

<b>Mrs Urquhart, Cabinet Member for Environment</b>	<b>Ref No: ENV09 (18/19)</b>
<b>October 2018</b>	<b>Key Decision: Yes</b>
<b>Countryside Contractors Framework Agreement: re procurement</b>	<b>Part I</b>
<b>Report by Lee Harris Executive Director Economy, Infrastructure and Environment and Matt Davey Director of Highways and Transport</b>	<b>Electoral Division(s): All</b>
<p><b>Summary</b></p> <p>The Countryside Contractors Framework Agreement is used to deliver works on the Public Rights of Way (PRoW) network and at various countryside sites around West Sussex. It enables the County Council to use a variety of qualified contractors to deliver works that fall outside of the PRoW maintenance contract.</p> <p>The existing Framework ends on 31<sup>st</sup> May 2019 and the Cabinet Member is asked to approve the commencement of a procurement process to replace the Framework Agreement.</p>	
<p><b>West Sussex Plan: Policy Impact and Context</b></p> <p>The Framework Agreement will be used to deliver work on the PRoW network and at Countryside sites in the County. These assets help make West Sussex a great place to live and visit.</p>	
<p><b>Financial Impact</b></p> <p>Resources to run the procurement and manage the new Framework Agreement have been identified from business as usual activities.</p> <p>Best value is provided through the competitive nature of the Framework as all works will be awarded by way of mini-competition.</p>	
<p><b>Recommendations</b></p> <p>That the Cabinet Member for Environment approves:</p> <ol style="list-style-type: none"> <li>1) The commencement of an OJEU procurement process to establish a new Countryside Contractors Framework Agreement.</li> <li>2) That the Framework Agreement will be accessible to other local authorities and public bodies.</li> <li>3) That the Framework Agreement will commence on 1<sup>st</sup> April 2019 for a period of 2 years with options to extend, up to a maximum total duration of 4 years, subject to satisfactory performance of the appointed contractors.</li> <li>4) That authority be delegated to the Executive Director for Economy, Infrastructure and Environment to award the Framework Agreement</li> </ol>	

## **PROPOSAL**

### **1. Background and Context**

- 1.1 The Countryside Contractors Framework Agreement is used to deliver works on the Public Rights of Way (PRoW) network and at various countryside sites around West Sussex. It enables the County Council to use a variety of qualified contractors to deliver works that fall outside of the PRoW maintenance contract.
- 1.2 The existing Framework ends on 31<sup>st</sup> May 2019 and the Cabinet Member is asked to approve the commencement of a procurement process to renew the Framework.
- 1.3 The anticipated spend through the new Framework is approximately £2M over the maximum term of 4 years. The value of the Framework is greater than £181,000 so, in order to comply with the requirements of EU/UK law (the Public Contract Regulations 2015) and the County Council's Standing Orders on Procurement and Contracts, an OJEU procurement must be run to establish a new Framework Agreement.
- 1.4 The Framework will be managed by Countryside Services staff with support from Procurement Services. There will be a number of Key Performance Indicators that all contractors will be required to meet and falling below these minimum requirements could result in suspension from the Framework.
- 1.5 The Framework will include an option to extend at yearly intervals for a maximum duration of 4 years.

### **2. Proposal Details**

The below table outlines the proposed timetable for procurement:

<b>Event</b>	<b>Date</b>
Issue of OJEU Notice	October 2018
Issue Invitation to Tender (ITT) Documentation	October 2018
Return of ITT	November 2018
Recommendation of Preferred Service Providers	December 2018
Contract Award	December/January 2018
Service Commencement WSCC	1 <sup>st</sup> April 2019

## **FACTORS TAKEN INTO ACCOUNT**

### **3. Consultation**

- 3.1 The Cabinet Member for Finance and Resources has been consulted and supports the proposal.

- 3.2 Procurement Services have been consulted and are satisfied that the procurement process meets WSCC Standing Orders on Procurement and Contracts.

