

Notice of Meeting

Executive

Councillor Bettison OBE (Chairman),
Councillor Dr Barnard (Vice-Chairman),
Councillors D Birch, Brunel-Walker, Harrison, Mrs Hayes MBE,
Heydon and Turrell

Monday 15 June 2020, 5.00 - 5.30 pm
Microsoft Teams Meeting



Agenda

Item	Description	Page
1.	Apologies Reporting: ALL	
2.	Declarations of Interest Members are asked to declare any Disclosable Pecuniary or Affected Interests in respect of any matter to be considered at this meeting. Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days. Any Member with an Affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting. Reporting: Derek Morgan	
3.	Urgent Items of Business Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent. Reporting: Derek Morgan	

Exclusion of the Press and Public

Agenda item 4 is supported by an annex containing exempt information as defined in Schedule 12A of the Local Government Act 1972. If the Committee wishes to discuss the content of this annex in detail, it may choose to move the following resolution:

That pursuant to Regulation 4 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2012 and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of item 4 which involves

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the likely disclosure of exempt information under the following category of 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).*

4.	School Meals Catering Framework	3 - 10
	To seek approval to the award of a contract for the framework for provision of school meals due to commence from August 2020. Reporting: Chris Taylor	

Published: 4 June 2020

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TO: EXECUTIVE
DATE: 15 JUNE 2020

SCHOOL MEALS SERVICE - AWARD OF CONTRACT (Executive Director, People)

1 PURPOSE OF REPORT

- 1.1 The purpose of the report is to seek approval to award of contract for the framework for provision of school meals due to commence from August 2020.
- 1.2 This decision report is late because the procurement process was delayed by Covid for approximately six weeks.
- 1.3 The award decision is urgent because of the time needed for mobilisation (including TUPE) that needs to take place before the contract goes live in August.

2 RECOMMENDATION

- 2.1 **That subject to consultation with participating schools, the contract for the framework for provision of the school meals service from August 2020 be awarded to Contractor A on the attached confidential Annex.**

3 REASONS FOR RECOMMENDATION

- 3.1 The current contract for the provision of school meals expires at the end of July 2020.
- 3.2 Following consultation with schools, the re-procurement of this service commenced in 2019, but has been delayed by the Covid-19 outbreak and is currently running approximately six weeks behind schedule.
- 3.3 Whilst the tender evaluation is complete, time is required to consult schools on the tender outcome, so the award decision is subject to consultation with participating schools.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Doing nothing is not an option because the current contract expires at the end of July 2020, after which there will be no provision for school meals from September 2020.
- 4.3 Schools could be required to make their own arrangements, however there would be insufficient time for schools to organise the re-procurement of this service for themselves, or make arrangements to bring the service in-house by employing their own staff.

5 SUPPORTING INFORMATION

Background

- 5.1 The current school meals contract commenced in 2011 and was subsequently extended twice under the original contract provisions. The contract expires at the end of July 2020.
- 5.2 The current contract is managed by the Council on behalf of schools under a service level agreement which covers the Council's costs.
- 5.3 A total of 21 schools currently participate in this contract.

New Framework Contract

- 5.4 From August 2020, 12 schools have committed to participating in the new Framework Agreement. The remaining schools will make their own arrangements for school meals by a combination of individually tendered contracts and in-house delivery.
- 5.5 Under the new Framework Agreement individual schools will enter into call-off contracts with the approved supplier.
- 5.6 The new Framework Agreement will be open to any other schools in Berkshire to join in the future, and if the contract proves successful, it is intended to market this Framework to increase the number of participating schools and the overall financial viability.
- 5.7 The new Framework will run for three years from August 2020 to July 2023 with the option to extend for a further year to July 2024. The Framework value is estimated at approximately £750k per annum for the 12 Bracknell Forest schools. This would obviously increase should additional schools decide to use the framework during its term. The total estimated framework value stated in OJEU advert was between £2,000,000 and £6,000,000 (6 million) depending on framework and call-off contract lengths and take up by other Berkshire schools.

Tenders

- 5.8 In October 2019 the Executive approved the Procurement Plan, and following advertisement and evaluation of Selection Questionnaires, tenders were invited. The submitted tenders have been evaluated against the pre-defined criteria, based on the 50/50 Cost/Quality ratio in the Procurement Plan.
- 5.9 Following the COVID-19 outbreak, one tenderer decided to withdraw following a decision to furlough the business.
- 5.10 Supplier presentations were held remotely on 13th and 14th May 2020 using an internet collaboration tool where the remaining tenderers were given the opportunity to market their companies and to respond to clarifications raised during the initial desk-based tender evaluation.
- 5.10 Following the presentations, the tenderer that had scored highest during the desk-based tender evaluation remained ranked 1st.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The framework has been set up in accordance with the requirements of the Public Contract Regulations 2015 and the Council's Contract Standing Orders.

Director of Finance

- 6.2 Schools are responsible for the provision and funding of school meals and will therefore experience a financial gain from this proposal. In respect of the Council, the number of schools purchasing the School Meals Contract Management Service Level Agreement has reduced and there will be a resultant £0.010m reduction in income from school support services which will need to be managed from within the overall budget of the People Directorate.

Head of Corporate Procurement

- 6.3 Procurement comments have been incorporated into this report and confidential Annexe.

Equalities Impact Assessment

- 6.4 An initial EIA screening was completed at Procurement Plan stage, but it is not considered that this decision is likely to affect or impact relevant groups.

Strategic Risk Management Issues

- 6.5

Issue	Risk	Comment
Financial Risk	LOW	The 12 participating schools is in excess of the minimum of 10 schools previously estimated for financial viability
Programme Risk	MEDIUM	The procurement process has been delayed by Covid-19, but there is still time to mobilise for August 2020.
Commercial Risk	LOW	Sufficient tenders have been received which enables demonstration of value for money.
Viability Risk	LOW	Participating schools have been required to commit to lock into the new Framework for the duration of the contract period.
Performance Risk	MEDIUM	There are contractual key performance indicators and schools have the option to pay for contract monitoring in the Council SLA. Ultimately it is for the contractor to perform.

7 CONSULTATION

Principal Groups Consulted

7.1 Schools and BFC Procurement Team.

Method of Consultation

7.2 In 2019 all schools were consulted by email about whether they wished to participate in a new Framework.

7.3 A working group was subsequently established comprising four Headteacher representatives who met to review and draft the specification and terms & conditions.

7.3 The 12 participating schools were consulted on 4th May by letter about whether to continue with the re-tendering process during Covid.

Representations Received

7.4 Twelve BF schools have committed to participating in the new Framework.

7.5 The Headteacher representatives on the working group input directly into the wording of the new specification and terms & conditions.

7.6 A majority of participating schools expressed their preference for the re-procurement to be completed.

Background Papers

- Procurement Plan
- Invitation to Tender

Contacts for further information

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Regulation 4 of the Local Authorities (Executive
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