



Subject:	Update on Contracts
Date:	26th June, 2023
Reporting Officer:	Noleen Bohill, Head of Commercial and Procurement Services
Contact Officer:	Noleen Bohill, Head of Commercial and Procurement Services

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of Main Issues
	<p>The purpose of this report is to:</p> <ul style="list-style-type: none"> Seek approval from the Committee for tenders and Single Tender Actions (STA) over £30,000 <p>And to ask the Committee to</p> <ul style="list-style-type: none"> Note contract modifications to contract term and retrospective Single Tender Actions (STAs)
2.0	Recommendations
	<p>The Committee is asked to:</p> <ul style="list-style-type: none"> Approve the public advertisement of tenders as per Standing Order 37a detailed in Appendix 1 (Table 1) Approve the award of STAs in line with Standing Order 55 exceptions as detailed in Appendix 1 (Table 2) Approve the modification of the contract as per Standing Order 37a detailed in Appendix 1 (Table 3)

- Note the award of retrospective STAs in line with Standing Order 55 exceptions as detailed in Appendix 1 (**Table 4**)

3.0 Main Report

Competitive Tenders

Section 2.5 of the Scheme of Delegation states Chief Officers have delegated authority to authorise a contract for the procurement of goods, services or works over the statutory limit of £30,000 following a tender exercise where the council has approved the invitation to tender

Standing Order 60(a) states any contract that exceeds the statutory amount (currently £30,000) shall be made under the Corporate Seal. Under Standing Order 51(b) the Corporate Seal can only be affixed when there is a resolution of the Council.

Standing Order 54 states that every contract shall comply with the relevant requirements of national and European legislation.

Single Tender Actions (STAs)

The following STAs are being submitted for approval:

- Contract for up to £60,000, for up to 4 years, awarded to MCS Group, for procurement of Mercedes Benz Original Equipment Manufacturer (OEM) approved parts and components, warranty support and specialist repairs ensuring they are safe and road worthy as part of Council fleet. A recent tender (T2323) was issued to the market via open competition. The tender competition closed on 05 May 2023 with no bids received for this requirement. A direct award/ STA is a fully compliant procurement route in these circumstances as per Reg 32 (a) of the Public Contracts Regulations which reads:

(2) The negotiated procedure without prior publication may be used for public works contracts, public supply contracts and public service contracts in any of the following cases:— (a) where no tenders, no suitable tenders, no requests to participate or no suitable requests to participate have been submitted in response to an open procedure or a restricted procedure, provided that the initial conditions of the contract are not substantially altered and that a report is sent to the Commission where it so requests.

It should be noted there is only one official Mercedes Benz Truck and Van Commercial dealership based in Mallusk, Newtownabbey who has exclusive rights to cover NI.

- Contract for up to £108,000, for up to 6 months, awarded to Irish Waste for T1896 – collection and treatment of paints and varnishes. This service was included as a Lot within the recent tender (T2310) for treatment of mixed waste from recycling centres. This lot was not awarded as no suitable tenders were received during the tender

competition. Continuity of service required with the incumbent service provider whilst a review of the service is conducted and the re-tender process completed.

- Contract for up to £75,000, for up to 6 months, awarded to WJM Building Services Ltd for MTC small engineering and metalwork cover. The extension to this contract to the end of December 2023 with the incumbent contractor WJM Building Services Ltd is required to allow the unit to update the tender documentation and complete a new procurement exercise.
- Contract for up to £100,000, for up to 2 months, awarded to WJM Building Services Ltd for MTC Mechanical services cover. STA required to ensure continuity of service until re-tender process. This will ensure the incumbent contractor can continue to carry out essential services including callouts, repairs and planned maintenance until the new contract is in place. The procurement of this requirement has experienced ongoing issues due to a previous legal challenge which prevented the award of contract. The evaluation process has proven complex due to supplier behaviour and complexity of the Pricing Schedule.

The following retrospective STAs were awarded:

- Contract for up to £43,200, for up to 3 months, awarded to Urban Scale Intervention, for the requirement for a consultant to undertake stakeholder engagement to develop overarching vision for Waterworks and Alexandra Park. Engagement to be undertaken to inform Belfast City Council's Reconnected Belfast Bid to PeacePlus. Urgent requirement due to timescales associated with bid submission deadline.
- Contract for up to £32,000, for up to 3 years, awarded to NI4Kids, for the supply of an advertising package in the NI4Kids magazine. NI4Kids is the only monthly magazine in NI which targets parents of children under 12, allowing BCC to inform them each month about different products and tailored information about the zoo.
- Contract for up to £72,000, for up to 4 months, awarded to Irish Waste for T1896 – collection and treatment of paints and varnishes. This service was included as a Lot within the recent tender (T2310) for treatment of mixed waste from recycling centres. This lot was not awarded as no suitable tenders were received during the tender competition. Continuity of service required with the incumbent service provider whilst a review of the service is conducted and the re-tender process completed.
- Contract for up to £37,500, for up to 3 months, awarded to WJM Building Services Ltd for MTC small engineering and metalwork cover. Oversight by department in seeking required approvals in timely manner. Primarily due to ongoing resourcing issues. Essential services required to be covered until the new tender is in place.*

	<ul style="list-style-type: none"> Contract for up to £500,000, for up to 10 months, awarded to WJM Building Services Ltd for MTC Mechanical services cover. The procurement of this requirement has experienced ongoing issues due to a previous legal challenge which prevented the award of contract. The evaluation process has proven complex due to supplier behaviour and complexity of the Pricing Schedule.* <p>* Please note - These 2 x STAs are exceptions from Standing Orders relating to contracts as allowed under 56. Exceptions; where (a) by direction of the Council acting on a recommendation of a Chief Officer that the exception is justified in special circumstances;</p> <p><u>Modification to Contract</u></p> <p>The following Contract Terms were modified:</p> <ul style="list-style-type: none"> Up to a total of 7 months extension for contract T1980a Enterprise Pathway Programme with North City Business Centre. This request is retrospective. The contract had previously been extended to 28th February 2023, however requesting an additional extension to 30th September 2023. Re-engage is required with all previous participants to gain an update on business support requirements for those who are trading as well as providing additional support for individuals who may have not been able to progress at that time. Up to an additional 3 months and up to an additional £10,000, for Contract T1914 - supply and delivery of a range of fruit and vegetables to the Catering Unit. An extension for 3 months to support a local supplier and recoup the loss of income due to the continued closure of catering services and the canteen. A previous extension was approved in 2021 for an 18 month extension due to Covid the catering service and canteen continued to be suspended during that time.
4.0	Financial and Resource Implications
	The financial resources for these contracts are within approved corporate or departmental budgets
5.0	Equality or Good Relations Implications / Rural Needs Assessment
	None
6.0	Document Attached
	Appendix 1 Table 1 - Competitive Tenders Table 2 - Single Tender Actions Table 3 - Modification to Contract Table 4 - Retrospective Single Tender Actions