

ANGUS COUNCIL

NEIGHBOURHOOD SERVICES – 8 OCTOBER 2009

TENDER FOR SUPPLY AND DELIVERY OF BEDDING AND HANGING BASKETS

REPORT BY THE DIRECTOR OF NEIGHBOURHOOD SERVICES

ABSTRACT:

The purpose of this report is to ask the committee to approve the Director of Neighbourhood Services recommendation to extend the current supply contract for one year.

1. RECOMMENDATION

1.1 It is recommended that the Committee:

- (i) approve an exemption from normal tendering requirements on the basis of Financial Regulation 16.22.4(b)(vi) as set out at paragraphs 4.2 and 4.3; and
- (ii) approve extension of the current contract with Pentland Plants, Loanhead, Midlothian for the supply and delivery of spring and summer bedding including hanging baskets for a further one year.

2. BACKGROUND

2.1 The Parks maintenance section of Direct Services (Neighbourhood Services) issued tenders for the supply and delivery of bedding plants and hanging baskets in 2005 for a three year period, extendable for two years by mutual agreement. This contract was awarded to Pentland Plants and terminates in October 2009.

3. CURRENT POSITION

3.1 A User Intelligence Group comprising of representative staff from Angus, Dundee, and Perth and Kinross Councils (Tayside Procurement Consortium) is currently preparing contract documentation for the collaborative procurement of bedding plants, shrubs and trees. The tender process is anticipated to be complete to allow the new contract to be effective from April 2010 to allow procurement per normal timing during financial year 2010/11. Approval is sought to extend the existing supply contract until these collaborative contracts are in place.

4. EXEMPTION FROM NORMAL TENDERING REQUIREMENTS

4.1 Section 16 of the Council's Financial Regulations requires that where the value of items being procured is beyond Chief Officers' delegated authority, full competitive advertised tendering, followed by committee approval, is required. Any departure from this requirement must be considered under the Exemptions Scheme contained in the Financial Regulations and which requires the approval of either the Exemption Co-ordinator or the appropriate Committee.

4.2 In light of the ongoing TPC work noted above, it is considered that it is not beneficial to the Council to invest resources in tendering for the contract extension to cover the period from termination of the current contract until the TPC procurement route can be concluded. Rather it is considered beneficial to the Council to extend the current contract with Pentland Plants and that value for money in this regard will be ensured by the negotiation of appropriate prices taking cognisance of the competitive process which was undertaken previously.

4.3 Accordingly an exemption from the normal tendering requirements of Section 16 is requested on the basis of Financial Regulation 16.22.4(b)(vi) "it is beneficial to the Council that ... an extension to an existing contract ... should be negotiated with a particular party" and members are asked to approve this exemption.

5. FINANCIAL IMPLICATIONS

5.1 The total cost of materials purchased this financial year (estimated at £45,400) will be contained within the Direct Services (Parks & Cemeteries Maintenance) revenue budget.

6. HUMAN RIGHTS IMPLICATIONS

6.1 There are no human rights implications associated with this report.

7. EQUALITIES IMPLICATIONS

7.1 The issues contained in this Report fall within an approved category that has been confirmed as exempt from an equalities perspective.

8. CONSULTATION

8.1 The Chief Executive, the Director of Corporate Services, the Head of Finance and the Head of Law and Administration have been consulted in the preparation of this Report

**RON ASHTON
DIRECTOR OF NEIGHBOURHOOD SERVICES**

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above Report.

DS/NS/KL/DFI/KR