# Cabinet



Title of Report:	West Suffolk Facilities Management		
Report No:	CAB/SE/15/045 [to be completed by Democratic Services]		
Report to and date:	Cabinet	23 June 2015	
	Council	7 July 2015	
Portfolio holder:	Peter Stevens Portfolio Holder for Operations <b>Tel:</b> 07775 877000 <b>Email</b> : peter.stevens@stedsbc.gov.uk		
Lead officer:	Mark Walsh Head of Operations <b>Tel:</b> 01284 757300 <b>Email:</b> mark.walsh@westsuffolk.gov.uk		
Purpose of report:	This report outlines the options we have reviewed for the future provision of Facilities Management (FM) services at Forest Heath District Council (FHDC) and St Edmundsbury Borough Council (SEBC). The report sets-out the current position in terms of service provision, costs and contractual arrangements, outlines the options reviewed for the future provision of these services and seeks approval for pursuing a preferred option to establish an arms-length joint venture company with Eastern Facilities Management Services (EFMS) for the delivery of these services.		
Recommendations:	<ul> <li>It is <u>RECOMMENDED</u> that, subject to the approval of full Council:</li> <li>(1) the contents of Report No: CAB/SE/15/045 be noted;</li> <li>(2) approval is given to establish a Joint Venture Company with Eastern Facilities Management Services (EFMS) Ltd for the delivery of Facilities Management services at Forest Heath District Council and St Edmundsbury Borough Council; and</li> </ul>		

	C O M H C S S C C C	Operation of Resound Anage Iolders Iolders Ionfirm Ioverna Io 3.15 ICAB/SE	ons, in consultation arces and Perform r (Legal) and resp for Operations to the outstanding l nce matters outli and 3.21 of Report /15/045, before s lish the new Join	nance, the Service Dective Portfolio finalise and legal and ned herein at 3.11	
Key Decision:		-	ecision and, if so, u	nder which	
(Check the appropriate	definitio		<b>.</b>		
box and delete all those			Decision - 🗆		
that <u>do not</u> apply.)	No, it is	not a K	ey Decision - 🖂		
	As it is a	As it is a decision of full Council and not Cabinet.			
The decisions made a	s a result	of this r	eport will usually be	e published within	
48 hours and cannot					
publication of the d	lecision h	ave elap	osed. This item is in	cluded on the	
Decisions Plan.			<u></u>		
Consultation:				ahead of any TUPE	
Alternative option(	s):	• Out	lined in 2.3 and Ap	pendix B	
Implications:	<b>:- I</b> :	+: <b>2</b>	Yes 🖂 No 🗆		
<i>Are there any <b>financial</b> implications?</i> <i>If yes, please give details</i>		<ul> <li>Some initial set-up costs. Reduced FM costs and the opportunity to increase income from other sources over time.</li> </ul>			
Are there any <b>staffin</b>		ions?	Yes 🛛 No 🗆		
If yes, please give de	tails		FHDC FM staff will TUPE transfer to		
			the Joint Venture (JV) company.		
Are there any <b>ICT</b> im	•	' If	Yes 🗆 No 🖂		
yes, please give deta			•		
<i>Are there any <b>legal and/or policy</b> implications? If yes, please give details</i>		<ul> <li>Yes ⊠ No □</li> <li>Considering other future potential JV companies, chose the appropriate JV and Governance model</li> <li>Ensure the arrangement is legally compliant and that contracts are correct.</li> </ul>			
<i>Are there any <b>equality</b> implications?</i> <i>If yes, please give details</i>		Yes □ No ⊠ •			
Risk/opportunity a	ssessmen	nt:	(potential hazards or opportunities affecting corporate, service or project objectives)		
r	<b>nherent le</b> <b>isk</b> (before ontrols)	vel of	Controls	Residual risk (after controls)	
Breach of M procurement rules	ledium		Robust internal and external legal advice	Low	

Current interim arrangements fail to provide adequate services	Medium	Maintain robust contract management	Low
Costs of services exceed estimates	Medium	Carry out detailed and continuous review of service level requirements and staffing	Low
Ward(s) affected	:	All Ward/s	
<b>Background pape</b> (all background pape) published on the w included)	pers are to be		
Documents attached:		Appendix C – EFI Statement Exempt Appendi savings	are delivered vantages and options considered MS Capability

# 1. Background

- 1.1 Facilities Management (FM) services at FHDC and SEBC are currently delivered through a range of different methods. The bulk of the FM services at SEBC are contracted out to a company called Ocean Integrated Services Ltd. This contract is ending which provides an opportunity to bring together FM services across West Suffolk into a single arrangement. FHDC FM services are currently predominantly in-house with Ocean covering some sites in Newmarket. SEBC has some FM arrangements that fall outside of the Ocean contract and are provided by other contractors (e.g. cleaning at public halls).
- 1.2 Along with the rest of the public sector, Local Government has entered a period of significant change. There can be little doubt that in the next few years rationalising the public estate through co-location will become far more prevalent in response to financial pressures and Central Government initiatives like the One Public Estate Programme. Our arrangements for FM services therefore need to offer maximum flexibility along with value for money, high performance and perhaps offer the potential for commercial business growth and income to the councils.
- 1.3 The FM services referred to in this report are considered to include the following elements:
  - (a) Internal cleaning of operational buildings.
  - (b) Window cleaning of operational buildings including bus shelters.
  - (c) Caretaker and custodial services.
  - (d) Postal and courier services.
  - (e) Public toilets attendance and cleansing.
  - (f) Catering at West Suffolk House (WSH)
- 1.4 Appendix A details the West Suffolk sites where FM services are delivered within the scope of this review.

# **Current FM Service Delivery at FHDC**

- 1.5 FM services at FHDC are mainly provided by an in-house team comprising of 1 x full time Caretaker, 1 x part time Courier and 5 x part time Cleaners. The service provided includes internal cleansing of operational buildings, caretaker services at the District Offices and courier services between the FHDC towns.
- 1.6 Attendance and cleaning at the Guineas public toilets and cleaning at the Customer Access Point in Newmarket is currently provided through an annual contract with Ocean Integrated Services Ltd.
- 1.7 Postal services at FHDC are currently provided in-house across departments and principally by members of the administration team in Legal and Democratic Services.

