

Committee(s): Establishment Committee – <i>for decision</i> Finance Committee – <i>for decision</i> Projects Sub Committee – <i>for decision</i>	Dated: 3 December 2021 7 December 2021 15 December 2021
Subject: CLS Pilot extension: Procurement & Projects	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	1, 5, 6, 7, 8, 9, 10, 12
Does this proposal require extra revenue and/or capital spending?	Y/N
If so, how much?	£
What is the source of Funding?	
Has this Funding Source been agreed with the Chamberlain’s Department?	Y/N
Report of: TOM Programme Director	For Decision
Report author: Emma Cunnington (TOM Programme Team), Darran Reid (Procurement) & Pete Collinson (City Surveyors)	

Summary

Recommendations

Members of the Establishment Committee are asked to:

- Note the success of the City of London School pilot to date in improving ways of working and the relationship with an institution (i.e. the City of London School) with the corporate centre.
- Note that the Establishment Committee have already agreed to the extension of the pilot with regards to the HR proposals.
- Agree that the pilot be extended in terms of changes in delegations for Procurement and Projects (as detailed below) to other institutions and departments of the City of London Corporation, where applicable, until July 2022 with an evaluation report .

Members of the Finance Committee are asked to:

- Agree that the following pilot proposals be extended to the City of London School for Girls and the City of London Freeman’s School:-
 - The authority to run non-works procurements in accordance with the City of London Procurement Code up to the Find a Tender Service (FTS) threshold, currently £189,330.00 be devolved to the City of London School with the option of drawing on the centre procurement team to advise and provide support to the procurement process where necessary.
 - Non-works procurements up to £300k, may also have more freedom over procurement strategy and options, depending on applicability of UK

Public Contracts Regulations (PCR 2015) and acting always in accordance with the City of London Procurement Code. Agreement on process and lead will be made between City Procurement and the business.

Members of the Projects Sub Committee are asked to:

- Agree that the following pilot proposals be extended to all departments and institutions within the City of London Corporation family:-
 - The delegation in relation to development, refurbishment and revenue programme schemes be increased from a total project cost (including works, fees and staff costs) of £250,000 to £1,000,000 in line with the recommended changes to the Gateway process.
 - Chief Officers, in consultation with the City Surveyor, approve schemes for maintenance or refurbishment of up to £1,000,000 per scheme.

Main Report

Background

1. The Target Operating Model (TOM) provides an opportunity for the City of London Corporation to update and simplify, to enable us to be radical, more agile and proactive to withstand both internal and external challenges. Whilst the TOM is intended to revise the organisational structure and deliver significant financial savings to achieve a balanced Medium-Term Financial Plan, it also creates an opportunity to look at how all departments and institutions can benefit from working closely together and staying connected so that – as a whole - we can be greater than the sum of our parts. To help identify opportunities to reengineer processes and ways of working across the whole organisation, officers have been carrying out a pilot within the City of London School with the aim of removing barriers to collaboration, causes of friction, inertia and non-value adding activity.
2. At the Establishment Committee meeting on 15 October 2021, Members agreed that the HR delegations in the pilot be extended out to all City of London Corporation departments and institutions in November 2021 until the end of July 2022. The specific proposals were related to:
 - a. starting point for external appointments
 - b. the starting point for internal acting ups into higher level positions;
 - c. incremental progression - additional awards where there is a justified business case, e.g. as a recognition of examination success related to the post and agreed as a development requirement;
 - d. honoraria payments up to the value of £2,500
 - e. a temporary amendment to the delegations of the MFS Board to approve all requests for honoraria payments between £2,500 and £7,500 regardless of grade
 - f. all requests for honoraria payments proposed by Chief Officers over £7,500 to be considered by the MFS Board and recommended to Establishment Committee for its agreement.

A report will be submitted to the Establishment Committee with a full evaluation of these proposals and any resulting recommendations in September 2022.

