

**Decision Maker:** PUBLIC PROTECTION & ENFORCEMENT POLICY  
DEVELOPMENT AND SCRUTINY COMMITTEE

**Date:** Tuesday 3rd July 2018

**Decision Type:** Non-Urgent Non-Executive Non-Key

**Title:** CONTRACTS REGISTER

**Contact Officer:** Joanne Stowell, Assistant Director: Public Protection  
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**Chief Officer:** Nigel Davies Executive Director of Environment & Community Services

**Ward:** (All Wards);

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1. Reason for report

- 1.1 This report presents an extract from March 2018's Contracts Register for detailed scrutiny by PDS Committee – all PDS committees will receive a similar report each cycle.
  - 1.2 This report is based on information covering all Portfolios, which was produced on 16 March 2018 and presented to Contracts Sub-Committee on 29 March 2018.
  - 1.3 The Contracts Register contained in 'Part 2' of this agenda includes a commentary on each contract to inform Members of any issues or developments (there is no covering report).
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2. **RECOMMENDATION(S)**

**That PDS Committee:**

- 2.1 **Reviews the appended > £50k Contracts Register (which also forms part of the Council's commitment to data transparency); and**
- 2.2 **Notes that the Contracts Register in Part 2 contains additional, potentially commercially sensitive, information in its commentary.**

## Impact on Vulnerable Adults and Children

1. Summary of Impact: The appended Contracts Register covers services which may be universal or targeted. Addressing the impact of service provision on vulnerable adults and children is a matter for the relevant procurement strategies, contracts award and monitoring reports, and service delivery rather than this report.
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## Corporate Policy

1. Policy Status: Existing Policy:
  2. BBB Priority: Excellent Council:
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## Financial

1. Cost of proposal: Not Applicable:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: PPS Portfolio
  4. Total current budget for this head: £2.103m
  5. Source of funding: Existing controllable revenue budget for 2017/18
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## Personnel

1. Number of staff (current and additional): Not Applicable
  2. If from existing staff resources, number of staff hours: Not Applicable
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## Legal

1. Legal Requirement: Statutory Requirement:
  2. Call-in: Not Applicable:
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## Procurement

1. Summary of Procurement Implications: Improves the Council's approach to contract management
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## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Not Applicable
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## Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

### 3. COMMENTARY

#### Contracts Register Background

- 3.1 The Council has 238 active contracts with a Total Contract Value (TCV) greater than £50k and the appended Contracts Register provides summary information about the Portfolio's contracts (as of 16 March 2018 when the Contracts Database snap shot was taken).
- 3.2 The appended Contracts Register details key information concerning the 5 contracts in the Public Protection and Enforcement Portfolio that are specifically owned by Public Protection and Safety.
- 3.3 The Register is generated from the Council's Contracts Database (CDB) which is administered by Commissioning & Procurement Directorate and populated by the relevant service managers (Contract Owners) and approved by their managers (Contract Approvers).
- 3.4 As a Commissioning Council, this information is vital to facilitate a full understanding of the Council's procurement activity and registers are reviewed by the Commissioning Board, the Corporate Leadership Team, and Contracts Sub-Committee as appropriate.
- 3.5 New registers will be produced four times a year – though the database itself is always 'live'.
- 3.6 Each PDS committee is expected to undertake detailed scrutiny of its contracts – including scrutinising suppliers – and hold the Portfolio Holder to account on service quality and procurement arrangements.

#### Contract Register Summary

- 3.7 The table below summarises key data from the 238 contracts contained in March 2018's >£50k Contracts Register Report (which covers all six Portfolios).

#### All Portfolios

Issue	Data	September 2017	November 2017	March 2018
<b>Contracts (&gt;£50k)</b>	All Portfolios	<b>265</b>	<b>230</b>	<b>238</b>
<b>Flagged as a concern</b> 	All Portfolios	11	14	12
<b>Contracts by Portfolio</b>	Care Services	106	91	95
	Environment	20	21	23
	Education, Children & Families	60	43	44
	Public Protection & Safety	6	6	5
	Renewal & Recreation	19	14	10
	Resources		55	61
<b>TOTALS</b>		<b>265</b>	<b>230</b>	<b>238</b>
<b>Contracts by Risk Index</b>	Red	19	17	16
	Amber	95	77	81
	Yellow	123	103	104
	Green	27	33	
<b>TOTALS</b>		<b>265</b>	<b>230</b>	<b>237*</b>
<b>Contracts by</b>	Red	96	91	114
	Amber	73	55	30

<b>Procurement Status</b>	Yellow	29	26	19
	Green/other	67	58	75
<b>TOTALS</b>		<b>265</b>	<b>230</b>	<b>238</b>

•-----See 3.8 for explanation

- 3.8 The reason why the Risk index does not add up to 238 is because on the March snap shot there was an income contract on the database that had not been properly ragged for risk. A fix for this has been developed, this is currently being tested and should be resolved in the July Cycle.
- 3.9 There are currently 238 contracts with a TCV of greater than £50k – which is an increase of eight over the figure reported in November 2017
- 3.10 Key information, for this Portfolio (specifically Public Protection & Safety), extracted from March's £50k+ Contracts Register.

