



PUBLICATION OF DECISION LIST NUMBER 22/18-19

MUNICIPAL YEAR 2018/2019

Date Published: Tuesday 25 September 2018

This document lists the Decisions that have been taken by the Council, which require publication in accordance with the Local Government Act 2000. The list covers Key, Non-Key, Council and Urgent Decisions. The list specifies those decisions, which are eligible for call-in and the date by which they must be called-in.

A valid request for call-in is one which is submitted (on the form provided) to the Governance and Scrutiny Team in writing within 5 working days of the date of publication of the decision by at least 7 Members of the Council.

Additional copies of the call-in request form are available from the Governance and Scrutiny Team.

If you have any queries or wish to obtain further report information or information on a decision, please refer to:
– Claire Johnson (ext.4239)

Phone 020 8379 then extension number indicated

INDEX OF PUBLISHED DECISIONS – Tuesday 25 September 2018

[illegible]

LIST REFERENCE: 1/22/18-19

SUBJECT TITLE OF THE REPORT :							
PROCUREMENT OF AN OUT OF HOURS TELEPHONE SERVICE							
Part 1 or 2 (relevant exempt Paragraph)	Wards affected by decision	Decision taken by	Date Decision comes in to effect	Interest declared in respect of the Decision	Category of decision (i.e. Key, Non-Key, Council, Urgent)	Contact Details	Eligible for Call-in & Date to be called in by
Part 1 & 2 (Para 3)	ALL	Executive Director Resources	Monday 24th September 2018	None	Key Decision KD: 4659	David Graaf David.graaf@Enfield.gov.uk 020 8379 1468	No (Call-In Waiver)
AGREED: <ol style="list-style-type: none"> 1. To accept the outcome of the joint procurement exercise led by Ealing Council. 2. To enter into the proposed agreement for a period of seven years. 3. To delegate to the Director of Law and Governance the authority to agree the terms of the service agreement between the Council and the chosen provider, a memorandum of understanding (MOU) with the other participating organisations and any other agreement in connection therewith. 							
ALTERNATIVE OPTIONS CONSIDERED							
<u>Option 1: Capita/Ealing procured service</u> <p>Advantages: The service has been through an exhaustive procurement process, the service has already invested in the specification and selection of provider. There are low client management demands as the contract is managed by Ealing. The share of the total management fee is partly determined by the number of partners. There is a high-quality service and client management with continuity of client. This is a low-risk option.</p> <p>Disadvantages: Whilst it is possible to leave with 12 months' notice there is a penalty payment for each uncompleted year of the contract</p> <p>Mitigation: Better gatekeeping for non-emergency calls could allow the service to reduce demand.</p>							

Option 2: Enfield to run its own procurement

Advantages:

This would allow creation of a simplified specification to reduce supplier risk, increase number of interested bidders and allow Enfield to join provider's existing services.

There could be potential to create a framework contract for others to join.

Disadvantages

This could be resource-intensive to run the procurement, and limited capacity means there would be opportunity cost of loss of other projects displaced.

There is a risk that the timescales available are now too short and there is no fall-back option.

Savings may not be material

Option 3: Bring the service in-house

Advantages:

There may be possible economies of scale if run in conjunction with Community Alarms, CCTV, and potential Adult Services/IT out of hours cover.

Potential to create a service for other LAs to join (if there is a market).

Better utilisation of existing resources such as accommodation and IT.

Disadvantages:

Very difficult to deliver for the current price

No immediate interest from other authorities

Risk that time is short and there is no fall-back option

Option 4: Purchase the service from another Local Authority

Advantages:

Possible economies of scale if run in conjunction with Community Alarms, CCTV, and potential Adult Serves/IT out of hours cover.

Potential to create further economies of scale should other LAs decide to join

Good PR of joint working.

Disadvantages:

Resource intensive to find a partner and agree service levels/terms

Risk that time is short and there is no fall-back option

REASONS FOR RECOMMENDATIONS
1. Choosing the pan-London procured option provides the best mix of service delivery, value for money, and risk mitigation
BACKGROUND
Please note that a copy of the Part 1 report is available on the Council's Democracy pages. The part 2 report will not be available to press and public as it contains exempt information.

