

Commissioning and Procurement Executive Committee – 14 November 2023

Subject:	Procurement of booklet for Combined County Authority Mayoral Election		
Corporate Director:	Ross Brown – Finance and Resources		
Portfolio Holder:	Councillor Audra Wynter - Finance and HR		
Report author and contact details:	Sarah Wilson, Electoral Services Manager Sarah.wilson@nottinghamcity.gov.uk 0115 8764308		
Other colleagues who have provided input:	Alfred Ansong, Strategic Finance Business Partner Beth Brown, Head of Legal Paul Ritchie, Procurement Category Manager, Products		
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 £750,000 or more taking account of the overall impact of the decision
			<input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital
Significant impact on communities living or working in two or more wards in the City			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Type of expenditure:	<input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital		
Total value of the decision: up to £900,000 (£173,000 printing costs and £708,000 postage costs on current rates)			
Wards affected: All			
Date of consultation with Portfolio Holder: 25/10/2023			
Relevant Council Plan Key Outcome:			
Green, Clean and Connected Communities			<input type="checkbox"/>
Keeping Nottingham Working			<input type="checkbox"/>
Carbon Neutral by 2028			<input type="checkbox"/>
Safer Nottingham			<input type="checkbox"/>
Child-Friendly Nottingham			<input type="checkbox"/>
Living Well in our Communities			<input type="checkbox"/>
Keeping Nottingham Moving			<input type="checkbox"/>
Improve the City Centre			<input type="checkbox"/>
Better Housing			<input type="checkbox"/>
Serving People Well			<input checked="" type="checkbox"/>
Summary of issues (including benefits to citizens/service users):			
<p>As part of the devolution deal with government to establish a Combined County Authority to secure £38 million of funding per year, which would benefit the lives of citizens living in the East Midlands region, an election for a Combined County Authority Mayor will need to be held.</p> <p>Nottingham City Council is expected to be selected as lead authority with Melbourne Barrett appointed as Combined County Authority Returning Officer (CCARO) to oversee the delivery of a Combined County Authority Mayoral Election, which will take place on 2 May 2024, subject to the passing of legislation.</p> <p>The CCARO will be required to print and post a mayoral election booklet to every elector in the combined authority area, 1.6m individuals in total. The booklet will include information from the CCARO about the election and an election address from each candidate.</p>			

Procurement of the contracts to print and post these booklets would normally be the responsibility of the combined authority. However, as this is yet to be established and due to the tight timescales involved in approving the deal and delivering the election, Nottingham City Council has been asked to progress the procurement as an interim measure on behalf of the proposed East Midlands Combined Authority.

Delaying the procurement process until after the legislation is passed and the East Midlands Combined Authority is formally established would result in this legal requirement not being fulfilled and would jeopardise the delivery of the election.

Procurement needs to take place as soon as possible to ensure suitable providers are awarded contracts, subject to the legislation being approved, so that these legal deadlines can be met and that all electors receive a booklet in plenty of time before the election. In particular, postal voters, who will need to receive their booklets prior to their postal packs arriving, to ensure they have the opportunity to read the booklet before they return their ballot paper by post.

To print the booklets the proposal is to call off against the Electoral Services existing print contract with Print Image Network Ltd, through the Nottinghamshire framework.

In addition, the postage of the booklet will be procured through a separate competitive tender process.

All costs for the printing and postage of the mayoral booklet will be met by the East Midlands Combined Authority and contracts will only be awarded on the basis that the legislation needs to be passed before the contract can commence.

Exempt information: None

Recommendations:

- 1** To approve expenditure for the production and delivery of 1.6m mayoral booklets on behalf of the proposed East Midlands Combined Authority, subject to approval of legislation and noting that costs will be recovered from the Combined Authority once established.
- 2** To approve call-off against the current printing contract with Print Image Network Ltd. for the printing of the booklets.
- 3** To approve commencement of a competitive tender process for postage of the booklets, and delegate authority to the Director of Legal and Governance to award the contract based upon the outcomes of that process.