# **Current FM Service Delivery at SEBC**

1.8 FM service delivery at SEBC is mainly through an outsourced service contract with a company called Ocean Integrated Services Ltd. This contract began in June 2010, was extended from three to five years in 2013 and expired at the end of May 2015. The contract is currently being held over on a month to month basis until such time as revised arrangements for FM services are put in place. Prior to this contract FM services at SEBC were delivered by an in-house team.

1.9 The costs of FM services at West Suffolk House are split with SCC on an occupancy basis. The balance has since shifted significantly towards SCC in recent years as their occupancy has increased and they now take a larger burden of the cost for providing these services in this building. The current percentage occupation based on desk allocation at West Suffolk House is:-

57% Suffolk County Council (SCC)
32% SEBC
7% Other occupiers
4% Unallocated desks

Costs for FM Services at Haverhill House are currently split with SCC on a 50:50 basis.

- 1.10 Cleaning at SEBC public halls and sports changing rooms is currently carried out by another company called Gleam Cleaning Services Ltd. The contract for these arrangements is renegotiated and held over on an annual basis.
- 1.11 Courier services between the major West Suffolk sites are currently provided by EFMS and an annual order for courier services is raised for this element of work. This arrangement utilises the current SCC courier route and is linked to the shared ownership with SCC of both West Suffolk House and Haverhill House.
- 1.12 Catering is provided at WSH by EFMS. This contract was won under competition and expires in June 2015. Catering arrangements at other SEBC locations (Apex, West Stow, Nowton Park, Haverhill Rec) will fall outside the current scope of this review.

# **Current Costs**

1.13 A breakdown of the current annual cost for providing FM services to the scope defined in 1.3 above at FHDC and SEBC, based upon the 2015/16 budget figures, is shown at Exempt Appendix D.

# 2. Options Appraisal

- 2.1 With this review we have the opportunity to standardise FM services into a single arrangement across West Suffolk. This will make managing future arrangements more consistent and effective and we will also seek to reduce the day-to-day client involvement in operational matters and the time spent on contract management.
- 2.2 In reviewing our options it is also important to consider the shifting landscape in which these services will be delivered. Any future arrangements should provide flexibility for the reasons outlined in 1.2 above. We need to cut the cost of these services and have the ability to continually review and improve them to make them more cost effective with the passage of time. It is also recognised

that at the main SEBC offices, SCC are taking an increasing financial stake in the cost and delivery of these services as their occupancy of these buildings surpasses that of SEBC. Finally, there is an opportunity to consider whether any future arrangement can deliver a more commercial solution with the ability to grow it through adding other services (e.g. print, security, grounds maintenance) or securing sales revenue through providing work of a similar nature to other organisations in the locality.

- 2.3 In seeking to bring the arrangements for FM services together, four options were considered:-
  - (1) **A new comprehensive outsourced contract** re-tender the services currently outsourced to Ocean and include additional SEBC service areas not included in the current contract and the services currently provided in-house at FHDC;
  - (2) **In-house provision** bring the current outsourced SEBC contracts back in-house and align the management and delivery of all FHDC and SEBC services under a single management and supervision structure;
  - (3) **Joint Venture with a privately owned FM company** form a JV partnership with a selected private sector partner.
  - (4) **Joint Venture with a publically owned FM company** form a JV Partnership with SCCs arms-length company EFMS.

A Joint Venture (JV) is a business agreement in which the parties agree to develop a new entity and new assets by contributing equity. They exercise control over the enterprise and consequently share revenues, expenses and assets.

- 2.4 Appendix B contains a more detailed summary of the potential advantages and disadvantages of each of the options. Having explored these options in some detail we concluded that Option 4 offers the greatest potential and this option has been explored further in more detail.
- 2.5 Beyond the current services under review it is also clear that there are wider synergies and business potential to be achieved from a JV with EFMS:-
  - (a) EFMS run a large fleet of vehicles, plant and equipment, much of which could potentially be serviced from our workshops in Bury St Edmunds.
  - (b) EFMS are keen to investigate use of our bunkered fuel facilities.
  - (c) EFMS currently have a large number of depots across the county and they are interested to explore shared facilities.
  - (d) West Suffolk could provide trade waste services to EFMS across Suffolk.
  - (e) Currently we are competing on grounds maintenance and there is an opportunity to rationalise on this work and boost opportunities for both parties.

- (f) EFMS currently outsource tree maintenance, a service we can provide to them.
- (g) EFMS currently outsource external cleansing services (sweepers, gulley and sceptic tank emptying) which are services we can provide.
- (h) EFMS are keen to develop security services through their strong historical contacts with schools and at other operational buildings. SEBC could monitor CCTV / alarms helping to meet CCTV business case objectives.
- (i) Design and print services could be added.
- 2.6 Whilst our efforts to date have concentrated on the potential for a JV company to deliver the FM services described in 1.3 above, both parties are aware of these potential further business opportunities that could be derived from the arrangement moving forward.
- 2.7 Based on the foregoing and the detail attached in Appendix B, officers concluded that forming a JV company with EFMS should be explored in more detail. The past several months has involved work between officers and staff at EFMS to review the project in much greater detail.

# 3. Establishing a Joint Venture (JV) Company with EFMS

3.1 Following informal consultation with respective Cabinet Members in January 2015, a project team was established to review the potential for forming a JV company with EFMS in greater detail. This has involved colleagues from legal, HR, finance as well as advice from an external legal practice experienced in establishing new commercial businesses (something of a new departure for West Suffolk).

# Who and What are Eastern Facilities Management Services (EFMS)?

- 3.2 EFMS was established in November 2011 and was the first of SCCs divested wholly owned companies (Concertus and Opus People Solutions have since been established by SCC). Details of the company can be found at their website <a href="http://www.easternfms.co.uk/">http://www.easternfms.co.uk/</a>. EFMS undertakes design and print, catering, energy, facilities management and grounds maintenance services. SEBC in particular has had a significant working relationship with EFMS through the print, catering and courier services at West Suffolk House as well as utilising their energy supply contracts for our property estate. EFMS provide comprehensive and integrated FM services to many properties including Endeavour House and Landmark House in Ipswich.
- 3.3 In 2014 EFMS appointed a new senior management team. Predominantly from a private sector FM background, this team has been charged with developing and expanding the company. A copy of the initial Capability Statement from EFMS to the West Suffolk Councils can be found at Appendix C.

