



WEST OXFORDSHIRE
DISTRICT COUNCIL

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| Name and date of Committee | CABINET – 13 OCTOBER 2021 |
| Report Number | Agenda Item 11 |
| Subject | AWARD OF EXTERNAL ENFORCEMENT CONTRACT |
| Wards affected | All |
| Accountable member | Cllr Suzi Coul – Cabinet Member for Finance Email: suzi.coul@westoxon.gov.uk |
| Accountable officer | Mandy Fathers – Business Manager for Operational Support and Enabling Email: mandy.fathers@publicagroup.uk |
| Summary/Purpose | To consider the proposals to award a new Enforcement Agency contract |
| Annexes | Annex A – Tender Evaluation Questions & list of submitted tenders |
| Recommendation(s) | That Cabinet: <i>a) Approves the main contract award for the external provision of enforcement to Supplier A identified within Annex A to this report;</i> <i>b) Approves the secondary contract award for the external provision of enforcement to Supplier F identified within Annex A to this report; and,</i> <i>c) Approves the contract for a three-year period from 1 October 2021 (or a later date dependent on contract completion and sign off), on the terms indicated within this report and with the option to extend the contract for a further two years</i> |
| Corporate priorities | Delivering excellent modern services whilst ensuring financial sustainability of the Council |
| Key Decision | NO |
| Exempt | NO |
| Consultees/ Consultation | Chief Executive, Chief Finance Officer, Monitoring Officer, Interim Head of Legal Services, Group Manager for Resident Services, Cabinet Member |

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| | with responsibility for Finance |
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I. BACKGROUND

- 1.1** The Council's current Enforcement Agent and Debt Collection Services Contract is due to expire on 2 October 2021.
- 1.2** The initial Contract term was for a period of three years with the option to extend for a further two.
- 1.3** The services procured under the Contract was for the collection of debt in respect of:
 - Council Tax
 - Business Rates
 - Parking fines and Penalty Charging Notices (PCN)
 - Housing Benefit Overpayments
 - Sundry Debt
- 1.4** The initial Contract was procured in 2016 in partnership with four other Councils:
 - Cheltenham Borough
 - The Forest of Dean
 - Tewkesbury Borough
 - Cotswold

2. MAIN POINTS

- 2.1** The use of enforcement agents and debt collection agencies is an absolute last resort, but they are an essential resource to have available to ensure that debts due to the Council are paid. Multiple efforts to put in place affordable repayment arrangements are always offered, but these either fall into default and are not resumed or debtors choose to ignore them altogether.
- 2.2** In order to satisfy current legislative requirements in respect of contracting, the Council is required to undertake a tendering exercise to procure Enforcement Agent companies to ensure that continued recovery support is available for those debts detailed within paragraph 1.3 (above).
- 2.3** A tendering exercise was undertaken following a report being submitted and approved by the commissioning Board on 27 May 2021, via a Dynamic Purchasing System (DPS) let by the Yorkshire Purchasing Organisation (YPO) and in partnership with five other Councils:
 - Cheltenham Borough
 - The Forest of Dean
 - Stroud
 - Tewkesbury Borough
 - Cotswold

2.4 The DPS includes 24 Enforcement providers. In respect of this tender, 8 bids were received. The evaluation of these bids involved a two stage process of assessment:

- Stage 1 – suitability assessment, which was a ‘pass’ or ‘fail’;
- Stage 2 – a contract award evaluation criterion, based on a set of questions which was evaluated against the specification requirement

2.5 Annex A (attached) shows details of the contract award evaluation criteria. Responses and method statements were examined by a panel of officers and based upon the bids received, it is recommended that the contract(s) is awarded as follows:

| Contract Lot | Contract Type | Chosen Supplier |
|--------------------------------------|-----------------------------------|-----------------|
| Enforcement Agency Services - 953 | Main Contract | A |
| | Secondary (Recycled Debt) Contact | F |

2.6 The formal tendering process has been timetabled to put in place a new enforcement provision from on or around the expiration of the previous Contract(s). If the recommendations within the report are not approved the Council will not hold a valid Contract with an external Enforcement Agency for its provision of debt recovery.

3. FINANCIAL IMPLICATIONS

3.1 The award of any Contract for this purpose will have no financial costs associated with it. Enforcement Agents have responsibility for the collection for costs associated with enforcement action. All associated costs for this purpose are set within the Taking Control of Goods (Fees) Regulations 2014.

4. LEGAL IMPLICATIONS

4.1 The Enforcement processes are conducted under the Taking Control of Goods Regulations 2013.

4.2 On 7th February 2019 YPO placed a notice in the Official Journal of the European Union (“OJEU”) (reference 2019/S 030-067351), inviting potential service providers to express an interest in gaining acceptance on to a Dynamic Purchasing System (DPS) for the provision of Enforcement Agency Services.

