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To: The Members of the Cabinet

Date: 26 July 2023

Our Ref:

Your Ref:

**Contact:** Debbie Campbell

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Dear Councillor

## **CABINET - THURSDAY 27TH JULY, 2023**

I refer to the agenda for the above meeting and now enclose the following report which was unavailable when the agenda was published.

### **Agenda No.**

### **Item**

- |     |  |
|-----|--|
| 10. | <b>Pre-Procurement Report : Supply of Fruit &amp; Vegetables</b> (Pages 3 - 6)<br>Report of the Assistant Director of People (Operational In-House Services) |
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Yours faithfully,

Democratic Services

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<b>Report to:</b>	Cabinet	<b>Date of Meeting:</b>	Thursday 27 July 2023
<b>Subject:</b>	Pre-Procurement Report: Supply of Fruit & Vegetables		
<b>Report of:</b>	Assistant Director of People (Operational In-House Services)	<b>Wards Affected:</b>	(All Wards);
<b>Portfolio:</b>	Cabinet Member - Locality Services - Deputy Leader		
<b>Is this a Key Decision:</b>	No	<b>Included in Forward Plan:</b>	No
<b>Exempt / Confidential Report:</b>	No		

**Summary:**

To seek approval to commence a mini competition procurement exercise for the Supply of Fruit & Vegetables via the TUCO framework agreement, of which the Council is a member.

**Recommendation(s):**

- (1) That Cabinet approve a mini competition procurement exercise for the Supply of Fruit & Vegetables for the Catering Service via the TUCO framework agreement, of which the Council is a member.

**Rule 46**

- (2) It be noted that the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Regeneration and Skills) had given their consent under Rule 46 of the Overview and Scrutiny Procedure Rules for this decision to be treated as urgent and not subject to "call in" on the basis that it cannot be reasonably deferred because a new Fresh Fruit and Vegetable supplier needs to be in place for the new school term in September. The current supplier of Fresh Fruit & Vegetables has stated that the company will cease to trade in the near future and will not be able to supply the service from September onwards.

**Reasons for the Recommendation(s):**

To comply with The Council's Contract Procedure Rules 2023, Cabinet approval is required prior to the commencement of the procurement exercise with a value exceeding the Public Contracts Regulations Spend Threshold (i.e. £533,691.00 for goods/services).

The Framework is compliant with the Public Contract Regulations and Officers from the Council's procurement section are satisfied that it can be used for this purpose.

The Assistant Director People (Operational In-house Services) has delegated authority to award, negotiate and enter into the contract that arises from the procurement exercise.

# Agenda Item 10

**Alternative Options Considered and Rejected:** (including any Risk Implications)  
None

**What will it cost and how will it be financed?**

**(A) Revenue Costs**

Any increased costs will be met by schools via SLA agreements for Catering Services.

**(B) Capital Costs**

None

**Implications of the Proposals:**

<b>Resource Implications (Financial, IT, Staffing and Assets):</b> All costs associated with the introduction of the system will be met by schools as part of their SLA agreements for Catering Services								
<b>Legal Implications:</b> There are no legal implications.								
<b>Equality Implications:</b>  There are no equality implications.								
<b>Impact on Children and Young People: Yes</b> To provide a healthy and nutritious School Meals service, it is essential that the service has access to a Fresh Fruit & Vegetable supplier.								
<b>Climate Emergency Implications:</b>  The recommendations within this report will <table border="1"><tr><td>Have a positive impact</td><td>No</td></tr><tr><td>Have a neutral impact</td><td>Yes</td></tr><tr><td>Have a negative impact</td><td>No</td></tr><tr><td>The Author has undertaken the Climate Emergency training for report authors</td><td>Yes</td></tr></table> There will be a neutral impact on the Climate Emergency agenda.	Have a positive impact	No	Have a neutral impact	Yes	Have a negative impact	No	The Author has undertaken the Climate Emergency training for report authors	Yes
Have a positive impact	No							
Have a neutral impact	Yes							
Have a negative impact	No							
The Author has undertaken the Climate Emergency training for report authors	Yes							

**Contribution to the Council's Core Purpose:**

Protect the most vulnerable: For those children that receive Free School Meals, it is essential that the catering service has access to a Fresh Fruit & Vegetable supplier.
Facilitate confident and resilient communities:
Commission, broker and provide core services: <ul style="list-style-type: none"><li>• Section 512 of the Education Act 1996, as amended, places a duty on</li></ul>

maintained schools, academies and free schools to provide free school meals to pupils of all ages.

- Caterers must provide food that adheres to The Requirements for School Food Regulations 2014

Place – leadership and influencer:

Drivers of change and reform:

Facilitate sustainable economic prosperity:

Greater income for social investment:

Cleaner Greener

## What consultations have taken place on the proposals and when?

### (A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD 5514) and the Chief Legal and Democratic Officer (LD 7314) have been consulted and any comments have been incorporated into the report.

### (B) External Consultations

None

## Implementation Date for the Decision

Immediately following the Cabinet meeting.

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## Appendices:

There are no appendices to this report.

## Background Papers:

There are no background papers available for inspection.

# Agenda Item 10

## **1.0 Introduction/Background**

- 1.1 The Catering Service currently provides a service to 70 schools in Sefton.
- 1.2 The current supplier of Fresh Fruit & Vegetables has stated that the company will cease to trade in the near future but will continue to provide a service to the Council whilst a replacement supplier is sourced.
- 1.3 All the Council's food contracts are brokered via framework agreements operated by TUCO, of which the Council is a member.
- 1.4 TUCO offer not-for-profit procurement services and is the leading professional membership body for in-house caterers operating in the higher, further education and public sector.
- 1.5 TUCO operate 19 Public Contract Regulations 2015 compliant framework agreements with an annual spend of over £146million. As a member we benefit from this purchasing power, and it is accepted that we are able to secure better value than we would if we tendered for food supplies on our own.
- 1.6 One of the framework agreements operated by TUCO is for the supply of Fresh Fruit & Vegetables.

## **2.0 Procurement Process**

- 2.1 One of the services offered by TUCO is a mini competition exercise, asking approved suppliers to tender for a specific basket of goods, driving competition and maximising additional incentives.
- 2.2 Mini competition exercises can be completed quickly as a full procurement exercise has already been undertaken by TUCO's fully qualified team. They are ideal in circumstances when an approved supplier needs to be appointed promptly.
- 2.3 Whilst much of the background work is undertaken by TUCO, all key decisions regarding the selection of a new supplier will be taken by Council Officers and not by TUCO.
- 2.4 It is planned to use a TUCO mini competition exercise to secure a new Fresh Fruit & Vegetable supplier and to ensure Best Value.
- 2.5 The contract will be for a period of three years, with two one-year extensions. The contract value for 3 years is estimated at £720,000.
- 2.6 At all times, the Council's Contract Procedure Rules 2023 will be adhered to, and Officers from the Council's Procurement service will be involved at all times.
- 2.7 It is planned that the award criteria will be as follows:  
Price 40%  
Quality 60%