

	<p style="text-align: center;">Executive 23 April 2012</p> <p style="text-align: center;">Report from the Director of Children and Families</p>
<p style="text-align: right;">Wards Affected: [ALL]</p>	
<p>Authority to invite tenders to establish a framework agreement for the provision of school meal services to Brent schools</p>	

1.0 Summary

- 1.1 This report requests approval to invite tenders for the provision of school meal services via a framework agreement as required by Contract Standing Orders 88 and 89.

2.0 Recommendations

- 2.1 The Executive to give approval to the pre - tender considerations and the criteria to be used to evaluate tenders as set out in paragraph 3.12 of the report.
- 2.2 The Executive to give approval to officers to invite tenders and evaluate them in accordance with the approved evaluation criteria referred to in 2.1 above.
- 2.3 To note that a supplementary update report may be provided to the Executive if it is possible to include the Council's meals on wheels service on the framework.

3.0 Detail

- 3.1 Responsibility for the provision of school meals is delegated to schools and their governing bodies. Therefore, schools are able to make their own arrangements regarding the provision of school meal services.
- 3.2 Presently there are 18 schools with in house services and external contractors provide the service in 62 schools within Brent. Four schools have their services provided by another school and one voluntary aided school currently does not have a school meal service (Council officers

have ensured that the school is aware of the tendering exercise and the fact that following the award of the framework agreement the school would be able to call off the school meal service from the contract).

- 3.3 Through discussions with schools it has been identified that several of the contracts with the external contractors are due to expire in August 2012 and therefore require re-tendering. Some schools have rolling contracts with their current contractors for a number of years which exceed the Standing Order thresholds for tendering and therefore require a competitive tendering exercise. Consequently individual schools are looking to procure the service to replace expiring / expired contracts.
- 3.4 As a result of 3.3 above, Council Officers see significant advantages from tendering the service as a framework agreement in joint collaboration with the schools instead of individual schools tendering the services on their own.
- 3.5 Presently 22 schools (see list below) have expressed an interest in being part of a joint procurement exercise and would call off the school meal services from the framework agreement when in place.
 1. Harlesden Primary School
 2. The Kilburn Park School foundation
 3. Uxendon Manor Primary School
 4. Barham Primary School
 5. Braintcroft Primary School
 6. Mount Stewart Infant School
 7. Mount Stewart Junior School
 8. Oliver Goldsmith Primary School
 9. Michael Sobell Sinai School
 10. Granville Plus Children Centre
 11. Malorees Junior School
 12. Park Lane Primary School
 13. Donnington Primary School
 14. Lyon Park Infant and Junior School
 15. Kingsbury Green Primary School
 16. St Joseph Junior School
 17. St Joseph Infant School
 18. Newfield Primary School
 19. Byron Court Primary School
 20. Our Lady of Grace Infant School
 21. Our Lady of Grace Junior School
 22. Donnington Primary School
- 3.6 The intention is to make the framework agreement open to use by all schools within Brent as and when required therefore not restricting it to only those schools that have expressed an interest in calling off the framework agreement.
- 3.7 The procurement of the service will be by collective effort of a joint procurement board made up of Council officers and schools

representatives. This board would be responsible for agreeing the tender documentation, evaluations and recommending a contract award decision.

- 3.8 Given that the provision of schools meals is delegated to the schools, it is the intention for the Council to let the framework and for each individual school to enter into contract with the successful tenderer upon calling off from the framework agreement.
- 3.9 Benefits of jointly procuring the service -;
- Would reduce duplication of effort and the need for multiple tender processes by individual schools for the same service.
 - As part of joint working to procure the service, schools will be able share and utilise best practice from each other which will be incorporated into the tender documentation and would improve service delivery.
 - Would standardise tender documentation (i.e. specifications, terms and conditions) and cost for meals.
- 3.10 Initial market research indicates that the school meal market is fairly competitive with a number of suppliers who would be able to provide the service.
- 3.11 Officers are also investigating and exploring if a greater economy of scale can be achieved by including the Councils meals on wheels service on the framework.
- 3.12 In compliance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for the approval of the Executive.

Ref.	Requirement	Response
(i)	The nature of the service.	A framework agreement with one or more providers for the provision of school meals services to schools located within the Borough.
(ii)	The estimated value.	The current combined expenditure based on the schools who have expressed an interest in the tender exercise is estimated at £1.1million per annum giving a total value of £4.4million over the maximum four year period However this will be greatly increased as other schools call off the framework agreement.
(iii)	The contract term.	A framework agreement for a 3 year period with the option to extend for up to

