

# OFFICER DECISION NOTICE



**Reading**  
Borough Council

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This notice is to be used for the following types of officer decisions. (Select one option).

A. Decisions taken by officers under a specific express delegation from Council or a Committee.

B. Decisions taken by officers under a general delegation from Council or a Committee, which relates to (i) a permission or a licence, or (ii) the rights of an individual, or (iii) a contract or expenditure over which materially affects that relevant local government body's financial position.

|                          |  |
|--------------------------|--|
| 1. Title of decision:    | New Directions College MIS System Contract Award |
| 2. Date of the decision: | 12 May 2023                                      |
| 3. The decision maker:   | Donna Pentelow                                   |

## 4. Decision details:

**It is the decision of the Assistant Director of Culture to award a service contract to ESS for the provision of a database (Unit E) for the purposes of completing AEB funding returns, this is a operational business decision.**

## 5. Reasons for the decision:

The proposed option is to enter into a three year contract with ESS using the new [Framework Y2011](#) and make a direct award.

The Framework agreement allows the Direct Award of a contract

In accordance with Regulation 33(8)(a) of the Public Contracts Regulations 2015 (PCR 2015), direct award orders may be placed under this framework agreement provided the customer can meet any **one** of the following objective conditions:

1. Customer is satisfied that, following their own due diligence, they can identify the supplier that offers best value for their requirement
2. The supplier is able to supply the required goods/services within the customers timescales
3. The supplier scored the highest mark for price/quality in the framework agreement evaluation
4. Goods/services required are unique/exclusive to one vendor/supplier
5. Continuity of existing goods/services from an awarded supplier

This contract would 'qualify' under items 1, 2, 4 and 5. The due diligence that the council undertook in 2020, when the first contract was awarded is still relevant. The alternative suppliers in the market have not materially altered their offerings and the offering from ESS has now been adapted and integrated into the working practices of the College.

The council sees no material benefit in further market testing that would only involve further costs and be unlikely to affect the decision to continue with the ESS system. The implementation of any other system would also see the College involved in significant additional work which could conflict with emerging operational and changing funding requirements over the next two years.

The council is proposing a 3 year contract.

**6. Alternative options considered (if any) and rejected:**

The marketplace is limited. Based on knowledge from 150 local authority Adult Education services (HOLEX network) the marketplace consists of just 7 providers.

For the reasons set out above, the Council has decided that the ESS system best meets the current and future operational needs and that the investment outlined by ESS in the development of its Core system is very much aligned with the College's strategic goals and will be able to support growth plans for the College alongside the complexities of the funding landscape.

**7. List of open Background Papers:**

Briefing paper.

**8. List of confidential or exempt Background Papers:**

ESS pricing proposal.

**9. Any other matters taken into consideration:**

|   |  |
|---|--|
| <input type="checkbox"/> Legitimate expectation of consultation | <input type="checkbox"/> Procedural requirements         |
| <input type="checkbox"/> Public Health implications             | <input type="checkbox"/> Environmental or Climate Change |
| <input type="checkbox"/> Health and Safety                      | <input type="checkbox"/> Risk Management implications    |
| <input type="checkbox"/> Transparency of Information (FOI etc)  | <input type="checkbox"/> Privacy Impact Assessments      |
| <input type="checkbox"/> Human Rights Act Duties                | <input type="checkbox"/> Equality Impact Assessment      |
| <input type="checkbox"/> Corporate Parenting                    | <input type="checkbox"/> Community Safety                |
| <input type="checkbox"/> Regulatory duties                      | <input type="checkbox"/> EU withdrawal                   |
| <input type="checkbox"/> Armed Forces Covenant                  | <input type="checkbox"/> Other                           |

**Details of the matters taken into account:**

**10. Legal considerations**

Legal (Nirender Clayton) has reviewed the framework and terms of the contract and has advised they are happy to proceed.

**11. Financial considerations**

Finance (Stephen MacDonald) has reviewed the financial implications. The awarding of a 3 year contract is material with the total cost over the 3 years being £180,513.76. The net cost of the decision can be funded from New Directions College (3340) service budget.

**12. Internal consultations**

Procurement (Isabella Robson) gave advice on the KCC Framework and criteria for the direct award.

Sections 13- 18: To be completed only for Decision A (express delegation from a Committee)

|   |                               |
|---|-------------------------------|
| <b>13. The name of the Committee:</b>   |                               |
| <b>14. Date of the meeting:</b>   | Click or tap to enter a date. |
| <b>15. Minute number:</b>   |                               |
| <b>16. The delegation given by the Committee:</b>   |                               |
| <b>17. The name of any member of the committee who declared a conflict of interest in relation to the decision:</b>                   |                               |
| <b>18. Any councillor or officer required to be consulted prior to the exercise of this delegation and details of their response.</b> |                               |