



Cabinet

Title	Electric Vehicle Charge Point Contract Award (Non-Lamp Column Solution – residential streets)
Date of meeting	26 June 2023
Report of	Portfolio Holder for Environment and Climate Change – Councillor Alan Schneiderman
Wards	All
Status	Public
Key	Key
Urgent	No
Appendices	Appendix A – Net Zero Decision Table
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Summary

In December 2022, Barnet’s Policy & Resources Committee instructed officers to apply for further grant funding to support the rollout of electric vehicle (EV) charge points across the borough, as well as authorising the relevant procurement process to allow the council to seek a partner for the rollout of further non-lamp column charge points.

Following a funding proposal in early 2023, LB Barnet was allocated £5,190,040 of grant funding from the Office for Zero Emission Vehicles (OZEV) to cover 60% of the capital expenditure of two electric vehicle charge point projects across the borough. Since then, the Council has confirmed its commitment to securing this funding and rolling out the charge points, and undertaken a competitive tender process for one of the two projects – the rollout of 793 non-lamp column charge points spread across 65 residential streets.

Following tender evaluations Officers are now seeking the authority to award the contract to Trojan Energy Ltd, with the decision on the precise financial arrangement to be delegated to the Deputy Chief Executive and Executive Director of Strategy and Resources in consultation with the Portfolio Holder for Environment & Climate Change.

The Council's EV Charge Point programme forms a key pillar of the borough's Sustainability Action Plan and wider journey to net zero. The Council has an important role to play in not only decarbonising its own operations, but also in encouraging and facilitating sustainable behavioural change in its residents. By rolling out a further 793 charge points, it will provide residents with the certainty that, if they were to get an electric vehicle, there would be a place to charge it easily and efficiently.

Recommendations

- 1. That Cabinet approve the award of the contract for the supply, installation and future maintenance and operation of 793 non-lamp column electric vehicle charge points to Trojan Energy Ltd under a 15-year contract term in accordance with the details set out in the tender invitation and this report.**
- 2. That Cabinet delegates authority for the decision on which financial arrangement to be included within the contract to the Deputy Chief Executive and Executive Director of Strategy and Resources in consultation with the Portfolio Holder for Environment & Climate Change.**

1. Reasons for the Recommendations

- 1.1 Since the inception of Barnet's electric vehicle charge point programme in 2018, over 650 charge points have been installed across the borough. The programme is one of many positive steps the council has taken in decarbonising residential transport and supporting more sustainable travel modes.
- 1.2 Since 2018, the council has installed over 650 electric vehicle charge points, including:
 - 78x 3.5kW CityEV lamp column mounted charge points
 - 128x 5kW Ubitricity lamp column mounted charge points
 - 2x 7kW community charging hubs, each of 6 dual charge points, located within our town centre car parks
 - 4x 7kW freestanding charge points located within our town centre car parks
 - 463x 22kW Trojan Energy charge points spread across 33 residential streets
- 1.3 The council has also secured further funding to support the rollout of 120 JOLT charge points within Barnet town centre locations; these charge points will be rolled out throughout the remainder of the 2023/24 financial year.
- 1.4 Whilst this is a good starting point, it is important that we continue to support the rollout of charge points across the borough in order to support a more sustainable future for our residents and support them in adapting to the, soon to be further expanded, Ultra Low Emissions Zone (ULEZ). Although currently making up just 1.8% of all new vehicle registrations in the UK, projections indicate that there will be over 100,000 Ultra Low Emissions Vehicles (ULEVs) on London's roads by 2025. It is forecasted that this demand will only continue to grow in the period leading up to 2030, when new petrol and diesel vehicles will no longer be available to purchase.
- 1.5 To enable this further expansion, in December 2022, officers sought the approval of Policy & Resources Committee to apply for further funding under the OZEV On-Street Residential

Chargepoint Scheme (ORCS). Following this, a substantial funding proposal was developed and presented to Energy Savings Trust (EST) and OZEV to request funding support for the installation of:

- 793 non-lamp column charge points across 65 residential streets
- 500 lamp column charge points

