

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:	3995
Author:	Thomas Ali
Department:	Commercial and Operations
Contact:	Thomas Ali (Job Title: Food Development Officer, Email: thomas.ali@nottinghamcity.gov.uk, Phone: 01158761743)

Subject: Supply of Bread, Dairy, Fruit and Vegetables to Nottingham City Schools, Commercial Catering and Care Homes

Total Value: £814,000 (Type: Revenue)

Decision Being Taken:

- 1) To approve the extension of the current Fruit and Vegetable contract for the period 1/1/2020-30/04/2020 noting that an extension from 1/5/2020 -31/10/2020 has already been granted under DDM 3877 (Retrospective - Not subject to call in)
- 2) Grant an extension to the current Bread and Dairy contract from 1/5/2020- 31/10/2020
- 3) Grant dispensations for operational reasons in accordance with Financial Regulation 3.29 from Contract Procedure Rules 4.1.2 and 4.1.1 for decisions 1 and 2 respectively.
- 4) Grant approval to procure a new contract for the provision of Bread and Dairy for a period of 2+1 years commencing 1/11/20
- 5) Delegate authority to the Director of Commercial and Operations to approve and award the contract under decision 4 and issue any variations to contract under decisions 1 and 2

Reasons for the Decision(s)

Nottingham City Catering have come to the end of their current contract for Bread and Dairy products and require to go back out to tender to ensure best price and quality.

The Bread and Dairy contract will be included as Lot 2 of a 2 lot tender which includes Supply of Fruit and Vegetables as Lot 1. This is to encourage local suppliers to apply.

Approval to go out to tender for Fruit and Vegetables is already in place through procurement sub committee, however due to extended supply during Coronavirus we require dispensation to cover spend outside of current contracted periods.

The £814,000 is broken down into:

- £690,000 to cover the 2 year plus one year optional extension to supply Bread and Dairy products
- £104,000 to cover the dispensation for supply of Fruit and Vegetables for period 01/01/2020 -30/04/2020
- £20,000 to cover the dispensation for supply of Bread and Dairy for period 01/05/2020-31/10/2020

<b>Other Options Considered:</b>	<b>The option not to procure these services is not appropriate as these goods are required to be able to deliver the Catering Services. Dispensation is required to ensure compliance with financial regulations for periods during Coronavirus</b>
<b>Background Papers:</b>	<b>none</b>
<b>Published Works:</b>	<b>none</b>
<b>Affected Wards:</b>	<b>Citywide</b>
<b>Colleague / Councillor Interests:</b>	<b>none</b>
<b>Dispensation from Financial Regulations:</b>	<b>Yes</b>
<b>Consultations:</b>	<b>A contract for Fruit and Vegetables has already been in place as has one for Bread and Dairy. This is to ensure continuation of goods being supplied</b>
<b>Crime and Disorder Implications:</b>	<b>No Crime or Disorder implications will result as part of this decision, as this is a decision to procure products to deliver a service.</b>
<b>Equality:</b>	<b>EIA not required. Reasons: No Equality Issues will result as part of this decision, as this is a decision to procure products to deliver a service</b>
<b>Social Value Considerations:</b>	<b>none</b>
<b>Decision Type:</b>	<b>Portfolio Holder</b>
<b>Subject to Call In:</b>	<b>Yes</b>
<b>Call In Expiry date:</b>	<b>02/10/2020</b>
<b>Advice Sought:</b>	<b>Legal, Finance, Procurement</b>

**Legal Advice:**

A dispensation may be granted for operational reasons under the Council's Financial Regulations. The report has set out the reason for the extensions being sought and these being substantially due to the pandemic and effect this has had on service provision for city school catering. On the basis that there is a clear plan and timetable for the procurement of new contracts for both Bread and Dairy, and Fruit and Vegetables provision there are no significant legal issues arising from the granting of the dispensation.

With regard to the procurement process and contract being proposed, this is supported by Legal Services and advice will be provided as required.

Advice provided by Naomi Vass (Senior Solicitor) on 24/08/2020.

**Finance Advice:**

This decision seeks approval to go out to tender for supply of bread and dairy products for the Nottingham Catering service for use in schools, commercial catering sites and care homes. The contract will be for 2 years with an optional 1 year extension.

In addition, it seeks retrospective dispensation for spend on fruit and vegetable products from 01/01/2020 to 30/04/2020 and for spend on bread and dairy products for the period 01/05/2020 to 31/10/2020.

Nottingham City Catering spends approximately £230k per annum on bread and dairy products. Ongoing adherence to the Council's procurement procedures will ensure that value for money is achieved and Nottingham Catering is able to deliver on its MTFP position.

The contract will need to be reviewed after the initial 2 year period to ensure prices remain competitive and ensure continued value for money, and that the contract is still fit for purpose for the service.

Advice provided by Susan Turner (Senior Commercial Business Partner) on 28/08/2020.

**Procurement Advice:**

Procurement supports the decision to be taken concerning this report and will assist with the tendering exercise to ensure fully compliant value for money contracts are entered into. Advice provided by Paul Ritchie (Lead Procurement Officer) on 19/08/2020.

**Signatures**

Sam Webster (PH Finance, Growth and City Centre)
SIGNED and Dated: 23/09/2020
Hugh White (Corporate Director for COVID Response and Recovery)
SIGNED and Dated: 14/09/2020
Laura Pattman (Strategic Director of Finance) - Dispensation from Financial Regulations
SIGNED and Dated: 14/09/2020
Chief Finance Officer's Comments: