

**Please note Part 2a and Part 2b are now the Confidential Appendices**

**London Borough of Enfield**

**Operational Report**

**Report of:** **Matt Bowmer, Interim Director Finance**

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**Subject:** **Award of Mixed Category – Ambient, Frozen, Dairy, Chilled, Delicatessen Foods for School Meal Provisions 2021 - 2026**

**Committee Member :** **Councillor Mary Maguire**

**Executive Director:** **Fay Hammond**

**Key Decision:** **KD 5256**

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**Purpose of Report**

1. This report details the evaluation exercise of the procurement of ambient, frozen, dairy, chilled and delicatessen foods for the provision of school meals on behalf of Enfield Catering Services, part of Schools Traded Services.

**Proposal(s)**

2. That the Interim Director of Finance approves the award of the contract to the supplier listed in Part 2a of this report to commence 15<sup>th</sup> July 2021 for a period of three (3) years with the option to extend by a further 1 + 1 year/s.

**Reason for Proposal(s)**

3. With this procurement we have successfully achieved a cheaper cost of ingredients and gained Social Value for the London Borough of Enfield by purchasing independently using the winning bidder mentioned in Part 2a of this report on an exclusive contract.

**Relevance to the Council's Plan**

4. An annual cost saving for the service and Social Value benefits for the residents and community of the London Borough of Enfield have been achieved. Details on both elements are detailed in Part 2a of this report.

5. A number of procurement Framework options were considered. By using the YPO DPS (Dynamic Purchasing System) Framework and the local business

engagement exercise conducted, we have opened a new revenue stream to local suppliers that was previously unbeknown to them.

## Background

6. Enfield Catering Service is a provider of school meals to a number of primary, secondary and special schools in the borough of Enfield. The quality of the school meals provided is of key importance in order to maximise take up by pupils in schools.

7. The school meals service is seen as an integral aspect of the school experience. The aim of Enfield Catering Service is to encourage children to take a school meal by providing healthy, nutritious meals which, for some may be their only hot meal of the day. The ingredients we use are the basis of what the service does day-to-day.

8. The ingredients used in our meals must meet the Department for Educations' statutory requirements as well as being further enhanced to our own food charter. A high quality service based on fresh food cooked from scratch using high quality raw ingredients that are unprocessed is required. Wherever possible, seasonal and ethically sourced food and ingredients are used. The services school meals are accredited with the Silver "Food for Life" school award from the Soil Association which ensures food sourcing is fresh, locally sourced and organic where possible.

9. We require our meals to reflect the diverse cultural and dietary needs of pupils attending Enfield schools.

10. The final score of the preferred supplier is detailed in Part 2a and the full evaluators scoring matrix is detailed on Part 2b of this report.

## Evaluation

11. The invitation to tender was issued through the YPO DPS Framework and went out to market on 14<sup>th</sup> May 2021 with a return date of 08<sup>th</sup> June 2021.

12. The tender was evaluated on the basis of 10% Social Value, 20% Quality and 70% Price. The table below shows the breakdown of the criteria with the relative weightings:

Tender Award Criteria		Total
Price		70%
Social Value		10%
Quality	Composed of	20%
Education Catering Experience	17%	
Quality Assurance	9%	

Food Quality & Nutrition	44%	
Sustainability	10%	
Service Delivery	20%	
	<b>Total</b>	<b>100%</b>

13. The pricing submissions, quality submissions and Social Value were independently evaluated by separate individuals from the Schools Traded Services team and the evaluators scored the responses received independently in advance of a joint moderation meeting facilitated by a Procurement Manager from the London Borough of Enfield Council, to determine the final scores.

### **Main Considerations for the Council**

14. This procurement forms part of the operational cost review for Enfield Catering Service and the provision of school meals.

### **Safeguarding Implications**

15. All staff employed by the winning bidder will be required to submit a standard Disclosure and Barring Service (DBS) certificate for each person that the winning bidder requires to be admitted to any school building(s)/site(s). This requirement includes all additional or replacement personnel.

### **Public Health Implications**

16. By procuring from the YPO DPS Framework, this allowed us to procure foods from local suppliers, thus reducing our overall carbon footprint by reducing our food mile. The product offer from the supplier will support the health and wellbeing of residents in the borough, such as tackling childhood obesity, by providing health initiatives such as red meat reduction programmes and engagement programmes with schools on reducing salt and healthy eating. The product ranges will also continue to provide a culturally-varied diet to reflect the diversity within the borough of Enfield enabling the supply of halal, kosher, gluten-free and reduced salt lines in their product ranges.

### **Equalities Impact of the Proposal**

17. As part of our mandatory questions for all bidders to complete in a Yes/No format, we have stated that Enfield Council expect all Tenderers to support the Council's Fairer Enfield Policy (Equality, Diversity and Inclusion Policy) and comply with any applicable obligations under the Equality Act 2010. Alternatively, as a minimum requirement that they confirm that a written Equality and Diversity Policy is in place. Our minimum, enhanced and preferred objectives have been stipulated. This will form part of our contract with the supplier.

## **Environmental and Climate Change Considerations**

18. Both environmental and climate change considerations have formed part of the Specification and evaluation process. The preferred bidder uses low emission van's while they deliver their goods to schools in the borough.

### **Risks that may arise if the proposed decision and related work is not taken**

19. If potential reductions in costs are not capitalised on, the projected cost savings will not be achieved. This has impact on the Schools Traded Services team and the cost-saving exercise it is working to achieve on behalf of the London Borough of Enfield Council.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

20. Please refer to Part 2a of this report for risks.

## **Financial Implications**

21. Please refer to Part 2a of this report for financial implications.

## **Legal Implications**

22. Section 512 of the Education Act 1996 permits a local authority to provide registered pupils at any school maintained by them with milk, meals and other refreshments either on the school premises or at any other place. In addition, the Civic Restaurants Act 1947 permits local authorities to provide for the supply to the public of meals and refreshments.

23. Section 111 of the Local Government Act 1972 permits the Council to do anything ancillary to, incidental to or conducive to the discharge of any of its functions. The Council also has the power under the section 1(1) of the Localism Act 2011 to do anything that individuals generally may do provided it is not prohibited by legislation and subject to public law principles.

24. As flagged by the Procurement Implications below, the contract must be awarded in compliance with the Council's Contract Procedure Rules (CPRs) and the Public Contract Regulations 2015 (PCRs). The use of frameworks is permitted under the CPRs and the PCRs provided that the call-off contract is awarded in accordance with the terms of the relevant framework and the Council has a right to use the framework in question.

25. The terms of the call off contract must be in a form approved by Legal Services on behalf of the Director of Law and Governance and due to the value must be sealed as a Deed.

26. The CPRs state that in the case of any contract with a value of £1million or above, the Supplier must be required to provide sufficient security (for example a performance bond or a parent company guarantee). Evidence of the form of security required, or why no security was required, must be stored and retained on the E-Tendering Portal for audit purposes. If the decision is taken not to include this requirement, then the Executive Director of Resources must approve the financial risk prior to any award. The relevant Authority Report must set out the reason why it is proposed that the contract should be awarded despite absence of security and what measures are to be taken to manage this risk.

27. Officers must ensure that any existing contracts/arrangements for the provision of these goods can be, and are, lawfully terminated.

28. The Council must ensure value for money in accordance with the Best Value principles under the Local Government Act 1999.

### **Workforce Implications**

29. There are no workforce implications associated with this procurement

### **Property Implications**

30. There are no property implications associated with this procurement

### **Other Implications**

31. Any procurement must be undertaken in accordance with the Councils Contract Procedure Rules (CPR's) and the Public Contracts Regulations (2015).

32. The award of the contract, including evidence of authority to award, promoting to the Councils Contract Register, and the uploading of executed contracts must be undertaken on the London Tenders Portal including future management of the contract.

33. All awarded projects must be promoted to Contracts Finder to comply with the Government's transparency requirements.

34. Any framework used must be legally compliant and accessible to the Council. The terms and conditions of the framework must be used, and the framework accessed in accordance with the framework rules.

35. The Ambient Frozen Dairy Chilled Delicatessen Foods Procurement project came to the Procurement Board on the 2<sup>nd</sup> December 2020; where it was agreed to use the YPO framework DPS. This would allow for local suppliers to join the framework and bid for the contract. That the framework would deliver value for money and be more cost effective than a full EU procurement exercise.

36. During the planning process due regard was taken to include social value, Equalities and climate action elements within the specification. This is in line with

the CPR's and new Sustainable & Ethical Procurement policy that will come into effect in October 2021.

37. It is expected that a contract of this size and risk, should have regular contract reviews, and that KPI's are monitored including the delivery of any social value, and carbon emissions elements.

38. The contract DN457904 in line with the CPR's should have a nominated contract managed named in the LTP, and evidence of regular reviews uploaded to the LTP.

### **Options Considered**

39. To re-tender using the same framework to try for further improved pricing. This would be unrealistic due to unacceptable additional timeframes, plus going through the same framework would not have delivered a vastly different result in pricing structures, maybe even having an adverse effect.

40. Additional option considered and detailed within Part 2a of this report.

### **Conclusions**

41. Procuring ingredients for school meals ourselves at a cheaper price favours our cost review process and increases the quality of produce served to school children and an enhanced service delivery.

42. As a result of this procurement we have facilitated the delivery of Social Value for the borough of Enfield.

43. We have supported the London economy and opened new revenue streams for local small to medium-sized enterprises who have previously not known about public sector procurement.

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### **Appendices**

#### **Part 2 – Confidential Appendix (a and b documents)**