

22ND SEPTEMBER 2016

Executive Board Member:	Portfolio:
Cllr. David Jenkins	Resources

Opt Out of National Procurement Service Food Contracts

Purpose: To appraise the EBM of the latest position in respect of the current NPS Food Contracts and to seek approval to opt out and undertake our own procurement process.

Recommendations / key decisions required:

Opt out of current NPS Food Contracts and undertake a tender process direct with the market.

Reasons:

Following serious concerns raised with the Director of NPS in relation to the proposed arrangements for collaborative food contracts, it is proposed that Carmarthenshire County Council opt out of the planned procurement exercise(s) for food.

Directorate		
Name of Head of Service:	Designation	Tel No. 01267 246217
Phil Sexton	Head of Audit, Risk & Procurement	E Mail Address:
Report Author:		Psexton@carmarthenshire.gov.uk
Phil Sexton		

Declaration of Personal Interest (if any):

None

Dispensation Granted to Make Decision (if any):

Yes. When Executive Board accepted the invitation to join the NPS at its meeting on 10th December 2012, it was agreed that *“Any decision not to participate in an NPS arrangement to be subject to an Executive Board Member decision by the EBM for Resources”*.

DECISION MADE:

Signed:

DATE: _____

EXECUTIVE BOARD MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified:	
Reason(s) why the Officer's recommendation was not adopted:	

EXECUTIVE SUMMARY EBM RESOURCES 22ND SEPTEMBER 2016

Opt Out of National Procurement Service Food Contracts

The Authority accepted Welsh Government's invitation to join NPS in December 2012. In agreeing to join NPS, the Executive Board agreed that any future decision not to participate in an individual NPS Contract should be subject to an Executive Board Member for Resources decision.

NPS have signalled for some time their intention to run a collaborative food tender but there has been a series of delays which have resulted in the Authority extending existing arrangements (to 31st March 2017). It is critical that the new arrangements for procuring food are running from 1st April 2017.

The Authority has had significant concerns about NPS' delays in running contract exercises, the lack of savings resulting from NPS Contracts and the potential threat to the local economy.

Following discussion with the Executive Board Member for Resources, the Director of Corporate Services wrote to the Director of NPS on 11th August 2016 setting out the concerns of the Authority:

"I am writing to advise you that having given serious consideration to the existing proposals for the forthcoming NPS Contracts in relation to Food, Carmarthenshire County Council intend to "opt out" of the current NPS Food Contracts.

Our Elected Members have been concerned for some time at the limited benefits of participating in NPS Contracts and we have recently requested details of the financial benefits relating to Carmarthenshire CC's involvement in relation to 2015/16.

As you will appreciate Food is a key commodity for us as a County. We require Value for Money (with quality / food safety being a key issue) and a sensitivity to the local economy. Recent developments in relation to the Stationery Contract concerned us in that partners on the Delivery Group were keen to go for a single contract to cover Wales when there are clearly regional or local companies able to compete in their areas but unable to compete across Wales. This underlines the problem of NPS attempting to represent the whole Welsh Public Sector but not being sensitive to the local economy or local supply issues.

With Food, we have extended our existing contracts twice and have been concerned that NPS may again fail to meet their latest targets. More specifically, I would add the following comments in relation to the existing food commodities:

Bread, Rolls, Cakes and Associated Products

We note that the other contract relating to Bread, Rolls, Cakes and Associated Products is split into 15 geographical zones. Again, we fail to understand the rationale for how the lotting has been put together especially as we were to be part of a bigger geographical area for these products ie Carmarthenshire, Pembrokeshire and Ceredigion. How has it been decided to nearly triple the number of geographical zones across Wales compared to **Groceries, Provisions and Frozen Foods** (4 zones) yet for South West Wales you proposed to increase the size of our geographical zone by adding Ceredigion?

Our County is currently well served by 3 SME's who provide fresh bread to the various establishments across our County. We have historically found it difficult to find Bread Suppliers willing to service all our establishments.

We are at a loss to understand how you could possibly achieve your aim of awarding a Fresh Bread Contract to a single Supplier to cover Carmarthenshire, Pembrokeshire and Ceredigion. Our overall concern is that there is a lack of any understanding in relation to the needs of our Council and the local economy.

Fruit and Vegetables

It is too early for us to comment in detail on this area but it is our intention to critically examine NPS' proposals and reserve the right to "opt out" if we feel that the arrangements are not appropriate or fail to reflect the issues of sustaining and developing the local economy."

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **Phil Sexton**

Head of Audit, Risk & Procurement

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	YES	YES	NONE	YES	NONE	NONE

1. Legal

EBM Resources has delegated authority to decide to opt out of an NPS arrangement. This is the first time that CCC has opted out of an arrangement. If the Authority does not opt out, there are serious concerns that the Authority will not be able to comply with its legal responsibilities under EU Procurement Rules.

2. Finance

Opting out of the NPS Food Contracts allows the Authority more control over the procurement exercise.

3. Risk Management Issues

The risks associated with procuring food will need to be managed more fully within the Authority including ensuring adequate Food Audits. Support will be required from Environmental Health.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Phil Sexton

Head of Audit, Risk & Procurement

1. Scrutiny Committee Not applicable – EBM Decision

2. Local Member(s) Not applicable

3. Community / Town Council Not applicable

4. Relevant Partners Not applicable

5. Staff Side Representatives and other Organisations Not applicable

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THERE ARE NONE