



London Borough of Enfield

Title of Report:	Operational KD report AHP Framework – appointment for works and services in Enfield
Report to:	Sarah Cary, Executive Director, Place
Date of Report:	14 March 2023
Cabinet Member:	Cllr Nesil Caliskan leader of Enfield Council
Directors:	Director of Housing and Regeneration
Report Author:	Amena Matin. Amena.Matin@enfield.gov.uk
Ward(s) affected:	All
Key Decision Number	KD 5550
Implementation date, if not called in:	3 April 2023
Classification:	Part I Public with Confidential Appendix
Reason for exemption	

Purpose of Report

1. The purpose of this report is to seek approval for the Council to enter into a framework agreement for 4 years, plus an option to extend the framework by 2 years, with selected affordable housing providers in relation to the delivery of a programme of strategic housing works and services. The framework agreement will enable the Council to call off contracts for the delivery of housing works and services in Enfield. The framework has three Lots: Lot 1 is for works, Lot 2 is for development services with sales and marketing, and Lot 3 is for estate management. Entry into the framework agreement is specific to each Lot. The procurement approach was approved under delegation of Cabinet (*Cabinet Report 9th December 2020 KD5191. See Background section*).
2. To determine the future management of and access to and use of framework Lot 1 and Lot 2 by other London Authorities under a joining agreement and in

accordance with the framework conditions the report also seeks approval to delegate authority to the Director of Housing and Regeneration in consultation the Head of Procurement Services, Executive Director of Resources and Director of Law and Governance.

Recommendations

- I. Approve the establishment of the RP framework and the appointment of partners following the procurement process.
- II. Award Affordable Housing Provider Framework Agreements for the delivery of works and services defined as Lot 1, Lot 2 and Lot 3, for 4 years, plus an option to extend the framework by 2 years (total 6 years). The details of the Lots is set out in paragraph 22-26 and the selected tenderers are outlined in the Confidential Appendix 2.1.
- III. For works and services that can be called off from this framework and have previously been agreed in principle to progress with allocated budget, delegate authority to appoint and enter into contracts with the Framework Contractors on this framework in accordance with the framework terms, to the Director for Housing and Regeneration in consultation with the Leader and the Executive Director of Resources and Director of Law and Governance.
- IV. Subject to the above, approve delegated authority to the Director for Housing and Regeneration for the direct award up to the value set out in the Framework agreement for Lots 1, 2 and 3
- V. Delegate authority to enter into Framework Joining Agreement(s) with any of the specified London local authorities, to the Director for Housing and Regeneration, in consultation with the Executive Director of Resources and Director of Law and Governance. (*Appendix 3 Framework Joining Agreement*)
- VI. Delegate the scope and establishment of the levy and management of the framework to be agreed by the Director for Housing and Regeneration in consultation with the Director of Finance, Capital and Commercial.

Background and Options

3. The procurement approach was approved under delegation of Cabinet (*Cabinet Report KD5191 of 9th December 2020*)
4. A lack of current development capacity within Enfield has been identified, there are currently not enough Registered Providers developing in the borough and most RP stock is being delivered via Section 106 acquisitions. Enfield has identified the creation of the framework as an opportunity to build strategic relationships with a defined number of Registered Providers.
5. The London Affordable Housing Programme (2021 – 2026) will provide in excess of £4bn made available by the Greater London Authority (“GLA”) to invest in new housing delivery and the Authority want to ensure they are able to attract a large proportion of this investment which taken together with land released by the Authority will allow this framework to make a significant contribution to economic growth in the borough. Enfield has been awarded the 5th largest allocation in

London and the 2nd highest Local Authority allocation which indicates the Boroughs scale of delivery and needs.

6. The framework agreements will work towards attracting investment, improve services, raise standards, and build development capacity in Enfield aligned to the councils' vision.
7. The works or services delivered under each framework Lot will be called off the framework and instructed separately in accordance with the framework terms under authority to award subsequent contracts delegated to the Director of Housing and the Programme Director - Meridian Water in consultation the Executive Director of Resources and Director of Law and Governance.

