

TAUNTON DEANE BOROUGH COUNCIL

COUNCIL JULY 19TH 2005

PROPOSAL FOR EXEMPTION TO CONTRACT STANDING ORDER 13 FOR THE PROCUREMENT OF SPECIALIST CONSULTANCY SERVICES FOR THE TAUNTON VISION

(This is responsibility of the Council Leader Cllr John Williams)

Report of Strategic Director (Joy Wishlade)

1. BACKGROUND

- 1.1 Taunton Deane Borough Council (TDBC) has, in partnership with Somerset County Council (SCC) and South West Regional Development Agency (SWRDA), entered into a partnership arrangement for 3 years to work together to deliver the objectives of the Taunton vision. We have therefore already entered into a joint procurement arrangement with these 2 partners. Taunton Deane is acting as “banker” for this project and in effect, the 3 partners are acting as an agency.
- 1.2 It is envisaged that much of the necessary work in developing the Taunton vision will be done through the commissioning of external consultants. Given the size of the respective contributions it is envisaged that the commissions issued would be in excess of TDBC Standing Orders threshold 2 (when full tender procedures apply) and threshold 3 (when EU procurement rules apply).
- 1.3 It has been proposed by the Vision Executive Group that the consultants are drawn from the framework agreements already held by SWRDA and that this be considered by the respective partners as being compliant with Contract Standing Orders.

2. CONTRACT STANDING ORDERS

- 2.3 Ordinarily, all contracts over threshold 3 must comply with EU procurement rules. However, for this work we wish to use the exemption under Standing Orders 13 c & d but as one of the partners has already carried out this stage then we are exempt.
- 2.4 This exemption states that we are permitted to enter into a contract, other than in accordance with the usual procedures laid down in Standing Orders 13 if any of the following apply:

“14 (e) the contract to be entered into is to be dealt with in a prescribed manner under agency arrangements entered into by the Council with another authority”

3. ADVANTAGES

- 3.1.1 The decision to use this exemption has been made because of the advantages that this will bring.
- 3.2 SWRDA has already complied with EU Regulations and therefore we do not have to consider an OJEU notice at any time thus saving the necessary officer and lead-time to advertise plus associated costs in tendering. It will also allow us to commission work during this project as and when it is required without repeating this exercise. We can therefore demonstrate that the procurement has gone through a suitable process for both Standing Orders under 13 and European law.
- 3.3 SWRDA's framework agreement is for 3 years and the rates are fixed for this period. This will provide known costs for budgeting purposes and will protect the partnership from inflationary pressures in later years.
- 3.4 SWRDA have already formed a judgement as to the quality of the possible consultants, ensuring they have suitable expertise in order to deliver the Taunton Vision work.
- 3.5 The attraction of entering into a framework agreement for 3 years should have given external consultants maximum incentive to offer suitable rates for their engagement given that this is a larger and longer opportunity.
- 3.6 In deciding to proceed with an exception by use of an agency with other authorities we are obliged to consider the achievement of best value in our procurement. The advantages are as listed above. A large number of organisations in the public sector have taken advantage of similar arrangements.

4. DISADVANTAGES

- 4.1 The only possible disadvantage would be that we could be seen to be limiting our external consultancy to those on the framework. However, this agreement does not limit the 3 partners to the framework agreement. If it proves impractical to use this arrangement for certain specialist work or because TDBC is in some way dissatisfied with the consultancy being provided, we would reserve the right to reconsider our approach to procurement.

5. RECOMMENDATION

Council is asked to approve the exemption to Standing Orders as described above and to approve the procurement of Taunton Vision consultancy work through the use of the SWRDA framework as outlined above under exemption 14 (e), this exemption to cover the period of the partnership (2005 – 2008).

Joy Wishlade
Strategic Director

Taunton Deane Borough Council