

## Report of Chief Officer – Resources and Housing

### Report to Director of Adults & Health

**Date: 31 March 2020**

**Subject: Authority to award a contract for the delivery of public health funeral services**

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<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
Will the decision be open 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: 1a and 1b	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

## Summary

### 1. Main issues

- This report seeks permission to award a new contract for the delivery of Public Health funerals not exceeding £150k per annum for a five year period commencing on 1<sup>st</sup> April 2020.
- Following the procurement exercise, based on a scoring ratio of 60% quality and 40% price criterion, Funeral Services Ltd T/A Co-op Funeralcare were the successful provider.

### 2. Best Council Plan Implications (see the [latest version of the Best Council Plan](#))

- Whilst not contributing directly to the Best Council Plan, the local authority has a statutory duty to control and prevent the spread of disease by arranging funerals in cases where no alternative arrangements have been or are being made.

### 3. Resource Implications

- The finance for this contract is contained within the Adults and Health budget.
- Reimbursement for the costs of funerals are sought from a deceased persons' estate, in accordance with section 46(5) of the Public Health (Control of Diseases)

Act 1984. In 2018/19 45 Public Health Funerals took place in Leeds and of these an average of 35% of the costs were recovered.

## **Recommendations**

- a) The Director of Adults and Health, is requested to approve the award of a contract for the delivery of Public Health funeral services to Funeral Services Ltd T/A Co-op Funeralcare. The contract will commence on 1<sup>st</sup> April 2020 and expire on 31<sup>st</sup> March 2025.

### **1. Purpose of this report**

- 1.1 Contract Procedure Rule 3.1.6 requires that a decision to award is made by the relevant Officer through the delegated decision process. The delegated decision should outline the reasoning for the selection of the contractors.
- 1.2 This reports seeks approval to award a contract for the provision of state funded funerals to Funeral Services Ltd T/A Co-op Funeralcare and sets out the procurement process followed.

### **2. Background information**

- 2.1 Leeds City Council has a legal duty under section 46 of the Public Health (Control of Disease) Act 1984 to cause to be buried or cremated the body of any person who has died or been found dead in our area, in any case where it appears to the authority that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the authority.
- 2.2 There is an on-going need to provide funeral provision under Section 46 of the Public Health (Control of Disease) Act 1984. The Deputy & Estates team within Adults and Health are responsible for the payment of funeral costs for local authority funded public health funerals until monies can be sought from the deceased persons estate
- 2.3 Due to an administrative error, the previous contract was allowed to expire. An interim contract was put in place until 31<sup>st</sup> March 2020, in order to allow a procurement process to take place.
- 2.4 A competitive procurement exercise has been undertaken in order to appoint a Contract to provide Funeral Services. A decision was taken to run an open competition, in accordance with CPR 10 and the Public Contracts Regulations. A contract notice was published in the OJEU.
- 2.5 Funeral Services Ltd T/A Co-op Funeralcare were the only supplier to submit a bid.

### **3. Main consideration and reasons for contract award**

- 3.1 The evaluation was carried out on a consensus basis with the evaluation panel reaching an agreed score for each aspect of the evaluation criteria at a meeting following independent review.
- 3.2 The tender was evaluated on the basis of the best overall value, with the price elements split on a 40/60 basis (price/quality).
- 3.3 Scoring was conducted on a 0-10 basis with bidders being required to achieve a minimum score threshold of 50% of the overall quality points available for each

question. If bidders did not meet this minimum overall quality threshold they were automatically eliminated from the evaluation process and not considered for the contract.

- 3.4 The quality element of the evaluation considered the criteria and sub-criteria included with the tender instructions that was approved by the Chief Officer for Human Resources’.
- 3.5 The quality evaluation undertaken by officers from Adults and Health.
- 3.6 Pricing was tendered on the estimate of 75 funerals taking place per year. The evaluation of price was based on the cost of a single burial added to the cost of a single cremation. Funeral Services Ltd T/A Co-op Funeralcare charge an additional storage fee of £100 per week.
- 3.7 Having undertaken the evaluation of the tender submission, it was concluded by the evaluation team that Funeral Services Ltd T/A Co-op Funeralcare had been successful in the procurement, and should be awarded the contract subject to successful vetting of their Standard Selection Questionnaire.
- 3.8 The vetting process identified that Funeral Services Ltd T/A Co-op Funeralcare do not currently have a Safeguarding Policy in place. Following discussions with the Safeguarding Team at the Council, Funeral Services Ltd T/A Co-op Funeralcare have agreed to develop a Safeguarding policy in line with the contract, within the first 6 months of the contract. This will be monitored by the Contract Manager.
- 3.9 As Funeral Services Ltd T/A Co-op Funeralcare were successful in the remaining areas of the SSQ, it recommended that they are awarded the contract.
- 3.10 Details of the evaluation scores and costs of the contract are detailed in Confidential Appendix 1.

#### **4. Corporate considerations**

##### **4.1 Consultation and engagement**

- 4.1.1 Consultation on the procurement exercise has taken place with officers from Adult Operational Services.

##### **4.2 Equality and diversity / cohesion and integration**

- 4.2.1 An equality impact assessment was undertaken in July 2019 and included within the Authority to Procure report. No changes have been made to this assessment and there are no issues to be addressed.
- 4.2.2 Leeds City Council has a legal duty under section 46 of the Public Health (Control of Disease) Act 1984 to provide public health funerals.

##### Climate Emergency

- 4.2.3 It is not believed that the proposed decision is likely to have an impact, either positive or negative, on carbon emissions and the climate emergency, however this will be reviewed as part of full procurement process. The potential climate-related effects of both cremations and burials will be considered through the procurement process in order to minimise the impacts caused through the course of this contract. However, section 5(3) of the Public Health (Control of Disease) Act 1984 prevents a

local authority from causing a body to be cremated where there is reason to believe that it would be contrary to the wishes of the deceased.

#### **4.3 Resources, procurement and value for money**

- 4.3.1 The overall contract is valued at approximately £150k per annum, however this will depend upon the number of funerals that take place each year. The costs are based on there being an average of 75 funerals per year.
- 4.3.2 The finance for this contract is contained within the current Adults and Health budget.
- 4.3.3 Reimbursement for the funeral costs are sought from a deceased persons' estate. In 2018/19 45 Public Health Funerals took place in Leeds and of these an average of 36% of the costs were recovered.

#### **4.4 Legal implications, access to information, and call-in**

- 4.4.1 A Key Decision (D50006) was taken on 30 August 2019 to approve the procurement process and subsequent award of the contract once the procurement exercise had concluded. As such, this report is a Significant Operational Decision and is not subject to call-in.
- 4.4.2 There are no legal implications associated with the content of this report. All necessary provisions are to be made within the contract between the Council and provider which has been drafted and will be issued by the Procurement and Commercial Services Procurement Team.
- 4.4.3 As the value of the procurement is above the EU threshold the tender procedure was conducted in accordance with the Council's Contract Procedure Rules (CPR 10.1 and 10.2) and the Public Contracts Regulations 2015 by following the Open procedure.

#### **4.5 Risk management**

- 4.5.1 If the contract is not awarded, Leeds City Council would have no alternative but to pay for full cost funerals with a wider range of providers. This would potentially double the cost to the Council.

### **5. Conclusions**

- 5.1 The procurement exercise has now been concluded and this has resulted in Funeral Services Ltd T/A Co-op Funeralcare being identified as the successful bidder. As a result, a contract should be awarded in line with the provisions set out in this report.

### **6. Recommendations**

- 6.1 The Director of Adults and Health, is requested to approve the award of a contract for the delivery of Public Health funeral services to Funeral Services Ltd T/A Co-op Funeralcare. The contract will commence on 1<sup>st</sup> April 2020 and expire on 31<sup>st</sup> March 2025.

## **7. Background documents<sup>1</sup>**

7.1 None.

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<sup>1</sup> 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.