

REPORT 5

HARBOROUGH DISTRICT COUNCIL

REPORT TO THE CABINET MEETING OF DECEMBER 2nd 2019

PUBLIC REPORT: YES

EXEMPT REPORT: NO

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| Report Title | Planning Consultancy Contract |
| KEY DECISION | No |
| Report Author | Joanna Ellershaw |
| Purpose of Report | To request Cabinet approval for the Council to enter into a contract for a Planning Consultancy service relating to Warehousing and Logistics in Leicester and Leicestershire commencing January 2020 |
| Reason for Decision | The value of the contract to be awarded is estimated as £50,000; Cabinet approval is therefore required. |
| Portfolio (holder) | Cllr King (Strategic) Cllr Bateman (Regulatory) |
| Corporate Priorities | An enterprising and vibrant place. |
| Financial Implications | The value of the contract over its term is estimated at £50,000. The contract is to be jointly funded by partners (see para 2.2 below). The Council's partner contribution is estimated at £5,400 and is within the resources for Strategic Planning. |
| Risk Management Implications | See section 3.0 below |
| Environmental Implications | Nil |
| Legal Implications | See section 4.0 below. |
| Equality Implications | Nil |
| Data Protection Implications | Partnership and Consultant agreements contain appropriate clauses. |
| Consultation | See section 5.0 below. |
| Options | Delay consideration of award until 13/1/20 or Not to award contract – see section 6.0 below. Operational urgency and need and the joint nature of the project mean that neither is considered reasonable. |
| Background Papers | None. |
| Recommendation | 1. That the Council delegates authority to award a contract for a Planning Consultancy service relating to Warehousing and Logistics in Leicester and Leicestershire commencing January 2020 to the Chief Officer Planning and Regeneration in accordance with the outcome of the current tender exercise that ends on November 29th 2019. |

1. Introduction

1.1. The Council is 1 of 10 partners involved in this joint piece of evidence work. As lead authority Harborough is undertaking the procurement of these services.

2. Key Facts

2.1. The Leicester and Leicestershire Strategic Planning Group (SPG) have identified a need to update evidence on warehousing ('Big Sheds') and logistics. As a non-constituted (legal) body the SPG cannot procure or contract for services itself. Typically, joint work is led by an individual partner Council on behalf of some / all partners depending on its nature e.g. the Housing and Economic Development Needs Assessment (HEDNA).

2.2. Harborough District has agreed to lead on this project. All Leicester and Leicestershire local authorities; BDC, CBC, H&BBC, HDC, L City, LCC, MBC, NWLDC, O&WBC and the Leicester and Leicestershire Enterprise Partnership (LLEP) are jointly funding the cost of the service being procured. The study will replace previous evidence and is intended to inform plan-making (Local Plans) and other relevant strategies, including delivery of the Strategic Growth Plan, the emerging Local Industrial Strategy (LIS) and the Strategic Transport Plan (STP).

2.3. Procurement of the contract by tender has been agreed as the best method by the partners both to ensure compliance with procurement regulations (Public Contracts Regulations 2015); and because the consultancy requires specialist expertise and the potential market is therefore likely to be limited. For this reason, it is desirable to publicise the contract opportunity as widely as possible.

2.4. The tender was published on 22nd October 2019 and closes on 29th November 2019. A panel drawn from selected partner organisations is now undertaking evaluation of the submissions, however the outcome of this process will not be known until 11th December 2019 at the earliest. The evaluation is being carried out by planning officers with appropriate expertise in the field, with advice available in relation to procurement compliance and legal requirements. The selection of the preferred consultant is the collective decision of the partners, and not solely at the discretion of the Council.

2.5. The output from the contract will be used by partners to inform plan-making. Partners are at different plan-making stages meaning the output is more operationally urgent to some partners than others. Several authorities and the Joint Strategic Planning Manager (JSPM) are keen to award the contract without delay, in order that the work can be started promptly and completed by June 2020.

3. Risk Management Implications

3.1. Risks associated with procurement have been assessed in general project management terms and are considered to be low.

4. Legal Implications

- 4.1. A legal Partnership Agreement has been prepared and will be completed by all partners, based on the award value, prior to the Council entering into a Consultant Agreement with the preferred supplier. The award will be subject to a legal Consultant Agreement between the Council and the consultant.

5. Consultation

- 5.1. The brief for the services was developed in liaison with, and approved by, all partners prior to the start of the procurement process.

6. Options

Delay approval until the next Cabinet meeting 13/1/10.

- 6.1 The alternative to considering approval of the procurement at this meeting of the cabinet is to delay until the next available meeting in January 2020 when the tender outcome will be known; the view of officers of the partner organisations is that there is some urgency in awarding the contract so that the work can be started.
- 6.2 Members should note that if they were to delay consideration until the outcome of the tender evaluation was known, it would only be possible to approve award to the identified preferred provider or to decide not to award a contract at all: review and revision of the evaluation decision would expose the Council to an unacceptable risk of legal challenge.
- 6.3 Under this option no contact could be had with the preferred supplier between the 11th December and at least 23rd January 2020 when the contract standstill period would end, resulting in an approx. 6 week delay. Operational urgency means that this option is considered undesirable.

Not to award a contract

- 6.4. The Council would be neglectful in its lead role on this joint project that it is leading on behalf of the other partner Councils in Leicester and Leicestershire. The time and effort involved in the procurement process may be wasted, and there would be legal and practical issues and further delay associated with another partner taking over the lead role.
- 6.5. In the interests of ensuring good partnership relationships are maintained, this option is also considered undesirable.

7.0 Summary

- 7.1 This is a routine procurement exercise that is intended to secure appropriate expert advice on a specialised subject area. The Council is the procuring authority on behalf of partners. However, selection of the preferred consultant is a collective partner decision. Authorisation of the award by Cabinet is necessary because the value of the contract is estimated at £50,000 and because it relates to an entirely new procurement (HDC Procurement SORP, 28.2).

