

ABERDEEN CITY COUNCIL

COMMITTEE	Communities Housing and Infrastructure
DATE	24 th May 2017
REPORT TITLE	Suspension of ACC Procurement Regulations for a contract for Housing Advice and Information Services
REPORT NUMBER	CHI/17/090
INTERIM DIRECTOR	Bernadette Marjoram

1. PURPOSE OF REPORT:-

- 1.1 The purpose of this report is to make Members of this Committee aware of a contract for Housing Advice and Information Services awarded following a request, under ACC Procurement Regulation 3.10, for suspension of the ACC Procurement Regulations as detailed in this report. The suspension request was approved by the Chief Executive and the Head of Commercial and Procurement Services on 31st March 2017
- 1.2 The report fulfils the requirement of ACC Procurement Regulation 3.11 which requires that "Any contract made on behalf of the Council under this paragraph shall be reported to the appropriate Committee of the Council by the Delegated Procurer as soon as practicable."

2. RECOMMENDATION(S)

- 2.1 It is recommended that the Committee notes the contents of this report and the reasons behind requesting suspension of the relevant ACC Procurement Regulations and the award of the contract.

3. BACKGROUND/MAIN ISSUES

- 3.1 The commissioning service believed that procurement regulations had been adhered to through approval of the service's Commissioning Plan which was presented to the Communities Housing and Infrastructure Committee on 20th January 2016 (Report CHI/15/265). Legal advice has now indicated that the recommendations of the committee do not represent sufficient authority in accordance with the Council's procurement regulations as the estimated expenditure had not been approved.
- 3.2 At this point, a compliant OJEU tender had already been carried out, Shelter had been notified that their tender response scored the highest and that the Council was minded to award the contract to them. The existing service provision came to an end on Friday 31st March and Shelter was due to begin providing the service on Monday 3rd April 2017 (first working day following commencement of the contract). There was insufficient time to seek approval of the contract expenditure by Committee prior to 1st April 2017.

- 3.3 The suspension was required to ensure continuity of service and to fulfil the Council's statutory duty to provide advice and information to people who are homeless or at risk of homelessness.
- 3.4 As the request under ACC Procurement Regulation 3.10 for the suspension of the ACC Procurement Regulations was granted, the Contract has been signed by both Shelter and the Council.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from this report.
- 4.2 The expenditure will be £419,747 over three years of the contract and a further £286,355 should the contract be extended. The obligation upon the Council to make such advice services available to the public is not new and provision for the expenditure is contained with existing budgets for such services.

5. LEGAL IMPLICATIONS

- 5.1 If this contract were not put in place the Council would be in breach of its statutory duty to provide advice to people who are homeless or at risk of homelessness.
- 5.2 There are no legal implications arising from the procurement aspects of this report. All procurement procedures were adhered to and a fully compliant OJEU open tender was carried out.

6. MANAGEMENT OF RISK

The request, under ACC Procurement Regulation 3.10, for suspension of the ACC Procurement Regulations was sought to avoid the risk detailed in section 5.1 above.

There are no further risks directly arising from this report.

7. IMPACT SECTION

People

The suspension of Procurement Regulations enabled the contract to be awarded to Shelter without any delay and allowed us to ensure customers who were threatened with eviction were given appropriate advice and information to assist them.

Economy

There are no implications contained within this report

Place

There are no implications contained within this report

Technology

There are no implications contained within this report

8. BACKGROUND PAPERS

The Housing Support Services Commissioning Plan was presented to the Communities Housing and Infrastructure Committee 20th January 2016 (Report CHI/15/265).

9. REPORT AUTHOR DETAILS

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