

	ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER {19/06/2015}
Title	Countryside Management Operations contract
Report of	Street Scene Director Lynn Bishop
Wards	All
Status	Public report (with separate exempt report)
Enclosures	None
Officer Contact Details	Robert Wiltshire, Parks and Open Spaces Officer, Greenspaces and streets, Street Scene, 020 8359 7825 rob.wiltshire@barnet.gov.uk

Summary

This report seeks authorisation to accept tender quotations for six lots for the provision of countryside management operations throughout the London Borough of Barnet.

The contract Lots cover Access maintenance of Bridleway, Meadow management, Hedge maintenance, Open Ditches, Culvert, Land drainage & Revetment maintenance and Access maintenance of Rural rights of way footpaths.

The Lots within this report identify the costs submitted by the tenderers based on their schedule of rates prices, covering the contract specification work listed within each Lot.

The contract allows for additional work to be carried out on each Lot based on the contractor's submitted schedule of rates.

Decisions

1. Authorisation to award the contract for Lots 1-5 to Bush Wheeler Services Ltd
2. Authorisation to award the contract for Lot 6 to Countryside Contracts.
3. The period of the contracts being 1st April 2015 - 31st March 2018 with the option to extend the contract for a further 12 months subject to performance and budget review.

1. WHY THIS REPORT IS NEEDED

- 1.1 This report seeks authorisation to accept submitted tender quotations for six lots for the provision of countryside management operations throughout the London Borough of Barnet. The contract Lots cover Access maintenance of Bridleway, Meadow management, Hedge maintenance, Open Ditches, Culvert, Land drainage & Revetment maintenance, and Access maintenance of Rural rights of way footpaths.
- 1.2 The maintenance of the green infrastructure located throughout the borough contributes to the preservation of hedgerows and hay meadows for wildlife. To improve the look and feel of the borough; thus enhancing the appearance of the borough.
- 1.3 Failure to appoint and instruct a Contractor for the provision of maintenance services within sufficient time will prevent the appointment of a contractor to carry out the required services at the specified times to ensure the borough is well maintained.

2. REASONS FOR DECISIONS

- 2.1 The existing countryside management operations contract has expired. To ensure we comply with procurement rules, we have retendered the work for a new 3 year contract with the option to extend for a further 12 months to deliver the provision of countryside management operations.

3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 3.1 None were considered due to the requirement for the contract work to be to be tendered to comply with current corporate procurement rules.

4. POST DECISION IMPLEMENTATION

- 4.1 The contract will be signed and services programmed to cover the initial listed scheduled work required under each Lot. The contract will be evaluated along with the contractors' performance against KPIs within the contract at regular meetings. The contract allows for a further 12 month extension subject to

performance and budgets requirements which will be reviewed in the third year of this contract, when a further summary report will seek permission to extend the contract if all of the criteria have been met during the initial contract period.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The corporate plan for 2015-2020 sets out the stated priorities and outcomes of:

- To drive an increase in overall resident satisfaction with Barnet as a place to live to among the highest of any outer London borough.
- To create the environment for economic growth and the success of residents, ensuring high quality infrastructure is in place, and removing any barriers or unnecessary costs of growth to successful businesses.

The maintenance of the green infrastructure located throughout the borough contributes to the preservation of hedgerows and hay meadows for wildlife as well as to the look and feel of the borough; thus enhancing the appearance of the borough and contributing to the corporate outcomes of Protecting, conserving and enhancing green space and the leafy character of Barnet for current and future generations, so that they can support and improve the health and well-being of the population.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 Due to the value of the services the opportunity to tender for this contract was advertised in the Official Journal of the European Union (OJEU) and in compliance with the requirements of the Council's Contract Procedure Rules, section 17 APPENDIX 1 - TABLE A – Authorisation and Acceptance Thresholds row D Services: Full OJEU Tender.

5.2.2 The contract operations are funded from the Greenspaces revenue budget and are accounted for within annual budget provisions. The tender evaluation was based on 50% technical/quality and 50% pricing to ensure best value for money.

Contract maximum value including the optional 12 month extension has been set at £448,000 and is based on the value per annum for the contract not exceeding £112,000 for all Lots listed.

The programmed work listed in the tables below amounts to £74,709.36 per annum. The contract maximum value has been set at £112,000 per annum to allow for additional work which may be necessary within each Lot. There is £112,000 of available budget for the contract per annum which the service do not expect to exceed. The contract value will also allow for the addition of any new sites/access routes and associated works to be added over the course of the contract.

The additional work would be funded from the Greenspaces revenue budget, if sufficient funds were available and from external funding sources, avoiding the necessity to re tender for work identified within this contract. Based on

expenditure in 2013-14 and 2014-15 it appears that there is sufficient funding to complete the contractual works within the required £112,000 per annum value.