### **Project to Investigate a JV Company with EFMS**

3.4 The project to investigate establishing a JV with EFMS has involved several different work streams:

- Service requirements
- Financial costs
- Due diligence
- Negotiating terms and conditions
- Legal
- Governance
- Human Resources (HR)
- Programme

# **Service Requirements and Costs**

- 3.5 There would be little point in pursuing a JV with EFMS if the costs were not attractive to the West Suffolk Councils. Therefore, as a priority, a comprehensive review of the sites and FM requirements was undertaken with EFMS in order that they could quickly provide a detailed proposal. This included visits to all the main sites and a review of the FM service levels required. Costs were developed by EFMS and were scrutinised open book between respective teams that included colleagues from Finance.
- 3.6 A summary of the costs identified and agreed by EFMS and West Suffolk are contained in Exempt Appendix D. These figures represent a potential saving 12.6% against the current costs for the defined basket of FM services at FHDC and SEBC. Any profits that the company makes will be either reinvested in the company or realised as a dividend to the shareholders (EFMS, FHDC and SEBC).

# **Due Diligence**

3.8 EFMS are a wholly owned subsidiary of SCC. A credit check has been undertaken to look at their last filed accounts dated 31 March 2014. The results of this credit check are contained at Exempt Appendix E.

# **Negotiating Terms and Conditions**

- 3.9 In considering the establishment of a JV company with EFMS a number of elements of the proposal have required discussion and negotiation. The headline issues have included:-
  - Shareholding agreed at 60:40 for EFMS and West Suffolk respectively;
  - The cost of supporting services that will be provided by EFMS to the JV company (HR, payroll, day-to-day legal advice, finance, procurement, business development, senior management);
  - The status of shares within the Articles of Association;
  - Developing a JV agreement; and
  - Intellectual Property and Restrictive Covenants.
- 3.10 These discussions are ongoing and whilst the major elements are agreed, there is some further work required to finalise the legal documents (Articles of Association, JV Agreement and Service Level Agreement).

# Legal and Governance

- 3.11 Legal advice has been provided by our in-house team as well as through contact and reports from Eversheds LLP. These work streams have focussed on a number of issues:-
  - Reviewing ownership options and appropriate corporate vehicles for three potential JV models (including Corporation Tax and VAT implications);
  - Legality of setting up a JV company with EFMS in terms of EU Procurement Rules; and
  - Reviewing governance and management options.
- 3.12 Working with our legal advisors we explored three options for structuring a JV company with EFMS:-
  - Given that 'West Suffolk councils' has no legal status we could incorporate a jointly owned legal entity (a limited liability company) or a 'West Suffolk JV' which subscribes for shares in the 'FM JV' formed with EFMS;
  - (2) Elect either FHDC or SEBC to be the lead joint venture partner in the 'FM JV' with EFMS; or
  - (3) Enter into a three-party joint venture arrangement with EFMS, FHDC and SEBC.
- 3.13 Having reviewed these options with our legal advisors it appears that option three (a tri-partite JV arrangement between EFMS, FHDC and SEBC) offers the best solution in terms of tax implications, compliance with EU procurement rules and the ease to establish and, if ever necessary, to unwind the arrangement.
- 3.14 In terms of Governance the proposal is to establish a Shareholder Group comprising elected Members assisted by a senior officer that is not on the Board of Directors for the JV company and is a contract monitoring officer. This group will set the overall strategic direction to the JV company which will implement and monitor the delivery of this strategy on the shareholders behalf. The JV company will report to the shareholder group on an annual basis (or other such duration agreed) and will monitor the performance of the JV company.
- 3.15 The JV company is likely to have five Director positions; two from EFMS; two from West Suffolk senior officers and one being the JV company Managing Director (this position may initially be vacant in which case one of the remaining four directors will have a rotating casting vote). Some further work is to be carried out to clarify the requirements and skills for the West Suffolk Directors and identify our most suitable candidates for the roles (which will not be remunerated).

# Human Resources (HR)

3.16 All of the staff currently working for Ocean Integrated Services Ltd, Gleam Cleaning Services Ltd and FHDC, assigned to these FM services will TUPE transfer to the new JV company. These staff have been identified and at the appropriate time will need to be fully consulted about the transfer of their employment to the new JV company. Clearly, this will need to be handled correctly and sensitively to ensure that the transition is as smooth as possible for those affected. All of their terms and conditions of employment and pension rights will be protected.

# **JV Company Values**

- 3.17 The new JV company will be wholly owned by local Suffolk public bodies and as such will clearly have a vested interest in promoting the appropriate core values, both within the organisation and to the wider local community. The JV company will recruit predominantly from the local area and seek to be a local employer of choice within the community. It will also invest in its people through staff development and training and by providing them with the correct tools and equipment to enable them to carry their work out to the highest possible standard. Dedicated training resource has been included within the management proposals from EFMS to develop the individual staff members, increase competency across the contract and drive standards. All new cleaning and janitorial equipment in service standards.
- 3.18 EFMS is committed to working closely with West Suffolk College in order to provide training opportunities for young people. They will provide and maintain two apprentice places within the first year of operation and bring in additional apprentices every other year of the contract term. Both EFMS and the West Suffolk councils have strong links with West Suffolk College and will develop these further through the new JV company. Where it is able to do so effectively, the company will work with the third sector (e.g. charities) and support rehabilitation and return to work schemes.
- 3.19 In terms of sustainability the JV company will seek to minimise its harmful impact on the environment and the local community in which it delivers services. This will include a number of activities delivered by EFMS:-
  - Reducing harmful emissions through effective route planning;
  - Ensuring materials are delivered directly to sites;
  - Sourcing low emission vehicles for the contract;
  - Sourcing locally EFMS will use a Bury based firm for the majority of their consumable items;
  - Introducing cleaning technologies that use ionised water, not harmful chemicals;
  - Supporting local sustainability initiatives; and
  - Actively promoting `reduce, recycle and re-use' throughout the staff team by tool box talks and leading by example.

# Programme

3.20 Given that the current FM contracts are holding-over there is a degree of uncertainty amongst the staff affected, it is important that the proposed new arrangements are brought into being as quickly as possible. An outline decision making and implementation programme is outlined below:-

SEBC Cabinet	23 June 2015
SEBC Council	7 July 2015
FHDC Cabinet	14 July 2015
FHDC Council	15 July 2015
Joint Venture contract signed	17 July 2015
Staff communication	20 July 2015 to 24 July 2015
Staff consultation	20 July 2015 to 11 September 2015
TUPE takes effect	14 September 2015
Contract begins	21 September 2015

# A Name for the New Joint Venture Company

3.21 The new Joint Venture Company will require a trading name. This will need to be decided in good time to enable printing, IT and staff uniforms to be branded.

