

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker</b>	Executive Member for Policy and Resources
<b>Date:</b>	20-June-2019
<b>Title:</b>	Strategic Procurement and County Supplies Contracting Activity and Approvals for 2019/20
<b>Report From:</b>	Director of Transformation and Governance – Corporate Services

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#### Purpose of this Report

1. The purpose of this report is to identify the use of a procurement procedure, identified within The Public Contracts Regulations 2015 for Hampshire County Council's Memberships, Bookings and Electronic Point of Sale system (EPOS). The procedure identified is regulation 32, the negotiated procedure without prior publication that requires Executive Member approval in line with Contract Standing Orders (CSO) where the procurement has a value over £1 Million.
2. **Recommendation**
  - 2.1. That the Executive Member for Policy and Resource approve this report and confidential appendix, in the use of regulation 32, the negotiated procedure without prior publication for Memberships, Bookings and Electronic Point of Sale system (EPOS).

#### Executive Summary

3. This report presents the following procurement in accordance with the County Council's Contract Standing Orders and Constitution.
  - 3.1. The County Council's Contract Standing Orders (CSO) requires that the procurement of a Contract (not including a Framework Agreement) is subject to the approval of the relevant decision maker who has the authority to give approval for the relevant expenditure under the Constitution.

- 3.2. Due to the value of the call off Contract identified in this report, Hampshire County Council's Contract Standing orders require an approval for the use of the regulation 32, procurement process, where the estimated value of the contract is £1 Million or greater then approval of the Executive Member shall be sought for the use of the negotiated procedure without prior publication.

### **Contextual information**

#### **4. Memberships, Bookings and Electronic Point of Sale**

Culture, Communities and Business Services (CCBS) require a software solution for membership, bookings and electronic point of sale (EPOS) system from May 2019.

Approval to spend was given on the 25<sup>th</sup> April at the Executive Member Decision Day.

The project went out to open tender under the Public Contract Regulation 2015, but unfortunately failed to receive any suitable tenders as all of the bidders requested different small amendments to be made which were not allowable at that time. A decision was made to explore the use of Regulation 32 of the Public Contract Regulation (Negotiation without Prior Publication) in order to meet the requirements of the service and negotiate with the supply market in order to identify the most suitable supplier to meet the services requirements.

Background and further legal context has been provided for this procurement in the Confidential Appendix.

### **Consultation and Equalities**

5. This report seeks approval for the use of a specific procurement procedure within The Public Contract Regulations 2015, regulation 32 and no negative equality impacts have been identified that would impact on individuals or groups of individuals that have protected characteristics within Section 149 of the Equality Act 2010, either in the procedure being pursued and the organisations that will be negotiated with.

Background and the Equality Impact Assessment report can be found in the attached EIA Appendix.

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	yes
<b>People in Hampshire live safe, healthy and independent lives:</b>	yes
<b>People in Hampshire enjoy a rich and diverse environment:</b>	yes
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	yes

**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

## **EQUALITIES IMPACT ASSESSMENT:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

### **2. Equalities Impact Assessment:**

See guidance at <http://intranet.hants.gov.uk/equality/equality-assessments.htm>

Insert in full your **Equality Statement** which will either state:

The Electronic Point of Sale system proposal will have a low or no impact on groups with protected characteristics and further background and the Equality Impact Assessment report can be found in the attached EIA Appendix.