

Sandwell Metropolitan Borough Council

Exemption in accordance with Procurement and Contract Procedure Rules

Supply of Personal Protective Equipment, Safety Footwear & Uniforms

1. Summary Statement

1.1. Exemption being sought

1.2. An exemption is being sought to continue to procure Personal Protective Equipment, Safety Footwear & Uniforms from Future Garments Ltd, the current contractor for a five-month period from 1st August 2019 until 31st December 2019.

1.3. Summary

1.4. The Council's current contract arrangement for the supply of Personal Protective Equipment, Safety Footwear & Uniforms was let via a tendering exercise for the period commencing 1st August 2016 and is due to expire on 31st July 2019. Annual expenditure on this range of commodities is £92000.

1.5. In preparation to renew the Council's contract arrangements, a review of existing supply frameworks was undertaken to assess whether there were any suitable in which to participate. It has been identified that Eastern Shires Purchasing Organisation (ESPO) has a suitable compliant Framework that provides published prices for a significant range of generic items from up to 20 pre-approved suppliers or enables a further competition to be carried out for more bespoke specifications.

1.6. However, the current ESPO Framework is due to expire on 6th September 2019 and they are currently undertaking a new procurement exercise to establish a new Framework Agreement. It is therefore proposed to extend our current arrangements until 31st December 2019 to enable the new ESPO Framework to be used when it is published in early September 2019.

1.7. The Procurement Services Manager has been consulted and they support the proposed course of action.

1.8. In accordance with the Council's Procurement & Contract Procedure Rules (Rule 15) an Exemption from any rule for a contract between £50,000 and £250,000 must be approved by the relevant Chief Officer and Chief Finance Officer (S151) following endorsement by the Procurement Services Manager. An Exemption request can only be approved by the Chief Finance Officer (S151) where they are independent from the original decision-making process. Where the exemption applies to a service that is the responsibility of the Chief Finance Officer then the exemption must be approved by the Chief Executive in his or her place.

2 Recommendation

2.1 That the Council continue to procure Personal Protective Equipment, Safety Footwear & Uniforms from Future Garments Ltd, the current contractor for a five-month period from 1st August 2019 until 31st December 2019. The anticipated expenditure during this period is anticipated to be £38000.

2.2 That any necessary exemptions be made under the Council's Procurement & Contract Procedure Rules to enable the course of action referred to in 2.1 above to proceed.

I confirm that the action(s) recommended above comply with the Council's Procurement and Contract Procedure Rules (Rule 15):

Andy Jukes

Title: Procurement Business Partner

Date: 7th June 2019

In accordance with the Council's Procurement and Contract Procedure Rules (Rule 15), I approve the action(s) recommended above:

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

In accordance with the Council's Procurement and Contract Procedure Rules (Rule 15), I approve the action(s) recommended above:

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



Darren Carter

Executive Director - Resources (S151 Officer)

Date: 11-6-2019

Contact Officer

Neil Whitehouse

Procurement Officer

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3 Procurement Implications

- 3.1 The current contractor, Future Garments Ltd is performing satisfactorily and will continue to provide the range of equipment, footwear and uniforms at the current prices for the proposed extended period.
- 3.2 If a further competition is deemed appropriate, the proposed procurement timetable to re-let a new contract is set out below (subject the new ESPO Framework be available for use);

Issue of further competition - w/c Monday 23rd Sept 2019

Closing Date for return bids – Friday 11th October 2019

Evaluation period – 12th October to 1st November 2019

Approval at Cabinet – Wednesday 11 December 2019

Commencement of new contract 1st January 2020

4 Legal and Statutory Implications

- 4.1 There are no legal implications arising from this exemption as the total value of the exemption does not exceed £100 000.

5 Background Details

- 5.1 There is an ongoing regular requirement for the supply of Personal Protective Equipment, Safety Footwear & Uniforms that in the main is delivered into the depots at Roway Lane, Taylors Lane and Waterfall Lane although there are several other Council locations where ad-hoc supplies are required.
- 5.2 A corporate contract arrangement is put in place to satisfy this demand to comply with the Council's Procurement & Contract Procedure Rules.
- 5.3 When the new ESPO Framework is published, a desktop exercise will be undertaken to review the published prices for the generic items to select from the pre-approved suppliers or carry out a further competition if deemed necessary.

6 Alternative Options

- 6.1 The alternative option would be to undertake a lengthier procurement exercise of our own that is likely to attract exactly the same bidders as the ones that will appear in the new ESPO Framework.

7 Source Documents