



Notice of Non-key Executive Decision

Subject Heading:	Direct Award of Highways Weed Control Services.
Cabinet Member:	Cllr Osman Dervish
SLT Lead:	Dipti Patel, Assistant Director Environment
Report Author and contact details:	Jacki Ager Waste and External Contracts Manager Ext 3363
Policy context:	The Contract aims to control weeds growth on the highway in the London Borough of Havering.
Financial summary:	The contract cost for 2020/21 is £0.106m, this will be funded from the Borough Roads Street Cleansing budget.
Relevant OSC:	Environment
Is this decision exempt from being called-in?	No

Non-key Executive Decision

The subject matter of this report deals with the following Council Objectives

- | | |
|-------------------------------|-------------------------------------|
| Communities making Havering | <input checked="" type="checkbox"/> |
| Places making Havering | <input checked="" type="checkbox"/> |
| Opportunities making Havering | <input type="checkbox"/> |
| Connections making Havering | <input type="checkbox"/> |

Part A – Report seeking decision

Non-key Executive Decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To approve award of the Highways Weed Spraying Contract to SH Goss, to commence in March 2020 for a duration of 10 months, at a total cost of £106,000.

AUTHORITY UNDER WHICH DECISION IS MADE

3.4 Powers of Second Tier Managers

To approve commencement of a tendering process for, and to award all contracts below a total contract value of £500,000 but above the EU Threshold for Supplies and Services.

STATEMENT OF THE REASONS FOR THE DECISION

This contract is necessary to control the growth of weeds on the public highway. Weeds are controlled for:

- Appearance – weeds detract from the overall appearance of an area and trap litter;
- Safety – weed growth can interfere with visibility for road users and obscure traffic signs. Weeds in channels can prevent or slow down drainage. Their growth on footways may cause uneven slabs and broken tarmac;
- Physical structure – weed growth can destroy paving surfaces, force apart kerbs and crack walls, therefore increasing maintenance costs.

The current contract for highways weed control was awarded to S.H. Goss on 1st March 2018 with an optional 10-month extension, which was taken up. A tender process was due to be undertaken to award a contract for 2020/21, however due to extenuating circumstances, including a delay to the decision regarding the upcoming Integrated Public Realm Contract (IPRC), commencing in August 2021, it was felt that the best approach financially is to re-award the Highways Weed Spraying contract to SH Goss (who are the current supplier, expiring end of January 2020) for a 10-month period, commencing March 2020. A longer-term contract is not an option as this service will be included in the IPRC outsourcing.

A waiver to the Council's Contracts Procedure Rules to permit direct award was granted on 17th February 2020.

OTHER OPTIONS CONSIDERED AND REJECTED

Do Nothing

This is not a recommended option. The Council has a duty to prevent the spread of harmful or injurious weeds (The Weeds Act 1959) and prevent the spread of invasive weeds (Wildlife and Countryside Act 1981). Whilst there is no legislation regarding the spread of less invasive weeds, Havering aims to maintain a clean and safe Borough, and prevent the spread of weeds which can become an eyesore or trip hazard, and cause structural damage.

Procure a new 10 month contract

The previous procurement attempt in 2017/18 at first attracted no bidders, and a subsequent attempt only attracted one bidder, being SH Goss. Benchmarking carried out at the time demonstrated SH Goss were the cheapest supplier by a considerable margin. Given that the proposal is for the price to remain the same, it is unlikely that the position will have changed in the market, particularly with such a short-length contract. The costs associated with a new procurement are not considered justified as it is considered that a further procurement at the same price will provide the best value and proportionate option during this period of transition.

Carry out the Service In House

An in-house operation was considered, however with weed spraying falling under the IPRC, this option was not deemed financially viable for such a short period.

PRE-DECISION CONSULTATION

No consultation has taken place.

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council is a contracting authority for the purposes of the Public Contracts Regulations 2015 (PCR 2015). The contract is below the EU threshold for services of £189,330 and is not caught by the full PCR 2015 procurement regime. Procurement of the contract must comply with the EU Treaty principles of equality of treatment, non discrimination, proportionality and transparency. Officers have considered all options and have set out in the body of the report the rationale for direct award.

A waiver has been granted in respect of where the requirements of the Council's Contracts Standing Orders requirements have not been met.

Subject to the decision maker being satisfied that the contract represents Best Value for the Council, the contract may be awarded.

FINANCIAL IMPLICATIONS AND RISKS

The revenue budget allocated for Highways Weed Spraying in 2020/21 under A27600.621540 borough Roads – Street Cleansing is £0.106m.

Any additional costs relating to work on invasive species will be managed on an adhoc basis.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

There is no impact on any directly employed Council employees.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

Due to the nature of the contract, it will have a potential to impact all residents living in the Borough. An Equality Impact Assessment is attached.

BACKGROUND PAPERS

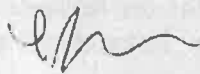
[Redacted]

Non-key Executive Decision

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Jacki Ager

Designation: Waste and External Contracts Manager

Signature: 

Date: 27/02/20

Non-key Executive Decision

Part C – Record of decision

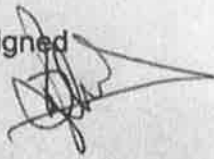
I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed



Name: Dipti Patel

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title: Assistant Director - Environment.

Date:

Lodging this notice

The signed decision notice must be delivered to the proper officer, Andrew Beesley, Committee Administration & Interim Member Support Manager in the Town Hall.

For use by Committee Administration

This notice was lodged with me on 4/03/2020

Signed 