

**MINUTES OF THE CABINET PROCUREMENT COMMITTEE**  
**TUESDAY, 28 APRIL 2009**

Councillors \*Adje (Chair), \*Bevan, \*Kober and Reith

\*Present

MINUTE NO.	SUBJECT/DECISION	ACTION BY
PROC113.	<b>APOLOGIES FOR ABSENCE</b> (Agenda Item 1)  An apology for absence was submitted by Councillor Reith.	
PROC114.	<b>MINUTES</b> (Agenda Item 4)  <b>RESOLVED:</b>  That the minutes of the meetings held on 19 and 31 March 2009 be approved and signed.	HLDMS
PROC115.	<b>PROVISION OF SERVICES FOR HARINGEY YOUTH OFFENDING SERVICE - WAIVER OF REQUIREMENT TO TENDER</b> (Report of the Assistant Chief Executive – Policy, Performance, Partnerships and Communication) - Agenda Item 6)  We noted that the Intensive Supervision and Support Programmes were provided by the Council's Youth Offending Service as part of a consortium in conjunction with Barnet Council and Enfield Council. We were informed that the Haringey, Barnet and Enfield Intensive Supervision and Surveillance Programme (ISSP) had originally been commissioned from YAP UK but, after a tendering process in 2005/06, the contract had been awarded to NACRO in June 2006. As a result, there had been significant improvements in the services provided as outlined in the Youth Justice Board audit and a previous contract review.  In conjunction with the other authorities in the consortium it was proposed to waive the requirement to tender in order to ensure continuation of the ISSP service. The current contract was due to expire on 30 June 2009, and service provision would continue to be required. The market had been investigated and it had been ascertained that there was not a sufficient market existing to facilitate the use of a competitive process at the present time and the Council did not have the capacity or the infrastructure to provide an internal service.  It was anticipated that the funding for ISSP, which was currently provided by the Youth Justice Board, would not be ring-fenced to ISSP in the next financial year 2010/11 and consequently decisions would need to be taken by the ISSP officer steering group as to re-tendering for services in 2010.	

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	<p>Clarification having been sought on how the consortium would be able to re-tender the service next year as intended given the state of the market, we were advised that depending on funding consideration was being given to re-tendering as part of a larger consortium which might attract other potential providers or possible in-house provision across the consortium.</p> <p>Concern was expressed about the Service Finance Comments in the report in terms of their relationship to those of the Chief Financial Officer. Disquiet was also voiced about the absence of documentation confirming that the other authorities in the consortium approved the proposed course of action.</p> <p><b>RESOLVED:</b></p> <p>That, in accordance with Contract Standing Order 7.3(d), approval be granted to a waiver of Contract Standing Order 6.05 (Requirement to Tender) for the provision of services for Haringey Youth Offending Services for children and young people who were subject to Intensive Supervision and Support Programmes on the grounds that it was in the Council's overall interest.</p>	ACE-PPPC
<b>PROC116.</b>	<p><b>PROVISION OF SERVICES FOR HARINGEY YOUTH OFFENDING SERVICE - AWARD OF CONTRACT</b> (Report of the Assistant Chief Executive – Policy, Performance, Partnerships and Communication) - Agenda Item 7)</p> <p>The Appendix to the interleaved report was the subject of a motion to exclude the press and public from the meeting as it contained exempt information relating to the business or financial affairs of any particular person.</p> <p><b>RESOLVED:</b></p> <p>That, in accordance with Contract Standing Order 11.03, approval be granted to the award of the contract for the provision of services for Haringey Youth Offending Services for children and young people who were subject to Intensive Supervision and Support Programmes to NACRO for a period of 9 months from 1 July 2009 to 31 March 2010 in the sum specified in the Appendix to the interleaved report.</p>	ACE-PPPC
<b>PROC117.</b>	<p><b>WOOD GREEN DECENT HOMES PROGRAMME 2009/10 PHASE WG15</b> (Report of the Director of Urban Environment - Agenda Item 8)</p> <p>The Appendix to the interleaved report was the subject of a motion to exclude the press and public from the meeting as it contained exempt information relating to the business or financial affairs of any particular person.</p> <p>We noted that the provision of an integrated satellite reception system</p>	