Options Considered

8. The Framework term: Cabinet report (KD5191) sought a framework term of no less than 4 years and no more than 10 years. Officers considered the possibility of the framework being for a term of 6 years + 2yrs + 2yrs + 2yrs (total 10 years). Following external legal advice, this option was discounted and the framework duration was altered. Assessment of the development pipeline found that a 6 year framework term as adopted, for which there are similar precedents, could reasonably and justifiably support the delivery of the projected borough wide programme under the regulations.
Given sector changes, grant viability challenges and potential economic disruption, it was originally considered advisable to move from having a maximum of 6 to 8 providers on framework Lot 1 to ensure competition is retained over the proposed six year term. Because of their own programmed pipeline priorities and the potential take up of their capacity in pan London developments this was thought likely to conflict with and thus reduce with their capacity for working in Enfield. It was considered 6 providers on the framework may be too limiting, as providers can choose not to bid at call offs for projects, potentially leaving the council a lack of choice and competition at call off.
As affordable housing providers priorities can't be entirely de-risked, having more providers potentially means more secure capacity will be provided to deliver both the proposed Enfield and pan London pipeline. For work in the other parts of London this it was thought would make the framework more attractive to other boroughs, whilst de-risking future take up for Enfield projects.

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

9. **Risk: AHP works and programme capacity and capability impacts**
This framework provides specifically for the Council's borough wide needs, its policy, objectives and contractual requirements and allows agency to those already engaged working in Enfield or interested to commit to doing so, along with resource capacity to do so, in a timely and effective framework format.
Without this the capability and capacity to deliver affordable housing works to an agreed programme over the proposed term of the framework, will be adversely impacted and significantly reduced. Long term strategic partner relationships with providers, who have access to GLA strategic affordable housing funds and other affordable housing development funds, who are registered providers, have estate management and development expertise and capacity and who can be commissioned on contracts aligned to the Councils policy objectives, would be adversely constrained impacting policy, objectives and programmes.

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

10. Risk: Lot 1 and Lot 2 Limited competition

The Framework and the providers in contract will be the preferred route for all council-led schemes over 100 units.

Mitigation:

The framework documents include a number of mechanisms to help ensure value for money for the Council in the framework agreement. Robustness of each bidder's financial offer has been ensured through the tender criterion. For Lot 1 and Lot 2 call offs by mini competition allow further project specific competition. Furthermore, active contract management, monitoring and cost scrutiny over the duration of the framework award will help ensure value for money for the Council. To manage call-off contracts Key performance indicators (KPI) will be implemented, with a right to disqualify a Contractor in case of failure to achieve specific project KPI's or other criteria which may be applied at call off. If the first ranked contractor defaults on KPIs or other criteria, there is an opportunity to appoint the second or third ranked contractors through the cascade provisions under this framework contract. Where a bid offer under any Lots does not in the commissioning authority's assessment achieve value for money the right not to enter into that contract is to be retained. Framework provisions for contractual default are provided, including termination.

11. Risk: Financial security of the appointed bidder

The appointed bidders will have weak financial standing, impairing capability to deliver the scope of works set out in call off contracts. Contractor will become insolvent.

Mitigation:

All suppliers have undergone rigorous financial evaluation as part of the assessment of economic and financial standing which has been carried out to ensure suppliers are financially sound. Lot 1 bidders have also been required to achieve minimum compliant grades for governance (G2) and financial viability (V2) with the Regulator of Social Housing. Under the framework individual contracts will be called off and instructed as and when needs are identified, at which point further financial checks, and assessments will be required to be provided to monitor risks. Where these are required, performance will be supported by parent company guarantees. For Lot 1 and Lot 2 and in the event of insolvency, the framework structure allows the council to award contracts to other framework providers more quickly and conveniently than if it were required to rerun a new procurement. Therefore, the Council's risk of financial exposure is considered low, in case of a provider organisations financial failure.