- 1.6 LB Barnet was notified in March 2023 that this proposal was successful, and that funding would be provided as a non-ringfenced capital grant which must be used for capital expenditure. The grant award of £5,190,040 would cover up to 60% of the capital costs of the installations, with the remainder being covered by either Barnet Council or the Charge Point Operator (CPO).
- 1.7 Acceptance of the award of this grant payment was made by signing the Grant Determination on 28 March 2023, following which officers began work on the relevant procurement processes to secure a partner for the rollout of non-lamp column charge points.
- 1.8 Officers undertook a competitive tender utilising the Oxford City Council Dynamic Purchasing System (DPS) for the rollout of 793 non-lamp column charge points across 65 residential streets. The tender asked CPOs to provide a range of pricing and commercial options to cover the following scenarios:
 - CPO funds the remaining 40% of required capital funding
 - LBB funds the remaining 40% of required capital funding
 - CPO and LBB jointly invest, funding 20% of the required capital funding each
 - Any other commercial arrangement the CPO would like to present, under the understanding that this would not form part of the evaluation criteria
- 1.9 These financial models were prepopulated within the call-off tender documents with a certain amount of information to ensure that bids could be fairly evaluated on a like for like basis. As an example, the model looks to estimate the financial outcome on an annual basis over the full 15-year term of the contract based on an assumed number of charge point users increasing on an annual basis as more residents transition to electric vehicles over time.
- 1.10 The Council received three tender submissions, all of which were evaluated by officers, including a representative from the Sustainability Team. Unfortunately, two of the suppliers could not meet a specification requirement of the Council and failed to provide a full and comprehensive price for all the works specified. These were clear requirements of the Council, and the Council sought clarification from the two suppliers, however they still could not meet the specification requirement and failed to provide complete costs. On that basis, their bids were rejected as non-compliant.
- 1.11 However, the remaining acceptable tender submission has been thoroughly evaluated against the evaluation criteria and this has established that the tender received from Trojan Energy Ltd is fully compliant and meets the following requirements:
 - The quality submission scored highly in both the quality questionnaire and method statements.
 - The price for supply and installation of the charge points is within the estimated budget.
 - The commercial models have been correctly completed.
 - Trojan Energy Ltd has confirmed that the project can be delivered within the required and challenging project timescale – as required by the grant funding conditions.
- 1.12 As described above (1.8) the tender process identified that bidders should propose four commercial models. The purpose of this was to test the market to determine whether the Council

could achieve a better financial return by investing partially or fully in the capital cost of the project. The Council's Finance Team will undertake a thorough review of these options to ensure that the chosen option provides the best value for money for the Council, whilst also appropriately considering risk and any potential adverse impact on the general fund.

- 1.13 Officers are therefore seeking approval of two recommendations as follows: the authority to enter into a turnkey contract, whereby Trojan Energy Ltd will install, manage and maintain 793 charge points under a 15-year contract. We are also seeking authority for the selection of the most financially advantageous model to be delegated to the Deputy Chief Executive and Executive Director of Strategy and Resources in consultation with the Portfolio Holder for Environment & Climate Change, so that this decision can be made once the Finance Team have fully conducted their analysis and made appropriate recommendations.
- 1.14 The awarding of the contract will allow LB Barnet to rollout a further 793 electric vehicle charge points across the borough, supporting the Council's commitment of increasing the number of publicly accessible charge points to 1,219 by 2030. It would also support Barnet residents in shifting to more sustainable modes of transport and contribute towards the borough's net zero target of 2042.

2. Alternative Options Considered and Not Recommended

- 2.1 Cabinet could choose not to award the contract to Trojan Energy; however, this would likely result in our inability to spend the allocated grant funding within the deadline date and hence this funding would need to be returned to OZEV. Furthermore, such action would likely lead to the Council struggling to obtain future grant funding. This is therefore not recommended.
- 2.2 A decision to not award the contract would likely lead to delays in the installation of infrastructure that would contribute to the wider sustainability objectives, and notably the boroughwide commitment of reaching net zero by 2042.

3. Post Decision Implementation

- 3.1 Once the decision to award the contract has been approved, HB Public Law will be instructed to prepare the contract documents for signing and sealing at the earliest opportunity.
- 3.2 There are several tasks that are required in order to mobilise the contract, including engagement and co-ordination with a number of third parties, including Highways, Barnet Planning department, the local electricity company (UKPN) and the grant funders (OZEV).
- 3.3 It is likely that the above engagement may lead to a need to change or remove some of the proposed 65 sites; however, this risk has been mitigated by the identification of a reserve list of sites that can be substituted in should this be necessary.
- 3.4 It is envisaged that the commencement of the first street to the last street being completed will take approximately 6-8 months, therefore the project is expected to have been fully implemented in terms of infrastructure installation by the end of March 2024.
- 3.5 It is envisaged that there will be a staged go live of the infrastructure throughout the programme period.