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	<p>would remove the need for satellite dishes and reduce damage to the building fabric. We also noted that this Phase of works did not include the installation of digital TV system because they were street properties and that any issues regarding digital changeover to street properties was the responsibility of the tenant to resolve. We asked that these matters be communicated to tenants by way of a letter.</p> <p><b>RESOLVED:</b></p> <ol style="list-style-type: none"> <li>1. That, in accordance with Contract Standing Order 11.03, approval be granted to the award of the contract for Phase WG15 of the Decent Homes Programme to Mulalley and Co. Ltd. on the terms and conditions set out in the Appendix to the interleaved report.</li> <li>2. That the Agreed Maximum Price excluding fees as set out in the Appendix to the interleaved report be noted.</li> </ol>	<p>DUE</p> <p>DUE</p>
<b>PROC118.</b>	<p><b>HIGHWAYS AND STREET LIGHTING 2009-13 - AWARD OF CONTRACT</b> (Report of the Director of Urban Environment - Agenda Item 9)</p> <p>The Appendix to the interleaved report was the subject of a motion to exclude the press and public from the meeting as it contained exempt information relating to the business or financial affairs of any particular person.</p> <p>Clarification was sought about the monitoring of contracts to ensure the quality of the work carried out and in this respect we were informed that the extension on the Contract would be dependent on the performance of the contractor. This would be based on Key Performance Indicators which would be monitored and calculated by the Council on a regular basis. It was anticipated that the Contract would evolve during the Contract Period through the negotiation of variations to ensure the contractor continued to deliver Best Value services to the Council.</p> <p>In response to a question about the inspection of work we were also informed that it was anticipated that virtually all planned work carried out in the operation of the Contract would be inspected by the Council's own staff as well as some reactive work which would otherwise be inspected by the contractor's staff.</p> <p>In response to a further question about penalty clauses and notice of termination we were advised that if the Council did have to intervene it would be able to reclaim costs incurred. The Council would be able to terminate the contract where the contractor was persistently or fundamentally in breach of his obligations subject to issuing a notice. The notice period was not specified but it would need to be reasonable notice in order to give the contractor the opportunity to meet the requirements.</p>	

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	<p><b>RESOLVED:</b></p> <ol style="list-style-type: none"> <li>1. That, in accordance with Contract Standing Order 11.03, approval be granted in principle to the award of the Lot 1 contract (Highways) to Volker Highways (Crowley). on the terms and conditions set out in the Appendix to the interleaved report.</li> <li>2. That, in accordance with Contract Standing Order 11.03, approval be granted in principle to the award of the Lot 2 contract (Street Lighting) to Volker Highways (Crowley). on the terms and conditions set out in the Appendix to the interleaved report.</li> <li>3. That authority to confirm the award of the contracts in 1 and 2 above to the recommended contractor on completion of the leaseholder consultation period be delegated to the Director of Urban Environment in consultation with the Cabinet Member for Environment and Conservation.</li> <li>4. That option for extending the contracts be reviewed including by market testing after two years and the results of that review be reported to the Procurement Committee prior to any extensions being awarded.</li> </ol>	<p>DUE</p> <p>DUE</p> <p>DUE</p> <p>DUE</p>
PROC119.	<p><b>REMOVAL AND RELOCATION OF OFFICE FURNITURE CONTRACT - EXTENSION OF CONTRACT</b> (Report of the Director of Corporate Resources - Agenda Item 10)</p> <p>The Appendix to the interleaved report was the subject of a motion to exclude the press and public from the meeting as it contained exempt information relating to the business or financial affairs of any particular person.</p> <p>We noted that approval was being sought to extend the current contract by 12 months and in response to a question, we were advised that the original cost rates from the 2004 contract were to be extended to the extra year. We were also advised that a survey of rates from other contractors had been sought which had showed that the rate was competitive and offered value for money. Concern was expressed that because the survey had been conducted by telephone or e-mail there was no way of corroborating the figures reported and we asked that in future officers ensure that proper documentation was used following consultation as necessary with the Head of Procurement.</p> <p>We also noted that the Service Financial Comments provided were based on spend over the previous two years and projected work over the next year and did not include details of the actual number of moves. We asked that details of the number of moves carried out as part of the contract be provided to Members of the Committee and included in the report on the result of the intended re-tendering exercise.</p>	<p>All to note</p> <p>DCR</p>