12. Risk: Low use of the framework Lot 1 and Lot 2 by other London

Authorities

The use of the framework over its term by other London Authorities is low with no income generation to the Council.

Mitigation:

The framework has been established to allow the Council flexibility in how it manages it's deployment and marketing of the framework over the framework term, according to opportunities, market conditions, Council policy and priorities, and no return has been budgeted. Pro-active marketing of the framework to other London authorities provides an opportunity to improve uptake.

13. Reputational risk

If the contracts called offs from this framework under any or all Lots are less in value than those advertised within the ITT bid documentation, including opportunities advertised for Lot 1 and Lot 2 across other London authorities there may be reputational risk to Enfield.

Mitigation:

The values that have been given are described as estimates and are subject to projected development and financial pipelines, many of which are contingent on externalities beyond Enfield's control. This has been made clear to bidders within the framework ITT documents. Pro-active marketing of the framework to other London authorities provides an opportunity to improve uptake.

Preferred Option and Reasons for Preferred Option**Reason for the preferred option(s)**

14. As approved by Cabinet (KD5191) the procurement has been undertaken in accordance with the Public Contracting Regulations and Contract Procedure Rules to establish a Framework for Council-led housing developments. The framework agreements will cover the procurement of housing-led development (Use Class residential C3), which may include within it other ancillary uses, for example, commercial, retail, leisure or educational development. The framework will include undertaking the development and management of housing, including raising finance, design and planning processes, physical delivery of housing, sales and marketing of homes, payment of land value for completed homes and the management of Enfield's existing out of Borough Estates.
15. The framework will deliver opportunities offering Enfield additional capacity and capability to accelerate delivery of new affordable homes, improve the quality of affordable housing provision, development management services to deliver them, including sales and marketing, and estate management service.
16. Affordable housing providers working with the council will be enabled to access funding for the development of affordable housing in Enfield through the GLA's Affordable Homes Programme (AHP) which requires partnership working with a range of partners, including London local authorities and Registered Providers. The framework will be utilised to optimise delivery within the 2021-2026 programme period and make a significant contribution to economic growth in the borough.
17. The Cabinet Authority approved a pan-London Enfield-led Framework to accelerate affordable housing across London via other London Authorities. By establishing a forward pipeline of sites and enabling access to the framework by other local authorities this promotes partnership between housing associations and council delivery and creates effective procurement timescales.
18. The framework will be managed over its term to allow unrestrained access by Enfield for calling off relevant contracts within Enfield.
19. For other London local authority users when they call off contracts from this framework a fee will be levied. The amount levied is proportionate to and related to the type, value and/or Lot of the call-off contract and the extent to which procurement support services are required and the framework its management, administration, servicing and marketing along with provision for recuperation of the framework inception and development costs. This will be done under a 'Framework Joining Agreement' which sets out the terms of service provided between Enfield and other eligible users for deployment of this framework to other London authorities [Framework Joining Agreement. Appendix 5]. The time and extent to which the framework may be used by other London authorities is open to review.

20. A framework approach to procuring the Lots covering works and services allows LBE the flexibility to instruct works and services as required. Advice from Trowers and Hamlins LLP was a framework approach is suitable for the scope of these works and services, funding arrangements and to allow consideration of the exact scope of each call off which were not confirmed at the point of commencing procurement.
21. The framework approach also allows for the appointment of several contractors in a ranked order. If the First Ranked contractor defaults on project objectives, there is an opportunity to appoint Second or Third ranked contractor through the cascade provisions in the framework contract.

