

Decision by Portfolio Holder



Report reference: HPS-008-2019/20
Date of report: 29 October 2019

**Epping Forest
District Council**

Portfolio: Housing & Property Services

Author: Denise Pegler (x4372)

Democratic Services: J Leither

Subject: Exemption from Procurement Rules

Decision:

1) That an Exemption be approved in accordance with Paragraph 2.7 (a) of the Council's Procurement Rules and the Service Director (Housing and Property) be authorised to enter into a 12 month contract with Tunstall Healthcare (UK) Limited in 2020/2021 to provide a maintenance service for all of the Council's Careline equipment at a cost of around £63,000, funded from the existing Sheltered Units Management Budgets, without the need to seek a minimum of three tenders.

2) That during 2020/2021 a competitive tender exercise for the maintenance of all the Council's Careline alarm equipment be undertaken and this contract commence when the 12 month contract with Tunstall Healthcare (UK) Limited expires.

ADVISORY NOTICE:

*A Portfolio Holder may not take a decision on a matter on which he/she has declared a Pecuniary interest.
A Portfolio Holder with a non-pecuniary interest must declare that interest when exercising delegated powers.*

I have read and approve/~~do not approve~~ (delete as appropriate) the above decision:

Comments/further action required: None

Signed: Cllr H Whitbread

Date: 12th November 2019

Non-pecuniary interest declared by Portfolio Holder/ conflict of non-pecuniary interest declared by any other consulted Cabinet Member:

None

*Dispensation granted by Standards Committee:
Yes/No or n/a*

N/A

Office use only:

Call-in period begins: 12th November 2019

Expiry of Call-in period: 19th November 2019

***After completion, one copy of this pro forma should be returned to
Democratic Services IMMEDIATELY***

Reason for decision:

In order to seek approval for an Exemption under the Council's Procurement Rules and authorise the Service Director (Housing and Property) to enter into a 12 month contract with

**Initialed as original copy by
Portfolio Holder:**

Tunstall Healthcare (UK) Limited in 2020/2021 to provide a maintenance service for all of the Council's Careline equipment and during this time a competitive tender exercise be undertaken for the maintenance of all the Council's Careline equipment to commence at the end of the 12 month contract.

Options considered and rejected:

1. Not to approve an Exemption under the Council's Procurement Rules and authorise the Service Director (Housing and Property) to enter into a further contract with Tunstall Healthcare (UK) Limited in 2020/2021 to provide a maintenance service for all of the Council's Careline equipment.
2. Not to approve a competitive tender exercise for the maintenance of all the Council's Careline alarm equipment during 2020/2021 to commence at the end of the 12 month contract with Tunstall Healthcare (UK) Limited.

Background Report:

1. The Council has a service contract with Tunstall Healthcare (UK) Limited for the maintenance of all the Council's emergency alarm equipment which has been in place since the Careline service was introduced in 1984. It is negotiated and renewed on an annual basis from 1st April each year. The cost of the contract is around £63,000 per annum. There is existing provision in the Sheltered Units Management budgets year on year to fund this requirement.

2. Under the Council's Procurement Rules, if the value of any contract is between £50,001 and £250,000 then a minimum number of three tenders should be invited from appropriate suppliers of the service. However, under Paragraph 2.7 (a), the Procurement Rules do not have to be followed where the relevant Portfolio Holder confirms that he/she is satisfied that the work required could reasonably only be undertaken by one specialist contractor.

3. As Tunstall Healthcare (UK) Limited is the manufacturer of all of the Council's emergency alarm equipment, historically it has been considered important that the equipment is maintained only by this company. As there are now other companies that manufacture and maintain alarm equipment it is felt that a competitive tender exercise should be undertaken. However, due to the restructure that is currently taking place, some key posts have yet to be filled, therefore given the work involved in a competitive tender process this could not be undertaken and in place by April 2020.

4. Therefore, the Housing Portfolio Holder is asked to approve an Exemption in accordance with Paragraph 2.7 (a) of the Council's Procurement Rules and authorise the Service Director (Housing and Property) to enter into a 12 month contract with Tunstall Healthcare (UK) Limited in 2020/2021 to provide a maintenance service for all of the Council's Careline equipment. That during this time a competitive tender exercise be undertaken for the maintenance of all the Council's Careline equipment to commence when the 12 month contract expires.