LIST REFERENCE: 2/22/18-19

SUBJECT TITLE OF THE REPORT :							
CONTRACT AWARD FOR THE PROVISION OF WATER, WASTEWATER AND ANCILLARY SERVICES FOR CORPORATE BUILDINGS AND OPEN SPACES							
Part 1 or 2 (relevant exempt Paragraph)	Wards affected by decision	Decision taken by	Date Decision comes in to effect	Interest declared in respect of the Decision	Category of decision (i.e. Key, Non-Key, Council, Urgent)	Contact Details	Eligible for Call-in & Date to be called in by
Part 1	ALL	Executive Director Resources	Wednesday 3 rd October 2018	None	Key Decision KD: 4601	Andrea Latter Andrea.latter@enfield.gov.uk 020 8379 3089 Leman Barmaki Leman.barmaki@enfield.gov.uk 020 8379 5460	Yes- Tuesday 2 nd October 2018
<p>AGREED: that the following decisions will come into effect on 3rd October, subject to not being called in:</p> <ol style="list-style-type: none"> 1. The Executive Director – Resources approves the award of the contract for the Provision of Water, Wastewater and Ancillary Services to Anglian Water Business (National) Ltd, trading as Wave, on the basis that it represents overall value for money, following a thorough evaluation on price and quality. 2. The Executive Director – Resources approves and signs the Customer Access Agreement with Yorkshire Purchasing Organisation (YPO), which is endorsed and supported by the LEP, to enter into a contract for Water, Wastewater and Ancillary Services with Wave, following the further competition conducted on behalf of The London Energy Project, issued under Lot 3 of the Crown Commercial Service (CCS) Framework Agreement RM3790 3. The Executive Director – Resources approves the liability cap in the Customer Access Agreement, which apart from specific circumstances (such as death, personal injury, fraud or fraudulent misrepresentation) limits liability by either party under this contract to 125% of the rebate charges due to the preceding twelve months. The Customer Access Agreement is endorsed and supported by the LEP. 4. The Executive Director- Resources approves the award of a two-year contract from 1st November 2018 – 31st October 2020 for the provision of Water, Wastewater and Ancillary Services to Anglican Water Business (National) Ltd trading as Wave, with the estimated contract value of £360k per annum and a total estimated contract value of £720k for a two year period. 							

ALTERNATIVE OPTIONS CONSIDERED

Do nothing. The option of doing nothing has not been considered since The Public Contract Regulations 2015 dictate that authorities will be required to conduct a competitive process to select a retailer for water and wastewater services.

Individual Authority Tenders and/or CPB Framework Mini-Competition. The option of an individual authority conducting its own tender or mini-competition is not recommended because the risks and costs of tender, including use of staff resources to write the service specification and conduct the tender are not commensurate with potential benefits of retailer service efficiencies and savings; authorities have very few bespoke or unique business/service requirements; and retailers are unlikely to offer an attractive price, service or enhancements for individuals as for the LEP group.

Following the YPO mini competition and contract award to Anglian Water Business (National) trading as 'Wave', the preferred option is to enter into a Customer Access Agreement with YPO and secure a two-year contract from 1st November 2018 – 31st October 2020. There will be an opportunity to extend the contract for an additional 18 months up to but not beyond 30th April 2022. A separate report will be required to extend the contract. A longer-term contract is not recommended at this time as the water industry's price review will take effect in 2020 and its impact will need to be considered as part of any contract extension business case as well as supplier performance, monitored by the LEP through KPIs and subsequent LEP recommendations.

REASONS FOR RECOMMENDATIONS

Compliance with Public Contract Regulations 2015 is required; Cabinet Office guidance suggests that a competitive process should have been followed by April 2018. Therefore, a competitively tendered pan-LEP contract enables all authorities to achieve a low-cost/low-resource route to compliance.

The LEP Team managed an extensive pre-market engagement programme with over 60 authority stakeholders, three Central Purchasing Bodies (CPBs) and five water retailers to establish what products, services and innovation would be available within the retail market, whether these would meet local authority multi-site business requirements, how best to attract market interest and obtain competitive pricing and whether a Pan-LEP water retailer contract would provide authorities with better value and the opportunity to develop and shape this market.

Following evaluation, the recommended option for a Pan-LEP solution was the Crown Commercial Service (CCS) Water, Wastewater and Ancillary Services Framework (RM3790) Lot 3, One Stop Shop, with Yorkshire Purchasing Organisation (YPO) carrying out a further mini competition on behalf of LEP members. This procurement strategy was approved by Enfield Council's Procurement and Commissioning Board 23/11/17

Following YPO's mini competition, the LEP conducted a thorough, impartial evaluation across a wide range of mandatory and discretionary price and quality criteria. Quality was also evaluated separately by an authorities' staff panel. Following these rigorous checks, the Pan-LEP contract was awarded to Anglian Water Business (National) Ltd, trading as Wave, on the basis that it represents best overall value for money.

The Pan-LEP aggregated customer base is both extremely attractive and prestigious and therefore offered a significant opportunity for well-priced bids with services that meet LEP business requirements.

The resource that any CPB can afford to dedicate to a large aggregated tender is greater than to individual authority requirements.

Participating LEP authorities will receive the support of the LEP Team throughout the term of the Contract to manage the strategic supplier relationship and contract performance

The successful provider, Wave, is aware that LEP members and collaborative partners are seeking a low carbon future and are operating in an area with air quality concerns, water scarcity and a stressed sewerage system. Wave will look to build in opportunities for local employment and small businesses, support the community, business, voluntary groups and schools to better manage water consumption and cost and to reduce their impacts on local pollution.

The contract is with a single provider and Ancillary Services can be called-off from that single provider as and when required subject to agreement of a price for delivery of the services. However, for convenience and added protection, many fixed and firm or maximum prices have already been tendered through the further competition e.g. day rates, additional meter readings etc. A further report will be required to call-off Ancillary Services. The Council is, however, unlikely to benefit from Wave's invest to save service, as this is already being undertaken and achieved through ADSM Ltd and the AquaFund project.

BACKGROUND

Please note that a copy of the Part 1 report is available on the Council's Democracy pages.