Scope of Works

22. **Lot 1** will be used to procure development of housing-led sites, with individual site project opportunities anticipated to be contracted as:
- Agreements for Lease;
 - Development Agreements or
 - Forward Funded Sales Agreements
23. Specific requirements for works procured under this Lot 1 will be set-out in the call-off documents but are likely to include (but not be limited to) the following:
- Securing grant funding and raising of development finance
 - Obtaining planning permission
 - Supply chain management
 - Design and construction of housing
 - Design and construction of facilities and infrastructure to support housing
 - Aftercare and effective management of housing stock.
24. This will include all activities necessary to construct housing and associated facilities and infrastructure (e.g. Commercial and employments spaces) and ensure the long-term effective housing and estate management of these sites.
25. **Lot 2** will be used to procure the technical and professional services of providers to support delivery of affordable housing development programmes, including (but not being limited to) the following:
- Development Management services for part of, or the whole lifecycle of development projects
 - Sales and marketing of market sale and affordable homes.
26. **Lot 3** will be used to procure technical and professional managerial services to support the management of affordable housing, with specific emphasis on Enfield's existing out of borough estates.

The Procurement Process and Contract Approach

27. The Procurement Process, Contract Approach and Market Testing are detailed within, the ITT Evaluation Report by Echelon Consultancy Ltd. (*Confidential Appendix 2.1*)
28. A single stage Open procurement process (*summary key heads of terms described in Appendix 1*), with an access agreement for awarding under the Framework Agreement (*Appendix 4*) was developed, agreed and tenders invited and issued with the Find a Tender Service Contract Notice on 12th August 2022.

29. Eleven responses to the ITT across the three lots were returned in nine unique bids on 5th October 2022. One bidder failed to submit the required responses and one Lot 3 bidder failed to meet the criteria. A total of 9 bids were evaluated and are reported for the three Lots and are recommended to progress to the framework award stage (*Confidential Appendix 2.1*).
30. Following the ITT bid submissions, the questionnaires for the three Lots were evaluated by panels comprising senior officers in the Housing Development and Meridian Water Team and Enfield's professional consultants. The financial section of the tender for the three Lots was evaluated by Enfield's finance team and the Council's professional consultants.
31. Tender evaluations for all Lots in response to the ITT were undertaken on a 60/40 quality/cost ratio on a total of nine eligible bids. There were three for Lot 1, five for Lot 2 and one for Lot 3. These were evaluated in line with the criteria set out for each lot in the framework ITT which included assessment of resident engagement, quality of affordable housing, approach to building safety and costs.

Relevance to Council Plans and Strategies

32. Good homes in well-connected neighbourhoods.

The recommendations in this report will enable contracts to be called off and let from this framework under Lots 1,2 & 3 for delivery of development works, development services with sales and marketing, and estate management which will contribute towards unlocking development of new housing in Enfield and at Meridian Water, and sustain the councils strategic ambitions for development of good new homes in well-connected neighbourhoods along with improvements in the management of new and existing estates. In Enfield standards will for example include: the councils 'Charter for Delivering Better Housing Outcomes', 'Design Guidance and Performance Standards: New Council Homes in Enfield' (Draft July 2021), 'The Home Quality Mark One England', The Enfield Intermediate Housing Policy', and optionally include: The Meridian Water Environment and Sustainability Strategy.

33. Safe, healthy and confident communities

The framework scope includes development, design, construction and estate management, encompassing the public realm and green spaces, and enables community, health, and leisure opportunities to be realised. The framework thereby will enhance the value of the council's public realm and green infrastructure and community, health and leisure facilities. The framework allows adoption of various recommendations and standards at call off for example from: Building for a Healthy Life (2020):a design toolkit for neighbourhoods, streets, homes and public spaces, and The Home Quality Mark One (BRE). As part of the procurement, bidders were asked specifically to explain how they will make best use of the opportunities created by contracts delivered under this framework to contribute to the delivery of safe affordable housing and their responses were evaluated as part of the scoring.

