

Title: Election Printing – Code of Procurement Practice Exemption
Lead Officer: Graham Leach (01926 456114)
Portfolio Holder: Councillor Day
Wards of the District directly affected: All

Summary

The report requests an exemption to the Code of Procurement practice to extend the contract with Civica Electoral Services up to 30 June 2023 (and for any elections called by that date which may take place after 30 June 2023) .

Recommendation(s)

That Cabinet approves an exemption to the code of procurement practice for extending the current elections and electoral registration printing contract for up to a value of £1,150,000 and up to 30 June 2023 (and for any elections called by that date which may take place after 30 June 2023).

1 Background/Information

- 1.1 The Council's Code of procurement Practice requires a competitive process for all contracted spend above £25,000. The Council had a contract in place for delivery of both elections and electoral registration printing. This was a multi year contract on a three plus two-year format which ended on 30 September 2022 (but covered the delivery of the Annual Canvas up to 1 December 2022).
- 1.2 Prior to the contract concluding, officers were preparing a new joint procurement exercise with Stratford-on-Avon District Council. When the merger with SDC ceased in April, a decision was taken to no longer progress this single tender, due to a number of complexities within it and long-term management of the contract.
- 1.3 Despite this change, a contract was still required to replace the contract that was ending, so the intention was still to produce and issue an ITT which would see the new contract deployed in time. However, delays arising from discussions on the final specification, followed by the need to include requirements of the Election Act 2022 (some of which are unknown at this time) took longer than expected. Although the final ITT is now ready to issue, it has been proposed to delay its publication until the expected final secondary regulations for the Elections Act 2022 in early November 2022. This delay is also to accommodate the fact that the Electoral Services Manager is leaving the Council at the end of December 2022 (of which Councillors will be aware), and to enable the new Electoral Services Manager, starting in January 2023, to input into the ITT and understand the new contract.
- 1.4 To accommodate the above, it has been proposed that the replacement contract for the elections and electoral printing contract that has expired will not be awarded until June 2023, with a start date of 1 July 2023.

- 1.5 With the delay to the replacement contract, options were considered with the procurement team on how best to procure work in the interim between the formal contracts. Rather than implementing a short-term contractual arrangement to cover the interim and the May 2023 election requirements, the lowest risk proposal was to provide a short-term extension to the contract that has just ended, until 30 June 2023, in accordance with the Public Contract Regulations 2015 using the justifications as outlined above. Informal discussions with the current supplier have indicated this would be acceptable to them.
- 1.6 While exploring the ability to apply the extension, it was also identified that the Council had already exceeded the value of the original contract. This was quickly justified due to the number of additional elections that had been called during the contract term that had not been anticipated at the time of letting the contract.
- 1.7 The original contract value was for £800,434, but to accommodate both the extension to the contract term and the original contract overspend, an exemption to extend and increase the contract value to £1,150,000 is required. This would be an increase of 43.6% which is lawful subject to 72.1(b) (PCR2015). This allowance will also provide for a £50k contingency just in case any other unforeseen requirements (for example a General Election is called in this time).

2 Alternative Options available to Cabinet

- 2.1 The Returning Officer had considered the potential for initiating the procurement for a replacement earlier, however, the new contract would not begin until the end of February 2023 at the earliest, by which time printers would already have booked in slots for election printing and undertaken a number of other pre delivery project work.

3 Consultation and Member's comments

- 3.1 Councillor Day was supportive of the proposal.

4 Implications of the proposal

4.1 Legal/Human Rights Implications

- 4.1.1 There are no further legal matters to consider other than those set out in the report

4.2 Financial

- 4.2.1 The budget for elections is set as a reserve that is built up over three years, then spent. The costs for the hire (or part of) for non-Warwick District Council elections (i.e. Town/Parish, County Council, Parliament or any referendums) will be charged back to the relevant party.

4.3 Council Plan

- 4.3.1 The report does not directly contribute to the Council Plan.

4.4 Environmental/Climate Change Implications

- 4.4.1 Part of the delay in the work to deliver the new ITT was the emphasis on sustainability and how best to minimise the environmental impact of the contract. This was looking at areas from delivery of paperwork, associated packaging, the printing process and paper used, while ensuring the Council met its legislative requirements.

4.5 Analysis of the effects on Equality

4.5.1 The report does not impact on equality.

4.6 **Data Protection**

4.6.1 There are no data protection considerations for this procurement.

4.7 **Health and Wellbeing**

4.7.1 The report provides no direct benefit to the district in respect of health and wellbeing.

5 Risk Assessment

5.1 The primary risk associated with the report is not having a robust contract in place to ensure delivery of elections printing in time. Officers have brought forward the approach, which in their view, best mitigates this at this time.

6 Conclusion/Reasons for the Recommendation

6.1 The proposals are lawfully sound and robust, hence the recommendation.

Background papers: Confidential detailed quotes from Civica Elections Services and invoices from previous election.

Supporting documents: - None

Report Information Sheet

Please complete and submit to Democratic Services with report

Committee / Date	Cabinet 3 November 2022	
Title of report	Election Printing – Code of Procurement Practice Exemption	
Officer / Councillor Approval *required	Date	Name
Ward Members(s)		
Portfolio Holder	17/10/22	Andrew Day
Financial Services *	17/10/22	Chris Elliott
Legal Services		
Other Services		
Chief Executive	17/10/22	Chris Elliott
Head of Service*	17/10/22	Andrew Jones
Section 151 Officer	17/10/22	Chris Elliott
Monitoring Officer	17/10/22	Andrew Jones
Leadership Co-ordination Group (WDC)		
Procurement	14/10/22	Rebecca Reading
Final decision by this Committee or rec to another Cttee / Council?	Yes	
Contrary to Policy / Budget framework?	No	
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	No	
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	Yes, Exemption notice to the Forward Plan being produced.	
Accessibility Checked?	Yes	