

London Borough of Enfield

Operational Report

Report of **Mitchell Tait**

Subject **Tender for the provision of printing services**

Executive Director **Sarah Cary**

Ward **N/A**

Key Decision: **KD 5438**

Purpose of Report

1. To seek to implement the conclusion of an EU compliant open tendering process for the setting up of a 5-year Dynamic Purchasing System (DPS) for printing services.

Proposal(s)

2. This report seeks approval to run a Dynamic Purchasing System (DPS) for 5 years with a total cumulative contract value of awards of circa £600k.
3. This report also seeks approval to award contracts to successful companies under the DPS that meet the set criteria throughout the term of the DPS.

Reason for Proposal(s)

4. The previous print framework agreement expired and officers are currently awarding small value print jobs on an individual basis.
5. The Council has conducted a fully EU compliant procurement process that shall deliver good value and the flexibility to respond to changing requirements by the use of the DPS procured.

Relevance to the Council's Plan

6. The procurement of the DPS will contribute to delivering the Council's priorities:
 - By ensuring the continuity of print services that engage residents in democratic participation, engaging residents in decision making and keeping all residents informed.

Background

7. The Council operated a framework agreement for printing requirements for four years in accordance with EU procurement rules. That Framework Agreement expired over a year ago.
8. A fully compliant EU procurement process was concluded via an open tendering procedure last year for the setting up of a new DPS to replace the framework agreement. Due to the pandemic delays have resulted in bringing this report forward to seek approval to implement the results of that EU Tendering process.
9. After taking advice from Procurement and Legal services we have continued to use the current providers and request quotations on an individual job basis in accordance with the Council's Contract Procedure Rules.
10. A DPS allows suppliers to apply and join at any time. To become an approved supplier, suppliers must meet all criteria set out within the Standard Selection Questionnaire (SSQ).
11. Each successful bidder is given the opportunity to bid for each job via Claritum (an online bidding platform). Unsuccessful suppliers are given feedback enabling them to re-apply at a later date providing they continue to meet the set criteria. The DPS will ensure that the Council has a good quantity of approved suppliers to achieve best value for the length of the DPS.
12. The bids received last year did not include any pricing but rather the bidders were required to demonstrate compliance with the quality standards required by the council to be submitted onto the DPS. Officers will check to ensure that bidders who had said they maintain the required quality standards last year, continue to retain them this year too.

Main Considerations for the Council

13. The DPS was chosen as the most suitable commercial vehicle to deliver best value for Enfield's print requirements. The DPS is a more flexible framework particularly as suppliers may join at anytime during its period of validity. The DPS will create an environment that encourages fair competition for all qualified and experienced SME's.

Safeguarding Implications

14. N/A

Public Health Implications

15. N/A

Equalities Impact of the Proposal

16. Corporate advice has been sought in regard to an equalities impact assessment. We have been advised that it is neither relevant nor proportionate for the approval of this report.

Environmental and Climate Change Considerations

17. As part of the tender evaluation all contractors must hold:

- ISO Environment Certification
- Environment Policy
- A designated person responsible for environmental issues
- ISO 27001 Information Security Management Accreditation.

18. We aim to reduce the use of paper by using other media / digital channels. The service will only purchase Forest Stewardship Council Certified Paper. FSC promotes responsible management of the world's forests / Recycled paper will be used where possible.

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

19. If we do not proceed with this tender, it could mean the Council not being able to comply with some statutory duties, e.g. engaging residents in democratic participation, engaging residents in decision making and keeping all residents informed.

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

20. There is a risk that the bidders chosen last year during the EU complaint procurement may no longer hold the required quality standards in order to be admitted onto the DPS. Officers check on an annual basis to ensure that the required quality standards are maintained by individual providers used for this particular procurement, given the delays involved officers will check all successful individual bidders to ensure that they do still retain the following specific quality requirements:

- ISO quality management certificate.
- Environment policy.
- A designated person responsible for environmental issues; and
- ISO 27001 Information Security Management Accreditation.

Financial Implications

21. The DPS will run for 5 Years with a total estimated spend of circa £600k. These costs will be met by the services when placing work through the Design & Print service. All costs will be charged back to the services cost centre. The Council is not committed to any volumes over the length of the DPS.

Legal Implications

22. The Council has a general power of competence under section 1(1) of the Localism Act 2011 to do anything that individuals may do, provided it is not

prohibited by legislation and subject to Public Law principles. This power encompasses the power to enter into contracts under the DPS.

23. Section 111 of the Local Government Act 1972 permits local authorities to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of their functions.
24. The Council must ensure value for money in accordance with the overriding Best Value Principles under the Local Government Act 1999.
25. The Council must comply with the Council's Constitution and contract procedure rules (CPRs) when setting up the DPS and also in respect of the award of individual contracts under the DPS. In addition, the council are required to comply with the Public Contracts Regulations 2015 as the total expected contract value of all awards under the DPS is above the relevant financial threshold requiring such compliance.
26. DPSs are governed by regulation 34 of the Public Contracts Regulations 2015 and the council is required to specifically comply with regulation 34 in the procurement and setting up of the DPS as well as awards of contracts under it.
27. The DPS terms and conditions were drafted by Legal Services and under the instruction of and approval by the client department concerned with the procurement and use of the DPS. Each Supplier that wants to join the DPS must be required to sign up to the DPS terms and conditions in advance. The DPS terms and conditions shall govern each contract that is awarded under the DPS and also the rules of use of the DPS and when suppliers can be excluded from the DPS for poor performance.

Workforce Implications

28. This contract has no TUPE and staffing Implications

Property Implications

29. There are no property implications for this report.

Procurement Implications

30. Any procurement must be undertaken in accordance with the Councils Contract Procedure Rules (CPR's) and the Public Contracts Regulations (2015).
31. 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.
32. All awarded projects must be promoted to Contracts Finder to comply with the Government's transparency requirements.

33. Where a contract has not been procured via the LTP, then the signed contract, call off agreement and supporting DAR etc, must be sent to procurement.support@enfield.gov.uk who will create a record in the LTP and promote to contract finder to ensure the Council meets its transparency obligations.
34. The CPR's state that contracts over £100,000 must have a nominated contract owner in the LTP, and for contracts over £500,000 there must be evidence of contract management, including, operations, commercial, financial checks (supplier resilience) and regular risk assessment uploaded into the LTP.
35. The use of a DPS is a compliant route to market and allows for flexibility for new entrants in the market to join the DPS, giving Print Services access to a wider market than a fixed framework.

Options Considered

36. The Council could have awarded a contract to a single supplier, but this would not enable competition during the life of the council's printing requirements. Such a procurement would have resulted in a higher value single contract which would have inevitably been limited to the larger suppliers who can do all categories of work or require significant outsourcing of work.

Conclusions

37. The Council has conducted a fully EU compliant procurement process to set up a DPS. The DPS is expected to deliver good value for money and have the flexibility to respond to changing requirements.

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