

## **Cabinet Meeting on Wednesday 19 February 2020**

### **Award of the Provision and Installation of PVC-u Windows, Aluminium Doors and Ancillary Work – Non-Domestic Framework Agreement (REF IA1834)**



**Cllr Mark Deaville, Cabinet Member for Commercial said,**

“We continue to be committed to obtaining value-for-money for taxpayers, while ensuring good services for users.

This recommendation allows us to carry on that work as efficiently and flexibly as possible.”

#### **Report Summary:**

To secure Cabinet approval for authority to approve the full procurement process to secure and manage the Framework Agreement for the award of the Provision and Installation of PVC-u Windows, Aluminium Doors and Ancillary Work (Non-Domestic), ref IA1834 which will commence around 1 May 2020 for up to 4 years, be delegated to the Director of Corporate Services.

#### **Recommendations**

I recommend that:

- a. The Council concludes its regulated procurement in line with the Public Contracts Regulations 2015 for the Framework Agreement for the Provision and Installation of PVC-U Windows, Aluminium Doors and Ancillary Work (Non-Domestic), in readiness for an agreement commencement of 1 May 2020 or as soon as possible thereafter;
- b. Following the conclusion of the procurement, Cabinet delegates authority for the Director of Corporate Services to approve;
  - i. the Framework Agreement to be awarded and entered with the successful tenderers to the Framework Agreement; and
  - ii. all subsequent call-off contracts under the Framework Agreement to be awarded and entered into with the successful providers under this Framework Agreement;
  - iii. any novation of the Framework Agreement and call-off contracts to new providers or variations to the terms of the Framework Agreement or call-off contracts, in accordance with the Public Contract Regulations 2015

- iv. the 1-year extension to the Framework Agreement in accordance with the terms of the Framework Agreement (if applicable)

<b>Local Members Interest</b>
N/A

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### **Award of the Provision and Installation of PVC-u Windows, Aluminium Doors and Ancillary Work – Non-Domestic Framework Agreement (REF IA1834)**

#### **Recommendations of the Cabinet Member for Commercial**

I recommend that:

- a. The Council concludes its regulated procurement in line with the Public Contracts Regulations 2015 for the Framework Agreement for the Provision and Installation of PVC-U Windows, Aluminium Doors and Ancillary Work (Non-Domestic), in readiness for an agreement commencement of 1 May 2020 or as soon as possible thereafter;
- b. Following the conclusion of the procurement, Cabinet delegates authority for the Director of Corporate Services to approve;
  - i. the Framework Agreement to be awarded and entered with the successful tenderers to the Framework Agreement; and
  - ii. all subsequent call-off contracts under the Framework Agreement to be awarded and entered into with the successful providers under this Framework Agreement;
  - iii. any novation of the Framework Agreement and call-off contracts to new providers or variations to the terms of the Framework Agreement or call-off contracts, in accordance with the Public Contract Regulations 2015
  - iv. the 1-year extension to the Framework Agreement in accordance with the terms of the Framework Agreement (if applicable)

#### **Report of the Director of Corporate Services**

##### **Reasons for Recommendations:**

1. The current Provision and Installation of PVC-U Windows, Aluminium Doors and Ancillary Work Framework Agreement (ref. PC606), procured via the Public Contracts Regulations, expires on 31 May 2020 and a replacement arrangement is required.
2. The scope of the new Framework Agreement (which mirrors the current arrangement) includes a comprehensive service to provide, install, replace windows, doors, storey height frames and curtain walling systems to what will be predominately single storey buildings with occasional two and three storey buildings. These works will have been identified through condition surveys and asset management plans which are managed between the Council's Property team and Entrust.

3. It is envisaged that up to three providers will be appointed to allow for any mini-competitions through the Framework Agreement and to cater for peak demands such as school holidays.
4. The estimated Council spend envisaged through this agreement over four years is approximately £2.5 million to service the scope of Council owned public sector estate and schools. Most of the work is envisaged to be for Council maintained schools.
5. The total procurement will be qualified for up to £3 million to consider some flexibility in the Council's spend and to accommodate the potential additional spend of public sector partners.
6. The value of such a procurement requires Cabinet approval.
7. It is not envisaged that any one provider will be awarded a single call-off contract valued in excess of £2 million, though it is possible that over the full term of the Framework Agreement a provider may accrue a total of work in excess of the £2 million (Cabinet) threshold.
8. The form of contract used for the call-off contracts will primarily be JCT Minor Works 2016 with contractor's design with a schedule of amendments as detailed in the Framework Agreement.
9. There are no equivalent agreements procured by any other independent 3<sup>rd</sup> party central purchasing bodies or contracting authority/council which uniquely hold the local providers required for such works. The option to publicly tender this not only serves as an opportunity for local providers to tender but also serves as a benchmark on value for money.
10. Without recourse to a Framework Agreement, Council Officers would be required to invest more resource into spot tendering / quoting for individual work packages which would require several separately tendered projects per annum conforming to the Council's own internal Procurement Regulations.

### **Legal Implications**

11. The potential value of spend for the works lends the procurement process to strictly follow the Public Contracts Regulations 2015. The implications of any process failing to follow these Regulations could lead to serious legal challenges to the Council with the probable halt by a court on any contract award. A Framework Agreement has been developed in conjunction with Legal Services to allow for the relevant works to be called off as and when required. The call-off contract will primarily use JCT Minor Works 2016 with contractor's design. The call-offs will be managed by Entrust and a call-off process is detailed within the Framework Agreement. We are not aware of any other legal implications at the time of writing this report.

## **Resource and Value for Money Implications**

12. The Framework Agreement will be commissioned by the Council, led by a Strategic Property lead, and procured by the Council's Commercial Team. The ongoing technical day-to-day contract management is delivered in conjunction and managed by Entrust. There are no resource implications known at the time of writing this report. The failure to conduct a competitive tender process will inevitably lead to a disaggregation of spend with each project being contracted separately when it arises leading to increase in prices, inefficiencies in the contracting process and a sharp increase in procurement and commissioning effort and therefore this is considered the best way to achieve best value.

## **List of Background Documents/Appendices:**

Community Impact Assessment – Summary Document

## **Contact Details**

**Assistant Director:** Ian Turner, Assistant Director for Commercial and Assets

**Report Author:** Paul Timmins

**Job Title:** Senior Category Manager

**Telephone No.:** 01785 854646

**E-Mail Address:** [paul.timmins@staffordshire.gov.uk](mailto:paul.timmins@staffordshire.gov.uk)