

MUNICIPAL YEAR 2009/2010 REPORT NO. 182

MEETING TITLE AND DATE:
Cabinet, 20 January 2010

REPORT OF:
Director of Place Shaping
and Enterprise

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Agenda – Part:1

Item: 10

**Subject: Security Staffing – tender
extension report**

Wards: All

**Cabinet Member consulted: Cllr Michael
Lavender**

1. EXECUTIVE SUMMARY

The Council's current contract to supply security staffing services with Legion Security was procured by full tender process. The contract commenced on 6th October 2003 for a period of three years with a provision for the contract to be extended at the end of its three-year term by a further period of no more than two years.

The Council commenced a joint tender process with LB Camden for the provision of CCTV services, traffic enforcement, alarm monitoring and security guarding. This tender was to be based on framework agreement that would enable other London local authorities to access the services via an access agreement. The process proved too complex and as a result the tender was restricted to Enfield and Camden only. In addition, the security guarding element was removed from the tender.

The contract was extended until 30th June 2009, through a Delegated Authority Report signed off by the then Assistant Director, in December 2008. This report included the authority to go to out to tender. However, time has been insufficient, so this report seeks agreement for a contract extension with Legion Security to 31st March 2010, whilst the full re-tender, which is currently underway, takes place.

2. RECOMMENDATIONS

- 2.1 It is recommended that the existing contract with Legion Security is extended to 31st March 2010 whilst the full tender process, which is underway, is completed.
- 2.2 That the sum of £479,685 be approved to cover the period of the further extension.

3. BACKGROUND

- 3.1 The security staffing contract has been conducted by Legion Security for five years on a 3 plus 2 contract, (five year price was £3.2m, inclusive of ad hoc requirements with a final expiry date of 5 October 2008). The service has continued since 5 October 2008. The contract was further extended until 30th June 2009 to enable the re-tender process to be completed. Unfortunately it has not been possible to complete on time. The new contract is anticipated to commence on 1st April 2010. The tender process is on-gong, with the Invitation To Tender documents due for return no later than 1700, Monday, 11th January 2010. This will enable the winning tender report to be completed and presented to Cabinet in February 2010, for consideration and ratification.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 It is a condition of Council Contract Procedure Rules that the contract has to be re-tendered. The alternatives are:
- Not to provide the security staffing services. Not feasible.
 - To bring the services in-house, which would be cost prohibitive and against the leaner Enfield agenda and is therefore also rejected.
 - To bring another contractor in to cover the temporary extension period and would impact on service levels. This was rejected as the tender process is already underway.

5. REASONS FOR RECOMMENDATIONS

- 5.1 To continue to maintain the current service level and standards of service provision to internal and external clients with minimal disruption while the full tender process completes.

6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS

6.1 Financial Implications

Since there is a continuation of the current service at the same cost, there is sufficient budget to allow the contract extension to proceed.

6.2 Legal Implications

- 6.2.1 Under the Council's Constitution, in particular the Contract Procedure Rules, the Council is required to carry out a competitive procurement exercise. A waiver of the Contract

Procedure Rules is required to enable the Council to extend the contract without a formal tender.

6.2.2 This is a Part B service under the Public Contracts Regulations 2006 ("PCR 2006"), and as such the full regime of the PCR 2006 is not applicable, save for the requirements of transparency, equality and non-discrimination.

6.2.3 A variation of the existing contract may be challenged by an aggrieved contractor on the basis that the Council has been anti-competitive and has shown favouritism to the current contractor by extending the duration of the contract beyond the provision for extensions. By doing this, other contractors are not given the opportunity to tender for the services. The Council is in the process of re-tendering and hopes to complete the process within the next four months. Whilst this does not negate the risk of a challenge, it reduces the possibility of a successful outcome for the aggrieved contractor.

6.2.4 The extension needs to be in a form approved by the Borough Solicitor.

6.3 Property Implications

Failure to provide guarding will mean that some sites would not be secure at night, leaving the Council with issues on insurance, theft, vandalism, arson etc. and disruption to services. Additionally, some sites have Security Officers to prevent any aggression against staff.

7. KEY RISKS

There is a possibility of challenge from other contractors through the incumbent contractor receiving the work. To mitigate this risk it is essential that the re-tender takes place at the earliest opportunity.

8. PERFORMANCE MANAGEMENT IMPLICATIONS

The extension of the existing contract until a full tender process is completed will continue to provide security to staff and excellent service to the public. It will also have a direct impact supporting the wider objectives set out in the Council's Business and Improvement Plan under Aim 3 – A Safer Enfield.

9. COMMUNITY IMPLICATIONS

Positive Impact

The proposal for a contract extension with Legion Security will ensure that Council staff and customers continue to be protected when in Council premises.

10. HEALTH AND SAFETY IMPLICATIONS

Please refer to 6.3

11. PUTTING ENFIELD FIRST

This complies with Aim 3 – A Safer Enfield

Background Papers

None.