield EMC VXRail Solution	Resources	18/05/2024	£179,791
DN665306	Quote for Smoke, Heat & Carbon Monoxide Alarms	Housing, Regeneration and Development	15/04/2024	£150,000
DN576667	HGL Property Valuer	People	14/11/2024	£127,500
DN607963	Applicant Tracking System (ATS) - Online recruitment platform	Resources	31/08/2024	£118,600
DN708895	One.Network Communication Suite	Resources	01/06/2024	£112,455
DN465056	Property Licensing Software	Environment and Communities	31/05/2024	£108,000
DN657735	Bill Payment Service	Resources	14/02/2025	£106,000
DN703270	The Provision of an Energy Services Shareholder Advisor for the London Borough of Enfield	Housing, Regeneration and Development	19/03/2025	£100,000
DN588801	LB Enfield Electric Vehicle Lamp Column Chargers – ORCS 2021/22	Environment and Communities	31/03/2025	£100,000
DN648656	Employers Agent Services Relating to Projects at Alma Estate and Meridian Water	Housing, Regeneration and Development	31/08/2024	£98,000
DN648661	Clerk of Works Services Relating to Projects at Alma Estate and Meridian Water	Housing, Regeneration and Development	31/08/2024	£98,000

DN485124	Provision of a Rural Portfolio Management Consultancy Service	Housing, Regeneration and Development	30/09/2024	£87,300
DN678302	RIBA 2 Architectural Services - Dendridge Close & Masons Road	Housing, Regeneration and Development	14/06/2024	£75,000
DN649808	e-Procurement System – London Tenders Portal	Resources	31/10/2024	£67,117
DN593782	Multi-channel solution, customer feedback (GovMetric)	Resources	23/05/2024	£58,000
DN705839	Meridian Water - Investor Communications Brief	Chief Executive	03/03/2025	£57,480
DN382301	Contract for Public Health Funerals	Environment and Communities	30/06/2024	£40,000
DN616867	Transitional Safeguarding Pilot Service	People	31/10/2024	£40,000
DN713374	Rooftop Development Toolkit	Housing, Regeneration and Development	04/08/2024	£23,620
DN682485	RIBA 2 MEP Engineering and Sustainability Consultant Services - Dendridge Close and Masons Road	Housing, Regeneration and Development	16/07/2024	£19,240
DN682476	RIBA 2 Civil and Structural Engineering Services - Dendridge Close & Masons Road	Housing, Regeneration and Development	16/07/2024	£17,000