1. Reasons for recommendations

- 1.1 To ensure that the Council as proposed lead authority and the Combined County Authority Returning Officer (CCARO) can meet legal requirements for the delivery and conduct of the election, subject to the passing of relevant legislation.
- 1.2 To comply with Financial Regulations relating to testing the market to demonstrate that best value for money is being obtained.
- 1.3 To ensure business continuity for Electoral Services and the CCARO with existing supplier for the delivery of printed electoral materials.
- 1.4 To provide adequate time and resources to implement any new contract as soon as legislation is approved to ensure that all aspects of the project can be delivered on time.

- 1.5 To reduce the risk to the CCARO not being able to operate adequate, effective and efficient services as a result of any period of time where no supplier is contracted to deliver these services.
- 1.6 To pro-actively plan and react to new legislation as soon as it is approved to meet all new requirements and deliver a robust and safe elections for all citizens of Nottingham and the wider East Midlands Combined Authority area.

2. **Background (including outcomes of consultation)**

- 2.1 In August 2022, Nottingham City Council, Nottinghamshire County Council, Derby City Council and Derbyshire County Council agreed to a £1.14 billion devolution deal with the government.
- 2.2 The deal will create the first ever Combined County Authority and will see an extra £38 million a year coming to the East Midlands from 2024.
- 2.3 At present the Levelling Up and Regeneration Bill is progressing through parliament and is in the final stages with Royal Assent expected in November.
- 2.4 The proposed East Midlands Combined County Authority deal includes the requirement for an elected mayor and at present the legislation is being drafted to appoint a lead authority to oversee this election.
- 2.5 The assumption is that Nottingham City Council will be the lead authority with Melbourne Barrett appointed as Combined County Authority Returning Officer (CCARO).
- 2.6 Timescales for the approval of legislation surrounding the deal and subsequent election are extremely tight, if the election is to take place on 2 May 2024. This would allow for the election to be combined with the Police & Crime Commissioner (PCC) Election (which is the preferred option), in order to share administration and costs with central government who fund PCC elections.
- 2.7 As CCARO, Melbourne Barrett has the responsibility to ensure that every elector in the electoral area receives a booklet setting out details of the election and an election address from each candidate.
- 2.8 Ordinarily, the Combined County Authority would be established well in advance of any election and would conduct the procurement exercise for the printing and postage of the mayoral booklets but with legislation still awaiting approval this is not the case.
- 2.9 Therefore, as it is anticipated that Nottingham City Council will be lead authority with Melbourne Barrett as CCARO, and as an interim measure, the procurement of suppliers will be the responsibility of Nottingham City Council to ensure that preparations can be made to deliver the election on 2 May in advance of the legislation being given final approval.
- 2.10 Due to the volume of items and the associated costs of printing and posting 1.6m booklets we have reviewed our existing contracts and recommend the actions outlined below.
- 2.11 The printing of the booklets can be procured through call off on our existing print contract with supplier Print Image Network Ltd. Print Image Network Ltd were awarded a new contract with Nottingham City Council in June 2022 for the printing of

all electoral stationery as part of a Nottinghamshire wide framework with all 8 Nottinghamshire councils. Print Image Network Ltd are also the supplier to 4 out of the 9 Derbyshire Councils, meaning that they currently provide printed electoral materials to 12 out of the 17 councils across the combined authority area.

- 2.12 As part of the current contract, we also have a signed Data Sharing Agreement for the transfer of data, including names and addresses for the distribution of each booklet to all registered electors.
- 2.13 In addition, Print Image Network Ltd have a vast amount of knowledge and experience of printing and fulfilling mayoral booklets, as they have already delivered similar contracts for the West Midlands Combined Authority and the West Yorkshire Combined Authority mayoral elections.
- 2.14 The postage element of this project exceeds the overall contract with Print Image Network Ltd and therefore a separate tender process will be required to commission a postal provider. There is currently no postal framework to meet the specifications of this postal project.
- 2.15 The postal provider will need to be able to meet all the requirements of the specification which includes, the collection, sorting and delivery of the booklets to the nearest local sorting office for the postcodes on the booklets to ensure that they are delivered as quickly as possible. This is due to the postal voters needing to receive their booklet before their postal packs arrive so that they have the opportunity to read the information and the election addresses from the candidates before they vote and return their ballot paper.
- 2.16 The tender specification will also ensure that Best Value is met and that suppliers can meet social value, data security and environmental requirements.