		1 year
(iv)	The tender procedure to be adopted including whether any part of the procedure will be conducted by electronic means and whether there will be an e-auction.	A two stage restricted tender process in accordance with the Council's Standing Orders and EU Regulations.
v)	The procurement timetable.	
		Indicative Dates are-
	Executive Committee	23 rd April 2012
	Adverts placed	29th May 2012
	Return of PQQ	6 th July 2012
	Shortlist drawn up in accordance with Council's approved criteria	31st July 2012
	Invite Tender	10 th August 2012
	Deadline for Tender submissions	20th September 2012
	Panel evaluations and interviews	21 th September – 17 th October 2012
	Panel decision	22nd October 2012
	Report recommending Contract award circulated internally for comment	November 2012
	Executive approval	November 2012
	Mandatory minimum 10 calendar day standstill period – notification issued to all tenderers and additional debriefing of unsuccessful tenderers (contracts covered by the full EU Regulations only)]	December 2012
	Contract start date	January 2013
(vi)	The evaluation criteria and process.	<p>Shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines namely the pre qualification questionnaire and thereby meeting the Council's financial standing requirements, technical capacity and technical expertise. The panel will evaluate the tenders against the following criteria:</p> <ul style="list-style-type: none"> • Price • The extent to which proposed menus meet current government food standards, special dietary requirements and encourage healthy eating • customer care - covering how feedbacks and complaints are incorporated to improve service provision • Ability to meet the requirements of the service specification. • Marketing strategy to encourage /

		<p>increase meal uptake</p> <ul style="list-style-type: none"> • mobilisation period and start up (ability of the contractor to ensure a smooth and seamless implementation of the new service) <p>The tender will be evaluated 50% price and 50% quality.</p>
(vii)	Any business risks associated with entering the contract.	No specific business risks to the Council are considered to be associated with entering into the proposed contract.
(viii)	The Council's Best Value duties.	The Council has a duty under Best Value to secure cost-effective and efficient services that meet the needs of the Borough's customers.
(ix)	Any staffing implications, including TUPE and pensions.	See section 5 below
(x)	The relevant financial, legal and other considerations.	See sections 4 and 6 below

- 3.13 The Executive is requested to approve these proposals as set out in the recommendations and in accordance with the Council's Contract Standing Order 88.

4.0 Financial Implications

- 4.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £500,000 or works contracts exceeding £1million shall be referred to the Executive for approval to invite tenders and in respect of other matters identified in Standing Order 90.
- 4.2 The estimated value of this services contract is £4.4 million over the maximum 4 year contract period.
- 4.3 The cost of this contract will be funded by the schools calling off the framework agreement and there is therefore no additional financial impact on the Council.

5.0 Staffing Implications

- 5.1 Any current contractor's staff and in house staff (as appropriate) will be entitled to transfer pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006 to the appointed Contractor(s) on the framework agreement at the call off stage.

6.0 Legal Implications

- 6.1 The estimated value of the framework agreement over its lifetime is higher than the EU threshold for Services under the Public Contracts Regulations 2006 (“the EU Regulations”). Provision of School meal services are classed as Part B Services under the EU Regulations and therefore the contract is not subject to the full application of the EU Regulations. Part B services are however subject to the overriding EU principles of equality of treatment, fairness and transparency in the award process.
- 6.2 In addition the Council’s own Standing Orders and Financial Regulations in respect of High Value Contracts apply as the estimated value of the contract exceeds £500,000.
- 6.3 Once the tendering process is undertaken Officers will report back to the Executive in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contracts and recommending award.
- 6.4 Although not required as this is a part B service, the Council will advertise the framework and observe the requirements of the minimum 10 day calendar standstill period imposed by the EU Regulations before the contract can be awarded in accordance with best practice and to reduce the risk of challenges arising in the future.

The requirements include notifying all tenderers in writing of the Council’s decision to award and providing additional debrief information to unsuccessful tenderers on receipt of a written request.

The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council’s award decision if such challenge is justifiable. However if no challenge or successful challenge is brought during the period, at the end of the standstill period the Council can issue a letter of acceptance to the successful tenderer and the contract may commence.

7.0 Diversity Implications

- 7.1 The service specification will reflect the dietary requirements resulting from religious / cultural beliefs and health needs. Organisations tendering for the service will be required to demonstrate that they will be able to meet these requirements.

8.0 Staffing/Accommodation Implications (if appropriate)

- 8.1 The contractor will have use of school kitchens, which is maintained by the schools. Also see paragraph 5 above for staffing implications

- 8.2 A subsequent report to the Executive seeking authority to award the framework agreement and call-off contract will advise further on any potential staffing or accommodation implications in the future.

Background Papers/information

- The Department for Education, advice for school food in England. See link below to the department for education website

<http://www.education.gov.uk/schools/adminandfinance/schooladmin/catering/00197541/departamental-advice-for-school-food-in-england>

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DIRECTOR OF CHILDREN AND FAMILIES

Appendix 1

DRAFT Tender Evaluation Grid

The tender will be evaluated on 50% for quality and 50% for price. Exact split for quality element will be agreed by the joint working group