Site	FHDC or SEBC
West Suffolk House	SEBC
Bury Depot	SEBC
The Apex	SEBC
The Athenaeum	SEBC
Moyses Hall Museum	SEBC
Parkway Car Park	SEBC
West Stow Visitor Centre	SEBC
Severn Road Business Starter Units	SEBC
Harvey Adams Centre	FHDC
Haverhill House Council Offices	SEBC
Haverhill Depot	SEBC
Guineas Centre Toilets	FHDC
Guineas Centre Car Park	FHDC
Mildenhall Bus Station	SEBC
Mildenhall Depot	SEBC
Forest Heath District Offices	FHDC
Abbey Gardens Public Toilets	SEBC
Bury Cemetery Toilets & Chapel	SEBC
Ram Meadow Toilets	SEBC
Nowton Park Ranger Centre	SEBC
Haverhill Visitor Centre / Toilets	SEBC
Haverhill Cemetery Toilets	SEBC
Jubilee Walk Toilets	SEBC
Haverhill Recreation Ground Toilets	SEBC
Hardwick Heath Toilets / Changing Rooms	SEBC
Various Changing Rooms (5)	SEBC
Bury Bus Shelters (29)	SEBC
Haverhill Bus Shelters (17)	SEBC
Courier Service Between Various Sites	FHDC and SEBC
Guineas Customer Access Point	FHDC
Bury Bus Station	SEBC

# West Suffolk sites where FM services are delivered

# Advantages and Disadvantages of Options Considered

# 1. Option 1 – Comprehensive Outsourced Contract:

- 1.1 This option considers the provision of the service by means of carrying out a competitive tendering process in order to award a contract to a service provider who will undertake the combined duties across West Suffolk as detailed within the paragraphs above.
- 1.2 Advantages
  - All services provided by one contractor potential for scales of economy realised through increased buying power of larger FM companies.
- 1.3 Disadvantages
  - Lack of flexibility to meet changing future requirements and risk of expensive contract amendments;
  - Costs from the market are unknown;
  - Partial loss of control over performance of contract experienced through subcontracting of services leading to potential reduction in the standard of service provided;
  - Pressures on the commercial service provider to increase profitability of contract within the scope of fixed contract prices, again leading to reduction in service standards provided;
  - Potential lack of client control over recruitment of key contract staff and increased contract management;
  - Potential lack of client control over levels of support afforded by service provider to contract staff and the potential for contract staff and equipment being utilised on other contracts nearby; and
  - The cost of the procurement process and officer resources required.

# **Option 1 Conclusions**

1.4 Clearly, the costs that we would get from the market are unknown at this stage but we would hope for them to be less than the current cost of £917K that FHDC and SEBC currently pay for these services each year. Given the likelihood of a much more changeable future (e.g. Mildenhall Hub, West Suffolk Operational Hub, PSV II, partnership working) outsourcing our requirements in this way risks time consuming and expensive contract amendments in future.

# 2. Option 2 – Bring Services Back In-house:

- 2.1 For this option we considered the provision of the service by means of bringing currently outsourced contracts in-house (apart from window cleaning) to align those services with the in-house provision currently being provided at FHDC.
- 2.2 Advantages

- All services provided directly by Council employees which in theory enables greater control to be realised through recruitment and management processes;
- Cost savings realised through courier service restructuring;
- Service quality standards/risks are directly controlled;
- Opportunity to realise cost savings through restructuring of staff;
- Potential cost savings realised against other options overall;
- Saving of officer's time through negation of tendering process;
- Flexible and adaptable to future change.

### 2.3 Disadvantages

- Not core business activity;
- Professional FM service providers are likely to be more on top of industry developments;
- Council wage rates are higher than those typically offered for many of these FM services;
- Council pension costs are typically higher than those offered in the private sector for these roles;
- Holiday and sickness cover for staff becomes the liability of the Council;
- Opportunity cost of the time and effort managing relatively lower paid staff.

# **Option 2 Conclusions**

2.4 Despite higher wage and pension rates, an exercise to review the likely cost of bringing these services in-house indicated that there could still be savings compared to the current position. However, managing and developing these services is no longer a core activity, particularly with diminished staff resources and other priorities competing for officer time.

# 3. Option 3 – Joint Venture (JV) with a privately owned FM company

- 3.1 In considering this option we approached a well respected local FM service provider to discuss the potential of forming a JV company in which to place the FM services. Having shared data both parties were of the opinion that this was likely to be problematic for two reasons:-
  - a) Within public procurement legislation there is clearly a risk of legal challenge associated with forming a JV in this way which would fall outside of the 'Teckal' exemption. Whilst the company had stated that discussions along a similar line with a County Council had been encouraging, there was no evidence to suggest this core issue and risk could be mitigated.
  - b) It was the view of the company that the value of our FM services did not justify the effort involved in setting-up such a JV vehicle.
- 3.2 The 'Teckal' exemption applies where a contracting authority (the cases all involve local and regional government bodies) contracts with a legally distinct entity. Usually this will be a company that the authority has set up either on its own or in concert with others in order to provide services. The conditions for the exemption are that:-

- The service provider carries out the principal part of its activities with the authority;
- The authority exercises the same level of control over the service provider as it does over its own departments; and
- There is no private sector ownership of the service provider nor any intention that there should be any.

Where these conditions are met, the arrangement will not be treated as a contract for the purposes of the procurement regime, rather it will be deemed to be an in-house administrative arrangement.

- 3.3 Advantages
  - All services provided by one contractor potential for scales of economy realised through increased buying power of larger FM company;
  - Councils would have a financial stake in the business (open book accounting);
  - The basket of services put in the JV vehicle is flexible and can, in theory, be readily expanded in future if both parties agree; and
  - The arrangement is flexible to future changes to the services.
- 3.4 Disadvantages
  - Having sought legal advice, the arrangement is not compliant with EU procurement regulations;
  - We would risk legal challenge and potential fines;
  - Considerable due diligence would be required to reach a legal agreement with a private sector partner; and
  - Priorities of councils and private sector partner may not be aligned.