3. Other options considered in making recommendations

- 3.1 Do nothing and not have an appropriate contract in place. This is not recommended as:
 - i. This would put NCC and the CCARO at a high risk, as when the legislation is passed an immediate start date for the contract will be required. If the tender process has not been followed prior to the approval of the legislation then there would be no contract in place to call off on and therefore no ability to post these items.
 - ii. Awarding a contract without carrying out a tender exercise to procure the postal provider would be in breach of financial regulations and procurement rules.
 - iii. Failure to print and post the booklet to every elector would be in breach of the election rules and could result in an election petition against the CCARO for misconduct in running the election.
- 3.2 Print and post these items in-house. This is not recommended as:
 - i. IT Services from December 2023 will no longer provide a print room for the printing of large volumes of printed materials, as this resource is being removed and Electoral Services can no longer access this service, therefore this is not an option.

- ii. The cost of printing items in-house is likely to be higher than that of external providers due to savings made through materials and economies of scale.
- iii. NCC does not have the capacity, resources or technical ability to provide an internal solution to the printing and distributing of large amounts of specialised mail, especially the printing and fulfilment.
- iv. NCC does not have the capacity to hand delivery these items due to the scale of the geographical area of the combined authority and this would create a delay in electors receiving their booklets.

4. Consideration of Risk

4.1 Risks have been identified throughout the report.

5. Best Value Considerations

5.1 Call-off against the current contract meets Best Value as this has already been achieved through the procurement process when setting up the original contract.

5.2 When awarding the postage contract Best Value can be achieved by obtaining the best postage rates by accessing mail discounts available to current postal providers, who have experienced and knowledge of delivering large volumes of mail to a wider geographical area.

6. Finance colleague comments (including implications and value for money/VAT)

6.1 This report is for the procurement of booklets for the Combined County Authority mayoral election.

6.2 The cost will temporarily be funded from the allocated budgets for Electoral Services within the 2023-24 Medium-Term Financial Plan. Procurement should only be approved when the government approves the devolution deal for the setup of the Combined Authority. A charge should subsequently be raised to the Combined County Authority when it is set up to recover this expense.

Alfred Ansong, Strategic Finance Business Partner - 27/10/2023

7. Legal colleague comments

7.1 There is an obligation under the Combined Authority (Mayoral Elections) Order 2017 for each individual voter in the area of the new combined authority to be sent an electoral booklet outlining the arrangements for the election and a statement from each of the candidates.

7.2 Until the combined authority is established and created by statute it is not a legal entity in its own right and therefore, cannot meet this obligation. As the likely lead authority for the Combined Authority Election Nottingham City Council is undertaking this procurement on behalf of the combined authority.

7.3 The cost of undertaking the procurement and the associated costs of printing and postage will be met by the Combined Authority once established.

Beth Brown, Head of Legal - 18 October 2023

8. Other relevant comments

8.1 Procurement colleague comments

The printing of the booklets will be carried out by Print Image Ltd via the Nottinghamshire framework is a compliant, value for money way of securing this element of demand.

The postage element will be secured via a competitive tender process thus ensuring best value to The East Midlands Combined Authority.

All costs for the printing and postage of the mayoral booklet will be met by the East Midlands Combined Authority and contracts will only be awarded on the basis that the legislation needs to be passed before the contract can commence.

Paul Ritchie, Procurement Category Manager – 18 October 2023

9. Crime and Disorder Implications (If Applicable)

9.1 N/A

10. Social value considerations (If Applicable)

10.1 Existing Contract – already met.

10.2 Proposed Postage Contract – use local suppliers and ensure that logistical arrangements are eco-friendly and efficient with low carbon emissions, wherever possible.

11. Regard to the NHS Constitution (If Applicable)

11.1 N/A

12. Equality Impact Assessment (EIA)

12.1 An EIA is not required because this report relates to business-as-usual processes.

13. Data Protection Impact Assessment (DPIA)

13.1 A DPIA is not required because this report relates to business-as-usual processes.

14. Carbon Impact Assessment (CIA)

14.1 As part of the tender process, consideration will be given to the impact as set out above and due regard will be given to any implications identified.

15. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

15.1 None.

16. Published documents referred to in this report

16.1 None.