

## Executive Decision Making by an Officer with Delegated Powers

Decision to be taken by: *Steve Mawson – Deputy Chief Executive and Executive Director of Corporate Resources*

Pursuant to an Authorisation from the Deputy Leader and Cabinet Member for Finance and Change on 1<sup>st</sup> December 2020:

- (a) To conduct a competitive procurement process in respect of a 4 year multi-supplier Framework Agreement under which individual participating schools in Gloucestershire and the Council may award call-off contracts for the delivery of cleaning and caretaking services from individual participating schools and the Council's corporate properties. The proposed framework agreement shall be divided into three lots, in order to enable smaller local contractors to participate;
- (b) To award and enter into such framework agreement with each of the preferred tenderers selected by the Council;
- (c) To procure and award call-off contracts under such framework agreement for the delivery of cleaning and caretaking services for the Council's corporate properties, whose aggregate value shall not exceed £6,126,386. Each such call-off contract shall continue for a period of not more than 6 years. Participating schools shall exercise their own discretion in deciding whether to award call-off contracts for the delivery of cleaning and caretaking services

Report title: **Cleaning and Caretaking framework agreement for schools and corporate properties.**

<b>The decision</b>	<p>Following the conclusion of the above-mentioned competitive procurement process in respect of a Framework Agreement relating to the delivery of cleaning and caretaking services for participating schools and corporate properties in Gloucestershire divided into the following lots:</p> <p>Lot 1: Gloucester and the Forest of Dean</p> <p>Lot 2: Stroud and South Cotswolds</p> <p>Lot 3: Tewkesbury, North Cotswolds and Cheltenham</p> <p>and having consulted with the Cabinet Member for Finance and Change in accordance with an Individual Cabinet Member Decision dated 1<sup>st</sup> December 2020:</p>
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DECISION

1. To appoint:

(a) the preferred tenderer, namely Solo Service Group, to Lot 1 thereof; and

(b) the preferred tenderer, namely Solo Service Group, to Lot 3 thereof.

A preferred tenderer was appointed to Lot 2 pursuant to a decision taken by the Executive Director of Corporate Resources on 30<sup>th</sup> July 2021.

Such Framework Agreement shall continue for a period of two years and 9 months commencing 22<sup>nd</sup> October 2022.

2. To award:

(a) a Call-Off Contract under Lot 1 of such Framework Agreement to the preferred tenderer, namely Solo Service Group, for the provision of cleaning and caretaking services for corporate properties in Gloucester and the Forest of Dean;

(b) a Call-Off Contract under Lot 3 of such Framework Agreement to the preferred tenderer, namely Solo Service Group, for the provision of cleaning and caretaking services and corporate properties in Tewkesbury, North Cotswolds and Cheltenham.

Such Call-Off Contracts shall continue for a period of 4 years and 9 months commencing 22<sup>nd</sup> October 2022 and include break options on the expiry of the initial 2-year period and on each contract anniversary date thereafter.

**Background documents**

Cabinet Member Decision (01/12/2020): [Cleaning and Caretaking Services Framework for Schools and Corporate Properties](#)

Officer Decision (30/07/2021): [Cleaning and Caretaking framework agreement for schools and corporate properties](#)

Officer Decision (01/09/2021): [Short term extension of call-off contracts awarded under the Council's cleaning and caretaking framework agreement for schools and corporate properties](#)