### **Option 3 Conclusions**

- 3.5 Having taken legal advice forming a JV in this way which would fall outside of what is known as the 'Teckal' exemption (see 3.2). The company we spoke to did say that they had been in discussion along similar lines with a County Council. However, there was no evidence to suggest this core issue and risk could be mitigated.
- 3.6 Discussions with a potential partner indicated that, from their perspective, there was insufficient value in the business to justify the expense of setting-up a JV company.
- 3.7 The risk of challenge around the legality of the arrangement in terms of public procurement regulations is considered to be a significant factor.

# 4. Option 4 – Joint Venture (JV) with EFMS Ltd

4.1 This option considers bringing together all currently outsourced contracts and in-house staff and transferring them into a newly established JV company with EFMS who are a wholly owned arm's length subsidiary of SCC. This would be carried out by utilising a 'Teckal' exemption (see 3.2 above).

- 4.2 Discussions with EFMS hold the potential to create a JV company as a subsidiary of EFMS in which FHDC and SEBC would be shareholders. This is the preferred option of SCC given their increasing stake in West Suffolk House and Haverhill House.
- 4.3 Advantages
  - All services provided by one contractor potential for scales of economy realised through increased buying power of larger FM company;
  - Synergies with existing EFMS courier and catering services;
  - Familiarity of staff operating within the umbrella of local government procedures;
  - Funds remain in the public sector;
  - Councils would have a financial stake in the business (open book accounting);
  - Flexible other services can be included later if required;
  - EFMS would undertake day-to-day management and be main point of contact (as at Endeavour House) rather than a SEBC manager taking this primary role.
- 4.4 Disadvantages
  - Potential pressure on service provider to increase profitability of contract within the scope of fixed contract prices, again leading to reduction in service standards provided;
  - Due diligence and external legal input required in reaching legal agreement with partner;
  - Priorities of councils and EFMS partner may not always be fully aligned.

# **Option 4 Conclusions**

- 4.5 There is much potential merit in exploring a JV with EFMS. As a wholly owned subsidiary of SCC funds would remain in the public sector realm. There is potential beyond just FM services in working with EFMS. SCC are also keen for us to explore this option which offers potential for growth and development for West Suffolk commercial services as well.
- 4.6 It should be noted that EFMS have a relatively strong new management team having recently recruited a new MD, Finance Director and Commercial Director.

# EFMS Capability Statement for:

Nadine Coleman Mark Walsh James Carrick

West Suffolk - comprising

St Edmundsbury District Council and Forest Heath District Council

Monday 13<sup>th</sup> October 2014

Prepared by:

Jo Lardent – Commercial Director Hannah Leys – Regional Head of Services

# **Executive Summary**

We believe that there are tremendous advantages to be derived from EFMS delivering your services. We have detailed these within this capability document but in summary:

- 1. **Single Point of Contact** Hannah Leys will be your single point of contact for all services under the contract. Providing a responsive, customer focused service
- 2. **Support** Hannah will have all the support functions that she requires to manage and develop her 'region' HR, learning and development, financial control etc.
- 3. **Efficiencies** We are confident that we can deliver cost savings to West Suffolk through the application of new working practices and the introduction of new technologies
- 4. Management Information Streamlined back of house through our helpdesk system
- 5. Service Improvement through staff engagement and work study
- 6. **Local Procurement** We source from within the East Anglian region, therefore supporting and developing local SME's and entrepreneurial supply partners
- 7. **Rewarding our Teams** Opportunities to reward our staff through a minimal hourly wage rate increase from savings generated across the contract
- 8. Developing our People through Training Hannah has her own Learning and Development Business Partner and service specific trainers and experts
- 9. ABCD Awards Above and beyond the Call of Duty These are hugely popular awards and are often nominated by our clients!
- 10. Reducing Absenteeism to Drive Service Quality EFMS are in the process of implementing an absence management system that will deliver proven cost savings
- 11. **No Costs to Tender** Last, but by no means least if West Suffolk chooses to work with EFMS in a new contract going forwards you will save the cost of a lengthy and costly tender process. In recognition that we will also save by working directly with you, we will amend our management fees to reflect this streamlined approach.

We look forward to developing these proposals with you over the coming weeks, to design an FM solution that adds value to you and enables you to focus on your core activity of providing service to local residents.

Jo Lardent Commercial Director EFMS

# Introduction – why choose EFMS as your service provider?

EFMS is in the unique position with West Suffolk that we have recent and detailed knowledge of your sites, services, customers and stakeholders having delivered your services historically. We continue to operate locally and have the resilience and support structures in place to seamlessly transfer any or all of your services under the management of EFMS.

Hannah Leys has tremendous expertise in the delivery of multi service, multi location contracts and the specific experience of having managed your West Suffolk portfolio historically. Hannah is now a senior member of our EFMS management team and will lead this project.

This following document demonstrates our experience and capability to deliver your services and also many of the new innovations and service improvements that a contract with EFMS will bring.

# The new face of EFMS

EFMS was divested from Suffolk County Council some years ago and continued to be managed by the existing Suffolk Traded Services management team up until September this year.

In February this year, the Non-executive Directors announced to the team that they were planning a radical overhaul of senior management. A new executive team is now in place to develop the EFMS portfolio of services and market sectors. EFMS is now a very different organisation! The new executive team will achieve the following goals:

- Create a customer focused FM service provider
- Bring the knowledge and expertise into the business to create an environment for growth
- Develop new service opportunities
- Develop new markets
- Establish new routes to market
- Professionalise the service delivery, to provide a high quality and consistent service.

Following your market test in 2010 we have continued to successfully deliver your catering series at West Suffolk House.

# **Delivering FM Service and Quality**

By October 2014 Ian Surtees, Jo Lardent and Marcus Yarham will have joined the EFMS Board as the executive directors of the business. Their goal is to achieve the mandate above and introduce new clients to the EFMS family. Please find their brief resumes below:

### Ian Surtees Managing Director - MBIFM MIOD

Ian joined EFMS from an international facilities services business, where he managed a multi service portfolio, with an annual turnover in excess of £60m. Ian's experience spans the public sector, business and industry and the health and care sectors.

A trained chef and experienced caterer, Ian has managed Total Facilities Management (TFM) businesses within the facilities services sector for over 15 years. Ian lives in the region, is married with three children and is a keen sportsman.