4.3 Potential Service Providers who demonstrated that they met all YPO’s selection criteria were accepted onto the DPS.

5. RISK ASSESSMENT

- 5.1** The formal tendering process has been timetabled to put in place a new enforcement provision on or around the expiration of the previous Contract(s). If the recommendations within the report are not approved the Council will not hold a valid Contract with an external Enforcement Agency for its provision of debt recovery. This could lead to an impact on the level of debt collected.

6. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 6.1** None

7. ALTERNATIVE OPTIONS

- 7.1** There are no alternative options. In order for the Council to be able to maximise its collection of debts an external enforcement agency is required.

Contract Evaluation Questions

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| Q1 | Describe how you would maximise collections at compliance stage while meeting the demands of delivering excellent customer service. Please include details of payment methods that you will accept from debtors. Please provide an analysis of your collection performance for 2018/19 and 2019/20 for 3 current council clients. |
| Q2 | Please describe you would deal with a vulnerable debtor with multiple debts. |
| Q3 | Have you received any complaints in 2018/19 and 2019/20? Please provide details of your complaints procedure. Please describe the approach you would take if recurring complaints were being received by the Councils in respect of your service |
| Q4 | Please provide a method statement which demonstrates a clear understanding of the aims and objectives stated in this tender documentation, compliance with the specification and an appreciation of the issues and risks arising from it. |
| Q5 | Please provide details of at least two contracts, from either the public or private sector, that are relevant to the Council's requirement. Contracts should have been performed during the past five years. |
| Q6 | Please outline how you propose to manage the performance of this contract against the contract conditions and specification. Also provide details of how you intend to monitor performance effectively to support your answer |
| Q7 | Please provide examples of management and performance information we would receive and details of how the data can be clearly interpreted. |
| Q8 | Please detail the Training and Development policies that you will implement for the purposes of the Contract. Please also state how you will monitor staff performance and quality of their work and provide details of the qualifications held by the enforcement agents who will be engaged in the delivery of the Contract. Bidders are advised that copies of professional qualifications must be provided for all staff. |
| Q9 | Please confirm how you will ensure the confidentiality and security of data we transfer to you. |
| Q10 | Please describe in detail the procedure to be followed for the appointment of enforcement agents and the basis on which they will be employed. Please also provide information on the level of experience and level of resources to be allocated to this Contract. Finally, please state whether there will be availability of enforcement agents on a daily basis within the Council's administrative areas. |

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| Q11 | <p>Please provide details of the IT systems you will utilise to support this contract. Details should include the following;</p> <ul style="list-style-type: none"> • How the council will access and update records on individual cases. • explain the arrangements you have in place to ensure access to the system is secure • Please list the processes/actions that Council officers would be able to perform. <p>Please provide screen shots to demonstrate at least two processes.</p> <ul style="list-style-type: none"> • Please provide an example of the screen council officers would see showing the summary of all financial transactions including details of case history/details. <p>State what other key processes, IT and other non-staff resources you have to service this requirement.</p> |
| Q12 | <p>Please provide details of the methods available to the councils for transferring to and receiving information from you. This should include, but not exclusively, case details, payment details, return reports. Also provide an example of a typical return case report as an appendix, and explain with at least two examples how you are able to receive or provide electronic data in a bespoke format which allows the Council to use automated processing in business system.</p> <p>Please provide details of where you may have specific formatting requirements for electronic transfer of data</p> |
| Q13 | <p>What is your overall Enforcement Agency capacity? Please demonstrate and evidence how you have flexibly met the demands of larger clients who can supply high volumes of cases?</p> |
| Q14 | <p>Please provide details of any solutions or services you propose to include at no charge in addition to the requirements described, and the potential benefits of these services to the Council</p> |

| Award Criteria - Qualitative Scoring Matrix | | |
|---|-----------------------------|---|
| 5 | Exceeds expectations | Excellent response with requirements being met and exceeded in some areas. Showing a comprehensive understanding and the ability to deliver to a high standard. Evidence relating to the proposed services shows high quality. |
| 4 | Meets expectations | Good response with requirements being fully met. Understanding all requirements and the ability to deliver to a high standard. Evidence in relation to the proposed services shows good quality. |
| 3 | Satisfactory | Acceptable answer with requirements being met in parts but not fully. A reasonable understanding to have the ability to deliver the service. Evidence to show that the services is just suitable for the purpose but has not met the standard expected. |
| 2 | Unsatisfactory | Poor response where some requirements are being met but there are some large exceptions. Concerns that the services proposed would not be suitable for use. |
| 1 | Poor | Target requirements only met on a few occasions. Low standard response. Major concerns that the services proposed would be suitable for use. |

LIST OF SUBMITTED TENDERS

| Supplier & Score (Max score 100) | | | | | | | |
|-------------------------------------|-------|-------|-------|-------|-------|-------|-------|
| A | B | C | D | E | F | G | H |
| 96.40 | 82.80 | 76.40 | 84.40 | 75.40 | 92.80 | 82.80 | 63.80 |