

Decision by Portfolio Holder



Report reference: HPS-019-2019/20
Date of report: 28 February 2020

**Epping Forest
District Council**

Portfolio: Housing and Property Services – Councillor H Whitbread
Author: J.Manning **Democratic Services:** J Leither
Subject: Waiver of procurement rules for MSPC 2019/2020
Decision:

That in accordance with paragraphs 2.8 and 10.1 of the council's contract procurement rules (2018) approval be given to waive contract standing orders for the recent urgent requirement to place an order with MSPC in the sum of £5000 for the printing and posting of rent increase letters for 2020/21 as the council wide spend stands at £29837.89 as at 27.02.2020.

ADVISORY NOTICE: <i>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>	
I have read and approve/ do not approve (delete as appropriate) the above decision:	
Comments/further action required: None	
Signed: Cllr H Whitbread	Date: 12 th March 2020
<i>Non-pecuniary interest declared by Portfolio Holder/ conflict of non-pecuniary interest declared by any other consulted Cabinet Member:</i> None	<i>Dispensation granted by Standards Committee:</i> Yes/No or n/a N/A
Office use only: Call-in period begins: 13 th March 2020	Expiry of Call-in period: 20 th March 2020

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

Reason for decision:

Officers are required to seek Portfolio Holder approval to waive contract standing orders if the cumulative payment to a single contractor is likely to exceed £25,000 over one financial year. Approval is therefore sought for the continued use of MSPC subject to continued satisfactory performance and value for money.

In addition, it has been necessary to issue an urgent order to MSPC to print the 2020/2021 date cards for use by Allpay the council's direct debit operators and to print and post the 2020/21 rent increase letters.

Options considered and rejected:

To use an alternative printer for the generation and distribution of the rent letters

MSPC have delivered on time and within budget for our quarterly rent statements. They are familiar with our software. It is a statutory requirement that the rent increase letters are delivered within a specific timeframe and any delay would result in damage to the Council's rental income stream. This is the first time that the council has had to rely on outside printers to execute these letters and the rent setting team have already had to build in several weeks so that the printers can set up the required templates. It was therefore considered that to approach an alternative printer, this would increase the risk of not meeting the deadlines.

Background Report:

After the Cabinet agreed to the removal of the in-house printing facility directorates became responsible for outsourcing their own bulk printing from 13th May 2019 by approaching one of the printers registered on the Council's marketplace system. Housing Management approached MSPC, one of the printers registered on the council's marketplace system, to print out quarterly rent statements in September 2019. A bespoke addendum to the contract was included which ensured that MSPC complies with all GDPR requirements. The quarterly rent statements were sent out on time. MSPC were then further instructed to handle the January 2020 rent statements. There was a cost saving which resulted from the templates from earlier in the year being reused.

Procurement rules – sections to be waived

Given the time sensitive nature of the work and the work that has already been undertaken by the printers, it is not considered practical or desirable to seek further competitive quotes.

Authority is therefore sought to waive Procurement Rules (2018) paragraphs 2.8 and 10.1, both in relation to seeking quotes via competition.

Resource Implications:

The cost of the printing is resourced from within existing HRA budgets.

Legal and Governance Implications:

All procurement must take place in line with the Council's Procurement Rules. Contract standing orders state that a Portfolio Holder can waive provisions where justified.

Safer, Cleaner and Greener Implications:

N/A

Consultation Undertaken:

N/A

Background Papers:

None

Impact Assessments:

N/A

Risk Management:

All procurement must take place in line with the Council's Procurement Rules.

The detail of the approach taken in respect of the Procurement Rules (2018) is set out within the report above.

The decision to waive contract standing orders in this situation would manage the risk of not delivering the rent increase letters on time.

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 information is provided at Appendix 1 of this report.

Key Decision Reference (Y/N):

N/A