5.2.3 Table 1 Lot 1: Access Maintenance Bridleways

Supplier	Quality score	Price score	Aggregate score for Quality and price
Bush Wheeler Services Limited (Bidder A)	48.50%	24.79%	73.29%
(Bidder B)	34.50%	24.75%	59.25%
(Bidder C)	-	-	-
(Bidder D)	34.50%	23.79%	58.29%
(Bidder E)	33.50%	24.67%	58.17%

5.2.4 Table 2 Lot 2: Meadow Management

Supplier	Quality score	Price score	Aggregate score for Quality and price
Bush Wheeler Services Limited (Bidder A)	46.50%	24.67%	71.17%
(Bidder B)	-	-	-
(Bidder C)	-	-	-
(Bidder D)	34.50%	24.40%	58.90%
(Bidder E)	34.50%	24.43%	58.93%

5.2.5 Table 3 Lot 3: Rural verge grass cutting

Supplier	Quality score	Price score	Aggregate score for Quality and price
Bush Wheeler Services Limited (Bidder A)	51.50%	24.75%	76.31%
(Bidder B)	-	-	-
(Bidder C)	-	-	-
(Bidder D)	34.50%	24.38%	58.88%
(Bidder E)	33.50%	24.37%	57.87%

5.2.6 Table 4 Lot 4: Hedge maintenance rural flail cut and General hedges option A and B

Supplier	Quality score	Price score	Aggregate score for Quality and price
Bush Wheeler Services Limited (Bidder A)	48.50%	24.92%	73.42%
(Bidder B)	-	-	-
(Bidder C)	-	-	-
(Bidder D)	34.50%	24.50%	59.00%
(Bidder E)	33.50%	24.08%	57.58%

5.2.7 General Hedges Option A

Supplier	Quality score	Price score	Aggregate score for Quality and price
Bush Wheeler Services Limited (Bidder A)	48.50%	24.89%	73.39%
(Bidder B)	-	-	-
(Bidder C)	-	-	-
(Bidder D)	34.50%	24.60%	59.10%
(Bidder E)	33.50%	24.02%	57.52%

5.2.8 General hedges Option B

Supplier	Quality score	Price score	Aggregate score for Quality and price
Bush Wheeler Services Limited (Bidder A)	48.50%	24.67%	73.17%
(Bidder B)	-	-	-
(Bidder C)	-	-	-

(Bidder D)	-	-	-
(Bidder E)	33.50%	24.33%	57.83%

5.2.9 Table 5 Lot 5: Open Ditch, Culvert, Land Drainage and Revetment work

Supplier	Quality score	Price score	Aggregate score for Quality and price
Bush Wheeler Services Limited (Bidder A)	46.50%	24.84%	73.34%
(Bidder B)	-	-	-
(Bidder C)	28.00%	24.20%	52.20%
(Bidder D)	34.20%	20.99%	55.19%
(Bidder E)	-	-	-

5.2.10 A financial appraisal was carried out by the finance service to assess the risk of entering into a contract with the above suppliers. Bush Wheeler Services Limited is detailed as low risk.

5.2.11 Table 6 Lot 6: Rural Rights of Way Maintenance

Supplier	Quality score	Price score	Aggregate score for Quality and price
(Bidder A)	-	-	-
Countryside Contracts (Bidder B)	34.50%	24.88%	59.38%
(Bidder C)	28.00%	23.81%	51.81%
(Bidder D)	34.50%	24.65%	58.17%
(Bidder E)	33.50%	24.67%	58.17%

5.2.12 A financial appraisal was carried out by the finance service to assess the risk of entering into a contract with the above suppliers. Countryside Contracts is detailed as low risk.

5.3 Legal and Constitutional References

5.3.1 The contract notice was advertised in OJEU on 26 November 2014 and therefore the Public Contracts Regulations 2006, applies to the award of this contract. Where the contract notice was advertised on or after 26 February 2015, the relevant legislation is the Public Contracts Regulations 2015. Under the 2006 regulations local authorities are required to advertise in OJEU the opportunity to tender for contracts for services where the value exceeds £172,514. In addition, authorities are required to offer equal opportunity in line with the general principles of non-discrimination, equal treatment, transparency, proportionality and mutual recognition as set out in the Treaty on the Functioning of the European Union. The contracting authority should consider whether there is a market for the service/supplies they require in other member states prior to award of contract and if there is, they are required to appropriately advertise before awarding the contract

5.3.2 The Constitution, Part 22 Contract Procedure Rules, paragraph 11 (Acceptance) and paragraph 17 (Authorisation and Acceptance Thresholds) appendix 1 Table A, provides a Council Officer in consultation with the Chairman of the relevant theme committee may accept a tender for contracts with a value of £172,514 and over if within budget. The Contract Procedure Rules require an Officer Full DPR by way of acceptance documentation.

