

## **Report to Matt Davey, Director of Highways, Transport & Planning**

**January 2022**

### **Delivery of the Ash Dieback Plan: Award of contract for Felling of Ash Trees Infected with Ash Dieback**

#### **Report by Head of Local Highway Operations**

**Electoral division(s): All**

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#### **Summary**

Following a competitive procurement exercise and in accordance with the Council's Standing Orders on Procurement and Contracts, the Director of Highways, Transport and Planning is asked to authorise the award and commencement of a contract for the provision of the mass felling of Ash trees infected with Ash Dieback.

#### **Recommendations**

The Director for Highways, Transport and Planning is asked to approve the award and enter into a contract for the provision of felling of Ash trees infected with Ash Dieback with Euroforest Ltd. Contract to commence on 01 April 2022 for an initial period of four years, with the option to extend to a maximum duration of seven years, subject to performance.

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#### **Proposal**

##### **1 Background and context**

A contract for mass felling of Ash trees infected with Ash Dieback (ADB) is critical to ensuring the County Council can meet its statutory duty to maintain the highways and to meet its obligations for the safety of staff, residents and service users in West Sussex.

##### **2 Proposal details**

- 2.1 Following a Cabinet Member Key Decision ([HT07 21/22](#)), and in line with the Council's [Ash Dieback Action Plan](#) 2019, a competitive procurement was entered into for a specialist contractor to undertake felling of Ash trees infected with Ash Dieback through an open tender process. The procurement is fully compliant with The Public Contracts Regulations (2015) and the Council's Standing Orders on Procurement and Contracts.
- 2.2 A Contract Notice was published to the Find a Tender Service on 22 October 2021. The opportunity was also promoted on the West Sussex e-Sourcing Portal

and Contracts Finder. A total of 70 organisations expressed an interest in the opportunity and 13 tender submissions were received.

- 2.3 Officers undertook compliance checks on the tender submissions to ensure all schedules required were duly submitted and that the tenders were correct.
- 2.4 Tenders were evaluated by an evaluation panel between 25 November 2021 and 10 January 2022. Moderation meetings were held on 12 and 13 January 2022 to discuss and agree final scores. Commercial and Quality sections were evaluated by separate teams.
- 2.5 The contract is a 'first passed the post' contract and is awarded based on the most economically advantageous tender using a combination of price (60%), Social Value (10%) and Quality (30%) requirements. The successful bidder has been assessed for financial stability, track record, health and safety, experience, and technical and professional ability.
- 2.6 The contract is to commence on 01 April 2022 with an initial end date of 31 March 2026. The contract contains an extension facility and, subject to performance, may be extended to a maximum duration of seven years.

### **3 Other options considered (and reasons for not proposing)**

An options analysis was completed before the procurement commenced, which considered a number of alternatives, and the use of a single provider long term contract emerged as the clear winner in terms of the most economically advantageous route to market.

### **4 Consultation, engagement and advice**

The Executive Director for Place Services, the Director of Finance and Support Services, and the Director of Law and Assurance have been consulted.

### **5 Finance**

- 5.1 The total contract value is estimated to be between £5m and £8m, depending on the total number of trees removed, the severity of ADB degradation and the relative ease or difficulty of access for felling and removal operations.
- 5.2 An annual revenue budget of £1.5m is available to fund the works. In addition the Ash Dieback Reserve will provide flexibility to accommodate fluctuations in work volumes across financial years.
- 5.3 Felling and removal works will be prioritised on a risk management basis to ensure the County Council continues to meet its safety obligations.
- 5.4 The effect of the proposal:

#### **(a) How the cost represents good value**

The procurement was undertaken via a competitive Open Tender process. The successful bid scored the highest total on Technical, Social Value and Commercial sub criteria. Expenditure is expected to be broadly within identified funding levels and will be met within the Ash Dieback Reserve.

#### **(b) Future savings/efficiencies being delivered**

The best available value for money has been achieved by going out to the open market and completing a rigorous procurement process using the industry standard NEC4 Term Service contract as a foundation for the new contract. The value of timber arisings from felled trees is reflected as a reduction applied to the contractor's rates, ensuring the financial benefit is returned to the County Council, and the contract actively encourages innovation and future efficiencies.

The successful tenderer has signed up to the Supplier Advantage Initiative Early Payment Rebate Scheme (SAI). Rebates will be payable to WSCC upon completion of commissions throughout the life of the contract.

**(c) Human Resources, IT and Assets Impact**

There are no Human Resources, IT or Assets Impact, to this proposal.

**6 Risk implications and mitigations**

<b>Risk</b>	<b>Mitigating Action (in place or planned)</b>
Not awarding the contract will increase risks linked to the safety of residents and service users in relation to diseased trees near to highways.	The contract, its implementation and the funding made available are intended to mitigate the risk of incidents and to discharge the duty of care owed as highway authority.

**7 Policy alignment and compliance**

- 7.1 The proposal supports the sustainable and prosperous economy, and making the best use of resources priorities, in the West Sussex Plan.
- 7.2 The proposal has no foreseeable climate change or public health implications. However, the successful contractor will be closely monitored, to ensure the impact of operations on the environment is minimised.
- 7.3 The contract will support and grow the local green economy by encouraging sustainable businesses, green innovation and reducing demand for fossil fuel-based energy and will recognise and be sensitive to the economic, social, and environmental benefits of trees, all of which contribute to a better quality of life.
- 7.4 The public sector equality duty will apply to the delivery of the services which fall within the framework contract, and the terms of the contract will ensure that they enable the County Council to fulfil its obligations through the delivery of the contract and provide sufficient assurance that the duty will be complied with.
- 7.5 The contract has been tendered with consideration as to how the suppliers will provide added social value, measured using a set of Key Performance Indicators, reflecting the County Council's duty under the Public Services (Social Value) Act 2012.

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**Appendices**

None

**Background papers**

None