

**COMMISSIONING AND PROCUREMENT SUB-COMMITTEE/STRATEGIC
REGENERATION COMMITTEE – 11th MAY 2016**

Subject:	NOTTINGHAM CITY COUNCIL PROCUREMENT PLAN 2016 - 21		
Corporate Director(s)/ Director(s):	Katy Ball, Director of Procurement and Children's Commissioning		
Portfolio Holder(s):	Councillor Alex Norris – Portfolio Holder for Adults, Commissioning and Health Councillor Nick McDonald – Portfolio Holder for Jobs, Growth and Transport		
Report author and contact details:	Jo Pettifor – Category Manager (Strategy and People) Tel: 0115 8765026 Email: jo.pettifor@nottinghamcity.gov.uk		
Key Decision	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Subject to call-in	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Reasons: <input 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 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:			
Wards affected:	Date of consultation with Portfolio Holder(s): Councillor Norris – 20 th April 2016 Councillor McDonald – 12 th April 2016		
Relevant Council Plan Key Theme:			
Strategic Regeneration and Development			<input checked="" type="checkbox"/>
Schools			<input checked="" type="checkbox"/>
Planning and Housing			<input type="checkbox"/>
Community Services			<input checked="" type="checkbox"/>
Energy, Sustainability and Customer			<input checked="" type="checkbox"/>
Jobs, Growth and Transport			<input checked="" type="checkbox"/>
Adults, Health and Community Sector			<input checked="" type="checkbox"/>
Children, Early Intervention and Early Years			<input checked="" type="checkbox"/>
Leisure and Culture			<input checked="" type="checkbox"/>
Resources and Neighbourhood Regeneration			<input checked="" type="checkbox"/>
Summary of issues (including benefits to citizens/service users): This report presents the Nottingham City Council Procurement Plan for 2016 – 2021 which sets out the Council's planned programme of procurement activity for all goods, works and services over this five year period. The Plan is attached at Appendices 1- 3 . The outcomes of procurement activity undertaken during 2016/17 will be reported in the 'Procurement Strategy Implementation Update Report' in June. A key achievement during this year was the investment of £184m into the local economy through contracts awarded to local suppliers; this represents 76% of the total value of contracts awarded in the year.			
Exempt information: State 'None' or complete the following. None			
Recommendation(s):			
1 To note the Nottingham City Council Procurement Plan 2016 – 2021.			
2 To note that the Procurement Plan is indicative of planned procurement activity and timescales, which may be subject to change dependent on the outcomes of the strategic commissioning process, service budgets and priorities and the full consideration of			

1 REASONS FOR RECOMMENDATIONS

- 1.1 The Procurement Plan supports compliance with the Public Procurement Regulations and the Contract Procedure Rules of the Council's Financial Regulations by enabling procurement activity to be planned and undertaken within the duration of existing contracts. This minimises the need for dispensation from the Financial Regulations to be sought to extend contracts beyond their expiry date without formal tendering being undertaken, other than in genuinely exceptional circumstances. This is particularly important in relation to goods and services that are subject to the full application of the European Procurement Directives
- 1.2 The Procurement Plan is a key mechanism in the implementation of the Nottingham City Council Procurement Strategy 2014-17, enabling the planning of procurement activity to deliver the Council's strategic priorities:
- Grow the local economy
 - Drive increased local job opportunities for local people
 - Deliver effective value for money for our citizens
 - Lead as an Early Intervention City
 - Lead as a Green City
- 1.3 The Procurement Plan supports compliance with the Public Procurement Regulations and the Contract Procedure Rules of the Council's Financial Regulations by enabling procurement activity to be planned and undertaken within the duration of existing contracts. This minimises the need for dispensation from the Financial Regulations to be sought to extend contracts beyond their expiry date without formal tendering being undertaken, other than in genuinely exceptional circumstances. This is particularly important in relation to goods and services that are subject to the full application of the European Procurement Directives.
- 1.4 The Procurement Plan provides information for internal and external stakeholders about planned procurement activity and presents a clear, transparent and robust process of procurement planning. It facilitates joint working with partner organisations and collaboration in procurement activity. It allows other service departments (such as Legal Services) to include support for procurement activity in their work plans.
- 1.5 The Procurement Plan supports the Council's commercialisation agenda by enabling potential 'Make or Buy' opportunities to be identified in a timely way in advance of existing contracts being due for renewal. It facilitates the forward planning of 'Make or Buy' considerations by the Make or Buy Panel.
- 1.6 The Procurement Plan informs provider markets about forthcoming opportunities to bid for contracts with the Council; enabling potential suppliers to prepare for these and enabling market development support to be offered.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 A Procurement Plan was first developed to align the planning of procurement and contracting activity for commissioned services with the Strategic Commissioning

Intention (SCI) Review programme. The Plan was first reported to Executive Commissioning Sub Committee at its meeting on 23 May 2012. It has subsequently been updated regularly and routinely reported to Committee.

2.2 A copy of the Procurement Plan 2016 – 2021 is attached at **Appendices 1- 3**. It presents planned and anticipated procurement activity across the Council; showing the expected commencement and completion dates and anticipated key stages for each project. The format of the Plan is based on the three procurement categories established within the Procurement Team through the recent review of the Strategy and Commissioning Directorate. These are:

- ‘People’ - commissioned services for citizens, including: social care and support for vulnerable adults and children, Community, Public Health and education services;
- ‘Places’ – including: major projects, minor works, highways, school capital works, safety and compliance, operator services and temporary structures;
- ‘Products’ – including: transport, energy, waste, environmental services, professional services, ICT, soft facilities management and business support.