34. An economy that works for everyone

It is expected that contracts enabled under this framework for the delivery of affordable housing and its management will contribute across Enfield towards attracting new jobs and business growth in the area supporting residents and the local economy along with the provision of employment opportunities in

construction works and services. As part of the procurement, bidders were asked specifically to explain how they will make best use of the opportunities created by contracts delivered under this framework to contribute to the delivery of sustainable social value outcomes. Their responses in this respect which included for example work generated by development, local sourcing, materials, supplies and labour, training and apprenticeships, were evaluated as part of the scoring.

35. To maximise delivery of up to 2000 new homes in the borough on Council owned sites over the framework term along with estate management services. To further the Council's priorities in the Housing and Growth Strategy 2020-2030 and development as part of the Meridian Water masterplan.

Financial Implications

(Drafted by Atul Lad 09/02/2023)

36. The report proposes the Council enter into a framework agreement with 9 organisations. Enfield Council expects to award 9 contracts through the framework, across 3 lots as detailed in the main body of the report.

37. The total estimated value of the contracts Enfield expect award through the framework agreement is £150m over 6 years. Any award of a contract will be subject to a separate report and budget availability.

38. The total estimated value of contracts awarded through the framework is as set out in the follows:

Lot	Workstream	Estimated Value
Lot 1 – Development & Works	Affordable Housing Packages and Forward Funding Opportunities	£102,700,000
	Development Agreements (Land)	£908,200,000
	Sub-Total	£1,010,900,000
Lot 2 – Development Services with Sales & marketing	Development Management Services	£716,250,000
	Sales and Marketing	£40,900,000
	Sub-Total	£757,150,000
Lot 3 – Estate Management	Estate Management Services	£1,500,000
	Sub-Total	£1,500,000
Totals		£1,769,550,000

39. The total estimated pipeline value of the framework for Enfield only with values estimated over 6 years and subject to available budgets, is as follows:

Lot	Workstream	Estimated Value
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Lot 1 – Development and Works	Affordable Housing Packages and Forward Funding Opportunities	£51,700,000
	Development Agreements (Land)	£68,200,000
	Sub-Total	£119,900,000
Lot 2 – Development Services and Sales	Development Management Services	£24,000,000
	Sales and Marketing	£2,850,000
	Sub-Total	£26,850,000
Lot 3 – Estate Management	Estate Management Services	£1,500,000
	Sub-Total	£1,500,000
Totals		£148,250,000

40. The procurement process for this framework included financial assessment of all bidders to ensure they were economically and financially sound. The assessment included review of financial statements and calculated financial metrics and ratios. Thresholds for those metrics and ratios needed to be met in order to pass the assessment.

41. The financial metrics and ratios assessed the average turnover, profitability, debt and liquidity (do they have enough cash to meet their short-term obligations), based on their audited financial statements from the last 2 years.

42. In addition, a credit report was run on each bidder to highlight any issues based on their credit history.

43. Each organisation on the framework will be monitored on an ongoing basis to ensure their economic and financial standing remains sound. As part of the call off process the financial assessment will be updated along with additional checks, before finalising an agreement.

Legal Implications

(Legal implications provided by E.M. on 27/01/2023 based on the version of the report circulated on 26/01/2023 at 15:20)

44. The Council is required as a best value authority under section 3 of the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

45. Pursuant to section 8 of the Housing Act 1985, the Council is required to consider the housing conditions and needs in its area with respect to the provision of further housing accommodation.

46. Furthermore, the Council also 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. A local authority may exercise the general power of competence for its own purpose, for a commercial purpose and/or for the benefit of others. It is therefore considered that the Council has sufficient powers to implement the proposals set out in this report.

47. Pursuant to Public Services (Social Value) Act 2013 the Council is required to consider how the services it commissions and procures might improve the economic, social and environmental well-being of the area.
48. Any procurement must be conducted in accordance with the Council's Constitution, including the Contract Procedure Rules, and the Public Contracts Regulations 2015 (where applicable).
49. Officers must ensure continued compliance with the Framework provisions and with obligations in any grant agreements relating to the delivery of the works.
50. The Council must ensure value for money in accordance with the Best Value Principles under the Local Government Act 1999.
51. With any property dispositions, the Council must have regard to the mandatory procedures in its Property Procedure Rules regarding (amongst other things) the acquisition, management and disposal of property assets and applicable statutory requirements.
52. It is noted that the Council has obtained advice from external legal advisors throughout the process.

