

EXECUTIVE – 09 DECEMBER 2014

FULL COUNCIL (part) – 16 DECEMBER 2014

**Report of: Acting Service Lead - Corporate Property Assets Management and
Interim Corporate Procurement Manager
Presented by AD Finance**

Title: Approval to establish a new standing list

Is this a Key Decision?

* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

NO

Is this an Executive or Council Function?

Addition of a Standing List: Executive

Change to Constitution: Full Council

1. What is the report about?

1.1 The report examines, in accordance with the contract regulations, the need for modified and comprehensive standing lists of approved contractors to better meet the changing needs of the Council. The report further seeks to simplify the process of adding or modifying standing lists in the future to enable more efficient management of processes.

2. Recommendations:

2.1 Executive agrees that:

2.2 A trial of the Devon County Council Select List of Approved Contractors (Devon SLoAC) is approved to assess its validity in use as an addition to the Council's own Approved List of Contractors.

2.3 The Interim Corporate Procurement Manager will be required to develop procedures to ensure that Small and Medium sized businesses are able to compete fairly for Council let contracts.

2.4 Full Council agrees that:

2.5 The Council's constitution - contract regulations - section 2.5.5 is amended to give AD Finance and Corporate Manager Property the delegated power to approve the creation or modification of approved contractor standing lists.

3. Reasons for the recommendations:

3.1 Exeter City Council's far-reaching business transformation programme is resulting in changes to demand across all areas. Existing resources involved in approved list processes are struggling to keep up with changing needs and increased demand due to either the time it takes to implement changes or a lack of available resource.

3.2 The Council's existing approved list of contractors was created to suit a set of historic demands. The Council now requires access to contractors in a way that enables new, increased demands from different departments to that originally intended and additionally to ensure compliance with the Council's constitution.

- 3.3 In response to the growing need to provide a wider choice of fit for purpose contractors that can respond to increasing demand, the intention behind the trial of a shared standing list is to mitigate delay during compliant assessment of contractor applicants by opening up the Council's ability to make use of contractors pre-approved by another Council and negate the need for additional resource in multiple Council departments during vetting processes.
- 3.4 Devon County Council's own vetting procedures have been assessed for compliance as either meeting or exceeding or own processes.
- 3.5 The purpose of delegating power to AD Finance and Corporate Manager Property is to enable joint approval on the creation or modification of future standing lists without the need to wait for Executive approval each time. This will ensure further capability to respond effectively to demand without delay. Joint delegation to AD Finance and Corporate Manager Property will ensure that the decision to proceed is robust and meets the needs of the Council in terms of procurement, finance and property – the three main functions that can be impacted by a construction standing list.

4. What are the resource implications (including non financial resources)?

- 4.1 The Devon SLoAC already has vetted and approved contractors that meet the Council's financial and health and safety compliance requirements. There are therefore no additional physical resource implications to the Council in commencing a trial or, if the trial is successful, adopting the Devon SLoAC permanently in its current format.
- 4.2 The Devon SLoAC currently has no usage costs for the Council and therefore there are no financial resource implications to impact on the trial or permanent use in its current format.

5. Section 151 Officer Comments:

- 5.1 The report contains no financial implications for the Council.

6. What are the legal aspects?

- 6.1 The Devon SLoAC has been procured in accordance with the Public Contracts Regulations 2006 and therefore complies with the Council's own contract regulations in that regard. Executive's approval to use the Devon SLoAC will ensure compliance with section 2.5.5 of the contract regulations.

7. Monitoring Officer's comments:

- 7.1 The Monitoring Officer considers this will enhance the Council's ability to respond to work demand. The report raises no issues of concern for the MO.

8. Report details:

- 8.1 See above.

9. How does the decision contribute to the Council's Corporate Plan?

- 9.1 The approval of an additional route to compliant contractor usage enables all departments using contractors to better respond to demand, meet their own strategic objectives and ensure compliance with procurement legislation and the Council's constitution.
- 9.2 Approval to delegate the power of approving standing lists will improve response times to meeting changes in demand whilst maintaining control of the process.

10. What risks are there and how can they be reduced?

- 10.1 No inherent risks.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

- 11.1 No substantive impacts identified.

12. Are there any other options?

- 12.1 None that do not require increased resource requirements.

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Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

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