- 3.6 It is imperative that it is understood that all parties who will act as enablers of this project, as identified in 3.2 above, are proactively engaged in positive actions in order to avoid any undue delays to the programme. Therefore, the co-ordination and assistance of these third parties is a key deliverable to the successful outcome of the project and therefore it will be essential to manage the project in accordance with the Council's established project management toolkit to ensure robust controls/monitoring are in place.

4. Corporate Priorities, Performance and Other Considerations

Our Plan for Barnet

- 4.1 Our Plan for Barnet is based on three key pillars: people, places and planet. Investing in the rollout of electric vehicle charge points supports these commitments. By investing in a fit for purpose charging network, the council can support residents in the shift to more sustainable modes of transport, as well as helping to achieve the council's climate emergency declaration and net zero target.

Corporate Performance / Outcome Measures

- 4.2 Performance is measured based on the successful delivery of the project within the agreed programme and the ongoing operation of the infrastructure once live will be subject to detailed monthly performance reporting regimes and these will feed into the corporate quarterly reporting on the number of charge points installed and the number of kW charged (usage levels).

Sustainability

- 4.3 Banet's Sustainability Action Plan sets the target of 'enabling the uptake of sustainable travel methods, including low and zero emissions vehicles'. The rollout of additional electric vehicle charge points will contribute positively to this objective – by further rolling out public charging infrastructure, it will provide residents with the confidence that, if they make the change to more sustainable transport, then they will be able to charge their vehicle in a way which is convenient and affordable. A full analysis has been conducted in line with the Council's Net Zero Decision Table, which is appended to this report.

Corporate Parenting

- 4.4 No direct or indirect impacts on looked after children or care leavers identified beyond those applicable to the population as a whole.

Risk Management

- 4.5 It is not considered that the issues involved are likely to raise significant levels of public concern or give rise to policy considerations.
- 4.6 As identified above the Service Provider will be responsible for delivering all aspects of this turn-key solution. They have provided a comprehensive tender proposal which scored very highly in respect to the technical and quality aspects of the project and the ongoing management of the infrastructure. This includes being responsible for maintaining a fully operational infrastructure, including upgrades as required and taking the risk on any scenario where costs of operating the infrastructure exceeds the income generated from charge point users.
- 4.7 A prospective risk that had been identified prior to going out to tender includes the tension that could arise from residents who do not own an electric vehicle (EV) currently and do not have intentions of switching in the short term. This is because it is normal practice to install dedicated EV only parking bays at EV charge point locations and this would then restrict the available parking space for non-EV drivers. This concern has been mitigated by the proposed service provider as

they have developed an innovative solution which avoids the need to dedicate bays to EV. This consists of sensors deployed in the streets which constantly monitor bay availability at the charge point locations and feeds messages to EV drivers to alert them to spaces that are available at any point in time.

- 4.8 A further risk that had been identified has also been mitigated by the proposed service provider. This is again due to the innovative nature of the charge point developed by Trojan Energy. The concern is related to the amount of street clutter and obstruction that introducing up to 15 charge points in a street would entail. The way in which this is mitigated with the Trojan Energy solution is that the charge point is a flat and flush socket which is installed in the footpath. There is no physical infrastructure above ground when no charging is taking place. A charging event is triggered by plugging a lance into the flat and flush socket and on completion of the charging event this lance is removed from the socket thereby minimising clutter on the street between charging events.
- 4.9 Due to the challenging timescales associated with the grant funding, there is a risk that the project is not delivered on time, which could potentially lead to OZEV revoking the funding. However, this risk will be mitigated by close project control and management, regular meetings with the supplier and regular progress reporting to OZEV.

Insight

- 4.10 Barnet has the second highest number of new electric vehicle registrations across London, with 2,227 new vehicles being registered in Q3 of 2022, up from 1,832 in Q3 of 2021. This shows the established level of demand across the borough, and it is reasonable to expect this to continually increase over time.
- 4.11 The council collects request data from residents who already have ownership of an electric vehicle, but do not have the capability to charge it off-street and are therefore reliant on public charge points. Barnet currently has c.750 resident requests for charge points, indicating the demand for greater charging infrastructure. This contract and a further (lamp column mounted charge point) contract to be procured over the next few months will ensure that these requests are substantially accommodated.
- 4.12 Based on the volume of requests being received each month it is envisaged that these two EV charge point projects will have additional capacity to respond to requests received throughout the remainder of this financial year.
- 4.13 When determining the most appropriate locations to install these charge points additional consideration has been given to where likely future demand will originate from. On that basis the roads where there is currently the most on-street parking has been prioritised.

