

Sandwell Metropolitan Borough Council

Action To Be Taken Under Delegated Powers **Exemption from Procurement and Contract Procedure Rules**

Appointment of Ice Cream Company (UK) and Lopy's Lollies to undertake the sale of Ice Cream and Slush at Lightwoods Park, Victoria Park (Smethwick) and Victoria Park (Tipton)

1. Summary Statement

- 1.1. An exemption of the Council's Procurement and Contract rules is being sought to appoint Ice Cream Company (UK) at Lightwoods Park, Smethwick and Victoria Park, Tipton and Lopy's Lollies for Victoria Park, Smethwick to undertake the sale of Ice Cream and Slush.
- 1.2. Following a full tender exercise where Super Whippy Ice Cream were successful in the above sites, and their subsequent withdrawal we are now undertaking a second tender exercise to appoint new suppliers.
- 1.3. The latest tender exercise will see new suppliers appointed in May 2019, this contract will then subsequently run for 4 years.
- 1.4. Whilst the latest tender exercise is undertaken, we have no ice cream provision at the above sites during the April 2019 period, and in particular the Easter bank holidays.
- 1.5. The appointment of Ice Cream Company (UK) and Lopy's Lollies will commence immediately and cease upon the appointment / commencement of the new Ice Cream concession contract.
- 1.6. Ice Cream Company (UK) and Lopy's Lollies submitted the second highest bids for the sites. The annual tendered fee will be prorated for the number of trading days on each site.
- 1.7. In accordance with the Council's Procurement and Contract Procedure Rules (Rule 15.5), an exemption from any Rule may be endorsed by the Section 151 Officer where they are

independent from the original decision making process, confirming that they are satisfied that the exemption is justified by special circumstances. The report must be approved by the Cabinet Member for Core Council Services.

2 Recommendation

- 2.1 That Ice Cream Company (UK) and Lippy's Lollies are appointed to undertake the sale of Ice Cream and Slush at the aforementioned sites until the appointment / commencement of the new Ice Cream concession contract.
- 2.2 That any necessary exemptions be made to the Council's Procurement & Contract Procedure Rules to enable the course of action referred to in 2.1 above to proceed.

In accordance with the Council's Procurement and Contract Procedure Rules, I intend to take the action(s) recommended above.

I ~~do~~/do not have an interest to declare in this matter

[Redacted]

Alan Caddick
Director of Housing and Communities
Date:

I ~~do~~/do not have an interest to declare in this matter

[Redacted]

[Redacted]

Darren Carter
Executive Director of Resources
Date:

17-4-2019

I ~~do~~/do not have an interest to declare in this matter

[Redacted]

Cllr. Gavan
Cabinet Member for Leisure and the Commonwealth Games
Date:

Contact Officers

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3 Background Details

- 3.1 Following a full tendering exercise in March 2019 several companies were appointed to sell Ice Cream and Slush at various sites around the borough based on the prices and relevant documents being submitted.
- 3.2 The winning quotations for Lightwoods Park, Victoria Park (Tipton) and Victoria Park (Smethwick) were successfully gained by Super Whippy Ice-Cream who subsequently withdrew their offer.
- 3.3 Due to this withdrawal, another tender exercise is currently taking place to appoint a supplier for these sites.
- 3.4 Ice Cream Company (UK) submitted the 2nd highest quotation for Lightwoods Park and Victoria Park (Tipton). The prorated fees based on the original winning bid for the trading period will be:

Lightwoods Park	£335
Victoria Park (Tipton)	£260

- 3.5 Lopy's Lollies submitted the 2nd highest quotation for Victoria Park (Smethwick). The prorated fees based on the original winning bid for the trading period will be:

Victoria Park (Smethwick)	£260
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