

# Authority to Procure a new contract for the Supply of Water Coolers.

Date: 6<sup>th</sup> June 2022

Report of: Head of Service Passenger Services / Cleaning / Facilities Management

Report to: Chief Officer

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

## What is this report about?

### Including how it contributes to the city's and council's ambitions

- The contract for the supply of water coolers is due to expire on 11<sup>th</sup> January 2023 with no opportunity to extend.
- Having a compliant contract will demonstrate the market has been tested and any new contract offers good value for money.
- Water Coolers are available to all employees and service users within Leeds City Council.
- A 3rd party framework offer by ESPO will be used in the tendering process.

## Recommendations

- a) The Chief Officer Civic Enterprise Leeds is recommended to give the Authority to Procure a new contract through competition using an external framework for the Supply of Water Coolers.

The new contract is due to commence on the 12<sup>th</sup> January 2023 for a period of 3 years, with a 1 x 12 month extension. Estimated annual value is £35,000, total value including extension is £140,000.

### Why is the proposal being put forward?

1. The current contract with Cooleraid is due to expire on 11<sup>th</sup> January 2023, with no option to extend.
2. There's a clear duty on employers to provide drinking water at work, under the Workplace (Health, Safety and Welfare) Regulations 1992. The Regulations state that an "adequate supply of wholesome drinking water" must be provided, and that it be readily available at suitable and clearly marked places.

### What impact will this proposal have?

#### Wards affected:

Have ward members been consulted?       Yes       No

### What consultation and engagement has taken place?

3. Consultation has been taken place with colleagues in Procurement and Commercial Services and those attending the CEL Weekly Assurance Meetings.

### What are the resource implications?

4. Not to approve this request to give authority to procure a new contract risks non-compliant spend, high prices and potentially effecting continuity of supplies. Sufficient resources are in place within Leeds City Council / CEL to effectively manage this contract.

### What are the legal implications?

5. This tender opportunity will be advertised on the Council's YORtender system but will be restricted to the suppliers already appointed to the ESPO Framework for the Supply of Water Coolers. The Authority to Procure this contract is a significant operational decision and therefore will be subject to call-in.
6. PACS have advised there are no legal implications to procure a new contract for the supply of water coolers.

### What are the key risks and how are they being managed?

7. Not awarding this contract would mean there would be an off-contract spend in this area. This contract will ensure that a suitable supply chain is in place for Leeds City Council. This will allow Leeds City Council to effectively deliver the services and comply with their SLA and statutory obligations.
8. Non compliance with our legal requirements under the Workplace (Health, Safety and Welfare) Regulations 1992, to ensure that an "adequate supply of wholesome drinking water" is provided, and that it be readily available at suitable and clearly marked places
9. There is no particular risk in approving the commencement of a procurement exercise.

## Does this proposal support the council's three Key Pillars?

Inclusive Growth

Health and Wellbeing

Climate Emergency

10. By providing services for chilled drinking water this contract delivers the Council's priorities on valuing colleagues with an emphasis on their health and wellbeing offering a hydration station to everyone including visitors. The benefits of readily available chilled water helps in concentration levels and increases energy levels.
11. Inclusive growth will be met through the contracted supplier delivering on social value objectives as described as part of the tendering process.
12. Through the introduction of primarily plumbed water coolers wherever possible will help to reduce the waste stream of freestanding water bottles and people bringing their own individual water supply, ensuring that the needs of all staff and members of the public who use of access council facilities are maintained in a safe and effective manner.

## Options, timescales and measuring success

### What other options were considered?

13. This is an office commissioning offer for employees within Leeds City Council and part of our health and wellbeing offer so there is not really an option not to procure, other options would be our own Leeds City Council exercise but given ESPO have a framework available with pre-qualified providers, this option would save time and resources to conduct a further competition. Insourcing water coolers would not be a viable option.

### How will success be measured?

14. Success will be measured by procuring a compliant contract which meets the requirements of the Council for the supply of water coolers whilst offering excellent value for money.

### What is the timetable for implementation?

15. The new contract needs to be in place for the 11<sup>th</sup> January 2023.

|                   |   |
|-------------------|---|
| Tender period     | 22 <sup>nd</sup> August 2022 – 23 <sup>rd</sup> September 2022  |
| Evaluation        | 26 <sup>th</sup> September 2022 – 14 <sup>th</sup> October 2022 |
| Award             | 28 <sup>th</sup> November 2022 – 2 <sup>nd</sup> December 2022  |
| Mobilisation      | 2 <sup>nd</sup> December 2022 – 11 <sup>th</sup> January 2023   |
| Start of contract | 12 <sup>th</sup> January 2023                                   |

## Appendices

Appendix A DPIA Supply of Water Coolers

## Background papers

None