

**Decision Maker:** PUBLIC AND ENFORCEMENT PDS COMMITTEE

**Date:** Tuesday 15<sup>th</sup> November 2022

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

**Title:** PP&E Contract Register

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**Chief Officer:** Colin Brand, Director of Environment & Public Protection

**Ward:** All Wards

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1. Reason for report

- 1.1 This report presents an extract from September 2022's Contracts Register of contracts with a whole life value of £50k or higher, for detailed scrutiny by PDS Committee – all PDS committees will receive a similar report each contract reporting cycle, based on data as at 31 August 2022 and presented to ER&C PDS on 14 September 2022.
  - 1.2 The Contracts Register contained in 'Part 2' of this agenda includes a commentary on each contract to inform Members of any issues or developments. A covering report will also be included where additional commentary is required.
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2. **RECOMMENDATIONS**

**That the Public Protection and Enforcement PDS Committee:**

- 2.1 Reviews and comments on the Contracts Register as at September 2022.
- 2.2 Note that in Part 2 of this agenda the Contracts Register 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. MBEB Priority: Excellent Council:
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### Financial

1. Cost of proposal: - N/A
  2. Ongoing costs: - N/A
  3. Budget head/performance centre: Public Protection and Enforcement Portfolio
  4. Total current budget for this head: £2.6m
  5. Source of funding: Existing controllable revenue budget for 2022/23
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### Personnel

1. Number of staff (current and additional): - N/A
  2. If from existing staff resources, number of staff hours: - N/A
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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): N/A
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A
2. Summary of Ward Councillors comments: N/A

### **3. COMMENTARY**

#### **Contracts Register Background**

- 3.1 The Contracts Database is fully utilised by all Contract Managers across the Council as part of their Contract Management responsibilities, which includes the updating the information recorded on the database. The Register is generated from the Contracts Database which is administered by Corporate Procurement and populated by the relevant service managers (Contract Owners) and approved by their managers (Contract Approvers).
- 3.2 As a Commissioning Council, this information is vital to facilitate a full understanding of the Council's procurement activity and the Contracts Registers is a key tool used by Contract Managers as part of their daily contract responsibilities. The Contract Registers are reviewed by the Procurement Board, Chief Officers and the Corporate Leadership Team.
- 3.3 The Contracts Register is produced four times a year for members– though the CDB itself is always 'live'.
- 3.4 The reports have been updated, upon request from Members, to show additional commentary in the Part 2 report to indicate the inflation mechanism for each contract. This has been completed as far as possible; any gaps are expected to be completed in subsequent reports. Any gaps are either because the inflation mechanism is not relevant (the contract is expected to end or be retendered) or because further information needs to be obtained from the Contract Owner.
- 3.5 Similarly, a column has been added so that the information in both Part 1 and Part 2 Registers shows not only the original Annual Value of each contract but also the current estimated Annual Value for the current contract year (this may differ from the usual financial year). Collection of this information is reliant upon Contract Owner input and there are gaps in this first round of reporting. These will reduce in future reports.
- 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 Council has 236 active contracts across all Portfolios as of 31 August 2022 for the September 2022 reporting cycle as set out in Appendix 1.
- 3.8 The summary for the Public Protection and Enforcement Portfolio is as follows:

Item	Category	February 2022	May 2022	September 2022
Total Contracts	£50k+	5	7	6
Concern Flag	Concern Flag	0	0	0
<b>Risk Index</b>				
Risk Index	Higher Risk	1	3	2
	Lower Risk	4	4	4
<b>Procurement Status for Contracts approaching end date</b>				
Procurement Status for Contracts approaching end date	Red	0	0	0
	Amber	0	1	1
	Green	2	4	4
	Neutral	3	2	1

#### 4. IMPACT ON VULNERABLE ADULTS & 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 [Making Bromley Even Better 2021 - 2031](#) and the Contracts Database (and Contract Registers) help in delivering the aims (especially in delivering Ambition Five – Resources & Efficiencies). For Ambition Five, this activity specifically helps by supporting 'robust and active contract management'.

#### 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 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 does identify 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 the Council's active contracts may be found on [Bromley.gov.uk](http://Bromley.gov.uk) to aid transparency (this data is updated after each ER&C PDS meeting).

<b>Non-Applicable Sections:</b>	None
Background Documents: (Access via Contact Officer)	<ul style="list-style-type: none"><li>• Appendix 1 – Key Data (All Portfolios)</li><li>• Appendix 2 - Contracts Database Background information</li><li>• Appendix 3 – Contracts Database Extract PART 1</li></ul>


## Appendix 1 Key Data (All Portfolios)

Item	Category	February 2022	May 2022	September 2022
<b>Contracts (&gt;£50k TCV)</b>	<b>All Portfolios</b>	<b>206</b>	<b>214</b>	<b>236</b>
<b>Flagged as a concern</b>	<b>All Portfolios</b>	<b>8</b>	<b>1</b>	<b>0</b>
<b>Portfolio</b>	Executive, Resources and Contracts	60	63	79
	Adult Care and Health	50	49	49
	Environment and Community Services	17	17	20
	Children, Education and Families	37	34	41
	Renewal and Recreation and Housing	37	44	41
	Public Protection and Enforcement	5	7	6
<b>Risk Index</b>	Higher Risk	69	71	73
	Lower Risk	137	143	163
<b>Procurement Status for Contracts approaching end date</b>	Red	8	1	0
	Amber	16	18	23
	Green	65	60	72
	Neutral	117	135	141

