

Central Bedfordshire Council

Executive

5 December 2017

Authority to Tender Contract for Coroner Services

Report of: Cllr Richard D Wenham, Deputy Leader and Executive Member for Corporate Resources (richard.wenham@centralbedfordshire.gov.uk)

Responsible Director(s): Charles Warboys, Director of Resources, (charles.warboys@centralbedfordshire.gov.uk)

This report relates to a decision that is Key

Purpose of this report

1. The report proposes that the Executive approve the provision of delegated authority to the Director of Resources, in consultation with the Executive Member for Corporate Resources, to award contracts for two aspects of Coroner Services on behalf of the Bedfordshire and Luton Coroner area following the completion of the EU procurement process.

RECOMMENDATION to Executive: -

1. **that delegated authority be granted to the Director of Resources, in consultation with the Executive Member for Corporate Resources, to award contracts for the delivery of mortuary, pathology and post-mortem services identified within this report in order to meet the required timescales allowing the contracts to be operational at the earliest opportunity; and**
2. **that delegated authority be granted to the Director of Resources, in consultation with the Executive Member for Corporate Resources, to award contracts for the conveyance of bodies as detailed within this report if necessary.**

Background

2. Under specific circumstances, deaths in England must be referred to the local Coroner. This includes violent or unnatural deaths; where the cause is unknown; or where the individual died in police custody or in prison. Whilst the Coroner's office is investigating the death the body must be stored within a mortuary. Local authorities have a statutory responsibility to fund the Coroner and the associated mortuary provision.

3. Central Bedfordshire Council is the lead authority for the Bedfordshire and Luton Coroner Service on behalf of Central Bedfordshire, Bedford Borough and Luton Borough Councils, each of whom contribute to the costs of running the service.
4. The Coroner Service has purchased the majority of services from Bedford Hospital and Luton and Dunstable Hospital for several years. However, the costs for these services increased in 2016/17 compared to the previous year and are expected to increase further in 2017/18. These services are currently not provided through a contract arrangement and the arrangement needs to be regularised.
5. The Council is about to commence an EU procurement process to agree a new contract arrangement for the delivery of these services from providers. These providers could be based either inside or outside the area of Bedfordshire and Luton. The Council already commissions some services, where a particular specialism is required, from outside the immediate area.
6. The Coroner Area also has an existing contract in place for the conveyance of bodies between place of death, hospital mortuaries (should investigation as to cause of death be necessary) and funeral directors. This contract is currently renewed on an annual basis.
7. Whilst a contract is currently in place it is planned to tender this contract in order to agree a new contract arrangement for the delivery of this service, either from providers inside or outside the immediate area.

Proposal/Procurement Strategy

8. The Council will approach the market to secure the following: -
 - Mortuary facilities
 - Post-mortem facilities
 - Pathology services
 - Conveyance of bodies
9. The tender will be allocated on the basis of geographic lots. Tenderers will be invited to bid for any number of lots. The Council has chosen this approach to allow for flexibility and to encourage bidders to bid on lots that are geographically convenient.
10. This is an EU procurement and will follow the open process. Based on current timescales it is anticipated that evaluation of tenders will be completed by end January 2018. This will allow contracts to commence before the end of the financial year.
11. The contracts will be awarded on the basis of the Most Economically Advantageous Tender (MEAT) with 40% of available scores being allocated to resources/quality and 60% to cost.

12. With regard to the conveyance of bodies, whilst the total spend on this service may fall below the threshold required for undertaking a full EU procurement process, it was felt to be prudent to seek delegated authority for the award of a contract should it be necessary. It is also possible that if following the process of retendering the contracts for mortuary, post-mortem and pathology service there are different suppliers for these services it would be necessary to retender this contract due to the changed transport requirements.
13. It is envisaged that should a full tender process be necessary for the conveyance of bodies service this will also be allocated in geographical lots. This tender process will not commence until after the award of the contract for the mortuary, pathology and post-mortem services.

Reasons for decision

14. The Coroner Service has a statutory responsibility to ensure suitable mortuary, post-mortem and pathology services and a contract for conveyance of bodies. The tender of these services will allow the service to meet these statutory obligations. The contract lengths will provide the service with a degree of flexibility and ensure value for money is achieved for these services.
15. Due to the statutory nature of these services and the relatively small value of these contracts it is proposed that their award be delegated to the Director in consultation with the Executive Member. Total spend on these services only falls within the requirement for a full EU procurement process due to the cumulative cost of these contracts over time. Due to the statutory nature of these services and the small numbers of bidders likely to tender for these services the risk to the Council is minimal and therefore it is suggested that it is appropriate for this to be delegated.

Council Priorities

16. The recommendations of this report support Central Bedfordshire in delivering value for money as the procurement will secure the most economically advantageous solutions for the services.

Legal Implications

17. The Coroners and Justice Act 2009 (the 2009 Act) sets out the statutory powers and duties of the Coroner. Under that Act, the Coroner has powers to instruct post mortem examinations to take place and for bodies to be removed for, and in connection with, that purpose.
18. Section 24 of the 2009 Act requires the relevant authority for a coroner area to, inter alia, provide, or secure the provision of, accommodation that is appropriate to the needs of those coroners in carrying out their functions. This duty naturally extends to the provision of mortuary facilities.

19. In delivering this procurement the Council are acting in accordance with EU Procurement Directives and ensure that all procurement activity is conducted in compliance with the Public Contracts Regulations 2015.

Financial and Risk Implications

20. The Council is facing significant financial pressures in the coming years and in light of this it is essential that value for money is a key deliverable of this procurement alongside environmental and performance considerations.

Equalities Implications

21. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. As part of the procurement process, organisations submitting bids will be asked to provide information demonstrating an understanding of equality legislation as it relates to residents and employees.

Conclusion and next Steps

22. Should the recommendations in this report be agreed, once the procurement process has been completed the Council will award the contracts as appropriate. This will allow for the new contracts to be operational at the earliest opportunity and ensure continued services for the Coroner Area.

Appendices

None

Background Papers

None

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