Social Value

- 4.14 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits.
- 4.15 This procurement delivers environmental benefits from enabling residents to choose more environmentally friendly forms of transport.
- 4.16 There are many residents who do not have the facility of off-street parking and hence park their vehicles on-street. These residents feel disadvantaged and rely on the Council to provide a charging infrastructure as part of the highway network infrastructure. Many residents in this situation sight the lack of infrastructure as the main blocker to them having the freedom to choose

to transition into an electric vehicle. This project therefore supports those that have these ambitions.

- 4.17 This project procurement helps to contribute towards a significant reduction in carbon emissions and hence reduced local pollution and better air quality.
- 4.18 The innovative flat and flush design of the Trojan charge point is less obtrusive in a resident street and allows for footpath widths to be maintained thereby allowing better free access and movement and this is especially important for those with mobility issues, wheelchair users and pedestrians pushing double buggies.
- 4.19 The Civil Engineering contractors employed to carry out the installation works will be selected from local contractors, who are experienced in working in narrow London streets.
- 4.20 The Electrical contractors employed to assist with the electrical aspects of the installation works and whom will have responsibility for the ongoing maintenance of the charge point infrastructure will be selected from local contractors.
- 4.21 The Engagement Plan to be produced jointly by the Council and Trojan will provide extensive literature that will help residents to understand the benefits of transitioning to an electric vehicle and hence making use of the infrastructure. They will be given all the support and assistance they need to make the user experience as simple as is possible, especially at the point they commence using the charge points.
- 4.22 Trojan have committed to openly sharing user experience, operational and performance data. They will be recording extensive data including the environmental benefits derived from each charging session which will be openly available to individuals and/or as a collective set of data.
- 4.23 Trojan are keen to receive regular feedback from users and intend to set up User Groups for those residents who would wish to participate. Such engagement will be used to identify where service improvements are required and hence a culture of continuous improvement is being promoted.
- 4.24 Trojan have also identified a commitment to education and learning in this relatively new and emerging sector. They would like to agree with the Council a programme of educational and insight sessions to take place in educational and other appropriate settings within Barnet.
- 4.25 Trojan have identified that the EV industry and their business is set to grow significantly within the term of the contract, and this will require them to recruit staff in Barnet and other parts of London. They would welcome working with Barnet to support Barnet's ambitions to assist local people and particularly the young and disadvantaged into employment.
- 4.26 The project is cost effective as it is supported by significant grant funding and as usage of the charge points increases there is an opportunity to derive surplus income that will enable the Council to invest in service enhancements for the benefit of residents.

5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)

- 5.1 The tender sum related to the Trojan tender submission is within the anticipated project cost as included in the OZEV grant funding bid. On that basis the £5,190,040 secured from OZEV will cover 60% of the project costs of the project
- 5.2 The proposed commercial models are outlined below, with an overview of the percentage income share, the level of investment required, and the wider impact on the general fund (GF). While it is

most likely that the chosen commercial model will involve Trojan funding the remaining 40% required to fully cover the remaining capital cost of the project; it is worth conducting a more detailed review of the alternative options presented to ensure that the Council achieves the best financial outcome, whilst also appropriately balancing any associated risks. On that basis the financial implications will be fully evaluated by the Council's finance team should Cabinet choose to delegate responsibility to the Deputy Chief Executive and Executive Director of Strategy and Resources in consultation with the Portfolio Holder for Environment & Climate Change. Should a decision be made to invest, these implications will be outlined within a business case to Capital Strategy Board.

REF	Option	Total Project Capital Outlay	Capital investment by Trojan Energy	Capital programme outlay (LBB)	Grant 60%	Borrowing requirement	% net income Share Authority	% net income Share Trojan Energy	GF impact over 15 years
1	40% funded by Authority; 0% funded by Trojan Energy	7,327,320	-	7,327,320	4,396,392	2,930,928	90%	10%	1,991,064
2	20% funded by Authority; 20% funded by Trojan Energy	7,327,320	1,465,464	5,861,856	4,396,392	1,465,464	50%	50%	1,361,721
3	0% funded by Authority; 40% funded by Trojan Energy	7,327,320	2,930,928	4,396,392	4,396,392	-	10%	90%	732,377
4	Proposal: 143 charge points 40% funded by Authority; 650 charge points 40% funded by Trojan Energy	7,327,320	2,402,400	4,924,920	4,396,392	528,528	25%	75%	694,945