<p><b>Reasons for the decision</b></p>	<p>Following a fully compliant tender process, a decision to appoint providers to the council's Cleaning and Caretaking Framework Agreement for the provision of cleaning and caretaking services and award call-off contracts thereunder is necessary in order to ensure the continuing delivery of cleaning and caretaking services after the end of the current contractual arrangements on the 22<sup>nd</sup> October 2022.</p>
<p><b>Resource implications</b></p>	<p>The resource implications are the same as those set out in the Cabinet Member decision report dated 1 December 2020, that is:</p> <p>The estimated aggregate value of both 4 year and 9 months call-off contracts that will be awarded by the council under the proposed framework agreement is £5,383,173.99. Each such call-off contract shall continue for a period of not more than 4 years and 9 months. This will be funded from Asset Management and Property (AMPS) Corporate Budget.</p> <p>The estimated value of all 4 year and 9 months call-off contracts that will be awarded by participating schools in Gloucestershire (at their own discretion) under the proposed framework agreement is anticipated to be in the region of £4,313,549.59.</p> <p>Each such call-off contract shall continue for a period of not more than 4 years and 9 months. This will be funded by the schools themselves.</p> <p>There are no additional in-house resource requirements. The Framework Agreements and all Call-Off contracts thereunder will be managed by the council's existing Support Services team.</p>
<p><b>Who has been consulted?</b></p>	<p>The tender submissions for stage one (Quality) of the above mentioned procurement process were evaluated by representatives from Gloucestershire County Council's (GCC) Asset Management and Property Department; they were supported by GCC Strategic Procurement, and Merritt-Harrison Consultancy.</p> <p>The submission for stage 2 (Price) was evaluated by GCC's Strategic Finance and Merritt-Harrison Consultancy and advised by Strategic Procurement.</p> <p>The submission for stage 3 (Social Value) was evaluated by The Social Value Portal an external social value provider.</p> <p>The recommendation of the panels is to appoint preferred tenderers to the appropriate Lots under the above-mentioned Framework Agreement and to award Call-Off Contracts to the preferred providers under each such Lot as set out in Decisions 1 and 2 above and Appendix A hereto.</p> <p>Strategic Procurement  Legal Services  HR  Finance  Cllr Stowe, Deputy Leader and Cabinet Member for Finance and Change</p>

### **What were their comments?**

Strategic Procurement - *is satisfied with the procurement process and subsequent outcome.*

Legal Services – *Drafting advice in connection with this report has been provided to the report's author.*

HR - *is satisfied that there are no GCC employee implications*

Finance - *Advice provided to the report author allocation of funding of lots agreed between Council framework and participating schools*

Cllr Stowe, Deputy Leader and Cabinet Member for Finance and Change - *Having read the report and underlying analysis and scores I support the decision.*

### **Background/Context**

This officer executive decision follows:

- a. The original Cabinet Member decision on the 1 December 2020, which authorised the Council to be the lead authority for the creation of a multi supplier four-year framework. The Framework relates to the Cleaning and Caretaking for schools and corporate properties.
- b. A public procurement law compliant tender process that was undertaken in the matter between January and June 2021 which resulted in 15 bid submissions from 15 providers to provide the cleaning and caretaking services for schools and corporate properties specified in Lots 1, 2 and 3 of the Gloucestershire Framework Agreement. Two suppliers submitted a non-compliant bid and were therefore excluded from further evaluation. One supplier failed to meet the minimum quality score threshold and was also therefore excluded from further evaluation.
- c. A decision to extend the term of the existing contracts with the incumbent service provider, namely Glen Cleaning, for a period of 2 months whilst the tender was re-advertised due to inaccuracies with the TUPE information provided in the council's invitation to tender. It was necessary to re advertise the tender allowing the bidders sufficient time to comply with a revised TUPE process.
- d. A decision to award Lots 1, 2 and 3 by the Executive Director of Corporate Resources on the 30<sup>th</sup> July 2021.
- e. The withdrawal by the Council of the Contract Award Letter issued to the preferred tenderer for Lots 1 and 3, thereby terminating their appointment to the Framework due to mobilisation issues. A decision was made to go back out to the market and retender Lot 1 and 3 in accordance with the original Cabinet Member decision on 1 December 2020 to re-advertise these Lots.
- f. The decision to make a direct contract award to Glen Cleaning for a period of 12 months and 21 days (1<sup>st</sup> October 2021 to 21<sup>st</sup> October 2022) whilst Lots 1 and 3 were re-advertised.
- g. A public procurement law compliant tender process carried out between March 2022 and June 2022 which resulted in 5 bid submissions from 5 providers to provide the cleaning and caretaking services for schools and corporate properties specified in Lots 1 and 3 of the Gloucestershire Framework Agreement. Two tenderers submitted a non-compliant bid and were therefore rejected.

h. A decision to use the Framework Agreement to procure and award call off contracts in respect of the services described in Lots 1 and 3 to ensure the continuous delivery of Cleaning and Caretaking for schools and corporate properties following the expiry of the council's current contract for such services on 22<sup>nd</sup> October 2022.

