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| Subject: | Contracts Update |
| Date: | 23 August 2024 |
| Reporting Officer: | Sharon McNicholl, Deputy Chief Executive / Director of Corporate Services |
| Contact Officer: | Noleen Bohill, Head of Commercial and Procurement Services |

Restricted Reports

Is this report restricted? Yes No

Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.

Insert number

1. Information relating to any individual
2. Information likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the council holding that information)
4. Information in connection with any labour relations matter
5. Information in relation to which a claim to legal professional privilege could be maintained
6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction
7. Information on any action in relation to the prevention, investigation or prosecution of crime

If Yes, when will the report become unrestricted?

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| 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 No

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| 1.0 | Purpose of Report or Summary of main Issues |
| 1.1 | The purpose of this report is to: |

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| | <ul style="list-style-type: none"> Seek approval from members for tenders and Single Tender Actions (STA) over £30,000 <p>And to ask members to</p> <ul style="list-style-type: none"> Note contract modifications to contract term and retrospective Single Tender Actions (STAs) |
| 2.0 | Recommendations |
| 2.1 | <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 modification of the contract as per Standing Order 37a detailed in Appendix 1 (Table 2) |
| 3.0 | Competitive Tenders |
| 3.1 | 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 |
| 3.2 | 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. |
| 3.3 | Standing Order 54 states that every contract shall comply with the relevant requirements of national and European legislation. |
| 3.4 | The Committee is asked to approve the public advertisement of tenders as per Standing Order 37a detailed in Appendix 1 (Table 1) |
| | Modification to Contract |
| 3.5 | <p>The Committee is asked to approve the following modification of the contract as per Standing Order 37a:</p> <ul style="list-style-type: none"> Up to an additional 1 year and no change to contract value, for T2455 Procurement Advice for City Rengeneration, awarded to KPMG. Extension of time to existing contract (no modification to contract value) for procurement advice to deliver competitive dialogue procurements and financial due diligence to assist with addressing sustained housing demand from across the city and unlock regeneration potential across a number of strategic sites. Up to additional 6 months and £80,024.50, for T1856 - Provision of a facilities management service at the Mary Peters Track. Contract extension required to allow sufficient time for Council to complete stakeholder engagement, as requested by |

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| 3.6 | <p>PGL, and allow time to explore alternative management options for the site following the stakeholder engagement. The original contract expiry date was 30/09/2023. The contract has been previously extended SP&R as follows:</p> <ul style="list-style-type: none"> - 6 months extension and £65,000 approved by SP&R in Aug 23. - 6 months extension and £110,073.50 approved by SP&R in Mar 24. <p>Further details on these contract modifications are set out in Appendix 1 (Table 2).</p> |
| PCRs 2015 specific exclusions for service contracts | |
| 3.7 | <p>Section 10 of the PCRs sets out specific exclusions for service contracts meaning that the types of services listed are excluded from the obligations of the PCRs.</p> |
| 3.8 | <p>The following excluded service contracts are being submitted for approval:</p> <ul style="list-style-type: none"> • Contract for up to £45,000, for up to 3 months, awarded to Belfast City Centre Management 'BCCM' for the use of eyebolts/lamp posts 'Wayleaves' for erection of festive lighting. BCCM own the infrastructure and have the permissions required to erect Christmas illuminations across the City Centre. |
| 3.9 | <p>As this spend requirement is related to a land/ property rental it is exempt under the Public Contracts Regulations under Reg 10 (1) (a) which reads:</p> <p>Specific exclusions for service contracts</p> <p>10.—(1) This Part does not apply to public service contracts— (a) for the acquisition or rental, by whatever financial means, of land, existing buildings or other immovable property, or which concern interests in or rights over any of them;</p> |
| STA and Contracts <£30k Reporting | |
| 3.10 | <p>At SP&R in October 24 the Committee agreed that 'the quarterly finance report should, in future, include information on expenditure on Single Tender Actions and on the number and value of contracts under £30,000'.</p> |
| 3.11 | <p>Information on expenditure broken down by individual STA contract records is not readily available from the Council's current financial system.</p> |
| 3.12 | <p>However, CPS centrally record the number and maximum total value of STA contract records. Quarter 1 2024/25 is provided below:</p> |

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| | STAs awarded FY 24/25 Qtr 1 | |
| | Number of STA contracts | Total value of STA contracts |
| | 15 | £360,093 |
| 3.13 | Records for contracts (including title; supplier name; value; duration etc) valued below £30,000 are not centrally held by CPS and are maintained on departmental registers. Below is a quarterly return by all departments on contracts awarded valued below £30,000 during FY 24/25 Qtr 1. | |
| | Contracts <£30k awarded FY 24/25 Qtr 1 | |
| | Number of <£30k contracts | Total value of <£30k contracts |
| | 26 | £386,580 |
| | Financial & Resource Implications | |
| 3.14 | The financial resources for these contracts are within approved corporate or departmental budgets | |
| | Equality or Good Relations Implications / Rural Needs Assessment | |
| 3.15 | None | |
| 4.0 | Appendices – Documents Attached | |
| | Appendix 1 <ul style="list-style-type: none"> • Table 1 - Competitive Tenders • Table 2 - Modification to Contract | |