

Nottingham City Council

Commissioning and Procurement Executive Committee

Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 12 September 2023 from 10.04 am - 10.54 am

Membership

Present

Councillor Audra Wynter (Chair)
Councillor Linda Woodings
Councillor Jay Hayes
Councillor Corall Jenkins

Absent

Councillor Cheryl Barnard (Vice Chair)

Colleagues, partners and others in attendance:

Antony Greener	- Head of District Heating and Waste Strategy
Andy Smith	- Assistant Fleet Manager
Claire Labdon-West	- Commissioning Manager
Steve Oakley	- Head of Procurement
Catherine Ziane-Pryor	- Governance Officer

Call-in

Unless stated otherwise, all decisions are subject to call-in. The last date for call-in is 25 September 2023. Decisions cannot be implemented until the working day after this date.

15 Apologies for absence

Councillor Cheryl Barnard, on other council business.

16 Declarations of interests

None.

17 Minutes

The minutes of the meeting held on 11 July 2023 were confirmed as a true record and signed by the Chair.

18 Planned Respite Service for Working Age Adults with a Learning Disability and Autism - key decision

Claire Labdon-West, Commissioning Manager, presented the report, which seeks permission to run a competitive call-off from the Nottingham City Council Residential and Nursing Accreditation, for a planned respite service for working age adults with a learning disability and autism. Councillor Linda Woodings, Portfolio Holder for Adult Social Care and Health, spoke in support of the recommendations.

The following points were highlighted and responses provided to members' questions:

- a) As specified in the Care Act 2014, the Council has a statutory duty to provide a respite service. Planned respite is vital in ensuring the well-being and resilience of carers, and avoiding crisis and placement breakdown, which can have significant cost implications;
- b) Following the withdrawal of the long-term respite base in 2016, colleagues worked hard to secure planned respite accommodation but have only been able to secure emergency accommodation. This process proved labour-intensive and expensive;
- c) In 2022, the block purchase of four respite accommodation units was secured for one year, enabling 30 eligible carer households on the edge of crisis to access planned respite;
- d) Six months into the one-year contract, provision and overall user feedback was assessed and confirmed as appropriate and successful, with the exception of eight families with specific access needs, for whom the accommodation was not suitable;
- e) The units have achieved a 90% occupation rate, so to ensure the best possible value for money and efficiency, it is proposed that any future unoccupied periods are offered to the County Council to help support their eligible citizens with planned respite, the cost of which will be recharged;
- f) The provider is responsible for liaising with carers to book the respite, and even providing transport to and from the site. In addition, the provider has taken responsibility for all repairs and even supported crisis management. Respite users have given very positive feedback and are keen for this level of service to be retained;
- g) Broader best value will be tested to ensure the service can achieve the best price, and other models of respite provision will be examined, including those which are wholly accessible to all families;
- h) Committing to a block booking of accommodation was a risk, but cost effective and has proved beneficial for all parties, and so it is recommended that the arrangement is replicated for a further two years with continuing monthly monitoring.

Members welcomed the success of the provision, including the best value and efficiency approach, including offering vacant capacity to the County Council.

Resolved

- 1) to approve the spend of up to £980,620.16 on a planned respite service for citizens with an assessed need under the Care Act 2014 over a contract period of two years;**
- 2) to delegate authority to the:**
 - (a) Director of Commissioning and Partnerships to approve the outcome of a competitive call-off under the accreditation contract for residential and nursing care;**

(b) Head of Personalisation, Quality and Contracting to sign the contract relating to this service.

Reasons for recommendations

- Nottingham City Council has a statutory duty to provide planned respite for carers who have eligible needs, as required under the Care Act 2014. The intention is to ensure that there is capacity to meet the demand for respite;
- Planned respite provision will support carer resilience enabling citizens to remain at home and reducing the need for long term accommodation based support such as residential care or supported living. Placement breakdown often creates an emergency situation and can result in high cost placements which can be out of area depending on availability;
- A recent review of this provision has concluded that this service has been successful in delivering Best Value for citizens and has support from citizens and their families as well as colleagues within Adult Social Care who have been able to access this service.
- The competitive call off process will build on the success of the current service to ensure that Nottingham City Council is maximising Best Value in terms of both the offer to citizens and the cost of the service. Providers will be asked to respond to the service requirements and scoring will be based on responses which focus on a combination of both quality and the cost of the offer.