5.3.3 The Contract Procedure Rules, paragraph 5 sets out the roles and responsibilities placed on Directors, Assistant Directors and Heads of Service. Such duties includes a requirement to ensure that contract terms to be used in a procurement have been approved by HB Public Law or a legal advisor

approved by the Monitoring Officer.

- 5.3.4 The Contract Procedure Rules, paragraph 12.1 requires that every contract (or contract novation) must be in a form approved by the Monitoring Officer (in consultation with HB Public Law) or delegated officer, if its value exceeds £23,000 or where appropriate to the nature of the contract.

5.4 Equalities and Diversity

- 5.4.1 The Council must demonstrate that it has procured contracts and services on a fair, just and equitable basis evidencing best practice and value for money. The procurement exercise carried out has satisfied corporate procurement requirements. The tender exercise was carried out in line with the Council's Contract Procedure Rules Appendix 1 – Table A – Authorisation and Acceptance Thresholds. The procurement process, has been fair and transparent, with the Council ensuring it is fully accessible. The Council is responsible for ensuring that all contracts for supplies, works and services are consistent with its equality & diversity obligations. The Council has a duty to promote equality of opportunity and the procurement process must ensure that this extends to parties carrying out work on behalf of the Council.
- 5.4.2 Under section 149 of the Equality Act 2010, the council must have due regard to the need to eliminate discrimination, harassment and victimisation prohibited under the Act and to advance equality of opportunity and foster good relations between those with protected characteristics and those without. The protected characteristics are age; disability; race; gender reassignment; pregnancy and maternity; religion or belief; sex; and sexual orientation. Marriage and civil partnership is also a protected characteristic with regard to eliminating discrimination.

5.5 Consultation and Engagement

- 5.1 Not applicable for this contract.

6 BACKGROUND PAPERS

- 6.1 Cabinet resources Committee dated 4 November 2013 forward plan for 2014-2015 – Appendix 1, Street Scene – Countryside management operations.
- 6.2 The current requirement is carried out by preferred suppliers. The new requirement saw the Council undergo an OJEU tender process, with five companies submitting tender prices for the various Lot requirements, based on a specification detailing the Council's needs for each Lot.

7. DECISION TAKER'S STATEMENT

- 7.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations.*

8. OFFICER'S DECISION

I authorise the following action

- 8.1 That, the Council accept the tender quotations from the companies shown in Table 7 below for the provision of Countryside Management Operations, and subject to acceptance, all necessary legal and other documentation be prepared and executed by the Council and the identified suppliers.
- 8.2 That officers prepare letters of appointment and relevant Terms and Conditions for signature by the vendor/s identified and enter into contracts for Countryside Management Services.

Table 7

Contract Description	AWARD
Lot 1: Access Maintenance Bridleways	Bush Wheeler Services Ltd
Lot 2: Meadow Management	Bush Wheeler Services Ltd
Lot 3: Rural Verges Grass Cutting	Bush Wheeler Services Ltd
Lot 4: Hedge Maintenance Flail Cut	Bush Wheeler Services Ltd
Lot 5: Open Ditches, Culvert, Land drainage & Revetment maintenance	Bush Wheeler Services Ltd
Lot 6: Rural Rights of Way Maintenance	Countryside Contracts

Signed

LM Bishop STREET SCENE DIRECTOR

Date

17/6/15

REPORT CLEARANCE CHECKLIST

(Removed prior to publication and retained by Governance Service)

Report authors should engage with their Governance Champion early in the report writing process and record the date below. If the decision/report has been reviewed at an internal board please record the date and name of the meeting (e.g. SCB). Otherwise enter N/A. All reports must be cleared by the appropriate Director/AD, Legal, Finance and Governance as a minimum. **Legal, Finance and Governance require a minimum of 5 working days to provide report clearance. Clearance cannot be guaranteed for reports submitted outside of this time.**

AUTHOR TO COMPLETE TABLE BELOW:

Who	Clearance Date	Name
Governance Champion	28/05/2015	Jan Natynczyk
Director / AD / Lead Commissioner	19/6/2015	LYNN BISHOP
Enabling Board / Delivery Board		
Commissioning and Policy		
Equalities & Diversity		
HR Business Partner		
Strategic Procurement	26/05/2015	Susan Lowe
HB Public Law	15/06/2015	Robert Prater
Finance	09/06/2015	Richard Playle
Governance	28/05/2015	Jan Natynczyk