The term of the framework agreement and call-off contracts in respect of Lots 1 and 3 (as agreed in the original deputy leader and cabinet member decision on the 1<sup>st</sup> December 2021) have been adjusted as set out below in order that may be coterminous with the services to which Lot 2 relates, thereby enabling the council to include all 3 lots within any future tendering process for the procurement of cleaning and caretaking services for participating schools and corporate properties in Gloucestershire. Also, an earlier expiry date than Lot 2 (i.e., in July rather than September 2027 as set out in the original framework) was provided for in the call-off contract in respect of Lots 1 and 3 in order to ensure that the mobilisation period thereunder falls during the 2022/23 school summer holidays.

1. Framework Agreement insofar as it applies to Lots 1 and 3 was originally advertised as a 4-year framework agreement from the 1<sup>st</sup> October 21st to the 30<sup>th</sup> September 2025. Revised period 2 years 9 months to end on the 31<sup>st</sup> July 2025

2. Call of contracts in respect of Lots 1 and 3 were– originally advertised as 6-year terms from the 1<sup>st</sup> October 21 to the 30<sup>th</sup> September 2027. Revised period 4 years 9 months to end on the 31<sup>st</sup> July 2027

#### **Alternative options considered and why they were rejected**

A decision not to award to the Framework Agreement nor the call-off contracts for the services in Lots 1 and 3 would leave the council unable to facilitate the provision of cleaning services for its corporate properties and schools beyond the end of the current contractual arrangements without having to conduct individual procurements which would be expensive, time consuming and would not ensure adequate ongoing service provision.

#### **Risk Analysis**

Failure to award the contract would result in schools and corporate property having to make their own arrangements for cleaning from 22<sup>nd</sup> October 2022. They would lose the advantage of economies of scale which could result in escalated prices for individual contracts.

### **Equalities considerations**

TUPE applies to the contracts described in this report and therefore the Council will ensure contractors adhere to this legislation.

The procurement process assessed the Contractors to demonstrate their compliance with equality legislation. Any contractor who had had a complaint upheld in the last 3 years and is unable to demonstrate to the Council's satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring, was disqualified.

In addition, the ITT quality evaluation assessed personnel policies, job descriptions & equal opportunities, asking bidders to provide clear and concise documents demonstrating clear and comprehensive personnel policies and its delivery.

### **Has an Equality Impact Assessment been completed? No**

*If 'Yes', please attached the signed Equality Impact Assessment.*

#### **Has any conflict of interest been declared by any Cabinet Member consulted on the decision?**

*The council's Monitoring Officer should be consulted, in the first instance, if any conflict of interest is declared by a Cabinet Member.*

#### **If any conflict of interest declared, was a dispensation granted by the Audit and Governance Committee of the Council?**

No

Date of dispensation:

#### **Does this decision report form or any supporting papers provided contain confidential or exempt information?**

*(Refer to Democratic Services Unit for advice if necessary)*

No

*If Yes, please provide details of document(s) that are confidential or exempt*

#### **Does this decision need to be published on the GCC website?**

*(Refer to guidance on "Executive Decisions taken by Officers").*

Yes

In coming to this decision I have given due and full regard to the requirements of the Public Sector Equality Duty contained in section 149 of the Equality Act 2010 ("the Act") by reference to the law itself.

Having fully considered all available information, I have decided to reject any alternative options and take the recommended decision(s), for the reasons set out in this report. Signed



*Steve Mawson*

*Deputy Chief Executive and Executive Director of Corporate Resources*

Date 19 July 2022

Contact details for further information:

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