3. Whilst originally, the pilot's proposals concerning procurement and projects process for the annual maintenance programme were due to be evaluated in Spring 2021 on the effect it had had on the School, looking at evidence that the changes in process and delegation created value for both the School and the Procurement team and City Surveyors, Members made clear at the Establishment Committee meeting in October 2021, that they wanted the proposals to be extended to other appropriate departments and institutions much more quickly.
4. Therefore, this paper is now before Members to decide whether they wish to extend the pilot proposals relating to these two areas to all relevant departments and institutions. Specifically, the proposals relating to Procurement and City Surveyors are as follows:-

Annual maintenance programme

- the delegation in relation to development, refurbishment and revenue programme schemes, being funded by the City of London School's ring-fenced maintenance budget, be increased from a total project cost (including works, fees and staff costs) of £250,000 to £1,000,000 in line with the recommended changes to the Gateway process.
- the Head of the City of London School in consultation with the City Surveyor to approve schemes for maintenance or refurbishment of up to £1,000,000 per scheme, where funding is from the School's ring fenced repairs and maintenance fund.

Procurement

- the authority to run non-works procurements up to £189,330 be devolved to the City of London School with the option of drawing on the central procurement team to advise and provide support to the procurement process where necessary;
- Non-works procurements above up to £300k, may also have more freedom over procurement strategy and options, depending on applicability of UK procurement regulation. Agreement on process and lead will be made between City Procurement and the School.

Current Position

5. At time of writing, there is no hard evidence that the City of London School pilot proposals relating to procurement and the annual maintenance programme, have had a positive or negative effect on the aim of removing barriers to collaboration, causes of friction, inertia and non-value adding activity.

Annual Maintenance Programme

6. Therefore, it cannot be determined whether these pilot proposals have been deemed successful or not / there is evidence to suggest that these proposals are successful.

7. However, it is anticipated that these proposals will, in due course, reap rewards. As set out at the beginning of this pilot, the proposals concerning the annual maintenance programme aim to limit costs of work, specifically:
 - a. Consultant costs may not be required (or be vastly reduced) as works could be planned within the normal workloads of the City Surveyor's Department.
 - b. Smaller packages of cyclical work would be removed from the scheme and delivered separately as traditional cyclical works by the City's term contractors, e.g. those under £250k and could be carried out in other term times or out of hours. To use the example of the 2019/20 programme, electrical works and mechanical works could be delivered by others, therefore reducing the overall package to less than £1 million.

Procurement

8. In terms of procurement proposals, the School have not yet needed to use the extended delegations and so it cannot be determined whether these pilot proposals have been deemed successful or not.
9. In addition, as also set out at the beginning of the pilot, the proposals have a number of benefits including:
 - a. Increase the speed of procurements from an estimated 2-16 weeks to 1-4 weeks for 50% of procurements at City of London School
 - b. Reduce the operational risk by ensuring the School is able to respond with pace and agility to acquire basic products and services required to sustain normal operations on a timely basis
 - c. Reduce non-value adding time currently required to: (a) follow more complex procurement processes for straightforward, low risk procurements; (b) address gaps/issues caused by extended procurement timelines. (Estimated reduction 10+ hrs per month)
 - d. Reduce cost of service provision by agreeing contracts which align with the School's needs and timetables
 - e. Increase ownership in requirements definition by making the School accountable for making the right choice
 - f. Improve the alignment of service provision with the Schools' requirements
 - g. Allow Procurement to trial, iterate and build support for their future support service model for institutions on a small scale, before rolling out to any other relevant departments or institutions
 - h. This would also provide an opportunity to apply and trial the principle of empowerment in the Target Operating Model.
10. It should be noted that the City of London School was able to trial these procurement proposals due to the special nature of the fact that the City of London Corporation is the proprietor of the School acting in its general corporate capacity, and their property is held as part of the City's Estate. The costs attributable to the running of the School are met from parents' fees and are otherwise funded from the City Corporation's own funds, City's Cash. The City Corporation is not acting in its capacity as a local authority as proprietor of any of the three independent Schools, which are classified under the Education Acts as being within the Independent sector.

11. Any department or institution that is funded by City's Fund, in part or in whole, may not be able to trial these procurement proposals due to the requirements of the OJEU tendering regulations ensuring that procurements financed by public money raised from taxes are fair, transparent and offer value for money to the taxpayer.

