

Notice of NON KEY Executive Decision containing exempt information

This Executive Decision Report is part exempt and Appendix 1 is not available for public inspection as it contains exempt information within the meaning of paragraph 3 of Schedule 12A to the Local Government Act 1972. It is exempt because it refers to privileged legal advice, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Subject Heading:	Approval to discontinue the procurement for a contract for the installation of pay and display machines
Decision Maker:	Imran Kazalbash, Assistant Director of Neighbourhoods
Cabinet Member:	Councillor Osman Dervish, Cabinet Member for Environment
SLT Lead:	Barry Francis, Director of Neighbourhoods
Report Author and contact details:	Jo Green, Parking Manager Jo.green@havering.gov.uk
Policy context:	Parking Strategy
Financial summary:	There are no financial implications.
Relevant OSC:	Environment
Is this decision exempt from being called-in?	Yes, this is a non-key decision

Non-key Executive Decision

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

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

Non-key Executive Decision

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

The Assistant Director of Neighbourhoods is recommended to discontinue the procurement for the purchase and installation of pay and display machines

AUTHORITY UNDER WHICH DECISION IS MADE

3.4 Powers of Second Tier Managers

Second Tier Managers are those managers directly reporting to a SLT Director. Second Tier Managers all have delegated authority to act as follows within the assigned service, subject to the general provisions and limitations set out in section 3.1 above.

General powers

(a) To take any steps necessary for proper management and administration for their allocated portfolios..

STATEMENT OF THE REASONS FOR THE DECISION

The Council commenced a mini competition under the Lot 1 of the ESPO Parking Management Solutions Framework on 10 January 2022. The deadline for receipt of tenders was 17 January 2022. The submissions received have been evaluated and voluntary standstill letters issued. The Council has at all times reserved its right to discontinue the procurement. The standstill letters issued state:

“This letter is not, at this stage, a communication of London Borough of Havering’s formal acceptance of your tender.”

For the reasons set out below, the procurement has been paused. Standstill has been extended and no award has yet been made. It is now recommended that the procurement is discontinued in order that the Council’s requirements may be reviewed and a further recommendation be made for commencement of a procurement based on an updated requirement and specification.

Since publication of the further competition opportunity, the Council has reviewed its pay and display parking requirements. It does not consider that the published specification provided was sufficient provision for the future of the pay and display demands of the borough. The Council is looking to modernise the pay and display facilities and ensure a new contract can deliver and meet all the needs to the local residents and visitors.

The future specification needs to address:-

- How many machines are required, phasing of implementation and their locations. There is now a 75% uptake on cashless transactions and so the Council needs to consider the requirement of pay & display machines for the future of Havering.

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- Warranty period to cover the length of the contract and reduce the repair bill
- The ongoing issues of vandalism
- Removal of the current machines and disposal or redeployment
- Innovation on green energy solutions
- Pricing structure that is transparent for bidders and supports the Council to clearly monitor costs and deliver value for money

It is recommended that the current procurement is stopped and the lessons learnt and strategic objectives are used to commence a new further competition, to address all the points raised above.

OTHER OPTIONS CONSIDERED AND REJECTED

It is not deemed best value under the current procurement and requirements have changed

PRE-DECISION CONSULTATION

N/A

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

Name: Jo Green

Designation: Parking Manager



Signature:

Date: 17th May 2022

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has reserved the right within the procurement documents not to award the contract and no contract has yet been made. The Council may therefore discontinue the procurement.

Any decision to discontinue the procurement must comply with the general principles of transparency, equal treatment and proportionality. The Council has a continuing duty to ensure best value in its procurement decisions. The Council's decision to discontinue is for the reasons set out above and is considered proportionate.

Regulation 55 of the Public Contracts Regulations requires a contracting authority which decides not to award a contract to inform all candidates as soon as possible. Letters complying with the requirements of Regulation 55 should be sent promptly upon the formal decision being made.

Any recommendation for a new procurement following review of the specification should be subject of a fresh decision.

Further legal comments are provided in confidential appendix 1

FINANCIAL IMPLICATIONS AND RISKS

There are no financial implications.

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

There are no HR implications or risks

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

There are no Equalities and Social Inclusion implications or risks

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

There are no Environment and Climate change implications or risks for this decision

BACKGROUND PAPERS

None

APPENDICIES

Confidential Appendix 1 – Confidential legal comments

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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: Imran Kazalbash – AD for Public Realm

Date: 17/05/2022

Lodging this notice

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____