

Local Members Interest
N/A

Cabinet – Wednesday 21 April 2021

Framework Agreement for the Repair and Treatment of Flat Roofs and Associated Works

Recommendations of the Cabinet Member for Commercial Matters

I recommend that Cabinet:

- a. Agree that Staffordshire County Council (the “Council”) concludes its regulated procurement in line with the Public Contract Regulations 2015 for the Framework Agreement for the Repair and Treatment of Flat Roofs and Associated Works;
- b. Agree, following the procurement process, the successful suppliers be appointed to the framework agreement for the period 1st December 2021 to 30th November 2024 and that dependent on the quality of their delivery, that the 12-month service extension be implemented to a final contract end date of 30th November 2025; and
- c. Agree that the Director of Corporate Services be given delegated authority to:
 - i. approve the initial awards of the successful providers to the Framework Agreement, and approve entering into the Framework Agreement with successful providers;
 - ii. approve all subsequent awards of call-off contracts under this Framework Agreement and approve entering into the call-off contracts; and
 - iii. (if applicable) approve the 1-year extension to the Framework Agreement in its 4th year.

Report Summary:

The objective of the report is to establish approval for procurement direction and to secure cabinet agreement that John Tradewell (Director of Corporate Services) act as the Delegated Authority to approve the award to and subsequent award of any call-off contracts under the Agreement for the Repair and Treatment of Flat Roofs and Associated Works (the “Framework Agreement”). The Framework Agreement will be for a period of 4 years starting 1st December 2021 to 30th November 2024 with the option to extend by 1 x 12-month period

Report of the Director of Corporate Services

Reasons for Recommendations:

1. The current Flat Roofing Framework Agreement (IA1037) expires on 30th November 2021. The estimated annual value for the framework agreement is £400,000 per annum for the Council.

2. Based on building condition information held by the Council's Property team there is approximately £7,200,000 worth of roofs with a life expectancy of 4 years or less (so may need replacing during the term of the new framework) split across both schools and corporate, therefore the advertised annual spend will increase to incorporate this.
3. The total procurement will be qualified for up to £10 million to consider flexibility in the Council's spend and to accommodate the potential additional spend of public sector partners
4. The Framework Agreement is to provide the Council with an agreed schedule of rates for the renewal and repair of flat roofs on Council owned buildings throughout the whole county of Staffordshire. This includes Council offices, some schools and some Academy school buildings.
5. It is envisaged that 2 providers will be appointed to the Framework Agreement.
6. There are no equivalent agreements procured by any other independent 3rd party central purchasing bodies or contracting authority/council which uniquely hold the local providers. 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.
7. 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 a plethora of separately tendered projects per annum conforming to the Council's own Procurement Regulations

Legal Implications

8. The potential value of spend for the works lends the procurement process to strictly follow the Public Contracts Regulations 2015 (the "Regulations"). 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-offs will be managed by Entrust Support Services Limited ("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

9. 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
Job Title:	Assistant Director for Commercial and Assets
Telephone No.:	01785 277228
E-Mail Address:	ian.turner@staffordshire.gov.uk