Options

Option 1 – Continue to pilot the Procurement and City Surveyor's proposals within the City of London School alone until July 2022

12. One option could be to continue to pilot the proposals locally within the City of London School until July 2022 to collect data and evidence to inform Members on the decision that could be taken in the future regarding rolling out the proposals permanently.
13. Whilst this would give more specific information to help decide whether these are the right set of proposals, it could mean that the benefits are not realised until much later than they could have been.
14. This option also opposes the Member direction from the Establishment Committee to move forward at pace.

Option 2 – Extend the pilot of the Procurement and City Surveyor's proposals to the City of London School for Girls and the City of London Freeman's School now until July 2022

15. Another option could be to only extend the pilot to the three independent Schools now until July 2022 as all three Schools have similar needs as an institution of the City of London Corporation.
16. Again, this could mean that the benefits from these proposals are not realised by other parts of the organisation until much later than they could have been. It would also mean that there would be no information or data collected on how these proposals impact other departments and institutions who may have different needs and requirements than the Independent Schools.

Option 3 – Extend the pilot proposals relating to the City Surveyor to all departments and institutions within the City of London Corporation family and the pilot proposals relating to Procurement to the City of London School for Girls and the City of London Freeman's School, and any other department or institution which is not funded by City's Fund and therefore not subject to OJEU regulations (RECOMMENDED)

17. The recommended option is that the pilot proposals are rolled out to all departments and institutions – where applicable – to allow for full testing of the proposals in all areas of the City of London Corporation. This would help inform the evaluation of the pilot after it has ended in July 2022, and allow Members to make a decision as to whether the proposals are rolled out permanently in September 2022 or not.

Proposals

Annual Maintenance Programme

18. It is now proposed that the delegation in relation to development, refurbishment and revenue programme schemes, being funded by departmental or institutional ring-fenced maintenance budgets, be increased from a total project cost (including works, fees and staff costs) of £250,000 to £1,000,000 in line with the recommended changes to the Gateway process. This higher number is to reflect the fact that the annual works package of circa £1m is usually let to a single contractor to facilitate ease of delivery. Combining a number of minor projects into one procurement means it has the characteristics of a single project and therefore would need to go through the gateway process because of its cost.
19. This proposal requests a delegated authority approach like that of the Investment Property Group that was adopted in May 2019. This enables projects up to £1,000,000 to progress outside of the Gateway process with delegated authority given to the City Surveyor to agree the process documentation.
20. It should be noted that:
- a. For all projects, the Chamberlain must be consulted to confirm that funding is available for any proposed budget before the project could proceed and City Procurement would continue to be consulted, as appropriate, on procurement issues (including the completion of the relevant procurement documentation/ form).
 - b. Should the estimated cost of a project increase to over £1,000,000, the project would revert to the gateway approval process.
 - c. Appropriate process documentation must be used for these projects, albeit some may be combined where considered appropriate. In this context, any issues arising would be approved by the City Surveyor subject to consultation with the Chamberlain on financial matters.
21. In addition, it is proposed that the scheme of delegations be updated to allow for the departmental Chief Officer or Head of Institution, in consultation with the City Surveyor, to:-
- approve schemes for maintenance or refurbishment of up to £1,000,000 per scheme, with funding from appropriate sources agreed with the Chamberlain.
22. The routine cyclical maintenance projects carried out are often smaller packages of work grouped together to create a larger project. If the above proposal is agreed, the works would be, if appropriate, tendered via the new City Frameworks for building fabric and mechanical and electrical projects between £250,000 and £1,000,000. Any works outside the City Framework would be tendered via City Procurement.

