

Report of Head of Service, Commissioning and Marketing Management

Report to Deputy Director Learning

Date: August 2015

Subject: Waiver of Contract Procedure Rules 8.1 and 8.2 in order to enter into a Contract with Sportsafe Ltd for the inspection, repairs and maintenance of sports equipment in schools, gyms and leisure centres in Leeds.



Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

Children's Services entered into a contract with Sportsafe Ltd for three years in September 2011 with the option to extend for a period of 12 months for the inspection, repair and maintenance of sports equipment, PE apparatus, associated fixtures and fittings and play gym equipment. The equipment is located within schools and Leisure centres and is used by schools and members of the public. The council has a statutory duty to ensure the health and safety of all who use the equipment at the various locations except those sites that are funded through free schools and Academies.

This contract will expire in September 2015 and needs to be renewed via a waiver until September 2016 (in order to meet with school's needs) so that a soft market test to identify any other potential providers can be carried out, based on advice from colleagues who do not entirely feel that the current contract represents value for money and to determine the viability of an open commissioning process, ensuring the diversity of providers. Following this the council may optionally undertake a procurement exercise to secure services for the medium to long term as necessary. The value of the contract is approximately £60,000 and is based on the activity drawn down in any one year.

There is a small risk that LCC will enter into an agreement on behalf of all schools but not all schools may use the same provider. Individual schools will be billed by the provider according to their work requirements. This risk is low as there has been 100% take up from schools in previous years.

Cost for this work will be borne by local authority maintained schools and the Sport and Active Lifestyles area of the Council; therefore zero cost to the directorate of Children's Services.

Recommendations

1. The Deputy Director, Learning, is recommended to approve the waiver of the following Contracts Procedure Rule(s):
Contracts Procedure Rules no 8.1 and 8.2 – Intermediate value procurements
and award a contract to Sportsafe Ltd for a sum in the region of £60,000 per annum.
The contract shall commence on the 16th September 2015 and expire on the 15th September 2016.

1 Purpose of this report

- 1.1. To set out the reasons to waive Contract Procedure Rules 8.1 and 8.2 in order to enter into a temporary contract with Sportsafe Ltd for the provision of inspection, repair and maintenance of sports equipment, PE apparatus and play gym equipment within Leeds City Council maintained schools and leisure centres.

2 Background information

- 2.1. Children's Services entered into a contract with Sportsafe Ltd for up to 5 years in September 2011, expiring September 2015. The Council under its health and safety duty has a statutory responsibility of ensuring safety, appropriateness and adequacy of equipment used for PE in maintained schools, gyms and leisure centres across the city. This duty is exercised by commissioning Sportsafe Ltd to carry out inspection, repair and maintenance of sports equipment, PE apparatus, associated fixtures and fittings and play gym equipment. The equipment is located within schools and leisure centres and is used by schools and members of the public.

3 Main issues

3.1 Reason for Contracts Procedure Rules Waiver

3.1.1 Leeds City Council has an ongoing requirement for the above service to meet the needs of both its schools and Sports and Active Lifestyles team. In order to meet with this requirement Children's Services will undertake a soft market test and optionally a procurement exercise to secure services for the medium to long term. Undertaking the soft market testing will be an important exercise; without it some colleagues do not entirely feel that the current contract represents the best value for money. There are insufficient suitable skills within the council to undertake this task and service has to be continuous to meet the council's duty. Therefore it is best value for the council to renew its arrangement with the current provider for one year.

- 3.1.2 The cost of the service would be greater if we were to ask for a provider to carry out services on a spot purchase basis. Feedback on the current provider supports at least a further arrangement for one year.

3.2 Consequences if the proposed action is not approved

- 3.2.1 If the action is not approved then the Council will not be able to ensure health and safety for PE equipment in schools, gyms and leisure centres which is statutory duty of the Council. All costs are the responsibility of schools and Sports and Active Lifestyles Team.

3.3 Advertising

- 3.3.1 This opportunity has not been advertised. EU regulations do not apply to this value of contract.

4 Corporate Considerations

4.1 Consultation and Engagement

No formal consultation has taken place. However, discussions have been ongoing with officers from Sports and Active Lifestyles and Children's Services and there will be no change in payment arrangements for the coming year. Individual schools will be billed by the provider according to their work requirements and consultation with all relevant stakeholders will be undertaken as part of the full procurement process.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 As this contract is for repairs, inspection and maintenance, there is no differential impact for different service users or implications for cohesion and integration. An equality impact screening has been completed to this effect.

4.3 Council Policies and City Priorities

The details in this report are likely to affect the following policies which constitute the Council's policy framework:

- Safer and Stronger Communities Plan
- Vision for Leeds
- Best Council Plan
- Health and Wellbeing City Priority Plan

The contract will contribute towards schools and the local authority's ability to deliver on the Children and Young Peoples Plan, particularly the outcome that children and young people do well at all levels of learning, have the skills for life, remain active. It will also have a positive outcome in respect of safeguarding children and young people.

4 Resources and Value for Money

- 4.4.1. The value of the contract will be in the region of £60,000. The arrangement will be offered on a 12 month basis, with no option to extend. The contract will commence on 16th September 2015.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1. This contract is below the threshold for EU contract regulations.

- 4.5.2. The decision is subject to call in; it is a significant operational decision as required by Contract Procedure Rules.

4.6 Risk Management

- 4.6.1. There is a small risk that LCC will enter into an agreement on behalf of all schools but not all schools may choose to use this provider. This risk is low as there has been 100% take up from schools in previous years.

5 Conclusions

- 5.1 It is appropriate in the circumstances to enter in to a contract with Sportsafe Ltd for the inspection, repairs and maintenance of PE equipment in schools, gym and leisure centres without subjecting the matter to competition.

6 Recommendations

- 6.1. The Deputy Director, Learning, is recommended to approve the waiver of the following Contracts Procedure Rule(s):

Contracts Procedure Rules no 8.1 and 8.2 – Intermediate value procurements

For a new contractual arrangement, without recourse to competition, with Sportsafe Ltd, at a value of £60,000 per annum, for a period of 12 months with no option to extend. The contract shall commence on the 16th September 2015 and expire on the 15th September 2016.

7 Background documents¹

7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.