

COMMISSIONING AND PROCUREMENT SUB-COMMITTEE – 11/09/2018

Subject:	Tender for mortuary services contract		
Corporate Director(s)/ Director(s):	Candida Brudenell, Corporate Director Strategy & Resources Richard Henderson, Director HR & Customer		
Portfolio Holder(s):	Councillor Jane Urquhart, Portfolio Holder for Housing and Planning		
Report author and contact details:	Ghazala Mumtaz, Practice Manager Tel: 0115 8762342 Ghazala.mumtaz@nottinghamcity.gov.uk		
Key Decision	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Subject to call-in	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Reasons: <input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision			<input type="checkbox"/> Revenue <input checked="" type="checkbox"/> Capital
Significant impact on communities living or working in two or more wards in the City			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total value of the decision: Exempt			
Wards affected: All wards	Date of consultation with Portfolio Holder(s): Councillor Graham Chapman – Portfolio Holder for Finance, Resources and Commercial Services 22/08/18 Councillor Jane Urquhart: 16/08/18		
Relevant Council Plan Key Theme:			
Strategic Regeneration and Development			<input type="checkbox"/>
Schools			<input type="checkbox"/>
Planning and Housing			<input checked="" type="checkbox"/>
Community Services			<input checked="" type="checkbox"/>
Energy, Sustainability and Customer			<input type="checkbox"/>
Jobs, Growth and Transport			<input type="checkbox"/>
Adults, Health and Community Sector			<input checked="" type="checkbox"/>
Children, Early Intervention and Early Years			<input type="checkbox"/>
Leisure and Culture			<input type="checkbox"/>
Resources and Neighbourhood Regeneration			<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users): The Mortuary Services contract was due to expire in March 2018, however an extension to March 2019 was negotiated between Nottingham City Council and the current provider. We wish to undertake a competitive tender process for the award of a new contract commencing in April 2019. This report seeks approval to undertake a competitive procurement process and spend up to the amount given in the exempt appendix in relation to the extension of the existing contract through to March 2019, throughout the maximum duration of a new contract commencing April 2019 (3 + 2 years), and delegated authority to award the contract.			
Exempt information: Appendices to the report are exempt from publication under paragraphs 3 and 5 of Schedule 12A to the Local Government Act 1972 because they contain information relating to the financial or business affairs of any particular person (including the authority holding that information) and that is subject to legal professional privilege. Having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. It is not in the public interest to disclose this information because to disclose could prejudice the ability of the decision maker to consider the decision and associated advice in its entirety and to disclose financial information about this contract could prejudice contract negotiations.			

Recommendation(s):
1. To approve the undertaking of a competitive procurement process for the re-tender of the Mortuary Services Contract as outlined above.
2. To delegate authority to the Director of HR & Customer to approve the outcome and award of the contract to the successful tenderer following the procurement process; the initial term of the contract will be 3 years with the option to extend for a further 2 years.
3. To approve expenditure detailed in the exempt appendix following a competitive tender exercise.
4. To approve the extension and expenditure associated with the existing contract until March 2019.
5. To grant dispensation from Financial Regulations 3.29 and Contract Procedure Rule 5.1.2 (Operational Reasons) with regard to the contract extension until April 2019.

1 REASONS FOR RECOMMENDATIONS

- 1.1 The local authority is under a legal obligation to provide a mortuary and post mortem service as required by HM Coroner. In order to meet this obligation a competitive tender is required to ensure that a good quality and value for money provider is secured for this service.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 The local authority is legally obliged to make provision for mortuary services for HM Coroner. This includes provision of mortuary and post mortem facilities and technical staff for the provision of the Coronial Service within timescales agreed with HM Coroner. This must be done whilst ensuring that the deceased is handled with respect and dignity, recognising cultural and religious preferences where reasonably possible.
- 2.2 HM Coroner's area covers the Nottingham City Council and Nottinghamshire County Council boundaries. The cost of this contract will therefore be split between Nottingham City Council and Nottinghamshire County Council in accordance with agreed terms.
- 2.3 The existing contract for mortuary and post mortem services is due to expire in March 2019 and we must ensure provision for this service is seamlessly in place to ensure a continuous service.
- 2.4 The contract covers storage of bodies on behalf of HM Coroner for Nottingham City and Nottinghamshire County Councils, providing mortuary facilities including post mortem examinations, body storage and payment for pathologists.
- 2.5 The Coroners and Justice Act (2009), allows local authorities the opportunity to negotiate with other hospitals on a regional basis rather than only those within their local jurisdiction. This means that the tender can be fully competitive and open to all providers.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 Do nothing: This is not a viable option as this is a statutory service that the Council must continue to provide. The current contract expires in March 2019 and we need to ensure continuous service in order to meet statutory requirements under The Coroners and Justice Act (2009), and specifically Part 1, Section 1, Duty to Investigate; Section 14, Post-mortem examinations and Section 15, Power to Remove Body.

4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 Finance comments are provided in an exempt Appendix.

Hayley Mason, Strategic Finance Business Partner, 17/08/2018

- 4.2 The Portfolio Holder for Finance, Resources and Commercial Services, was consulted on 22/08/2018 and endorsed the recommendation that the committee grant dispensation from Financial Regulations 3.29 and Contract Procedure Rule 5.1.2 (Operational Reasons)

Chief Finance Officers Observations on Dispensation

- 4.3 Dispensation from financial regulation 3.29 and contract procedure rule 5.1.2 is supported for this contract extension due to operational reasons.

Laura Pattman, Strategic Director of Finance, 17 August 2018

5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND INCLUDING LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

- 5.1 Procurement Colleagues will assist with the tendering exercise to ensure that a fully compliant, value for money contract is awarded.

Paul Ritchie, Lead Procurement Officer, 09/08/2018.

- 5.2 Legal comments are provided in an exempt Appendix.

Dionne Screatton, Solicitor, Commercial, Employment and Education, 16/08/18.

6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISIONS RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE (STRATEGIC REGENERATION COMMITTEE REPORTS ONLY)

- 6.1 N/A

7 SOCIAL VALUE CONSIDERATIONS

- 7.1 Nottingham is a diverse city with a variety of citizens with specific cultural needs. It is important to ensure that deceased persons are treated with dignity and respect, and that cultural requirements are met (within the remit of the law) and the best pathologists and technicians are employed in this capacity.

8 REGARD TO THE NHS CONSTITUTION

8.1 Local authorities have a statutory duty to have regard to the NHS Constitution when exercising their public health functions under the NHS Act 2006. In making this decision relating to public health functions, we have properly considered the NHS Constitution where applicable and have taken into account how it can be applied in order to commission services to improve the health of the local community.

9 EQUALITY IMPACT ASSESSMENT (EIA)

9.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because:

This is not needed as the report does not contain proposals for new or changing policies, services or functions, financial decisions or decisions about implementation of policies development outside the Council

10 LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)

10.1 None.

11 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT

11.1 The Coroners and Justice Act (2009), and specifically Part 1, Section 1, Duty to Investigate; Section 14, Post-mortem examinations and Section 15, Power to Remove Body.

11.2 Local Government Act 1972