#### 4. Resource Implications

##### 4.1 Revenue resource implications

	Current Year 2018/19 £m	Year 2 2019/20 £m	Year 3 2020/21 £m	Year 4 2021/22 £m
Revenue budget	0.128	0.130	0.130	0.130
Change from Proposal	0	0	0	0
Remaining budget	0.128	0.130	0.130	0.130

##### 4.2 Capital resource implications

	Current Year 2018/19 £m	Year 2 2019/20 £m	Year 3 2020/21 £m	Year 4 2021/22 £m
Capital budget	0.280	0.570	0.300	0.300
Change from Proposal	0	0	0	0
Remaining budget	0.280	0.570	0.300	0.300

- 4.3 The current year budget is in the Capital Programme approved by Full Council in December 2017. The budget in year 2 is subject to Full Council approval and is funded by £0.114m banked S106 developer contributions and £0.456m from Department for Transport (DfT) Local Transport Capital Block Funding. The budget in years 3 – 4 is also subject to Full Council approval and is funded by DfT Local Transport Capital Block Funding.
- 4.4 The resources required to run the procurement have been identified as part of business as usual activities in Procurement Services, Legal Services, Financial Services and Countryside Services.
- 4.5 The new Framework will be managed by staff in Countryside Services in the same way the existing Framework is managed within the teams.
- 4.6 Best value is provided through the competitive nature of the Framework as all works will be awarded by way of mini-competition.
- 4.7 The contractors on the Framework are not guaranteed a value of work so this allows the County Council the flexibility to respond to any potential future financial pressures.

## **5. Legal Implications**

None

## **6. Risk Assessment Implications and Mitigations**

- 6.1 Failure to procure a new Framework Agreement would have an impact on the service delivery of Countryside Services. It would not be possible to deliver the planned Capital PRow Programme or complete works which enable WSCC to meet its duties to keep the PRow open. Similarly works on our sites would not be completed and are likely to result in closures when safety works cannot be completed e.g. tree works.

## **7. Other Options Considered**

### **7.1 Do nothing option.**

The existing Framework provides a cost effective and efficient way of delivering various works through 3<sup>rd</sup> party contractors. For example; replacement and refurbishment of bridges, resurfacing works, habitat management and drainage works. Running a separate procurement exercise every time works are required would be inefficient and as such this option has been discounted.

### **7.2 Extend existing arrangements**

The current Framework Agreement does not provide an option to extend beyond 31<sup>st</sup> May 2019.

### **7.3 In source services**

Staff within Countryside Services do not have the necessary capacity, skills or experience to deliver the works. It would be unlikely that TUPE would apply as the work delivered by the contractors appointed to the existing Framework does not form the majority of their activity.

### **7.4 Use other existing contracts**

The services delivered through this Framework are different in nature to those in the Highways Term Maintenance Contract and past reviews have demonstrated these types of works to be more costly if delivered through the larger Term Maintenance contractors.

A Soft Services Review will be undertaken in 2019 and some of the services delivered through this Framework will be considered as part of this work. The initial term of the new Framework will be 2 years therefore enabling the Countryside Services aspects to be included in the new arrangements if appropriate. If this is not the case, the yearly extensions will allow us to continue operating the Framework.

## **8. Equality and Human Rights Assessment**

The Equality Duty does not need to be addressed in this report as it is dealing with the replacement of framework agreement which will not have any impact on individuals with protected characteristics.

## **9. Social Value and Sustainability Assessment**

9.1 The current Framework Agreement includes a number of local small and medium sized contractors and it is anticipated this will remain the case with the new Framework.

9.2 As part of the procurement, contractors will be asked to outline how they will seek to use local labour and suppliers as well as how they will support the County Council in the delivery of the Sustainability Strategy.

## **10. Crime and Disorder Reduction Assessment**

None

### **Lee Harris**

Executive Director Economy  
Infrastructure and Environment

### **Matt Davey**

Director of Highways and Transport

**Contact Officer:** Charlotte Weller, Countryside Services, 0330 22 26001

## **Appendices**

None

## **Background papers**

None