

Record of Officer's Decision

The Openness of Local Government Bodies Regulations 2014 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Date of Decision:	29 September 2022
Decision Maker (Officer):	Richard Barrett, Assistant Director, Finance and IT
Authority for Delegated Decision (Cabinet/Committee Decision or Scheme of Delegation – provide reference):	<p>Part 3, Schedule 3 – Responsibility for Executive Functions delegated to Officers paragraph 4.3 (1) – the Corporate Director has delegated authority to discharge executive functions within their respective service areas (Part 3.38). All delegations are subject to consultation where considered appropriate in the circumstances (paragraph 4.3 (4)(ii) – Part 3.39).</p> <p>In terms of procurement, Para 4.3.8 Part 5.77, sets out the associated Officer delegation in consultation with the relevant Portfolio Holder.</p>
Identify which Portfolio Holder(s)/Committee Chairman consulted?	Cllr G Guglielmi, Portfolio Holder for Corporate Finance and Governance
Ward Member(s) consulted?	No
Is it a Key Decision?	No
Is it subject to call-in?	No
Decision Made:	To award the Heating Oil Class D supply contract to Rix Petroleum (Hull) Ltd and the Kerosene contract to Certas Energy UK Ltd, in accordance with the associated ESPO Framework Agreement
Reason for Decision (if a report was produced to support the Decision, refer to or attach it):	Tendring District Council (TDC) has purchased their liquid fuels, Heating Oil, via a framework that ESPO tender (based on regions of which we are included in the Eastern Region award). The existing contract ends on 30 September 2022.

	<p>Heating Oil is purchased for the following Council buildings:</p> <ul style="list-style-type: none"> • Jaywick Enterprise Centre- Kerosene • Clacton Leisure Centre – Heating Oil <p>A new ESPO framework has been awarded to enable the Council to continue to purchase its fuel oils within this wider regional framework approach.</p> <p>The new call off agreements for all customers commences on the 1 October 2022 and will be in place until 17 August 2024, with the option to extend to 17 August 2026.</p> <p>Prices are quoted by various suppliers on the ESPO Framework, so it is a straightforward process to identify the supplier offering the most competitive prices for the two fuels we purchase as highlighted above.</p> <p>The prices quoted are ‘margin’ prices over the current market price along with a small load premium that reflects the quantity of fuel oil purchased at any one time.</p>
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>In order to demonstrate value for money, a price comparison was undertaken using the prices quoted within the framework agreement.</p> <p>Based on the ‘margin’ prices quoted and the small load premium, it is proposed to award the contracts as follows:</p> <ul style="list-style-type: none"> • Heating Oil Class D – Rix Petroleum (Hull) Ltd demonstrated the most competitive overall price based on the Council’s existing fuel oil requirements. • Kerosene - Certas Energy UK Ltd demonstrated the most competitive overall price based on the Council’s existing fuel requirements. <p>However, it is important to highlight that given the increase in fuel costs over recent months the underlying market price will have a significant impact on the overall cost to the Council. The current annual budgets are approximately £40,000 which may need to be increased by an amount in excess of 300%</p>

	<p>based on current market conditions. This position along with a response will be reviewed as part of the Council's overall approach to the budgets, which will be set out in upcoming reports to Cabinet.</p> <p>It is proposed to award an initial 2 year contract (with an option to extend for a further 2 years) to the aforementioned suppliers using the associated ESPO Framework Agreement.</p>
<p>Details of any Alternative Options Considered and rejected (together with reasons):</p>	<p>Please see above.</p>
<p>Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision)</p> <p>If relevant, a note of the dispensation granted by the Monitoring Officer:</p>	<p>N/A</p>
<p>Reason Decision, or supporting Report, is not published:</p> <p><i>Tick one or more of the specific exemptions,</i></p> <p><u>and</u></p> <p><i>Give more information in the final box with regards to why the exemption applies and outweighs the public interest test (which is in favour of disclosure).</i></p>	<p>Not applicable – Decision [and report] to be published</p>
	<p>If Report is not to be published – tick one of the following boxes:</p>
	<p><input type="checkbox"/> The report supporting the Decision contains confidential information</p>
	<p><input type="checkbox"/> The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:</p>
	<p><input type="checkbox"/> • Relates to an individual</p>
	<p><input type="checkbox"/> • Likely to reveal the identity of an individual</p>
<p><input type="checkbox"/> • Relating to financial or business affairs of a person or organisation</p>	
<p><input type="checkbox"/> • Relates to a claim for legal professional privilege in legal proceedings</p>	
<p><input type="checkbox"/> • Reveals that the Council proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p>	

		to make an order or direction under any enactment
		<ul style="list-style-type: none"> • Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
	<p><u>And</u> is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> <p>Reasons: N/A</p>	

Officer

Signed:

Assistant Director, Finance and IT and Sect 151 Officer

R BARRETT

In consultation with:

Signed:

Portfolio Holder for Corporate Finance and Governance

Dated: