

## Delegated Decision Notice (DDN)

This form is the written record of a key, significant operational or administrative decision taken by an officer.

<b>Decision type</b>	<input type="checkbox"/> Key Decision	<input checked="" type="checkbox"/> Significant Operational Decision	<input type="checkbox"/> Administrative Decision
<b>Approximate value</b>	<input type="checkbox"/> Below £500,000 <input type="checkbox"/> £500,000 to £1,000,000 <input type="checkbox"/> over £1,000,000	<input type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000 <input type="checkbox"/> £100,000 to £500,000 <input checked="" type="checkbox"/> Over £500,000	<input type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000
<b>Director<sup>1</sup></b>	Director of Communities Housing and Environment		
<b>Contact person:</b>	Andrew Lingham		Telephone number: 3786370
<b>Subject<sup>2</sup>:</b>	Gas and electricity supply contract procurement – evaluation methodology		
<b>Decision details<sup>3</sup>:</b>	<p>What decision has been taken?</p> <p>The Director of Communities Housing and Environment approved the following recommendations:</p> <p>a) To waive Contract Procedure Rule (CPR) 15.2 a) in relation to Tender Evaluation, allowing a ‘combined price/quality’ approach as set out in CPR 15.2 c), but also waiving the requirement for a minimum 40% price weighting in accordance with CPR 27.</p> <p>b) To approve the proposed evaluation methodology at section 8 in the main report, including the proposed 30%/70% price/quality weighting.</p> <p>c) To Note that the decision to award the contract following completion of the tender evaluation process is delegated to the Chief Officer, Sustainable Energy &amp; Air Quality.</p>		
	<p>A brief statement of the reasons for the decision:</p> <p>The Council is seeking to procure a single contract for the Council’s gas and electricity supply further to the approval to procure given by Executive Board in February 2022 and ahead of expiry of the current contracts on 31<sup>st</sup> March 2024. This new contract will ensure continuity of supply of these utilities whilst providing flexibility to adapt to the Council’s evolving demand profile and facilitating the implementation of its Energy Strategy and Action Plan approved by Executive Board in February 2022.</p> <p>The proposed approach involves a waiver of Contract Procedure Rules in relation to Tender Evaluation as set out within the recommendations below. Although a very high value contract, the fixed supplier costs which can be</p>		

<sup>1</sup> Give title of Director with delegated responsibility for function to which decision relates.


<sup>2</sup> If the decision is key and has appeared on the list of forthcoming key decisions, the title of the decision should be the same as that used in the list

<sup>3</sup> Simply refer to supporting report where used as these matters have been set out in detail.

	<p>evaluated effectively within the price evaluation are only expected to represent an estimated 1-2% of the overall contract value, with the majority of costs either pass-through charges, commodity costs which are determined by the Council's purchasing strategy or variable costs based on the Council's changing energy demand profile. It is therefore recommended that the value for money of some of the wider and arguably more significant cost elements will be best assessed through the quality evaluation.</p> <p>This is a significant operational decision as a direct consequence of an Executive Board decision</p>
	<p>Brief details of any alternative options considered and rejected by the decision maker at the time of making the decision:</p> <p>With expiry of the current contracts approaching and the available extensions all now used, Public Contract Regulations and Council CPRs require that the Council's gas and electricity contract(s) now be competitively tendered. The option to 'do nothing' is therefore not viable.</p> <p>Whilst the Council could tender the gas and electricity contracts separately, market sounding responses have indicated that there is sufficient market interest in a single, combined contract to ensure competition, and a single supplier provides significant benefits in terms of energy purchasing and contract management.</p>
<b>Affected wards:</b>	None
<b>Details of consultation undertaken<sup>4</sup>:</b>	Executive Member (Resources) briefed on 30 <sup>th</sup> March 2023.
	Ward Councillors: N/A
	Others: Approach informed by market sounding feedback and external technical advice
<b>Implementation</b>	Officer accountable, and proposed timescales for implementation
	Polly Cook, Chief Officer, Sustainable Energy & Air Quality – tender documents to be formally published and procurement process commenced immediately following approval.
<b>List of Forthcoming Key Decisions<sup>5</sup></b>	Date Added to List:-
	<b>If Special Urgency or General Exception</b> a brief statement of the reason why it is impracticable to delay the decision
	<b>If Special Urgency</b> Relevant Scrutiny Chair(s) approval
	Signature <span style="float: right;">Date</span>

<sup>4</sup> Include details of any interest disclosed by an elected Member on consultation and the date of any relevant dispensation given.

<sup>5</sup> See Executive and Decision Making Procedure Rule 2.4 - 2.6. Complete this section for key decisions only

<b>Publication of report<sup>6</sup></b>	If not published for 5 clear working days prior to decision being taken the reason why not possible:
	If published late, relevant Executive Member's approval Signature _____ Date _____
<b>Call In</b>	Is the decision available <sup>7</sup> for call-in? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	<b>If exempt from call-in</b> , the reason why call-in would prejudice the interests of the council or the public:
<b>Approval of Decision</b>	Authorised decision maker <sup>8</sup> Director of Communities, Housing and Environment James Rogers
	Signature _____ Date 05/04/23 

<sup>6</sup> See Executive and Decision Making Procedure Rule 3.1. Complete this section for key decisions only

<sup>7</sup> See Executive and Decision Making Procedure Rule 5.1. Significant operational decisions taken by officers are never available for call in. Key decisions are always available for call in unless they have been exempted from call in under rule 5.1.3.

<sup>8</sup> Give the post title and name of the officer with appropriate delegated authority to take the decision.