2.3 The Procurement Plan is indicative of anticipated procurement activity and may be subject to change, for example based on the outcome of commissioning decisions or due to changes to service budgets and service priorities. The procurement options for each requirement are considered as part of the commissioning process based on a number of factors, including whether the services are required in future, whether remodelling is necessary, consideration of ‘Make or Buy’ options, compliance with the Council’s financial regulations and Public Procurement Regulations, and the overall risks, costs and benefits of tendering. All procurement activity is planned in accordance with the core principles of the Nottingham City Council Procurement Strategy 2014-17:

- Economic, social and environmental well-being;
- Maximising savings;
- Citizen focus;
- Governance, fairness and transparency;
- Partnership and collaboration;
- Innovation and improvement.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 Do nothing. This would impact on the planning of the Council’s procurement activity across all goods, works and services. It would risk non-compliance with the Council’s Contract Procedure Rules and Financial Regulations through contracts needing to be extended beyond their expiry date due to procurement activity not being undertaken in a timely way. In relation to commissioned services it would impact on the alignment of procurement activity with the programme of Commissioning Reviews undertaken within the Strategy and Commissioning Directorate. For these reasons, this option was rejected.

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

4.1 The recommendations of this report do not have any specific financial implications.

4.2 As each element of the Procurement Plan set out in Appendices 1- 3 is undertaken, separate approvals will be required by the relevant Board or Portfolio Holder decision as appropriate.

This approval will include the appropriate financial implications and recommendations ensuring budget availability and aligning any procurement savings already captured as part of the Medium Term Financial Plan (MTFP) to prevent budgetary double counts.

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

- 5.1 The Council's Contract Procedure Rules and Financial Regulations and European Procurement Regulations dictate that the Council should undertake a formal tender process for the award of contracts of a particular value. The Procurement Plan addresses the risk of non-compliance with these Regulations by providing a tool for planning procurement activity across all contracts based on their expiry date.
- 5.2 The Procurement Plan sets out an ambitious programme of procurement activity for the Council across all categories of goods, works and services. Planned procurement activity includes the re-tendering of existing contracts prior to expiry, alongside anticipated procurement to meet new priorities identified through the strategic commissioning process. The delivery of this programme of activity depends upon the necessary resources being available. The number of tenders actually undertaken will be dependent on the outcomes of the commissioning process for each requirement (including the consideration of procurement options and implications) and will be subject to decision making through the commissioning process.

Legal Observations:

- 5.3 The recommendations in this report raise no significant legal issues. The intention of the Procurement Plan is to ensure compliance with the Public Contracts Regulations 2015 and the Council's duties to obtain best value and value for money.
- 5.4 The report for 2015 commented on the introduction of the (at that time) recently adopted Public Contracts Regulations 2015. Those regulations govern public works, services and supplies. In April 2016 new regulations came into force in the UK which apply to concession contracts for both works and services. For the first time concession contracts over the relevant financial threshold (Euro 5,225,000) will have to be advertised in the OJEU. The Legal Services Team and Procurement Team will need to work together to ensure these new regulations are implemented appropriately in the delivery of new concession projects.
- 5.5 Legal Services will provide support and contribute to the delivery of the Procurement Plan by advising on relevant legislation, legal and commercial risks, and drafting and approving of contract documents.

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

- 6.1 This decision does not have any implications for strategic assets and property.

7 SOCIAL VALUE CONSIDERATIONS

- 7.1 The Nottingham City Council Procurement Strategy 2014-17 sets out how procurement will drive the Council's key priorities of economic growth, social value and sustainability. It outlines how procurement will contribute to the economic, social and environmental well-being of the City through consultation, supporting the local economy, social benefits and protecting the environment.
- 7.2 For each procurement process, consultation will be undertaken and full consideration will be given to how the goods, works or services procured could improve economic, social and environmental well-being in Nottingham, in accordance with the Public Services (Social Value) Act 2012. Social value considerations will be made throughout the procurement process to ensure opportunities are maximised to improve the wellbeing of the City and its citizens. In relation to commissioned services for vulnerable adults and children, social improvements are expected for those receiving services.
- 7.3 Procurement activity undertaken in accordance with the Procurement Plan will support the implementation of the Council's Business Charter, through the inclusion within eligible contracts of relevant contract specific requirements and targets based on the principles of the Charter. To maximise the economic, social and environmental benefits delivered from each contract, the contract requirements and targets will be developed in each case as appropriate and proportionate to the contract being procured.
- 7.4 A Procurement Project Register is maintained as a mechanism to monitor the outcomes of procurement activity undertaken, in particular progress against the key economic, social and environmental targets within the Procurement Strategy.

8 REGARD TO THE NHS CONSTITUTION

8.1

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 report does not contain proposals for new or changing policies, services or functions, financial decisions or decisions about implementation of policies developed outside the Council

Yes



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 Quality and Commissioning Procurement Plan Report – Executive Board Commissioning Sub-Committee, 23 May 2012.

11.2 Nottingham City Council Procurement Strategy 2014-17

11.3 Procurement Strategy Implementation Update Report – Report to Commissioning and Procurement Sub Committee, 10 June 2015

12 OTHER COLLEAGUES WHO HAVE PROVIDED INPUT

12.1 Andrew James, Team Leader Contracts and Commercial, Legal Services

12.2 Ceri Walters, Head of Departmental Finance