Resource Implications:

There is existing provision of £65,000 in the Sheltered Units Management budgets year on year to fund this requirement.

Legal and Governance Implications:

The Council's Procurement Rules state that a Portfolio Holder can make such an exemption where justified.

Safer, Cleaner and Greener Implications:

N/A

Consultation Undertaken:

N/A

Background Papers:

N/A

Impact Assessments:

Risk Management:

None Identified

Equality Analysis:

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality impact assessment can be found at appendix 1

Key Decision Reference (Y/N): No

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Equality Impact Assessment

1. Under s.149 of the Equality Act 2010, when making decisions, Epping District Council must have regard to the Public Sector Equality Duty, i.e. have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. **All Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA.** An EqIA should also be completed/reviewed at key stages of projects.
8. To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:
 - Factsheet 1: Equality Profile of the Epping Forest District
 - Factsheet 2: Sources of information about equality protected characteristics
 - Factsheet 3: Glossary of equality related terms
 - Factsheet 4: Common misunderstandings about the Equality Duty
 - Factsheet 5: Frequently asked questions
 - Factsheet 6: Reporting equality analysis to a committee or other decision making body

Section 1: Identifying details

Your function, service area and team: Housing Older Peoples Services

If you are submitting this EqIA on behalf of another function, service area or team, specify the originating function, service area or team: N/A

Title of policy or decision: Exemption from Procurement Rules

Officer completing the EqIA: Denise Pegler Tel: Extension 4372
Email: dpegler@eppingforestdc.gov.uk

Date of completing the assessment: November 2019

Section 2: Policy to be analysed

2.1	<p>Is this a new policy (or decision) or a change to an existing policy, practice or project? No</p>
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>To seek approval for an Exemption under the Council's Procurement Rules and authorise the Service Director (Housing and Property) to enter into a further contract with Tunstall Healthcare (UK) Limited in 2020/2021 to provide a maintenance service for all of the Council's Careline equipment.</p> <p>That during 2020/2021 a competitive tender exercise for the maintenance of all the Council's Careline alarm equipment be undertaken and this contract commence when the 12 month contract with Tunstall Healthcare (UK) Limited expires</p> <p>What outcome(s) are you hoping to achieve (i.e. decommissioning or commissioning a service)?</p> <p>As above</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none"> • service users • employees • the wider community or groups of people, particularly where there are areas of known inequalities? <p>Will have no effect on any of the above</p> <p>Will the policy or decision influence how organisations operate? No</p>
2.4	<p>Will the policy or decision involve substantial changes in resources? No</p>
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p>Entering into a further contract will ensure that the equipment will be repaired and serviced by the manufacturer.</p>

Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, e.g. service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	<p>What does the information tell you about those groups identified?</p> <p>There will be no effect on the population</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>Consultation not necessary</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p> <p>Not necessary</p>

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	No impact as the decision only relates to and exemption to Procurement Rules to allow the renewal of a contract to enable the manufacturer of the equipment to undertake the maintenance of Careline equipment.	L
Disability	As above	L
Gender	As above	L
Gender reassignment	As above	L
Marriage/civil partnership	As above	L

Pregnancy/maternity	As above	L
Race	As above	L
Religion/belief	As above	L
Sexual orientation	As above	L

Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqIA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No <input checked="" type="checkbox"/>	
		Yes <input type="checkbox"/>	If 'YES', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.
None	None	N/A

Section 7: Sign off

I confirm that this initial analysis has been completed appropriately. (A typed signature is sufficient.)

Signature of Service Director (Housing & Property): Paul Pledger	Date: 28 October 2019
Signature of person completing the EqIA: Denise Pegler	Date: 28 October 2019

Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqIA you undertake to the director responsible for the service area. Retain a copy of this EqIA for your records. If this EqIA relates to a continuing project, ensure this document is kept under review and updated, e.g. after a consultation has been undertaken.