

**MINUTES OF THE MEETING OF THE OVERVIEW & SCRUTINY COMMITTEE
HELD ON WEDNESDAY, 14 NOVEMBER 2018**

COUNCILLORS: Derek Levy (Chair), Gina Needs (Vice-Chair), Huseyin Akpinar, Susan Erbil, Edward Smith, Hass Yusuf.
PRESENT

STATUTORY CO-OPTees 1 *vacancy (Church of England diocese representative)*, Mr Simon Goulden (*other faiths/denominations representative*), Mr Tony Murphy (*Catholic diocese representative*), Alicia Meniru & 1 *vacancy (Parent Governor representative)* – *Italics Denotes absence*

OFFICERS: Peter George (Director Meridian Water), Jennifer Price (Principal Development Manager), Susan O'Connell (Scrutiny Officer), Elaine Huckell (Scrutiny Secretary).

Also Attending: Councillor Joanne Laban (Leader of the Opposition).

845

WELCOME & APOLOGIES

Councillor Levy welcomed all attendees to the meeting. It was noted that Councillor Hass Yusuf was substituting for Councillor Tolga Aramaz. Apologies for absence had been received from Councillor Lee David-Sanders who had unfortunately been delayed by traffic.

846

DECLARATIONS OF INTEREST

There were no declarations of interest.

847

**CALL-IN OF REPORT: COMMERCIAL & FINANCIAL ADVISOR
PROCUREMENT AWARD**

The Committee received a report from the Director of Law and Governance outlining details of a call-in received on the operational decision taken by the Executive Director, Place on the Commercial & Financial Advisor Procurement Award.

NOTED that this report was considered in conjunction with the information in the part 2 agenda.

All the discussion on this item took place in the part 2 section of the meeting.

848

DATES OF FUTURE MEETINGS

Noted the dates as follows:

Provisional Call-Ins:

Thursday 6 December, 2018
Thursday 20 December, 2018
Tuesday 15 January 2019
Thursday 7 February 2019
Tuesday 12 March 2019
Tuesday 26 March, 2019
Thursday 11 April, 2019

The business meetings of the Overview & Scrutiny Committee:

Tuesday 12 February, 2019
Wednesday 3 April, 2019

The Overview & Scrutiny Budget Meeting:-Thursday 31 January 2019.

849

EXCLUSION OF PRESS & PUBLIC

Resolved in accordance with the principles of Section 100A (4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of the Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006.

850

PART 2 AGENDA CALL IN OF REPORT: COMMERCIAL & FINANCIAL ADVISOR PROCUREMENT AWARD

The Committee received the information provided on the Commercial & Financial Advisor Procurement Award which had been included in the part 2 section of the agenda.

NOTED

1. The information was considered in conjunction with the report on the part 1 agenda.
2. Councillor Laban set out the reasons for calling in the decision.
 - Only one bidder (Bidder A) had come forward from the mini tender from a total of twelve companies on the Crown

OVERVIEW & SCRUTINY COMMITTEE - 14.11.2018

Commercial Services (CCS) framework. Clarity around the procurement of this award was requested as to why the other companies on the framework had not submitted tenders.

- Bidder A had been carrying out work for the local authority.
- Finance for the future of the contract.

The response of Peter George (Director Meridian Water), Jennifer Price (Principal Development Manager)

- Meridian Water is a major project and this contract is one of the service contracts which will provide commercial and financial advice.
- There was discussion about the comments received from companies who had been invited to tender. Although eight of the twelve companies who had been invited to tender had originally stated they were interested in tendering, they had eventually decided not to do so.
- The decision not to tender may have been because of the complexity of the project, when companies may have felt they did not have the necessary expertise. It may also be because of the time and expense for a company carrying out a tendering exercise when there was perceived to be only a 1:12 chance of success.
- There was discussion about the possibility of any potential shortfall for future funding. Peter George confirmed the draw-down of funds would be available from the Meridian Water budget. It would cover the costs for this 'Call-off' contract.

Questions and comments addressed from members of the Overview and Scrutiny Committee:

- Councillor Smith asked if it would have been possible for three or four companies to be asked to tender for this work from the 'framework'. He felt this would have encouraged more companies to tender. Jennifer Price stated that it is not possible to do this, as regulations state that all companies on the framework must be invited to tender. Councillor Smith asked for further information on the procurement process regarding use of the framework contractors.

Peter George supplied the following information as a post meeting note –
*(When undertaking a call off from a framework agreement using the further competition route the Framework Agreement criteria states that we **must** invite all the suppliers on the Framework Agreement Lot to participate. Undertaking a mini competition ensures that additional cost savings are possible, our requirements can be further refined over and above the basic contract terms to ensure achieving best value for money for our specific requirement. Following the Framework Agreement procedures ensures that the EU Treaty-based principles, including equal treatment, transparency and non-discrimination are adhered to.)*

- It was asked if officers were satisfied with the company that had been successful in winning the contract. Officers confirmed that they were happy with the work undertaken by Bidder A, that they had the skills, expertise and capacity to deliver the tasks needed. Members were reminded that this was a call-off contract that could be ended should this be necessary.

OVERVIEW & SCRUTINY COMMITTEE - 14.11.2018

- It was confirmed that funds for this work would be available from the budget for the Meridian Water project.
- Members felt that it would have been beneficial and would have provided greater clarity for greater detail to have been included in the reports. Peter George would remind officers to include more information in future reports. He stated that he expected a report on the finances for the Meridian Water project to be submitted to Cabinet in January 2019.

Overview & Scrutiny Committee considered the reasons provided for the call-in and responses provided. Having considered the information provided the Committee agreed to confirm the original Operational decision:

1. approves the Appointment of Bidder A as set out in the report and detailed in the part 2 report.
2. authorises the draw-down of funds for the appointment from the Meridian Water Budget when required in accordance with the approved Meridian Water Budget, as detailed in the part 2 report.
3. see part 2 report to approve the cap on suppliers' liability as detailed in the part 2 report.

Councillors Susan Erbil, Yusuf and Needs voted in favour of the above decision.

Councillor Akpinar abstained

Councillor Smith voted against

The original Operational decision was therefore agreed.

Councillor Levy thanked everyone for attending the meeting.