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	<p><b>RESOLVED:</b></p> <p>That, in accordance with Contract Standing Orders 11.03 and 13.02, approval be granted to the extension of the existing contract with G.W. Twilley &amp; Son for Removal and Relocation of Office Furniture for 12 months on the terms and conditions set out in the Appendix to the interleaved report.</p>	DCR
<b>PROC120.</b>	<p><b>ACCOMMODATION STRATEGY – OFFICE REFURBISHMENT</b>            (Report of Corporate Resources - Agenda Item 11)</p> <p>The Appendix to the interleaved report was the subject of a motion to exclude the press and public from the meeting as it contained exempt information relating to the business or financial affairs of any particular person.</p> <p><b>RESOLVED:</b></p> <p>That, in accordance with Contract Standing Order 11.03, approval be granted to the award of the contract for the refurbishment of the former tenants' floors at River Park House to Mulalley &amp; Co. Ltd. on the terms and conditions set out in the Appendix to the interleaved report.</p>	DCR
<b>PROC121.</b>	<p><b>PROJECT AND PROGRAMME MANAGEMENT CONSULTANCY FRAMEWORK</b>            (Report of the Director of Corporate Resources - Agenda Item 12)</p> <p>The Appendix to the interleaved report was the subject of a motion to exclude the press and public from the meeting as it contained exempt information relating to the business or financial affairs of any particular person.</p> <p><b>RESOLVED:</b></p> <p>That, in accordance with Contract Standing Order 11.03, approval be granted under the OGC Functional Consultancy Agreement for Project and Programme Management Consultancy Services to the continuation of the call off arrangement with Qedis/Tribal up to 29 November 2009 on the terms and conditions set out in the Appendix to the interleaved report.</p>	DCR
<b>PROC122.</b>	<p><b>BUILDING SCHOOLS FOR THE FUTURE (BSF); AWARD OF THE PROGRAMME SUPPORT CONTRACT</b>            (Report of the Director of the Children and Young People's Service - Agenda Item 13)</p> <p>The Appendix to the interleaved report was the subject of a motion to exclude the press and public from the meeting as it contained exempt information relating to the business or financial affairs of any particular person.</p>	

