



**Author/Lead Officer of Report:** (*Tom Hurd – Procurement and Supply Chain Specialist*)

**Tel:** 07584617301

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**Report of:** *Tom Hurd, Procurement and Supply Chain Specialist*  
**Report to:** *Eugene Walker, Executive Director of Resources*  
**Date of Decision:** *6<sup>th</sup> December 2021*  
**Subject:** *Procurement of Supply of Workwear and Protective Clothing Contract*

Is this a Key Decision? If Yes, reason Key Decision:-	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
- Expenditure and/or savings over £500,000		<input checked="" type="checkbox"/>		
- Affects 2 or more Wards		<input checked="" type="checkbox"/>		
Which Executive Member Portfolio does this relate to? Finance and Resources				
Which Scrutiny and Policy Development Committee does this relate to? ( <b>Overview and Scrutiny Management Committee</b> )				
Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? ( <i>Ref: 978</i> )				
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<i>“The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”</i>				

**Purpose of Report:**

*We are seeking approval to conduct a new tender process for the supply of workwear and protective clothing. Based on the spend from financial year 2020-2021 of £1,066,519 we are required by the Public Contract Regulations 2015 to perform a competitive procurement process via an open Find a Tender (FTS) procedure. The items that are being procured are regarded as commonly recurring items for the purpose of seeking approval under the Council's Leaders Scheme of Delegation.*

**Recommendations:**

*It is recommended that Executive Director of Resources:*

- Approves the proposed procurement outlined in this report for a new contract of workwear and protective clothing to Sheffield City Council.*
- Following the conclusion of the proposed procurement, approves the 4-year contract being awarded to the organisation submitting the most economically advantageous tender.*

**Background Papers:**



Supply of Workwear and Protective Clothir

Lead Officer to complete:-	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: Kayleigh Inman
	Legal: Gemma Day
	Equalities: Adele Robinson

	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>EMT member who approved submission:</b>	<i>Eugene Walker</i>
3	<b>Executive Member consulted:</b>	<i>Cllr Cate McDonald</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<b>Lead Officer Name:</b> <i>Tom Hurd</i>	<b>Job Title:</b> <i>Procurement and Supply Chain Specialist</i>
	<b>Date: 04/11/2021</b>	

## **1. PROPOSAL**

- 1.1 Our current contract for the supply of workwear and protective clothing with Arden Winch & Co Ltd is due to expire on the 31<sup>st</sup> March 2022. Taking data from our Integra Finance System, spend with this supplier on workwear and protective clothing between 1<sup>st</sup> April 2020 and 31<sup>st</sup> March 2021 is £1,066,519 with products being ordered from many services and portfolios across the Council including Parks and Countryside, Facilities Management, Parking Services, Transport Services, Bereavement Services and Housing.
- 1.2 The service areas listed above will have representatives assisting on the specification of our services and evaluation of the bidder's responses in order to ensure that we have the best supplier for our requirements.
- 1.3 The creation of cost savings is an aim of this project. By retendering the service, we have the opportunity to fully appraise the market, promote commercial competition and re-evaluate the items we are purchasing. A list of Core and Non-core items will be created to help us to differentiate which products are required as a minimum. Non-core items will then be purchased at the relevant service area's discretion.
- 1.4 Based on the level of spend with the current supplier and the continued requirement of workwear and protective clothing, we are legally obliged to re-tender this service in accordance with the Public Contract Regulations 2015. We are proposing to retender this contract via an Open Find a Tender Service (FTS) procedure which replaced OJEU upon the completion of the UK exiting the European Union.
- 1.5 There is an opportunity for Sheffield based companies to take part in this procurement activity which will have a positive impact on our local economy should they become successful.
- 1.6 This procurement activity will look to award a contract for a 4-year basis with an estimated contract value of around £4m based on the level of spend on the current contract.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

- 2.1 There is a continued requirement of workwear and protective clothing as it is required by many services across the Council in order for their staff to perform their roles in a safe and secure way.
- 2.2 As mentioned above, suppliers within Sheffield and the wider City Region will have the opportunity to compete in the proposed procurement activity. This will have a positive impact on our local economy should they become successful.

- 2.3 As part of the Council's [Ethical Procurement Policy](#), all tenders published now include Social Value and Local Economic Impact which both aim to reduce inequalities.
- 2.4 As part of bids received from suppliers, there may be an opportunity for Sheffield City Council to explore workwear which is created by recycled materials/sustainable textiles. These products will not be excluded and will be fully evaluated on price and quality.

### **3. HAS THERE BEEN ANY CONSULTATION?**

- 3.1 Several service areas within the Council are aware that the contract with Arden Winch & Co Ltd is expiring on the 31<sup>st</sup> March 2022 and will be assisting on the creation of a specification and the evaluation of submitted bids.

### **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

#### 4.1 Equality of Opportunity Implications

- 4.1.1 Not Applicable

#### 4.2 Financial and Commercial Implications

- 4.2.1 Service areas who purchase workwear on a regular basis will have an annual budget assigned for this purpose. Spend will need to be managed within these existing budgets.
- 4.2.2 This procurement activity will look to award a contract for a 4-year basis with an estimated contract value of around £4m based on the level of spend on the current contract. This level of spend will not however, be guaranteed with any successful supplier.
- 4.2.3 A compliant route to market in accordance with Public Contract Regulations 2015 must be sought. Should this not be achieved, the Council is subject to legal challenge from suppliers.

#### 4.3 Legal Implications

- 4.3.1 In accordance with the Personal Protective Equipment at Work Regulations 1992, employers have a duty to providing their employees with suitable personal protective equipment in order for them to carry out their roles in a safe and secure way. This procurement and any contracts that are awarded will enable the Council to meet these obligations.

- 4.3.2 As mentioned above, due to the current level of spend and estimated value of the new contract, the procurement and contract award processes to be followed will be subject to and must comply with the

Public Contracts Regulations 2015.

- 4.3.3 The procurement process and any contract awards must also be undertaken in accordance with all relevant provisions of the Council's Constitution including its Contracts Standing Orders.

- 4.3.4 Successful suppliers chosen by the Council following a compliant procurement process will be required to enter into formal written legal contracts with the Council.

#### 4.4 Other Implications

- 4.4.1 Not Applicable

### 5. **ALTERNATIVE OPTIONS CONSIDERED**

We have two alternative options as part of this procurement:

#### 5.1 **Option 1 - Sheffield City Council does not conduct a procurement process**

Once the contract with Arden Winch & Co Ltd expires on the 31<sup>st</sup> March 2022, there is an option to do nothing. This would leave service areas without a contract to call off from and would force them to source products themselves. Not only would this lead to multiple suppliers providing the same products, non-compliance with the Council's standing orders could possibly land us with some significant freedom of information requests and legal challenge.

#### 5.2 **Option 2 - Procurement via frameworks**

We have considered making use of procurement frameworks to call off and direct award on such as the Yorkshire Purchasing Organisation's (YPO) Workwear and PPE framework (ref 1022). Whilst the incumbent is a supplier on the framework and we can award the contract up to 4 years as desired, it removes the opportunity for local companies in Sheffield and the City Region and possibly reduce our carbon footprint.

### 6. **REASONS FOR RECOMMENDATIONS**

- 6.1 Due to the spend in financial year 2020-2021 being over £1m, Public Contract Regulations 2015 and the Council's Standing Orders state that we must run a competitive tender via the Find a Tender Service (FTS) procedure.

- 6.2 It is therefore recommended that we run an open FTS procedure which will be compliant with both Public Contract Regulations 2015 and the

Council's Contract Standing Orders.