- 5.3 The council expects the successful rollout and uptake to generate additional income over and above the costs to run and maintain the scheme. As this is further understood and quantified, and at the appropriate time, the income generated will likely form part of future Medium Term Financial Strategy (MTFS) submissions.
- 5.4 It is believed that value for money has been demonstrated based on the process that has been followed and the comparison of the options provided.
- 5.5 There will be no additional staffing requirements in respect to managing and monitoring the delivery of this project as this will be supported by existing staff.
- 5.6 The installations will have a positive net impact on the borough's sustainability plans and will contribute to the boroughwide net zero commitment of 2042. Installing 793 charge points across the borough will give residents the surety and confidence required to make the switch to more sustainable modes of transport.
- 5.7 There are no IT or property issues.

6. Legal Implications and Constitution References

- 6.1 The Traffic Management Act 2004 places obligations on highway authorities to ensure the expeditious movement of traffic on their road network. Authorities are required to make arrangements as they consider appropriate for planning and carrying out the action to be taken in performing the duty.
- 6.2 The Council has a statutory duty to serve a s17 notice to residents, and any other owners and occupiers appearing likely to be materially affected (under the London Local Authorities and Transport for London Act 2013 (LLATLA 2013)). These notices should be served once the locations of the EV points have been identified and finalised, and before charging apparatus is provided or operated. This requirement under s17 LLATLA 2013 is pursuant to the Council's power to provide and operate, or grant permission to person to provide and operate, charging apparatus for electric vehicles under s16 LLATLA 2013. The notices will also need to be affixed in a conspicuous position at or near the place to which the proposal to provide and operate charging apparatus relates.
- 6.3 The Authorisation and Acceptance Thresholds table in the Contract Procedure Rules (Part 4B of the Constitution) indicates that the bid acceptance process documentation for a procurement

value of £500,000 and above, is an Officer Delegated Power Report (if within budget), or a Cabinet report (if not within budget). In this case, a Cabinet report is provided, as the Council is seeking Cabinet to delegate the decision on the precise financial arrangement with respect to the remaining 40% of the capital costs for this project.

6.4 Under the Council Constitution, Part 2B the terms of reference of Cabinet includes responsibility for the following functions:

- Development of proposals for the budget (including the capital and revenue budgets, the fixing of the Council Tax Base, and the level of Council Tax) and the financial strategy for the Council;
- Monitoring the implementation of the budget and financial strategy;
- Recommending major new policies (and amendments to existing policies) to the Council for approval as part of the Council's Policy Framework and implementing those approved by Council; - Approving policies that are not part of the policy framework;
- Management of the Council's Capital Programme

7. Consultation

7.1 Engagement with the Portfolio Holder for Environment and Climate Change was undertaken prior to the submission of the funding application.

7.2 Charge point locations were identified via a number of sources, including resident requests for a charge point in their area and responses to recent Controlled Parking Zone (CPZ) consultations.

7.3 Residents, and any other owners and occupiers likely to be materially affected, will receive notice in advance informing them of any forthcoming works, as laid out under sections 16 and 17 of LLATLA 2013. This will provide residents with the details of the proposal and give residents the opportunity to make representations regarding the proposal, which must be taken into consideration within the period specified in the notice, before exercising the power or granting the permission to provide and operate the charging apparatus.

8. Equalities and Diversity

8.1 Decision makers should have due regard to the public sector equality duty in making their decisions. The equalities duties are continuing duties they are not duties to secure a particular outcome. The equalities impact will be revisited on each of the proposals as they are developed. Consideration of the duties should precede the decision. It is important that Cabinet has regard to the statutory grounds in the light of all available material such as consultation responses. The statutory grounds of the public sector equality duty are found at section 149 of the Equality Act 2010 and are as follows:

A public authority must, in the exercise of its functions, have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Tackle prejudice, and
- b) Promote understanding.

Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act. The relevant protected characteristics are:

- a) Age
- b) Disability
- c) Gender reassignment
- d) Pregnancy and maternity
- e) Race
- f) Religion or belief
- g) Sex
- h) Sexual orientation
- i) Marriage and civil partnership

9. Background Papers

9.1 Procurement of Electric Vehicle Charge Points, Policy and Resources Committee, 13 December 2022 - <https://barnet.moderngov.co.uk/documents/s75501/EV%20Procurement%20Report.pdf>

9.2