

Minutes of the meeting of the PROCUREMENT COMMITTEE held on TUESDAY 6 NOVEMBER 2012 at 5.30 pm

Present: Councillor A Geary (Chair)
Councillors Bald, Bint and Dransfield

Officers: J Moffoot (Assistant Director [Democratic Services]), J Pryor (Assistant Director [Highways and Transport]), D Wilkinson (Assistant Director [Audit and Risk Management]), M Dolling (Head of Capital and Infrastructure), A Jackman (Interim Head of Highways Services), C Southern (Head of Strategic Procurement), G Oldfield (Project Leader - Education), P Srinivasan (Senior Solicitor) and S Muir (Committee Manager)

Also Present Councillors Edwards and Miles

Members of the Public: 2

PC66 MINUTES

RESOLVED -

That the Minutes of the meeting of the Procurement Committee held on 2 October 2012, be approved and signed by the Chair as a correct record.

PC67 DISCLOSURES OF INTEREST

None.

PC68 INVITATION TO TENDER - HIGHWAYS AND TRANSPORTATION PROCUREMENT OF SMALL WORKS

The Committee considered the options to delegating approval to the Assistant Director of Highways & Transport to proceed to tender for all highways improvement and maintenance schemes to be undertaken using the three contractors named on the Highway Small Works Framework, either through mini tenders or using submitted rates within the framework, dependant on circumstances. The award of all contracts over £100,000 would still be determined by the Committee. The alternative options were:

1. To retain the current system, however for the reasons set out in the report this was not seen to improve service delivery.
2. To delegate the ability to award orders under the framework to the Corporate Director of Community and Wellbeing for works up to £1 million in value. However this was not thought to be appropriate.

3. To go to open tender for all highway schemes, however it was considered this would add considerable additional cost to the Council in delivering the schemes as well as additional costs to the contractors in preparing detailed bids. It would also extend the period to procure the works by at least four months with the Council's Procurement Rules.

RESOLVED -

That approval, in principle, be given to an amendment to the process in considering works to be let under the Highways Small Works framework contract to allow the Procurement Committee to consider delegating authority to accept tenders to the relevant Cabinet Member, in consultation with the relevant officers, including the Council's S151 Officer and the Head of Strategic Procurement, subject to the Procurement Committee having first approved the specification for works and authorised the invitation of tenders, and to the tenders received being within the allocated budget.

PC69

INVITATION TO TENDER - WOLVERTON STATION, CAR PARK AND DRAINAGE WORKS

The Committee considered the options for starting the processes for procurement of works to complete the car park and drainage works at Wolverton Station.

It was noted that not to complete the work would further damage the Council's reputation as an undertaking to complete the works had already been given and if not completed would leave the car park in an unacceptable condition.

The Committee noted that to complete the works using the contractor that built the station building was not appropriate as the works were part of a larger package of works required to complete the project. It was also noted that additional funding approval for this project would be requested at the Cabinet meeting on the 28 November 2012, therefore the contract would not be awarded until after this funding had been approved.

It was reported that the current procurement procedures could further delay the award the contract for the works and damage the Council's reputation.

RESOLVED –

That the process agreed at PC68 above be applied to the works to be let to complete the car park and drainage works at Wolverton Station.

PC70 REPORT ON THE CONTRACT PROCEDURE RULES WAIVED BETWEEN 1 APRIL AND 20 OCTOBER 2012

The Committee considered the exemptions to Contract Procedure Rules granted between April and 20 October 2012 as set out in the terms of reference for the Committee and in Section 20.1.3 of the Contract Procedure Rules.

RESOLVED -

1. That the exemptions granted since April 2012, be noted.
2. That this report on exceptions be a standard item on the Committee's agenda.

PC71 THE FEDERATION OF SMALL BUSINESSES SURVEY

The Committee considered the Federation of Small Businesses (FSB) survey of public sector procurers in 2012 that indicated that the time and cost incurred in tendering was a major barrier to participation. Milton Keynes had participated in this survey.

The Committee noted that the FSB had issued the findings of the survey with a number of recommendations and that the report set out the Council's position in relation to these, and the further action needed in the future.

RESOLVED -

That the responses to the Federation of Small Businesses Survey recommendations, and the significant improvements already made in this area under which 67% of recommendations have already been met, be noted.

PC72 EXCLUSION OF PUBLIC AND PRESS

RESOLVED -

That the public and press representatives be excluded from the meeting by virtue of Paragraph 3 (Information relating to the Financial or Business Affairs of the Authority) of Part I of Schedule 12A of the Local Government Act 1972, in order that the Committee may consider the following:

- (a) Annex to Item 10 (Award of Contract - Extension Works: Shepherdswell Academy, Springfield)
- (b) Annex to Item 11 (Award of Contract - Extension Works: Loughton Manor First School)

PC73 AWARD OF CONTRACT - EXTENSION WORKS: SHEPHERDSWELL ACADEMY, SPRINGFIELD

The Committee noted that there would be insufficient school places for children starting school in Milton Keynes for the first time in September 2012. Shepherdswell Academy had proposed to expand the number of places that it offered to children starting school (from 45 to 60) with effect from September 2012. This expansion required

an extension to the existing school infrastructure by September 2013 as the school could accommodate the initial intake in September 2012 within its current accommodation.

The Committee noted that the proposal to expand had been subject to a consultation with all stakeholders which was broadly positive.

The Committee also noted that during the course of the consultation period Shepherdswell First School received formal permission from the Department for Education (DfE) to become an academy with effect from September 2012. The school had agreed a funding agreement with the DfE that meant that the admission number would be 60. The school was no longer maintained by the local authority so the Council need take no further action to legally secure the expansion. However, it had received capital funding in the form of "Basic Need" grant to fund the provision of new places in both schools and academies.

RESOLVED –

That the contract for the capital building project at Shepherdswell Academy be awarded to the highest scoring tenderer, in accordance with the Most Economically Advantageous Tender (MEAT) criteria.

PC74

AWARD OF CONTRACT - EXTENSION WORKS: LOUGHTON MANOR FIRST SCHOOL

The Committee noted that there would be insufficient school places for children starting school for the first time in September 2012. Loughton Manor First School had proposed to expand the number of places that it offered to children starting school (from 60 to 90) with effect from September 2013. This expansion required an extension to the existing school infrastructure. The proposal to expand had been subject to a consultation with all stakeholders which was broadly positive.

The Committee also noted that a delegated decision was taken to publish a statutory proposal on 11 September 2012. A four week representation period followed the publication of the proposal, which ended on 24 October 2012. A final decision regarding the expansion would be taken on 13 November 2012. The Committee was invited to determine to whom the contract might be awarded should the expansion go ahead in readiness for the award to be made should the decision be positive. No contract would be entered into with the contractor until after approval of the expansion.

RESOLVED -

1. That the contract for the capital building project at Loughton Manor First School be awarded to the highest scoring tenderer in accordance with the Most Economically Advantageous Tender (MEAT) evaluation, subject to a decision being made to implement the proposal to expand on 13 November 2012.

2. That approval for any works carried out in advance of planning permission being received be delegated to the relevant Cabinet Member.

THE CHAIR CLOSED THE MEETING AT 7.00 PM

DRAFT