

**ESSEX POLICE, FIRE AND CRIME COMMISSIONER**  
**FIRE & RESCUE AUTHORITY**  
Essex County Fire & Rescue Service



<b>Meeting</b>	<b>Performance &amp; Resources Board</b>	Agenda Item	8
<b>Meeting Date</b>	31 <sup>st</sup> January 2020	Report Number	
<b>Report Author:</b>	Karl Edwards / Neil Cross		
<b>Presented By</b>	Karl Edwards		
<b>Subject</b>	<b>Single Tender Actions</b>		
<b>Type of Report:</b>	Information		

## **RECOMMENDATIONS**

Members of P&R Board are asked to acknowledge a new approach to be taken by ECFRS in relation to Single Tender Actions.

## **BACKGROUND**

The importance of securing value for money through sound procurement is essential across the public sector. It is Government policy that public sector organisations should acquire goods and services through fair and open competition, as this is considered the best way to secure value for money and ensure propriety and regularity.

However, competition is not the only way to demonstrate value for money and there may be situations where it is more appropriate to approach a single provider through the use of a single tender action. Standing Financial Regulations allow for such actions but are clear that they 'should be the exception'.

ECFRS Audit Committee have raised a concern in the use of single tender actions, and this has prompted us to produce the considerations below with the aim of supporting Audit Committee members in their scrutiny and challenge of the use of single tender actions.

### **May indicate a single tender action is appropriate:**

- The service/good is follow-up work where a provider has already undertaken initial work in the same area (and where the initial work was awarded from open competition);
- There is a compatibility issue which needs to be met eg, specific equipment required, or compliance with a warranty cover clause;
- There is genuinely only one provider;
- There is a need to retain a particular contractor for real business continuity issues (not just preferences).

## **May indicate a single tender action is inappropriate:**

- The market is competitive;
- There are no factors suggesting this would secure value for money;
- The single tender action is driven more by time pressure than value-for-money considerations.
- There is pressure to spend monies late in the financial year;
- There is familiarity/a relationship with the supplier;
- There are ongoing single tender actions with one specific supplier;
- The contract value exceeds EU procurement thresholds.

## **OPTIONS AND ANALYSIS**

All single tender actions are now tracked across the service and appropriately challenged where required. Any single tender actions require completion of a new standard document which details the justification. This is reviewed and signed off in line with our purchasing limits.

Further to this ECFRS is widening the knowledge of procurement rules within the organisation with presentation workshops being delivered by the procurement team. The objective is to ensure that the business is compliant and understanding of the rules associated with procurement.

It is intended that all future single tender actions will be presented at P&R Board for awareness/discussion and scrutiny prior to Audit Committee.

## **BENEFITS AND RISK IMPLICATIONS**

The benefit is maintained compliance with financial and procurement regulations. It also ensures that there is a competitive tender process that ensure value for money and is transparent.

The risk of not adhering to this compliance is potential legal action against ECFRS. It should however be recognised that there are examples where single tender actions are required and appropriate (as outlined above). These are assessed on the new single tender forms.

## **FINANCIAL IMPLICATIONS**

As above

## **EQUALITY AND DIVERSITY IMPLICATIONS**

Not Applicable

## **WORKFORCE ENGAGEMENT**

ECFRS is actively engaging with the workforce to ensure that they have an understanding of the procurement regulations.

**LEGAL IMPLICATIONS**

Potential risk of non-compliance and open to challenge from other suppliers.

**HEALTH AND SAFETY IMPLICATIONS**

Not Applicable