Procurement

23. It is now proposed that a devolved process be extended to be piloted by all three Independent Schools and any other department or institution which is not subject to OJEU regulations, to allow:-
- a. The authority to run procurements up to £180k be devolved to the department or institution with the option of drawing on the central procurement team to advise and provide support to the procurement process where necessary;
 - b. Procurements above £180k up to £300k may also have more freedom over procurement process, depending on applicability of UK procurement regulation. Agreement on process and lead will be made between City Procurement and the department or institution. The proposed procurement approach within the (£180-330K spend bracket)) will be considered in a short options report (PT3) by the Chair of the relevant Category Board.
24. It is also proposed that:-
- a. In line with the City Surveyor's Integrated Facilities Management model, in relation to core property services that are delivered from the centre, the department or institution's specific requirements will be included in the specification for the appropriate LOT. The department or institution will be consulted in choosing the supplier (i.e. for specialist services whether these should be delivered in-house or via external contracts) and the provider of core services. This will be considered by the City Surveyor when making the decision on the supplier.
25. Please note that the intention would not be for any department or institution to exit existing Corporation contracts early, but rather investigate options alongside scheduled contract renewals with the aim of being ready with options for comparison. The specific needs of each department or institution will actively be fed into the requirements for corporate contracts and agreed at Category Board. If the department or institution felt that their requirements are not being listened to, this would be escalated to their Board or Service Committee and the Procurement Sub Committee.
26. It is also proposed that City Corporation procurement policies (such as London Living Wage, Diversity, Responsible Procurement) continue to be applied to the all procurement processes despite further empowerment to choose the service and supplier. Departments and institutions would work with the Responsible Procurement Manager to put processes in place (e.g. training, checklist) to ensure compliance of these policies during the pilot. IT policies would also be adhered to for relevant Digital and IT procurements.
27. If the above proposal is agreed, it is also proposed that a new regular report be prepared to provide an annual update of procurements to the Procurement Sub Committee.
28. As within current practices, it will be important for the City Corporation to maintain 'good governance' of procurements. Within this proposal, departments and institutions would use the Procurement Authorisation Report for all tenders up to £300k which will allow for City Procurement to keep records, and departments and institutions will also ensure they keep records of bids and decisions.

29. It is intended that these proposals be piloted for eight months (until July 2022) before assessing whether this new way of working is successful in a paper to the Establishment Committee.

Corporate & Strategic Implications

Strategic implications

30. This pilot is part of the wider Target Operating Model programme to assess the organisation's agility to removing barriers to collaboration, causes of friction, inertia and non-value adding activity. If this proposal is approved, it will be continually assessed and reviewed and, if successful, a further proposal will be reported to the relevant committees (including this Sub-Committee) to allow for a further rollout of the new process to other relevant institutions and departments.

31. This proposal meets the objectives of the City Corporation's Corporate Plan – in particular objectives 1, 5, 6, 7, 8, 9, 10 and 12.

Financial implications

32. If these proposals are agreed, it is estimated that there would be reduced costs as contracts would be agreed which align with the School's needs and timetables.

33. In agreeing to the proposed change in the governance arrangements for works projects, Members should assure themselves that the new arrangement will ensure value for money continues to be achieved for these works and that there will be no adverse impact on the level of income generation, e.g. school fees that need to be charged.

Resource implications

34. If agreed, it is estimated that there would be a shift in resource required to manage the approvals process.

Legal implications

35. The initiative to empower the departments and institutions to allow greater flexibility in terms of projects and procurement choices is one which will have legal implications, with the emphasis shifting to the departments and institutions directly and its governance arrangements. As far as the wider procurement arena is concerned, strategic choices will continue to be made in accordance with the framework of the School's governance and with the support, where required, of the City Procurement team. It is anticipated that certain areas of procurement spend (e.g. works procurement characterised as buildings repairs and maintenance and certain "hard" and "soft" FM services) will continue to be addressed on a corporative basis as is currently the case.

Risk implications

36. Without sufficient expertise, there is a risk that some contracts could be commercially disadvantageous, particularly in specialist areas such as IT.

Equalities implications

37. The proposals within this report do not have any impact (positive or negative) on people protected by the Public Sector Equality Duty 2010 – age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.

38. The proposals ask that the agreed City Corporation procurement policies on diversity continue to be applied to procurements even though these are devolved.

Climate implications

39. The proposals ask that the agreed City Corporation procurement policies on carbon reporting and reduction continue to be applied to procurements even though these are devolved.

Security implications

40. None.

Conclusion

41.

Appendices

- Appendix 1 – List or write ‘None’

Background Papers

[Provide details of previous reports to Committee on this subject] **This section can be deleted if there are none.**

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