Ian brings to EFMS an energy and passion for efficient and effective client facing services. Ian will ensure compliance to all systems, process and governance to ensure we operate safely and with our clients' interests at the heart of what we do, on a daily basis.

# Jo Lardent Commercial Director - BSc Hons MBIFM MIOD

Jo is a caterer by profession, gaining a degree in catering management from Manchester University. She has worked in all aspects of catering but has spent the last 10 years selling and operating total facility management solutions to the public sector. Jo mobilised the soft FM contract for the Ipswich Hospital NHS Trust, transferring 502 staff under TUPE. Recent projects include Suffolk One, Woking Borough Council and most recently Kent County Council.

Jo understands the political arena, in which you operate, the challenges you face and will support West Suffolk in delivering an effective TFM solution that rewards excellence, but has the ability for penalty when required. Jo lives near Stowmarket in Suffolk and is happily married with 2 children.

# Marcus Yarham Finance Director

Marcus joins the executive team from one of EFMS' major local competitors NPS (Norse). Marcus will develop new financial models that support our clients in achieving their need for financial visibility and financial rigor. Marcus has considerable expertise in the development of Joint Ventures and setting up special purpose vehicles (SPV) to enable innovative contracting solutions. Marcus lives south of Norwich with his wife and two young children.

At EFMS we are small enough to design your invoice to suit your accounting needs and tailor the management information we provide to you.

# Hannah Leys Regional Head of Services - MBA Dip NEBOSH BICSc

Hannah has worked for the Company for 10 years offering high levels of FM service to her client portfolio. Hannah has significant experience in all of the FM disciplines that your West Suffolk opportunity includes – cleaning, security, building services etc. Hannah has a proven track record of delivering efficiency savings and increasing customer satisfaction. Much of this success is achieved through her loyal team and the retention of great staff, she has reduced churn by 11% in the last 2 years alone.

Hannah's career includes a period with Suffolk County Council where she undertook the Leadership Development Programme. In 2010 Hannah completed her Master's in Public Service Management. The significant benefit of this course was that along with her experience of managing complex FM operations, Hannah now fully understands the theoretical and technical intricacies of complex public sector organisations.

Hannah wants to work with West Suffolk to make your contract our flagship EFMS total facilities management contract.

# **Experience - Collaborative Working**

Ian, Jo, Marcus and Hannah have between them 81 years' experience in the delivery of FM services! Below we have highlighted just a couple of our current clients to evidence the way we work to develop client services and add real value!

We have a proven track record of working in a collaborative way with our customers which has resulted in continued relationships and the continuation of contracts for EFMS.

# Case Study - Suffolk County Council @ Endeavour House

We provide the complete range of FM services at Endeavour House, allowing our customers to concentrate on their core activities, while we provide a functioning and serviced building in which they can operate. Our services include:

- Full staff restaurant serving breakfast and lunch, functions and events
- High street style coffee shop
- All cleaning and janitorial services, provision of high tech silent vacs and new ways of working
- Full FM helpdesk, monthly activity and task reporting
- Portering and handyman service
- Courier and dispatch, including postal services
- ID badge service
- Reprographics and photocopying, including access to our complete design and print service base in Ipswich and Bury St Edmunds
- Custodial and Security services
- Waste management.

We work hand in glove with the Councils chosen hard FM providers to ensure a seamless service for the 1,000 building occupants.

### **Different Contracting Models**

We have considerable experience working across other public sector areas and work closely with Boroughs and Districts on joint venture arrangements. We can and do provide advice on FM services, sharing our best practice and advice with others and showcasing the work that we have undertaken.

We have included as an appendix a number of collaborative working case studies, show casing our work with Suffolk's Corporate Property team, Suffolk Fire and Rescue and IPS Library Services.

As a team, we have considerable experience of contracting in different ways to suit our client's corporate status and financial needs. We look forward to exploring the best options for West Suffolk with you as soon as we understand the service and property scope more clearly.

# **Our Staff Commitment**

Staff are our key asset – it sounds very hackneyed but it's true. We believe in investing in the training and development of our teams, supporting learning and development programmes both inside and outside the working environment. This approach has supported the excellent staff retention that we now see.

We are in the process of implementing our own EFMS NVQ programme delivered and administered by our own training team, led by Sara Hinchliffe.

# **TUPE Transfers**

When we handed our West Suffolk team to your new provider Ocean we managed the process professionally and in a timely manner. It is vital that the staff transferring under TUPE are dealt with, with dignity and respect and in line with all the guidance that surrounds the TUPE process.

We have TUPE transferred over 100 staff into EFMS in the last 5 years. Hannah has her own Human Resources Business Partner to advise and support the process when staff are coming into, or out of our organisation.

# Our Understanding of your Scope ...

We anticipate that an FM contract with West Suffolk could include (but is completely open to discussion and debate):

# **Properties:**

- West Suffolk House
- Haverhill House
- Playing Fields and Changing Facilities
- Public Conveniences and Car Parks
- High profile St Edmundsbury buildings in the centre of Bury; Athenaeum and the Apex
- Forest Heath District Council provisions.

# Service Profile:

- Facilities management services for your operational buildings
- Various security duties
- Courier and postal services
- Cleaning and window cleaning to your operational portfolio
- Cleaning and attendance of Public Conveniences
- Printing and design services
- Catering, hospitality and vending
- ID access control systems
- Reception.

# Capability

When it comes to soft FM solutions there are no staff based services that we can't provide. We are able to provide and support you with the following range of services:

- Full staff restaurant serving breakfast and lunch, functions and events
- High street style coffee shop, or mobile coffee pods
- Reception and access control
- All cleaning and janitorial services window cleaning, specialist cleans
- Kitchen Deep Cleans
- Management and servicing of catering and cleaning assets
- Pest control, treatment and eradication
- Full FM helpdesk, monthly activity and task reporting
- Portering and handyman service
- Courier and dispatch, including postal services
- ID badge service
- Reprographics and photocopying, including access to our complete design and print service base in Ipswich and Bury St Edmunds
- Custodial and Security services
- Waste management
- We can provide procurement services for you, acting as your buying agency
- Energy services including bill validation, supplier payment, consultancy advice on low carbon solutions.

### **Design & Print**

Our experienced and creative team can guide you through the design process for any promotional or internal material which you need developed to a high standard. Whatever format and output you need, our state of the art press, run by expert operators can then make your designs into quality finished products, we offer:

- Creative Design Services
- Traditional Lithographic Printing
- Digital Printing
- Wide Format Printing.