<b>Issue</b>	<b>Data</b>	<b>September 2017</b>	<b>November 2017</b>	<b>March 18</b>
Contracts	£50k+	6	6	5
Concern Flag		0	2	4
Risk Index	Red	0	0	0
	Amber	2	2	1
	Yellow	4	4	4
	Green	0	0	0
<b>Portfolio Total</b>		<b>6</b>	<b>6</b>	<b>5</b>
Procurement Status	Red	3	5	3
	Amber	1	1	1
	Yellow	1	0	0
	Green	1	0	1
<b>Portfolio Total</b>		<b>6</b>	<b>6</b>	<b>5</b>

*PP&S has 5 (2%) of the Council's 238 contracts (valued > £50k)*

- 3.11 Since the March Contract Register snapshot was produced, the following notable activity has happened that is not currently reflected:
- The Mortuary Service has been put out to tender and the expiry date for bids was given as the 16th June 2018. No bids were received by the stipulated expiry date, as such, the Council agreed to extend the closing date to Friday 6<sup>th</sup> July 2018.
  - The CCTV Monitoring and the CCTV maintenance service contracts are due to expire in March 2019. The tender process is near completion and both contracts are on target to go out to the market on July 16<sup>th</sup>, and the new contracts will start April 1 2019.
  - The Coroner Service (whilst included on the contract data base) is not strictly a contract, as it is a legal requirement for Bromley Council to pay all of the costs for the Coroner's Service. However, to ensure that the Coroner Service is being run in a cost effective and efficient manner, and to further ensure that the Council is obtaining value for money (from the contributions to the Lead Borough of LB Croydon), Bromley has entered into a Memorandum of Understanding in lieu of a contract. This has now been signed by Bromley and it will be uploaded onto the Contract Data Base as soon as the master copy has been signed by all four constituent Boroughs.

## Contract Register Key

3.12 A key to the Contracts Register is set out in the table below.

Register Category	Explanation
<b>Risk Index</b>	Colour-ranking system reflecting eight automatically scored and weighted criteria providing a score (out of 100) / colour reflecting the contract's intrinsic risk
<b>Contract ID</b>	Unique reference used in all related committee reports and authorisations
<b>Owner</b>	Manager/commissioner with day-to-day budgetary / service provision responsibility
<b>Approver</b>	Contract Owner's manager, responsible for approving data quality
<b>Contract Title</b>	Commonly used or formal title
<b>Supplier</b>	Main contractor or supplier responsible for service provision
<b>Portfolio</b>	Relevant Portfolio for receiving procurement, contract monitoring and budget monitoring reports
<b>Total Value</b>	Total Contract Value i.e. the contract's value from commencement to expiry of formally approved period (i.e. exc. any extensions which have yet to be approved)
<b>Original Annual Value</b>	Value of the contract its first year (which may be difference from the value in subsequent years, due to contract start-up costs etc)
<b>Budget</b>	Approved budget for the current financial year. May be blank due to: finances being reported against another contract; costs being grant-funded, complexity in the finance records e.g. capital (also applies to Projection)
<b>Projection</b>	The expected spend by the end of the current financial year
<b>Procurement Status</b>	Automatic ranking system (green, yellow, amber, red) based on value and proximity to expiry designed to alert Owners to take procurement action. Red ragging typically means the contract is nearing expiry and is not a criticism (as all contracts will ultimately become red).
<b>Start &amp; End Dates</b>	Approved contract start date and end date (excluding any extension which has yet to be authorised)
<b>Months duration</b>	Contract term in months
<b>Attention </b>	Red flag denotes Commissioning & Procurement Directorate concern regarding procurement arrangements (also see C&P Commentary)
<b>Commentary</b>	Contract Owners provide a comment where either the Risk Index or Procurement Status is ragged red or amber. Commissioning & Procurement Directorate may add an additional comment for Members' consideration if appropriate <i>The Commentary only appears in the Part 2 register</i>
<b>Capital</b>	Most of the Council's contracts are revenue-funded but capital contracts are separately identified (and listed at the foot of the Contracts Register) because different reporting / accounting rules apply

## Contract Register Order

3.13 The Contracts Register is output in Risk Index order. It is then ordered by Procurement Status, Portfolio, and finally Contract Value. Capital contracts appear at the foot of the Register and contracts of concern (to Commissioning & Procurement Directorate) are flagged at the top.

## 4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

4.1 The Corporate Contracts Register covers all Council services: both those used universally by residents and those specifically directed towards vulnerable adults and children. Addressing the impact of service provision on the vulnerable is a matter for the relevant procurement strategies, contracts, and delivery of specific services rather than this summary register.

## 5. POLICY IMPLICATIONS

5.1 The Council's renewed ambition is set out in the 2016-18 update to Building a Better Bromley and the Contracts Database (and Contract Registers) help in delivering the aims (especially in delivering the 'Excellent Council' aim). For an 'Excellent Council', this activity specifically helps by 'ensuring good contract management to ensure value-for-money and quality services'.

## 6. PROCUREMENT IMPLICATIONS

6.1 Most of the Council's (£50k plus) procurement spend is now captured by the Contracts Database. The database will help in ensuring that procurement activity is undertaken in a timely manner, that Contract Procedure Rules are followed, and that Members are able to scrutinise procurement activity in a regular and systematic manner.

## 7. FINANCIAL IMPLICATIONS

7.1 The Contracts Database and Contract Registers are not primarily financial tools – the Council has other systems and reports for this purpose such as FBM and the Budget Monitoring reports. However, the CDB and registers do contain financial information both in terms of contract dates and values and also budgets and spend for the current year.

## 8. PERSONNEL IMPLICATIONS

8.1 There are no direct personnel implications but the Contracts Database is useful in identifying those officers directly involved in managing the Council's contracts.

## 9. LEGAL IMPLICATIONS

9.1 There are no direct legal implications but the Contracts Database identifies those contracts which have a statutory basis and also those laws which should be complied with in delivering the contracted services.

9.2 A list of all (irrespective of value) the Council's contracts may be found on [Bromley.gov.uk](http://Bromley.gov.uk) to aid transparency.

<b>Non-Applicable Sections:</b>	none
Background Documents: (Access via Contact Officer)	Contracts Register Reports to Contracts Sub-Committee 29 March 2018