## Appendix 2 - Contracts Register Key and Background Information

### Contract Register Key

1.1 A key to understanding the Corporate Contracts Register is set out in the table below.

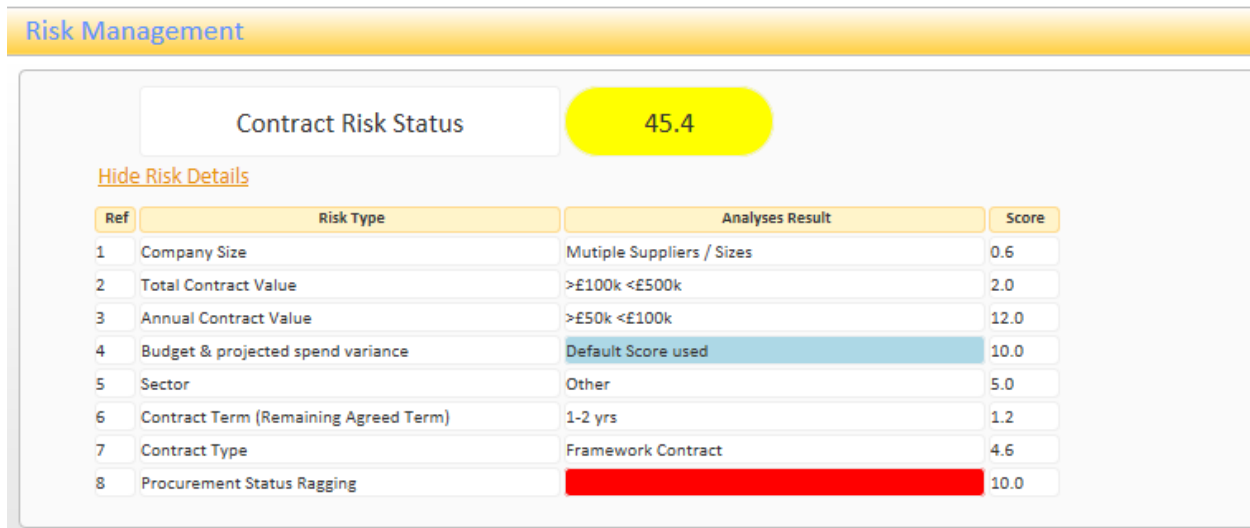
Register Category	Explanation
<b>Risk Index</b>	Colour-Ranking system reflecting eight automatically scored and weighted criteria providing a score (out of 100) reflecting the contract's intrinsic risk – reported as either Higher Risk or Lower Risk
<b>Contract ID</b>	Unique reference used in contract 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 of service / contract
<b>Supplier</b>	Main contractor or supplier responsible for service provision
<b>Portfolio</b>	Relevant Portfolio for receiving procurement strategy, contract award, contract monitoring and budget monitoring reports
<b>Total Contract Value</b>	The contract's value from commencement to expiry of formally approved period (excludes any extensions yet to be formally approved)
<b>Original Annual Value</b>	Value of the contract its first year (which may be difference from the annual value in subsequent years, due to start-up costs etc.)
<b>Procurement Status</b>	For all contracts automatically ranked by the Database as approaching their end date, a manual RAG rating is assigned by the Assistant Director Governance & Contracts to reflect the status of the contract. The RAG ratings are as follows:  <b>Red</b> – there are potential issues with the contract or the timescales are tight and it requires close monitoring.  <b>Amber</b> – appropriate procurement action is either in progress or should be commencing shortly.  <b>Green</b> – appropriate procurement action has been successfully taken or there is still sufficient time to commence and complete a procurement action.
<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 or Red RAG indicates that there are potential issues, or that the timescales are tight and it requires close monitoring. Further commentary may be provided in the Part 2 report.
<b>Commentary</b>	Contract Owners provide a comment –where contracts approach their end date. Corporate Procurement may add an additional comment for Members' consideration <i>The Commentary only appears in the 'Part 2' Contracts Register</i>
<b>Capital</b>	Most of the Council's contracts are revenue-funded. Capital-funded contracts are separately identified (and listed at the foot of the Contracts Register) because different reporting / accounting rules apply

### Contract Register Order

1.2 The Contracts Register is ordered by Procurement Status, Portfolio, and finally Contract Value. Capital contracts appear at the foot of the Register and 'contracts of concern' (to Corporate Procurement) are flagged at the top.

## Risk Index

- 1.3 The Risk Index is designed to focus attention on contracts presenting the most significant risks to the Council. Risk needs to be controlled to an acceptable level (our risk appetite) rather than entirely eliminated and so the issue is how best to assess and mitigate contract risk. Contract risk is assessed (in the CDB) according to eight separate factors and scored and weighted to produce a Risk Index figure (out of 100). The Risk Index is reported as either 'Higher Risk' or 'Lower Risk'.



## Procurement Status

- 1.4 The Database will highlight contracts approaching their end date through a combination of the Total Contract Value and number of months to expiry . For all contracts highlighted by the Database as potentially requiring action soon, a commentary is provided on the status of the contract and a manual RAG rating is assigned.