

Minute of Meeting Procurement Sub-Committee

Date	Time	Venue
Wednesday, 27 January 2016	14:30	Council Chambers (Renfrewshire), Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

PRESENT

Councillors Bibby, Audrey Doig, Gilmour, Grady, Harte, Henry, Holmes, Lawson, Mack, K MacLaren, M MacLaren, Murrin, Noon and Williams.

CHAIR

Councillor Holmes, Convener, presided.

IN ATTENDANCE

S MacDougall, Director of Community Resources; D Amos, Head of Policy & Commissioning, F Hughes, Procurement Manager, L Gillan, Senior Procurement Specialist, D Taggart Procurement Category Manager and K Thomson, Assistant Category Manager (all Chief Executive's); and K Graham, Head of Corporate Governance, J Lynch, Head of Property Services and D Low, Senior Committee Services Officer (all Finance & Resources).

DECLARATIONS OF INTEREST

There were no declarations of interest intimated prior to the commencement of the meeting.

1(a) CONTRACT AUTHORISATION REPORT: THE CONSTRUCTION OF A NEW BUILD SCHOOL- ST FERGUS' PRIMARY SCHOOL

There was submitted a joint report by the Chief Executive and the Director of Children's Services relative to entering into a Standard Building Contract with Quantities for use in Scotland (SBC/Q/Scot (2011 edition)) for The Construction of a New Build School- St Fergus' Primary School RC1506_4334(ITT9000) which formed part of the work detailed in the School Estate Management Plan (SEMP 2014).

The report advised that at the deadline for the return of tenders two bids had been received. The bids were evaluated against a set of award criteria which was based on capacity, experience and track record and their technical and financial capabilities. Details of the scores relative to the award criteria of each tenderer were contained within the report.

DECIDED:

(a) That the Head of Corporate Governance be authorised to award the contract for The Construction of a New Build School- St Fergus' Primary School RC1506_4334(ITT9000) to Clark Contracts Limited;

(b) That it be noted that the estimated contract value was £4,106,329.68 excluding VAT; and

(c) That it be noted that it was anticipated that the contract would commence on 15 February 2016, or alternatively on the date confirmed in the Council's Letter of Acceptance and run for a period of 157 weeks.

SEDERUNT

Councillor Harte entered the meeting during consideration of the following item of business.

1(b) STREET LIGHTING MAINTENANCE AND REPAIRS AWARD - UPDATE

There was submitted a joint report by the Chief Executive and the Director of Community Resources, together with an addendum to the report, relative to recent developments in relation to the award of Street Lighting Maintenance and Repairs contract RC1509_4636 (MC_9698) under the terms of Renfrewshire Council's Framework for Street Lighting Maintenance, Repairs, Improvements & Developments, Lot 1 maintenance and repairs of street lighting R1111026690 which had been approved at the meeting of this Sub-Committee held on 19 October 2015.

The report detailed the circumstances which had resulted in the Council raising adjudication proceedings in consequence of a contract dispute with Lightways Contractors Limited in respect of the Street Lighting Maintenance and Repairs contract reference RC1509_4636 (MC_9698). The addendum to the report intimated that the Adjudicator had found in favour of the Council and considered the Council's contract to be robust.

Councillor Holmes, seconded by Councillor Grady, moved:

(i) That the circumstances resulting in the Council raising adjudication proceedings in consequence of a contract dispute with Lightways Contractors Limited in respect of the Street Lighting Maintenance and Repairs contract reference RC1509_4636(MC_9698) be noted;

(ii) That it be noted that due to the result of the adjudication being published after the date of publication of the Sub-Committee agenda, the outcome of the adjudication would be provided separately to the Sub-Committee; and

(iii) That (as detailed in the addendum to the report) it be noted that the Adjudicator had found in favour of the Council and considered the Council's contract to be robust.

Councillor Lawson, seconded by Councillor K MacLaren moved as an amendment that in addition the Sub-Committee instructs the Director of Community Resources to convene an inquiry into this situation and prepare a detailed progress report to the Council meeting on the 25th of February. The report to include an action plan to address, as soon as possible, the large backlog of street lamp repairs including, if required, the use of alternative contractors, and an ongoing strategy to ensure that the current unacceptable situation does not reoccur.

On the roll being called, the following members voted for the amendment: Councillors Audrey Doig, Lawson, Mack, K MacLaren, M MacLaren and Noon.

The following members voted for the motion: Councillors Bibby, Gilmour, Grady, Harte, Henry, Holmes, Murrin and Williams.

6 members having voted for the amendment and 8 members having voted for the motion, the motion was accordingly declared carried.

DECIDED:

(i) That the circumstances resulting in the Council raising adjudication proceedings in consequence of a contract dispute with Lightways Contractors Limited in respect of the Street Lighting Maintenance and Repairs contract reference RC1509_4636(MC_9698) be noted;

(ii) That it be noted that due to the result of the adjudication being published after the date of publication of the Sub-Committee agenda, the outcome of the adjudication would be provided separately to the Sub-Committee; and

(iii) That (as detailed in the addendum to the report) it be noted that the Adjudicator had found in favour of the Council and considered the Council's contract to be robust.

1(c) STRATEGIC REVIEW OF STREET LIGHTING – LED LANTERN REPLACEMENT 2016/2017 - RE-TENDER

Under reference to the Minute of meeting of this Sub-Committee held on 11 November, 2015, there was submitted a joint report by the Chief Executive and the Director of Community Resources relative to the award to Lightways Contractors Limited of the contract for the Strategic Review of Street Lighting - LED Lantern Replacement 2016/17, RC1509_4859_ITT10106.

The report intimated that post tender negotiations with Lightways Contractors Limited had been unsuccessful and that in these circumstances the report suggested that the contract be re-tendered.

DECIDED:

(i) That the tender procedure to award a contract for the Strategic Review of Street Lighting-LED Lantern replacement 2016/17, reference RC1509 _ 4859_ ITT 10106 referred to in the report to the Sub-Committee on 11 November 2015 be terminated;

(ii) That the authorisation to the Head of Corporate Governance to award the contract in that tendering procedure to Lightways Contract Limited be withdrawn; and

(iii) That a new tendering procedure for the LED Lantern Replacement 2016/2017 contract be commenced using revised tender documents.

1(d) STATUTORY GUIDANCE ON THE SELECTION OF TENDERERS AND AWARD OF CONTRACTS, ADDRESSING FAIR WORK PRACTICES, INCLUDING THE LIVING WAGE, IN PROCUREMENT

There was submitted a report by the Chief Executive relative to the publication by the Scottish Government of statutory guidance on addressing 'Fair Work Practices, including the Living Wage, in Procurement' under Section 29 of the Procurement Reform (Scotland) Act 2014.

The report intimated that Renfrewshire Council, as a contracting authority, was compelled to have due regard to the statutory guidance and in this connection the recommended question to evaluate fair working practices, as detailed in the appendix to the report, had been incorporated into the Invitation to Tender document.

DECIDED:

(a) That it be noted that Renfrewshire Council, as a contracting authority, must have due regard to statutory guidance;

(b) That it be noted that, in line with the requirements of the statutory guidance, the template question for use within the Invitation to Tender was attached as the appendix to the report; and

(c) That it be noted that an update on the outcomes that were being achieved from the fair working practices by those delivering contracts awarded by Renfrewshire Council would be provided to the Sub-Committee by June 2016.