

Agenda Item

Executive Board

6 August 2008

RP



Exemption from Contract Standing Orders to use the Catalist legal services framework agreement

Summary

The report proposes that more flexible use be made of the government Catalist framework [part of the Office of Government Commerce (OGC) Buying Solutions] for quicker, cheaper and cost effective tendering.

Recommendation

That the Catalist framework procedures be endorsed as an acceptable alternative to the existing procedure in contract standing order 1.47 when appointing legal consultants

a) Reasons for Recommendation

To be able to procure resources quickly and cost effectively.

b) Alternative Options

Not to agree the proposal.

c) Risk Considerations

The Catalist scheme gives direct access to below market rates fixed for several years.

d) Policy and Budgetary Considerations

Framework agreements offer the opportunity for efficiency savings. It is possible to negotiate special local authority rates outside the Catalist arrangements but Catalist offers savings through the collective purchasing power of local authorities.

e) Date for Review of Decision

When the current framework agreement ends in approximately three years.

1. The Catalist framework (part of Office of Government Commerce (OGC) Buying Solutions).

This provides access to the details of legal firms which have been vetted and selected through the Treasury Solicitor's procedures as providing value for money and appropriate skill levels. The types of legal work are divided into different 'Lots', for example, construction, property and estates, and commercial. Local authorities may obtain a password and compare the rates on offer to public authorities from individual firms of solicitors, for the various types of work. The rates are significantly cheaper than open market rates and provide a means of bench-marking legal costs. Rates are only available to local authorities to view, not the firms of solicitors. Frameworks are available to local authorities for a large range of goods and services, and this authority already makes use of them.

2. Each local authority may then select a provider and agree the detail of the services to be provided. An order is then placed under the Catalist framework. Alternatively, if the local authority considers a further competition is necessary to choose between several firms of solicitors on the government list, it may choose to hold a further competitive evaluation

process. Which approach is adopted will depend on the nature of the contract concerned, including its value. This contrasts with the requirement under contract standing orders to invite three written quotations where the estimated fee is over £5000, when Catalist permits the identification of a single firm where appropriate.

3. This approach is very flexible because it minimises time and bureaucracy and costs. The other major advantage of using the Catalist framework is that the process complies with European Procurement requirements. There would be no additional requirement to advertise a contract which is over European procurement levels, because the initial vetting and selection of a panel of possible firms has been done through the framework process.
4. Currently urgent outsourcing is required of a range of property and planning related work in Exmouth. Officers would like to use Catalist to appoint a firm recently shortlisted and interviewed for another similar project without having to carry out the alternative of a full procurement exercise again, which would involve seeking three written quotations, as required under contract standing orders. The Catalist process provides an acceptable alternative to this, and requires standard contract documentation to be completed. The Corporate Director is keen to get consultant solicitors appointed as soon as possible. This approach has been discussed with the Strategic Planning and Regeneration and Economy portfolio holders who felt it offered good value for money.
5. Agreement is therefore sought to the use of the Catalist framework as a more flexible alternative to existing procedures. Catalist procedures include detailed requirements as to professional indemnity insurance. I am satisfied it offers an appropriate alternative. Catalist is one option open to the Council. It does not prevent negotiation with firms of solicitors who have chosen not to be on the list but who are otherwise suitably qualified and willing to offer competitive rates.
6. Officers also plan to explore the use of Catalist frameworks through the procurement group with a view to making better use of them, and further savings, across the council. This process will include internal audit, finance, Overview and the Audit and Governance Committee if major changes are proposed.

Legal Implications

Included

Financial Implications

No financial implications at this stage

Consultation on Reports to the Executive

Consultation with two portfolio holders.

Background Papers

- Catalist Legal services Client Guidance
- Catalist Legal services Framework Agreement

Rachel Pocock
Head of Legal, Licensing and Democratic Services

Executive Board
6 August 2008

The Vice-Chairman of the Committee to move the following:-

“that under Section 100(A)(4) of the Local Government Act 1972, the public (including the press) be excluded from the meeting as exempt information, of the description(s) set out on the agenda is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B).”