

Report to the Cabinet

Meeting to be held on Thursday, 3 October 2024

Report of the Director of Finance and Commerce

Part I

Electoral Division affected:
(All Divisions);

Corporate Priorities:
Delivering better services;

Procurement Report

(Appendices 'A' - 'B' refer)

Contact for further information:

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Brief Summary

In line with the county council's procurement rules, this report sets out a recommendation to approve the commencement of the following procurement exercises:

- i) Speed Camera Enforcement
- ii) Skew Bridge, Grimsargh - Bridge Widening Works
- iii) Future Delivery of 0-19 (up to 25 years with SEND) Public Health Nursing Service in Lancashire in the geographical lots as set out in Appendix 'A'.
- iv) Spray Injection Jet Patching and Heated In-Situ Road Repairs

In addition, this report sets out a request to approve a waiver of Procurement Rules:

- v) Waiver of Procurement Rules to make a direct award for highway defect repairs as an interim measure until the procurement exercise in relation to the Spray Injection Jet Patching and Heated In-Situ Road Repairs has been completed.

At the conclusion of the procurement process, any award of contract will be made under Section 9.52 (36) of the county council's Scheme of Delegation to Officers.

This report also sets out necessary amendments to procurement processes already approved by Cabinet to proceed but are impacted following the 12 September 2024 Cabinet Office announcement that the commencement of the Procurement Act 2023 will be delayed until 24 February 2025.



This is deemed to be a Key Decision and the requirements of the council's Cabinet procedure rules (Standing Order C18, Consideration of Key Decisions) have been complied with.

In respect of exercise (iii) above, compliance with Standing Order C18, Consideration of Key Decisions, was not possible as the original proposals, subsequently amended, were not deemed to be Key at the time of publication of the Statutory Notice of Forthcoming Executive Key Decisions taken under the provision of Standing Order C18.

Recommendation

Cabinet is asked to:

- (i) Approve the commencement of the procurement exercises and, under paragraph 14.2 of Part 10 of the county council's Constitution (Standing Orders – Procurement Rules), the request for a waiver as set out in Appendix 'A'.
- (ii) Authorise the Executive Director of Growth, Environment, Transport and Health, in consultation with the Cabinet Member for Resources, HR and Property (Deputy Leader) and the Director of Law and Governance, to finalise the arrangements for the procurement exercise in respect of procurement exercise (iv), Spray Injection Jet Patching and Heated In-Situ Road Repairs.
- (iii) Approve the necessary amendments to procurement processes already approved by Cabinet to proceed but which are impacted due to the recent delay to the commencement of the Procurement Act 2023 which will now come into effect from 24 February 2025.

Detail

Appendix 'A' sets out the detail of the procurement exercises and waiver request:

Procurement Exercises

- The procurement route proposed.
- The estimated contract value.
- The proposed basis for the evaluation of the tender submissions.

Procurement Exercise and related waiver

- The circumstances of the waiver.
- The estimated value of the waiver.

Appendix 'B', which is deemed to be exempt from publication for the reasons outlined below, sets out an options appraisal for the future Delivery of the 0-19 Public Health Nursing Service in Lancashire with accompanying legal advice.



The table below sets out necessary clarification to procurement processes already approved by Cabinet to proceed but which have been impacted by the 12 September 2024 Cabinet Office announcement that the commencement of the Procurement Act 2023 will be delayed until 24 February 2025. The Procurement Act 2023 had been due to commence from 28 October 2024 and the Council had proposed to utilise the new procedures the Act will introduce.

Cabinet Meeting	Procurement Title	Procurement Option
11/07/2024	East Lancashire's Levelling Up Fund	Instead of an Open Procedure compliant with the Procurement Act 2023 this opportunity will be offered via Open Procedure in accordance with Regulation 27 of the Public Contract Regulations 2015.
11/07/2024	Rawtenstall Gyrotory Project	Instead of an Open Procedure compliant with the Procurement Act 2023 this opportunity will be offered via Open Procedure in accordance with Regulation 27 of the Public Contract Regulations 2015.

Appendices

Appendices 'A', and 'B' are attached to this report. For clarification they are summarised below and referenced at relevant points within this report.

Appendix	Title
Appendix 'A'	Procurement Exercises and Waiver Request
Appendix 'B'	Description and Summary of Options Appraisal and Legal Advice (Exempt from publication)

Consultations

The relevant heads of service and key operational staff have been consulted in drawing up the proposals contained within this report.

Implications:

This item has the following implications, as indicated:

Legal

Legal implications are considered within the appendices for each procurement exercise individually.

Financial

The estimated value of the contracts will be contained within the funding arrangements set out in in each appendix. If significant variations should result from this position a further report to Cabinet will be required.



List of Background Papers

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. Appendix 'B' contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