Our innovative designs regularly reflect the region's imagery and culture. We love **local**. Picked from the best East Anglia has to offer, our team of experts can deliver any design, print and product you need. We are specialists. Cost effective services and a true collaborative ethos means that we can match any budget with high quality results. We work together.

# **Catering Services**

We currently provide this service for you, but we can offer much more ...We provide bespoke branded catering services as well as regional events and functions. We are the caterer of choice to public buildings, providing high quality staff restaurants and coffee shops. Our innovative solutions combine fresh, local seasonal produce with leading edge dining concepts, we offer:

- Events and Hospitality
- Civic Catering
- Corporate Contract Catering
- Equipment Maintenance
- Kitchen Design Consultancy.

### Energy

Unrivalled expertise sets our team apart, through fully compliant purchasing to innovative management of energy and water provision. Using the latest technology including smart metering and web-based monitoring, we are able to generate cost savings, improve forecasting and manage your accruals. All data is available to view via customer portals. We offer:

- Full lifecycle energy management
- Green advice
- Real time monitoring and incident reporting
- Energy design and consultancy

### **Facilities Management**

Managing a range of building services is a complex task. Our dedicated Facilities Management team enables us to be flexible to your needs: running welcome desks, resource bookings, cleaning, security and courier services, we can provide the service you require. This enables you to focus on your core business, knowing that all your support service requirements are being effectively co-ordinated, we offer:

- Security access and guarding
- Reception and concierge
- Building management
- Asset Management
- Courier and Postal Services
- Contract Cleaning.

# **Benefits**

We believe that there are tremendous advantages and benefits to be derived from EFMS delivering your services. We have highlighted the key areas below:

- 1. **Single Point of Contact** Hannah Leys will be your single point of contact for all services under the contract. Providing a responsive, customer focused service
- Support Under the new management structure developed by our new MD Ian Surtees, Hannah will have under her direct management all the support functions that she requires to manage and develop her 'region' – HR, learning and development, financial control etc. the benefit to West Suffolk is the immediacy of management information that we will provide to inform your decision making
- 3. **Efficiencies** detailed below, but we are confident that we can deliver cost savings to West Suffolk through the application of new working practices and the introduction of new technologies that save manual inputting and the duplication of processes
- 4. Management Information Streamlined back of house through the helpdesk system
- 5. Savings in your West Suffolk client side team, from not having to manage multiple contract partners
- 6. Service Improvement through staff engagement and work study
- Local Procurement this is really important to EFMS and a corner stone of how we do business. We will source coffee beans, vending ingredients and cleaning materials from within the East Anglian region, therefore supporting and developing local SME's and entrepreneurial supply partners
- 8. **Rewarding our Teams** We are acutely aware of the low rates of pay that many FM operative suffer under. As part of our proposals to you, we propose to review:
  - Pay rates in relation to the new National Minimum wage
  - Current pay structures and two tier working
  - Opportunities to reward our staff through a minimal hourly wage rate increase from savings generated across the contract, following the adoption of leaner working practices
  - Harmonisation where appropriate.
- Developing our People through Training At EFMS we have the luxury of our own dedicated training team. Hannah Leys, who would be your Head of Services, has her own Learning and Development Business Partner and access to service specific trainers and experts as and when needed
- 10. **ABCD Awards Above and beyond the Call of Duty -** These are hugely popular with our staff and are utilised to give that 'pat on the back' when someone has provided exceptional client or customer service, or gone that extra mile to resolve a query. These awards are often nominated by our clients

- 11. **Reducing Absenteeism to drive Service Quality -** EFMS have implemented an absence management system (that Ian and Jo have previously utilised) from Honeydew. Honeydew will deliver:
  - Proven absence reduction
  - Notification to the line manager of an employee's absence this could be via text, email or phone call. This will enable line managers to arrange suitable cover
  - Effective real time monitoring of all unplanned absence
  - Dashboard reporting for management control
  - Reports by individual employee
  - Mandates the application of the our EFMS sickness and absence policies
  - Reduction in absence rates to between 3% and 5%
  - Through the in-built reporting system, line managers will be informed of/or be able to view in the system:
    - employee absence on a daily basis
    - employees who reach trigger points
    - employees who are absent for Musco-Skeletal or Stress/Depression or Anxiety and require instant referral
    - employees who have reached RIDDOR stages of absence
    - requirement to undertake employee return to work interviews
    - requirement to keep in touch with staff who are on long term sick
- 12. **No Costs to Tender** Last, but by no means least if West Suffolk chooses to work with EFMS in a new contract going forwards you will save the cost of a lengthy and costly tender process. In recognition that we will also save by working directly with you, we will amend our management fees to reflect this streamlined approach.

# Efficiencies

We believe that there are considerable efficiencies to be driven out of the contract, but reviewing objectively how services are best delivered and by whom. We know that we currently win and compete for work against your Grounds Maintenance team. This is madness! Through a single supplier, this duplication of costs and effort will be removed immediately. We will then thoroughly review the current provision from EFMS and historically from West Suffolk to determine the best service frequency, depot locations etc. going forwards.

# **Back of House**

There will inevitably be savings in your back of house in the administrative and invoicing teams as a result of going to one service provider.

# Visibility

We would like to explore with you the application of information technology systems to manage and report FM data for us. Technology that has been used very successfully in the wider FM arena is the installation of a CAFM system (Computer Aided Facilities Management) software. All activities, both planned and reactive are channelled through the system via a managed helpdesk, which we would also provide.

Monthly we can then report to you on:

- Locations that received a planned grounds maintenance visit you can then easily identify any missed sites
- What reactive pest control task were logged indicating recurrent pest management issues that need resolving not just treating
- Reactive cleaning tasks, replenishment of toilet paper why do certain locations always run out, lets install larger dispenser
- Helpdesk call by department or user who is calling all the time and why?
- Maintenance activities where is the damage occurring?

# Case Study – Library Service

We have worked with the library service to reduce costs following their divestment from Suffolk County Council, this was achieved through revision of all cleaning schedules, ensure consistency throughout the portfolio of sites and amending the pricing structures to introduce a fixed operational rate. We incorporated work which had previously been undertaken as one off work and were able to incorporate this into contract value rates to reduce previously hidden costs.

