



Agenda item:

Procurement Committee

on

25 November 2008

Report Title: **Provision of Consultancy Services for BSF – Programme Director**

Forward Plan reference number (if applicable): **not applicable**

Report of: **The Director of the Children and Young People’s Service**

Wards(s) affected: **All**

Report for: **Non-Key Decision**

1. Purpose

1.1 This report seeks approval to waive contract standing orders in order to enable the extension of the programme director, BSF and Capital Programme, pending re-tendering of the contract.

2. Introduction by Cabinet Member

2.1 For the reasons set out in this report I recommend a waiver in this instance and the award of the contract as proposed. In my view this is in the Council’s overall interest.

3. Recommendations

3.1 That Committee Members agree the waiver of Contract Standing Order Rule 6.05 (requirement to tender) as allowable under CSOs 7.02 and 7.03 (a) & (d) in that the nature of the market for the services has been investigated and it has been demonstrated that such that a departure from CPRs is justifiable, and it would be in the Council’s overall interest.

3.2 That Committee Members agree to award the contract for consultancy services to perform the duties of BSF programme director for the period from 1 April 2008 to 31 March 2009 to the consultant named in Appendix 1.

Report Authorised by:

**Sharon Shoesmith
Director
The Children and Young People’s Service**

Contact Officer: Ian Bailey
Deputy Director, Business Support and Development
The Children and Young People's Service

4. Director of Finance Comments

- 4.1 The Chief Financial Officer has been consulted on the preparation of this report and is satisfied that the full costs associated with the appointment outlined in this report can be met from within the BSF budget.

5. Head of Legal Services Comments

- 5.1 This report is requesting that Procurement Committee waive CSO 6.05 (requirement to tender) on the grounds set out in CSOs 7.03 (a) and (d) i.e on the basis that the nature of the market has been investigated and it is shown to be such that a departure from CSOs is justifiable, and that it is in the Council's overall interest.

- 5.2 The Procurement Committee has power under CSO 7.02 (a) to approve a waiver where the contract value is over £250,000.

- 5.3 Should the Procurement Committee see fit to agree a waiver, Children and Young People's Service request that Members agree an award of contract. Under CSO 11.03 the Procurement Committee has power to award contracts valued over £250,000.

Paragraphs 5.4 to 5.6 consists of exempt information and is contained in the Appendix.

6. Head of Procurement Comments

- 6.1 The shortage of suitably experienced Programme Directors and specifically with regards to BSF is apparent given the various recruitment campaigns that have been initiated across England.
- 6.2 The current Programme Director has demonstrated his abilities and fully meets the expectations of Haringey Council.
- 6.3 On this basis, it would be in the Council's overall best interests to retain the services of the incumbent consultant.

7. Local Government (Access to Information) Act 1985

- 7.1 This report contains exempt and non-exempt information. Exempt information is contained in the Appendix and is not for publication. The exempt information is under the following category (identified in the amended Schedule 12A of the Local

Government Act 1972 (3)): information relating to the financial or business affairs of any particular person (including the authority holding that information).

8. Financial Implications

- 8.1 The total cost at the conclusion of the contract in March 2009 is exempt information and is set out in Appendix 1.

9. Legal Implications

- 9.1 See Legal comments in Paragraph 5

10. Equalities Implications

- 10.1 This arrangement arises from the need to pursue the Building Schools for the Future (BSF) project. BSF investment is targeted at areas of high deprivation and social exclusion.

11. Health and Safety Implications

- 11.1 The contract terms will include requirements to comply with all relevant legislation

12. Background

- 12.1 The Programme Director for Building Schools for the Future (BSF) was appointed on 1 August 2006. At that time the contract was intended to last for a period of one year, with a total value within the EU tendering threshold. The appointment took place at a point when the contract of the previously appointed Programme Director was terminated due to performance shortcomings. Accordingly it was in the best interests of the Council to proceed quickly to a new appointment to secure the stability of the programme and its funding.

- 12.2 Clearly, the number of candidates available to manage such a complex programme is at any time extremely limited, and options were limited further by the urgency of this appointment. Having found a suitable candidate, it would not have been in the best interests of the council to commence tender procedures normally applicable to a post of this value. Prior to this appointment, two attempts had been made to find a directly-employed Programme Director.

- 12.3 Subsequently, it became clear that the programme required stable leadership through to the commencement of the main construction phase, in March 2008. For this reason, it was in the best interests of the Council to extend the contract through to the end of March 2008 without further tendering, even though this took the total contract value beyond the EU threshold and the Cabinet member made the decision to do so on 18th December 2007.

- 12.4 Recruitment of a permanent Programme Director for BSD and for other CYPS capital programmes commenced in April 2008. Despite two rounds of recruitment, a suitable appointee was not found. In the first round, with support from GatenbySanderson recruitment consultancy, 11 applications were received. 5 were considered at preliminary interview and 3 were interviewed by Member panel on 21 April 2008. None were considered suitable. Subsequently, a further 6 candidates were brought forward. 5 were considered at preliminary interview. 1 was considered suitable for further interview, but had already accepted another offer of employment.
- 12.5 Following extensive reviews of the available options, the current Programme Director has agreed to continue in post and to take on the extended responsibilities. The Public Contract Regulations (2006) require that contracts of over a stipulated value (currently £139,893) be advertised in Europe. However, it is reasonable to retain the services of the existing Programme Director while this process is conducted.
- 12.6 To comply fully with advertising and other requirements, a tender process can be completed by March 2009. We thus propose that the current contract with the Programme Director is extended until the end of that month.
- 12.7 During that period a tendering process, compliant with the Public Contract Regulations 2006, will take place. This will seek the appointment to deliver Programme Director services until the completion of the main BSF construction phase, in September 2010, with potential for extensions if a suitable permanent Programme Director has not been found.

At that point – in 2010 – we would expect the current wave of BSF Programme Director appointments nationally to have passed, allowing greater prospects of a successful appointment. Also, the scope of the post will be less demanding, as the major BSF programme will be over.

We therefore seek a waiver of CSO 6.05 (requirement to tender) on the grounds stated in CSO 7.03 (a) i.e the nature of the market for the services to be provided has been investigated and is demonstrated to be such that a departure from the requirements of CSOs is justifiable, and CSO 7.03 (d) it is in the Council's overall interest.

We also request that the Procurement Committee agrees the award of the contract.

13 Use of Appendices / Tables / Photographs

13.1 Appendix 1 – Part B – Exempt Information