Equalities Implications

(Ref. Appendix 4 – EQIA)

53. All providers on this framework are required to comply with the Council's Equality commitments as set out in the Council's Equality and Diversity Policy and Equal Opportunities Code of practice, and with any additional measures and Key performance indicators (KPIs) which may be appropriate and specific to the call off.
54. On call offs this framework by all other authorities, contracts will require compliance with the council's base standards and according to that authority's determination and with any additional measures and KPIs which may be appropriate and specific to the call off.
55. Equalities diversity and inclusivity was considered and built into tender selection questionnaire and evaluation criteria, with bidders evaluated on their described EDI objectives, policies and targets, including:
 - Their commitment to improvement.
 - How they innovate.
 - Their willingness to support, sustain and work, in partnership with smaller, specialist and / or bespoke affordable housing providers.
 - Direct and indirect employment training, recruitment and retention initiatives including with estate residents.
 - Use of local supply chains; and
 - Their defined EDI methods of measurement and evaluation of their performance targets.
56. Equalities diversity and inclusivity was considered and built into tender selection questionnaire and evaluation criteria:
 - Bidders were required to describe how they would provide skills training, apprenticeships and commit to social value activities in their delivery.

- All bidders were asked, how their organisation would add Social Value to affordable housing projects under the framework relative to SV measures such as the National Themes, Outcomes and Measures (TOMS) framework, their corporate social value policy, the successful creation of new communities, and the long-term outcomes achieved.
- Bidders for Lots 1 & 3 were further asked how their organisation would work to successfully deliver tenancy sustainment and support across all stages of the 'residents' journey' and the outcomes to be achieved from the dedicated services provided.
- Bidders for Lot 2 were further asked, as part of the Selection Questionnaire, to example key relationships with Black and Ethnic minority (BAME) and specialist registered providers, their partnership deliveries and the added value provided through these relationships.

57. On issuing call off contracts further Social Value and Equalities Impacts may be sought and required from bidders, that are appropriate and specific for each individual contract call.

HR and Workforce Implications

58. Development and management teams will undertake internal staffing and appointment to oversee and manage works and services arising, where call offs are required and sought under this framework.

Environmental and Climate Change Implications

59. Sustainability, climate change and resilience considerations were built into the ITT bid questionnaire and evaluation criteria. All bidders were asked, as part of the Bid Questionnaire to state their experience in delivering and managing sustainable development including:

- The substantial carbon emissions reductions they have achieved (operational or embodied energy);
- How they have advanced and innovated to achieve best sustainable values.
- Developed approaches to the circular economy and zero waste; and
- How their actions have responded to the Authorities Climate Change Action Plan.

60. All bidders were also asked, as part of the ITT bid questionnaire and evaluation criteria, to set out how betterment will be achieved by them, for example, through proposed improvements in:

- Low carbon energy supply and use.
- Low embodied carbon.
- High impact carbon offset.
- Low carbon transport.
- Increased biodiversity.
- Low pollution and water sensitive design.
- Using fewer resources, designing out waste, embedding circularity.
- Programming resilience forward; and
- Having regard to The London Plan 2021, the Meridian Water Environmental Strategy and benchmarked forward from their existing evident standards.

61. On issuing project call off contracts', further sustainability, climate change and resilience impacts may be sought and required from bidders, appropriately and specifically for each individual call.
62. In house sustainability experts were included in setting the criteria and evaluating the bidders responses and these scores were a part of the overall scoring and ranking of the bidders.