# Case Study – Working Collaboratively

Between 2009 to 2014 we worked with one of our customers on the reduction of operational costs in excess of £1.2m per annum. This was achieved through understanding our customer's needs, their values, the challenges they were facing and looking at how we could achieve the desired outcomes without reducing service levels.

We followed a process of recommendations and options along with an appraisal of potential savings, implications, assumptions and risks. This was then progressed and discussed with our

customer and re-evaluated until achievable and acceptable reductions was agreed. We worked closely with our customer throughout implementation to ensure that communications were clear and expectations met.

# Case Study – Suffolk Fire and Rescue

On a recent contract award with Suffolk Fire and Rescue service we worked with the customer to ensure that the service we were contracting to provide all of the benefits of a professional and experienced managed contract whilst not increasing any element of cost for the customer. This was achieved and we provided an added value service to our customer by allowing the team previously covering this operation to focus on their core business.

We have worked with many other companies on changes to service delivery, rebalancing of sites, reviews and recommendations on where potential savings could be introduced, how new technologies can assist in the speed of delivery reducing the number of hours required on contracts having a positive outcome on financial charges.

We have experience of working across other public sector areas and work closely with Boroughs and Districts on joint venture arrangements; we have shared our best practice and advice with others and showcasing the work that we have undertaken.

# Partnership

The true benefits will come when we genuinely work together. We would like to co-locate with your Estates or FM client side representatives. The key benefits of this approach are:

- Immediate and short routes for communication
- Through embedding ourselves in your environment, we will move quickly understand your culture and Council ethos
- Quicker decision making
- On the ground to be able to see areas of duplication and inefficiency.

# Relationships

We have an excellent relationship with West Suffolk and your client team, which we would like to build upon as we integrate your out-sourced FM services under our management team. As a current client you know EFMS well and we understand your vision and Council ethos.

The addition of the other FM services to our current West Suffolk services will make you a flagship contract for EFMS

### **Centre of Excellence**

We propose to work with you across the service disciplines to make West Suffolk a Centre of Excellence.

### Staff

EFMS takes a pragmatic approach to TUPE, and understand that while taking on the existing team members is more favourable to us, transferring team members may be anxious about a new employer. As such our HR Partner – Linda Marsh, a highly experienced TUPE expert, and her team of HR advisors will manage the process, alongside Hannah and her local team – all of whom are extremely sympathetic to the situation and will support the team throughout the consultation process.

### Pensions

EFMS holds full Admitted Body Status, so any retained team members will be reassured that their pension arrangements are safe whether they are on ex Council terms and conditions or under the pension arrangements of a private sector provider.

### Recruitment

Recruiting for new positions will be undertaken on your behalf using our process of advertising internally and externally, whilst involving you where appropriate in interviews and training to ensure you get the best candidates.

# **Future Agility**

Whatever contract type we opt for, it is inevitable that the service scope and building remit will flex over time. We will respond to these changes through:

- Costing all services by building from the outset, so that as services change and buildings close or change use, you will have complete visibility of the associated charges and cost reductions
- A robust Contract Variation process that captures in an auditable way the contract changes, so that essentially the specification is always live and up to date
- A dedicated workforce based on site, supported by a mobile team this flexibility of staff enables us to cover any absence, planned or otherwise.

**Providing additional services** - we now provide a service cleaning void properties, returning them to a suitable condition to be re-let. This is a massive advantage for our customer as it has reduced their costs and turnaround time of the availability of the properties.

**Eyes and Ears for Haverbury** - we act as the eyes and ears of our customers across their property portfolios and report any issues that require their intervention such as pest infestation vandalism or misuse of areas by the tenants. We get feedback from our regular meetings and comments from the resident's forum and Havebury Area Monitors. We were invited to attend a recent joint agency event in one residential area. We are also preparing quotes for projected new sites for our customer in order that they can be included in forecasted service charges to residents.

We feel we have developed a supportive and responsive relationship with our customer; we are their first point of contact for any cleaning needs and are happy to discuss other areas when they come up and work together to provide solutions. During the recent bad weather, when the customer's resources are stretched, we suggested that our own staff grit pathways when they are on site to reduce the need for anyone to travel unnecessarily. We have always accepted an invitation to the customer's charity golf day and last year we sponsored a hole.

# **Public Relations and Communications**

We would like to create a Communications Plan specifically for the West Suffolk contract that details the PR, website, twitter messages etc. that we are going to jointly and separately send out.

We will work hand in glove with your Comms team to ensure that all messages are authorised prior to dissemination.

# Appendices

# Case Study – Suffolk County Councils Corporate Property Department

Between 2009 to 2014 we worked with one of our customers on the reduction of operational costs in access of £1.2m per annum, this was achieved through the understanding of our customer, their values, the challenges being faced and looking at who we could achieve the desired outcomes without reducing service levels to unacceptable standards. We followed a process of recommendations and options along with an appraisal of potential savings, implications, assumptions and risks, this was then progressed and discussed with our customer and re-evaluated until achievable and acceptable reductions was agreed. We worked closely with our customer throughout implementation ensure that communications were clear and expectations met.

# Case Study – IPS Library Service

We have worked with the library service for over 8 years and have recently undertaken to continue providing services following their divestment from SCC. We have undertaken an exercise to:

- Revise all of their cleaning schedules
- Ensure consistency throughout the portfolio of sites and
- Amend pricing structures to ensure a fixed rate is operational across all sites
- Deliver a programme of additional works.

We have dedicated one team member to be the single point of contact for the 29 libraries in their portfolio, to ensure our client gets a prompt and appropriate response to queries and additional FM tasks.

# Case Study – Suffolk Fire and Rescue

Following the recent contract award of Suffolk Fire and Rescue's FM service to their 24 retained Fire Stations we have successfully transferred (under TUPE) their previously in-house staff over to EFMS, this was undertaken in a professional way with compliments being made on the way this was handled by the EFMS Account Managers and Supervisors. The award of the contract followed an initial 1 year period of support work to the Fire Service where we supported ad hoc arrangements and covered sites with a mobile work force.

The major benefits that EFMS have bought to this contract are:

- Our Fire and Rescue client has a designated single point of contact
- The operatives delivering this contract for EFMS now have a dedicated and experienced line manager
- The Fire Service has regular contact with their FM provider
- Through us they have access to new technologies and equipment in order to undertake the requirements on this contract.