

GREATER LONDON AUTHORITY

Request for Greater London Returning Officer (GLRO) Decision – GLRO16-24

Title: Tactile Voting Device Procurement

Executive Summary:

There is a statutory requirement for the provision of tactile voting devices, which enable voters who are blind or partially sighted to vote without any need for assistance, to be available at each polling place for each of the Election contests to be held in May 2016.

Decision:

That the GLRO approves:

- 1- **Subject to the receipt of an acceptable quotation**, the expenditure of up to a maximum of £60,000 and the award of a contract to PakFlatt (UK) Ltd for the supply of Tactile Voting devices for use with Constituency London Assembly member, the London Wide Assembly Member and the Mayoral ballot papers . The requirement will be for up to 3,000 Tactile Voting Devices to be supplied for each contest ballot paper, those for the Mayoral and London Member contests being standard for all Constituencies. The total requirement will be for a total of 9,000 units; and
- 2- A related exemption from the requirements of section 3.6 of the GLA 's Contracts and Funding code there being a limited number of suppliers in the marketplace.

Greater London Returning Officer

The above request has my approval.

Signature



Date

4.4.2016

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE GLRO

Decision required – supporting report

1. Introduction and background

There is a requirement to supply the following related items of equipment at each polling place to be used at the London Mayoral and Assembly elections to be held on 5 May 2016.

The provision of Tactile voting devices at each polling place is a statutory requirement (GLA Elections Rules 2007, Constituency Member Election Rules 28, London Member Election Rules 29, Mayoral Election Rules 28): "The CRO must provide each polling station with a device for enabling voters who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion within the meaning of rule 40."

Officers acknowledge that section 3.6 of the GLA's Contracts and Funding Code (Code) requires that three or more written quotations are sought for services with values between £5,000.00 and £125,000.00. However, section 5 of the Code also provides that an exemption from this requirement may be approved where there are a limited number of suitable suppliers.

Officers have established through research into patents held by suppliers in the market that Pakflatt Ltd is the only suitable supplier in the market to meet our requirements because it holds a patent in the design of tactile voting devices and as such is the sole supplier.

Accordingly, there are no other suppliers in the market and officers are of the view that it would have been an inefficient use of London Elects' resources to conduct an advertised tender exercise as required by section 3.6 of the GLA 's Contracts and Funding code.

As a result Pakflatt Ltd will be asked to quote for the design, manufacture and supply of tactile voting devices for use with Constituency Member, London Member and Mayoral ballot papers.

2. Issues for consideration

Boroughs have been consulted in reference to the unit requirements for each polling place. These supplies are required for the conduct of the elections and central purchasing secures the most economic procurement. With reference to risk management, supplies will be ordered in ample time for the goods to be delivered to the boroughs well ahead of their need for deployment.

3. Financial Comments

This decision is seeking a request of expenditure up to £60,000 to appoint PakFlatt Ltd as a supplier for tactile voting devices.

The contract costs are estimated at £60,000 and are to be contained within the Election budget.

4. Legal Comments

- 4.1 Part 1 (s2(6)) and Schedules 1 to 3 of the Greater London Authority Act 1999 ("the Act") provide that the Mayor and Assembly members shall be returned in accordance with the provisions made in the Act for the holding of ordinary elections of the Mayor, the constituency members and the London members.

- 4.2 By s29 of the Act, the Greater London Returning Officer (GLRO) is the person appointed as the proper officer for the purposes of the section 35(2C) Representation of the People Act 1983 (returning officer at elections of Mayor and London Members). The London Assembly has made the Head of the Paid Service the GLRO as part of his terms and conditions of employment under s70 (2) GLA Act.
- 4.3 Section 20 of the GLA Scheme of Delegation of Mayoral Functions provides the GLRO with the following powers:
- Following consultation with the Executive Director of Resources, to use and manage the Authority's staff, property and other resources/facilities, and to incur expenditure, for the purposes of the preparation or conduct of any anticipated election or referendum as the returning/counting officer considers is necessary or expedient for that purpose.
 - When acting by the Authority to decide to do anything which is calculated to facilitate or is conducive or incidental to the exercise of any of the returning/counting officer's functions in connection with any anticipated election or referendum under section 34 of the Act.
 - To enter into any contract, lease, licence or other instrument required in connection with an anticipated election or referendum in accordance with (where relevant) the Contracts Code of Practice and Financial regulations which does not exceed the authorised limit, and to manage such contracts.
 - To determine a scale of fees and charges for returning officers in respect of GLA elections under 36 (4B) of the Representation of the People Act 1983 or a referendum held under the Political Parties, Elections and Referendums Act 2000.
 - To exercise any other function given to the Authority under electoral legislation that relates to the preparation or conduct of an anticipated election or referendum in respect of which he or she is the returning/counting officer.
- 4.4 Section 34 of the Act allows the Authority, acting by the Mayor or the Assembly, to do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of any functions of the Authority exercisable by the Mayor or the Assembly.
- 4.5 The decisions requested of the GLRO accordingly fall within the statutory powers under the Act and within powers given to him under the GLA Scheme of Delegation (Mayoral Functions).
- 4.6 Section 69 of the Electoral Administration Act 2006 places a duty on Returning Officers in the UK to encourage and promote electoral registration.
- 4.7 Section 3 of the Authority's Contracts and Funding Code ("Code") requires that contracts with values of the level proposed. However, section 5 of the Code also provides that exemptions from this requirement may be obtained on certain specified grounds. One of the grounds is that exemptions may be approved where there are a limited number of suitable suppliers.
- 4.8 Officers have indicated in section 1 of this report that this ground applies here. Additionally the Public Contracts Regulations 2006 permit the award of contracts following negotiation with a single provider where for reasons connected with the protection of exclusive rights, the contract may only be awarded to particular party (which appears to be the case with the Tactile Voting Devices).
- 4.9 The GLRO may therefore, approve the exemption and proposed award of contract is satisfied with the content of this report.
- 4.10 Officers should ensure that all necessary documentation is put in place and executed to formalise the proposed award.

Public access to information

Although the GLRO is not subject to the Freedom of Information Act 2000 (FOI Act), the information in this form will be disclosed upon request and may be made available to the Mayor of London and the London Assembly. Any facts and advice that should not be made available upon request should not be included in Part 1 but instead on the separate Part 2 form. Deferment is only applicable where immediate release would compromise the implementation of the decision being approved.

Is the publication of this approval to be deferred? YES

If yes, for what reason:

The negotiation of a price with Pakflatt may be prejudiced if Pakflatt are aware of the overall budget that has been allocated for this work. Approval is sought to defer publication of the MD until the negotiation and award have been concluded.

Until what date: 10 April 2016

Is there a part 2 form - NO

OFFICER DECLARATION:

	<i>Tick to indicate approval (✓)</i>
Comments of Deputy Greater London Returning Officer Mark Roberts has reviewed the request and is satisfied that: <ul style="list-style-type: none"> • The details are correct • The proposal is consistent with the strategic plan • The equalities issues/impact have been considered • Freedom of Information, Data Protection and other information access issues have been considered and the information contained in Part 1 of this form is suitable for publication • Where release of Part 1 has been deferred I confirm that the reason given and the date stated for release are appropriate. 	✓
Legal Advice The Public Law team/ Commercial Law and Projects team has commented on this proposal.	✓
Financial Advice The GLRO finance team has commented on this proposal on behalf of the Director of Resources.	✓

Executive Director, Resources

I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report.

Signature

M.T. Middleton
 TOM MIDDLETON ON BEHALF OF MARTIN CLARKE

Date

01.04.16
 CLARKE