Other options considered

- Do nothing and continue to utilise placements called off on an individual basis from the residential accreditation. This was rejected as it has been established that this approach is not able to meet the needs of citizens and guarantee the capacity required for Nottingham City Council to meet its statutory duties.
- Carry out a full tender process to incorporate providers outside of the residential and nursing accreditation contract. In order to deliver the service within the required timescale, the provider would need to be established with suitable accommodation and have the relevant CQC registrations. Respite provision is within the contract and this is the mechanism for bringing the service into the market within the required timescale.
- Expand the internal provision of respite as an extension to Barkla Close. This option was being pursued prior to 2020 and a potential property was identified. The property was not a viable option and there is not an option to develop a property which would deliver immediate capacity. This option will be explored during the 2-year contract period of the service proposed in this report.

19 Procurement of Waste Services - key decision

Antony Greener, Head of District Heating and Waste Strategy, presented the report which seeks approval to undertake compliance procurement exercises for both the green waste composting contract, and the management and operational services of the Council's

Household Waste and Recycling Centre, in advance of the current contracts expiring in 2024. Councillor Corall Jenkins, Portfolio Holder for Energy, Environment and Waste Services and Parks, spoke in support of the recommendation.

Highlighted points and responses to members' questions included:

- a) The Council has a statutory duty as a Waste Disposal Authority under Section 51 of the Environmental Protection Act 1990 (EPA) to arrange for the disposal of controlled waste collected in its area by the Waste Collection Authority, which is also the Council;
- b) Composting green waste is collected between April and October/November, at an average of 12,000 tonnes per year, possibly more dependent on whether and growing conditions;
- c) The Council has a statutory duty under Section 51(1)(b) of the EPA to provide places at which residents are able to deposit their household waste and recycling. This site is at Redfield Road in Lenton;
- d) Consideration has been given to bringing this service back in-house, but it would require significant capital investment, and so it is recommended that the service is put out to tender;
- e) Currently the site works extremely efficiently, with 92% of all waste delivered to the site being recycled. This is one of the best performing sites in the country.

Members of the committee welcomed the recycling achievement of the Redfield Road Recycling site, praised the helpful and efficient on-site staff, and welcomed the best value approach in the procurement of these services.

Resolved

- 1) to approve the undertaking of a compliant procurement exercise for the provision of a green waste composting contract for the Council;**
- 2) to approve the undertaking of a compliant procurement exercise for the provision of management and operational services of the Council's Household Waste and Recycling Centre under contract to the Council;**
- 3) to delegate authority to the Corporate Director for Communities, Environment and Resident Services, in consultation with the Director of Legal and Governance and the Corporate Director of Finance and Resources, to award contracts to the successful bidders.**

Reasons for recommendations

- To allow the Council to discharge its statutory duty as a Waste Disposal Authority through tendering exercises defined by the Public Contract Regulations 2015 for the procurement of these waste disposal services;
- To procure provision for appropriate treatment of waste, via a competitive tendering exercise, enabling value for money and to seek continuously improving

environmental performance through increased recycling, recovery and diversion of waste from landfill.

Other options considered in making recommendations

- The option to do nothing is rejected on the basis that delivery of the services described would not be compliant with the Council's Contract procedure Rules;
- The option to directly award contracts is rejected on the basis that it would not comply with Public Contract Regulations 2015;
- The current contracts expire in March 2024. As a result, the solution which offers Best Value to the Council is to seek new contracts through competitive tendering. In-sourcing has been discounted and there are no viable delivery solutions which meet the Council's requirements.

20 Dynamic Purchasing System for the provision of ULEV and Hybrid type vehicles - key decision

Andrew Smith, Assistant Fleet Manager, presented the report which seeks permission to establish and manage a Dynamic Purchasing System (DPS) for the provision of Ultra Low Emission Vehicle (ULEV) and Hybrid type vehicles.

The following points were highlighted and responses provided to member's questions:

- a) The market and technology for ULEV and Hybrid type vehicles is developing rapidly across all types of vehicles, and so a different, more flexible approach to procurement is sought from the current framework structure;
- b) Establishing a DPS does not require NCC to commit to any spend, but the agreed structure has a longer lifespan than the current framework procurement system and the added flexibility may also allow enable access to the developing technology, including that which enables current diesel vehicles to be reconditioned to electric;
- c) For a small cost-covering commission charge, the proposed DPS will be accessible to all other public sector contracting bodies to run their own mini-tender competition, including with external and newly emerging providers;
- d) The service specification of the DPS will allow for supply and maintenance of vehicles;
- e) 99% of the types of vehicles needed, can now be purchased as ULEV or hybrid;
- f) Members should be assured that all providers wishing to tender will still be subject to the same due diligence, standards and financial checks;
- g) Nottingham City Council is currently at the forefront of expanding the electric and ULEV fleet with advice and guidance sought by other Authorities for their own projects.

Resolved

- 1) to approve undertaking a procurement process to establish an Ultra Low Emission Vehicle Dynamic Purchasing System for all UK public sector contracting authorities with respect to Ultra-Low Emission Vehicle cars, light vans and passenger carrying vehicle purchases;**
- 2) to delegate authority to the Corporate Director for Communities, Environment and Resident Services to:**
 - (a) enter into the initial Ultra-Low Emission Vehicle Dynamic Purchasing System to the Director of Resident Services;**
 - (b) sign all call-off orders under the terms of the Dynamic Purchasing System.**

Reasons for recommendations

- The benefits of establishing a DPS, rather than a framework are:
 - a DPS is open during its lifecycle, which means new providers can apply to the DPS at any point in time. There is no limit to the number of providers that can be admitted onto the DPS;
 - there is not a fixed pricing schedule meaning that there is constant competitive tension. Not having a fixed pricing schedule shares the risk of market volatility between the supply chain and Council;
 - constant competition for the supply of vehicles with an overarching specification;
 - avoiding the risk of over-specification and limiting future offers;
 - There is no limit on the number of providers accepted onto each vehicle lot. Suppliers can apply for any and all vehicle type lots:
 - Individual or multiple vehicles can be bought under the terms of the DPS;
 - The structure of the DPS considers not only any future fleet requirements, but those of other Council departments (Greenspace, WhyNott Transport, Zebra projects), with the rebate payable by users of the DPS is (on average) 0.5% lower than third party framework and DPS providers and nationally accessible by all public sector contracting bodies.

Other options considered in making recommendations

- Renew the framework in its current structure – this option was rejected to enable the supply base to grow and to offer the client team assurances of their needs being met via a compliant procurement mechanism. A framework is also limited in its potential maximum length, four years. A DPS can be longer and the criteria used should maximise the chance of ‘future-proofing’ the arrangements for the proposed term;
- Undertake ad-hoc tenders at the point of demand – this option was rejected to avoid any duplication of work and to ensure all vehicle purchases are going through a

compliant procurement mechanism with a specification created with the Council in mind;

- Access external third-party frameworks at the point of demand – this option was rejected to avoid any duplication of work and to be paying any rebate fees to third parties as opposed to benefitting from rebates paid to the Council by 3rd party users of the DPS. Creating our own DPS also provides a way to ensure all vehicle purchases are going through a compliant procurement mechanism with a specification created with the Council in mind.

21 Hot Water Agreement - key decision

Antony Greener, Head of District Heating and Waste Strategy, presented the report which seeks approval to extend the current contract for the supply of hot water recovered from the Eastcroft Incinerator, to provide supplementary heat energy to the district heating network. Councillor Corall Jenkins, Portfolio Holder for Energy, Environment and Waste Services and Parks, spoke in support of the recommendation.

The following points were highlighted and responses provided to members' questions:

- a) The incinerator was established in 1972 with all service elements managed by the City Council. Over time some elements were contracted out, this being one of those;
- b) The recommendation is to extend the current contract for the supply of hot water recovered from the Eastcroft Incinerator, to provide supplementary heat energy to the district heating network, so that it aligns with the expiry of the District Heating Scheme Agreement in 2030.

Members of the Committee endorsed the forward thinking of the 1970's Council in establishing the waste incinerator as an ecologically advanced waste disposal system as an alternative to landfill, but also with energy and environmentally efficient services to support the City.

Councillor Corall Jenkins, Portfolio Holder for Energy, Environment and Waste Services and Parks reminded the Committee that a tour of the Eastcroft Incinerator site was to be held for members on 14 September 2023.

Resolved

- 1) to approve an extension to the Hot Water Agreement between the Council and Wastenotts Reclamation Ltd for the supply of Hot Water to the Nottingham District Heating Scheme;**
- 2) to delegate authority to the Director of Legal and Governance to seal a Deed of Variation to the contract to extend the contract term as detailed in the report.**

Reasons for recommendations

- The extension to the contract term will secure the supply of hot water recovered from the Eastcroft Incinerator to provide supplementary heat energy to the district heating network to align with the expiry of the District Heating Scheme Agreement.

Other options considered in making recommendations

- The option to do nothing was rejected on the basis that it would not comply with Contract Procedure Rules;
- The option to not extend the contract term for Hot Water supply is rejected because the energy supply is essential to the successful operation of the Nottingham District Heating Scheme, and significant heat recovery infrastructure would need to be decommissioned at the Eastcroft Incinerator plant.