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	<p>Arising from a question in connection with the transfer of functions occupied by consultants to Council staff, we were informed that at the present time there were three posts filled by contractor and consultant resources which could be converted to permanent positions. This process would continue and consultant and agency staff would be released as permanent staff were recruited.</p> <p>Clarification having been sought of the Chief Financial Officer's comments at paragraph 8.3, we were informed that these related to published data in relation to BSF projects across the country. However, because the Haringey BSF programme was not being delivered by way of a Local Education Partnership (LEP) it was difficult to establish whether the project management costs were comparable with other BSF projects. However, these costs were kept under review by the BSF Board and when last reviewed were considered to be both comparable and within the approved budget provision.</p> <p><b>RESOLVED:</b></p> <ol style="list-style-type: none"> <li>1. That, in accordance with Contract Standing Order 11.03, approval be granted to the continued use of Qedis/Tribal for the provision of programme management support to the Building Schools for the Future, Primary and other Children and Young People Service capital programmes on the terms and conditions set out in the Appendix to the interleaved report.</li> <li>2. That approval be granted to proposed arrangement under which the transfer of staff on the remainder of the programme support function will be defined and completed during the second half of 2010.</li> <li>3. That it be noted that in order to protect the continuity of work on the programme the present programme support staff be continued from April 2009 to October 2010.</li> </ol>	<p>DCYPS</p> <p>DCYPS</p>
<b>PROC123.</b>	<p><b>BUILDING SCHOOLS FOR THE FUTURE (BSF) - AWARD OF THE CONSTRUCTION CONTRACT FOR ALEXANDRA PARK SCHOOL</b>          (Report of the Director of the Children and Young People's Service - Agenda Item 14)</p> <p>The Appendix to the interleaved report was the subject of a motion to exclude the press and public from the meeting as it contained exempt information relating to the business or financial affairs of any particular person.</p> <p>In welcoming the bullet pointed key impacts of the project in redressing inequalities as set out in paragraph 11.3, our Chair indicated that in future reports which involved an Equalities Impact Assessment he would expect them to be accompanied by comments on how these would be monitored and by whom and presented in such a way for it to be easy to assess if they had been implemented.</p>	

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	<p>With regard to the School's contribution of £181,300 from its 2009/10 Devolved Formula Budget, it was confirmed that this would be obtained in writing in a form of wording provided by the Head of Legal Services.</p> <p>In response to a question about use of contingencies, it was reported that while no formal approvals had yet been sought a number had been mooted. Any variations approved would be reported to the BSF Board and could be reported on to the Committee. The key message being communicated was that the Council was dealing with an overall programme rather than individual schools and that contingencies would be restricted to unforeseen costs only.</p> <p><b>RESOLVED:</b></p> <ol style="list-style-type: none"> <li>1. That, in accordance with Contract Standing Order 11.03, approval be granted to the award of the design and build contract for Alexandra Park School following the completion of the pre-construction stage to Balfour Beatty on the terms and conditions set out in the Appendix to the interleaved report with a programme to complete by 10 May 2010.</li> <li>2. That spending on the contract be authorised up to the sum detailed in paragraph 16.1.2 of the Appendix with reference to the build up of this sum as outlined in paragraph 16.1.1 and subject to Alexandra Park School confirming the agreement of the Head Teacher and Governing Body to a contribution of £181,300 from its Devolved Formula grant budget in 2009/10.</li> </ol>	<p>DCYPS</p> <p>DCYPS</p>
<b>PROC124.</b>	<p><b>HIGHGATE CHILDREN CENTRE</b> (Report of the Director of the Children and Young People's Service - Agenda Item 15)</p> <p>The Appendix to the interleaved report was the subject of a motion to exclude the press and public from the meeting as it contained exempt information relating to the business or financial affairs of any particular person.</p> <p>It having been confirmed that the contract award recommended was made on the basis of lowest price only, clarification was sought of what arrangements would be made with regard to the monitoring of health and safety arrangements and why quality evaluation considerations had not been applied in the assessment of the tenders.</p> <p>Officers having indicated that a robust format of health and safety monitoring would be applied to the contract and that below a threshold of £500,000 only limited quality criteria were applied in tender evaluations, we asked that, as this was the first contract awarded to Diamond Build plc since their inclusion on the construction framework agreements, officers pay special attention to and bring back to the Committee a report on the monitoring arrangements put in place and on the application of quality evaluations in the assessment of tenders.</p>	<p>HPr</p>

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	<b>RESOLVED:</b>  That, in accordance with Contract Standing Order 11.03, approval be granted to the award of the construction contract for alterations and refurbishment of Highgate Primary School to facilitate the provision of a Children's Centre to Diamond Build plc on the terms and conditions set out in the Appendix to the interleaved report.	DCYPS
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The meeting ended at 19.45 hours.

CHARLES ADJE  
Chair