Public Health Implications

63. Public Health requirements for development, development services and estate management were included in the tender information and these requirements may be supplemented with further project specific detail if required on each project call-off.
64. As part of the Selection Questionnaire:
- All bidders for Lot 1 & Lot 3 were asked about their track record in bettering their tenancy sustainment and responses to residents' complaints and housing and estate management expertise.
 - All bidders for Lot 2 were asked about their risk management
65. As part of the ITT bids for Lots 1, all bidders were asked about how they would achieve better and healthier homes, with better estate amenity and management through better:
- High quality housing, placemaking and design, and
 - Meet performance requirements set out in Enfield's 'Charter for delivering better Housing Outcomes' and 'The Charter for Social Housing Residents: social housing white paper' Jan. 2022 update) social housing.

Property Implications

66. As no works for specific sites or services are contracted until a project is called off the framework, awards on to this framework are not considered to have property implications.

Safeguarding Implications

67. Requirements for development, pre-construction, construction, and management Health and Safety Information were included in the tender information and these requirements may be supplemented with further project specific detail if required on each project call-off.
68. As part of the Selection Questionnaire:
- All bidders were asked about their track record in bettering their building safety standards, their achievements and improvements, their investment in safety standards, and engagements sustained with tenants and leaseholders in these processes.
69. Safeguarding implications were considered and built into the ITT bid questionnaire and evaluation criteria, where all bidders were asked how their organisation:

- Will be responding to the Dame Judith Hackitt inquiry findings, recommendations, proposed regulatory and legislative changes.
- Will mitigate residents' risks and liabilities through improving their management of building safety standards
- Will be implementing the Building Safety Act 2022;
- How responsibility will be embedded, and stakeholders will be engaged.

70. In respect of Equalities, Modern slavery and Data protection requirements have been placed on all bidders within the Framework Agreement to comply with: The Equalities Act 2010, Section 54 of the Modern Slavery Act 2015, the General data Protection Regulation (EU) 2016/679, the Data Protection Act 2018, the Privacy and Electronic Communications Directive 2002/58/EC (as updated by Directive 2009/136/EC); the Privacy and Electronic Communications Regulations 2003 (SI 2003/2426) as amended and the Legislation Enforcement Directive (Directive (EU) 2016/680).

71. Providers have been required to warrant its personnel, associated persons and operations shall not engage in corrupt activity under section 7 of the Bribery Act, within the Framework Agreement.

72. In this report no other direct safeguarding implications are identified.

Procurement Implications

73. The procurement was undertaken using the London Tenders Portal (initially ref DN558226) using the Find a Tender Service. The procurement was carried out on behalf of the Council by Echelon Consultancy Limited.

74. As the procurement was undertaken by Echelon Consultancy Limited, with Procurement oversight of the documentation and process and reviewed relevant documentation and commented where necessary. This procurement has been carried out in accordance with the Council's Contract Procedure Rules (CPR's) and the Public Contracts Regulations (2015). Ultimate accountability for compliance lies with Echelon Consultancy Limited.

75. The award of the framework 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 arrangements for the future management of the framework. The awarded framework contract must be promoted to Contracts Finder to comply with the Government's transparency requirements. Any call-offs should also be uploaded to the London Tenders Portal.

76. As the framework estimated value is in excess of £500,000 the CPR's state that the contract must have a nominated contract manager in the Council's e-Tendering portal. The contract will be managed in line with the Contract Management Framework and evidence of robust contract management, including, operations, commercial, financial checks (supplier resilience) and regular risk assessment of framework providers shall be uploaded into the Council's e-Tendering portal.

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Appendices

- 1 Summary Key Heads of Terms
- 2 Framework Agreement
- 3 Framework Joining Agreement
- 4 Equality Impact Assessment (EQIA)

Part 2

Confidential Appendix

- 2.1 Affordable Housing Providers (AHP) Framework: ITT Evaluation Report by Echelon Consultancy Ltd.

Background Papers

The following documents have been relied on in the preparation of this report:
Cabinet Report 9th December 2020 (KD5191)

#Departmental reference number, if relevant: