



Officer Decision Record – Key Decision

Key decisions taken by an officer are subject to the 5 day call in period from circulation to Members, and therefore the decision will be released for implementation following the call-in period and no call in being received

1. Cabinet date and copy resolution this key decision relates to

Cabinet meeting date: 14th February 2024

Report Title: Equans Review

Cabinet approved the following recommendations:

1. That the delivery model approach, as set out in the closed appendix of the report now submitted, be endorsed.
2. That the Director for Economy, Environment and Infrastructure, in consultation with the Leader of the Council, be delegated responsibility to oversee the strategic and operational aspects in the implementation of the proposed delivery model, as set out in the closed appendix of the report now submitted.
3. That the Director for Economy, Environment and Infrastructure update Cabinet by way of further report at least 6 months in advance of 1st July 2025.
4. That the recommendations of the joint meeting of the Economy Scrutiny Panel and the Communities Scrutiny Panel be accepted and implemented soonest, namely: i) That the Executive and Scrutiny Liaison Board, in consultation with the Statutory Scrutiny Officer, consider the establishment of temporary scrutiny arrangements to enable the overview and scrutiny of the transition to the new delivery model. ii) That, in line with the recommendation of the joint scrutiny panel, the financial considerations section of the report now submitted be amended so that paragraph 5.1 reads as

follows: In 2010, a ten-year partnership agreement was entered into with BBW for a number of council functions, with the aim of utilising the expertise and commercial nous of BBW to deliver improvements to these services. This partnership arrangement has been extended by the maximum period of five years and cannot be extended beyond 30th June 2025. By adopting the proposed delivery model outlined in Appendix 1 (closed report), the Council can use part of the contract fee beyond 1st July 2025 to fund any Contracts required.

Decision Notice: [10.-Decision-Notice-Cabinet-14th-February-2024PDF-215KBicon-namepaperclip-prefixfa.pdf \(nelincs.gov.uk\)](#)

Meeting Minutes: [3.-DRAFT-Cabinet-Minutes-14th-February-2024PDF-231KBicon-namepaperclip-prefixfa.pdf \(nelincs.gov.uk\)](#)

2. Subject and details of the matter (to include reasons for the decision)

The procurement of a Facilities Management Services and Highways Construction Works Framework Agreement

On 1st July 2010, North East Lincolnshire Council (the Authority) entered into a ten-year contractual arrangement ("Contract") with Balfour Beatty Workplace Limited (now Equans Services Limited ("Equans")) to deliver a number of key services on its behalf. The Contract allowed for extensions up to a maximum period of five years. All extensions have subsequently been approved and the Contract is due to end on 30th June 2025.

Once the Equans contract ends, the Authority are not able to access the pre-existing arrangements currently accessed by Equans for Facilities Management and Highways Construction Works. So that the Authority can remain compliant with the Contract Procedure Rules and Public Contracts Regulations 2015 beyond 30th June 2025 new arrangements need to be procured.

Following a review, it is recommended the Authority proceed to procure a Facilities Management Services and Highways Construction Works Framework Agreement. The creation of a Framework Agreement will enable the Authority to procure goods and services from a list of pre-approved suppliers, with agreed terms and conditions and legal protections.

The intention is to undertake Preliminary Market Consultation prior to publishing the tender to provide advanced notice to the market and test ideas about the approach.

The maximum term of the Framework Agreement will be 4 years.

The intention is that the Framework Agreement will commence on 1 June 2025 to allow time for transition before the 30th June 2025.

3. Decision being taken

Approval by the Director for Economy, Environment and Infrastructure, in consultation with the Leader of the Council to commence the procurement for the Facilities Management Services and Highways Construction Works Framework Agreement.

4. Is it an Urgent Decision? If yes, specify the reasons for urgency. **Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.**

No

5. Anticipated outcome(s)/benefits

The establishment of a Facilities Management Services and Highways Construction Works Framework Agreement for a maximum length of 4 years.

6. Details of any alternative options considered and rejected by the officer when making the decision (this should be similar to original cabinet decision)

Access an established regional/national framework agreement. This option is not recommended as it would restrict the local markets ability to take part in the procurement.

7. Background documents considered (web links to be included and copies of documents provided for publishing)

Cabinet 14th February 2024 report: [4.-Equans-Review-Cabinet-ReportPDF-123KBicon-namepaperclip-prefixfa.pdf \(nelincs.gov.uk\)](#)

8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

No

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

No conflicts of Interest have been identified

10. Monitoring Officer Comments (Monitoring Officer or nominee)

The decision is consistent with the will and expectations of Cabinet.

A framework agreement provides a number of benefits to the authority and will establish the terms governing contracts to be awarded during the given period. The procurement to establish a framework agreement will need to comply with the Council's Contract Procedure Rules and then the relevant legislation at the time. Depending on when the procurements are entered into this could be either the Public Contract Regulations 2015 or the Procurement Act 2023.

Legal support is integral to the project and will continue to be provided, as appropriate.

11. Section 151 Officer Comments (Deputy S151 Officer or nominee)

There are no direct finance implications arising from setting up a procurement framework, however any new contracts procured as part of the framework would need to be serviceable within the budget envelopes established as part of the Medium Term Financial Plan. Contract costs outside of these budget envelopes would result in a budget pressure.

12. Human Resource Comments (Head of People and Culture or nominee)

There are no direct HR implications arising from the contents of this report. However, future procurement of services under the new Framework will require consideration in terms of TUPE consequences for staff transferring into NELC from Equans, and potentially transferring out again under the Framework.

13. Risk Assessment (in accordance with the Report Writing Guide)

Not undertaking the procurement will mean that the Council will be non-compliant with the Contract Procedure Rules and relevant procurement regulations from the 1st July 2025. This decision allows the Council to remain compliant.

Creating a Framework Agreement will present opportunities for local suppliers to take part in the procurement and contribute towards the Council's Social Value Policy.

14. Has the Cabinet Tracker been updated with details of this decision?

Yes

15. Decision Maker(s):

Name: Carolina Borgstrom

Title: Director for Economy,
Environment and Infrastructure

Signed: REDACTED

Dated: 07/11/2024

**16. Consultation carried out with
Portfolio Holder(s):**

Name: Philip Jackson

Title: Leader of North East Lincolnshire
Council

Signed: REDACTED

Dated: 7th November 2024