

Notice of NON KEY Executive Decision containing exempt information

This Executive Decision Report is part exempt and Appendix A is not available for public inspection as it contains or relates to exempt information within the meaning of paragraph 16 of Schedule 12A to the Local Government Act 1972. It is exempt because it refers to Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information

Subject Heading:	To agree to discontinue the current procurement for a contract for the provision of new pay and display machines and to re-tender the contract
Decision Maker:	Imran Kazalbash, Assistant Director of Environment
Cabinet Member:	Councillor Barry Mugglestone, Cabinet Member for Environment
SLT Lead:	Neil Stubbings, Strategic Director Place
Report Author and contact details:	Jo Green, Parking Manager jo.green@havering.gov.uk
Policy context:	Parking Strategy
Financial summary:	The procurement of Pay & Display parking machines to offer contactless payment. The contract cost will not exceed £0.300m and will be funded from Capital C30010.

Non-key Executive Decision

Relevant OSC:	Places
Is this decision exempt from being called-in?	The decision will be exempt from call in as it is a Non key Decision

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

People - Things that matter for residents

X Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place.

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

The Assistant Director of Environment is recommended to agree to:

1. Discontinue the procurement for the supply, installation and maintenance of Pay & Display machines; and
2. Subject to 1 above to commence a procurement for a contract for installation and maintenance of Pay & Display machines via Lot 2 of the CCS RM6099 Transport Technology & Associated Services framework

As set out in this report.

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.

Contract powers

(a) 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

The Council commenced a mini competition under Lot 2 of the Crown Commercial Service framework for new pay and display machines in February 2023. The Council received three bids and these were evaluated in May 2023.

Following evaluation, a preferred bidder was identified and a recommendation made for award. Standstill letters have been issued however no contract award has been made.

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The bidder assessed to have provided the most economically advantageous tender was established using a predetermined evaluation process. Standstill letters advising the successful and unsuccessful bidders were issued on 27 June 2023 and a one week extension was subsequently applied. The standstill period therefore expires on 14 July 2023.

Since issue of the standstill letters, the Council has reviewed the bids received against the specification for the machines. As a result of that review, it has been determined that no bids fully met the mandatory technical specification. Consequently, no contract award will be made. The Council will review the specification against its requirements and retender the contract. This will ensure the market can comply with requirements, maximise competition and secure best value for the Council.

The standstill letter to the preferred bidder states that the letter does not constitute award of contract, and the ITT states that the Council reserves the right not to conclude a contract and to cancel all or part of the Further Competition at any stage at any time.

It is therefore proposed to discontinue the current mini competition without making a contract award and to issue a tender opportunity via the same route (mini competition via Lot 2 of RM6099) within two weeks which will include a revised specification as set out above. The rules of the CCS RM6099 framework permit a maximum 50% weighting on price. Evaluation of bids will be on a 50:50 price:quality ratio.

The proposed timetable is to issue tender documents within two weeks of the date of this decision. The tender period will be for three weeks. A four week allowance is made for the evaluation and award process.

Accordingly, it is expected new machines will be installed from October 2023.

OTHER OPTIONS CONSIDERED AND REJECTED

1. To remove all Pay & Display machines from across the borough as part of a phased approach and introduce cashless parking (Pay by Phone). This option has been considered but deemed disadvantageous to those motorists whom do not have a phone to pay for parking.
2. To proceed with award – not recommended for the reasons set out in this report.

PRE-DECISION CONSULTATION

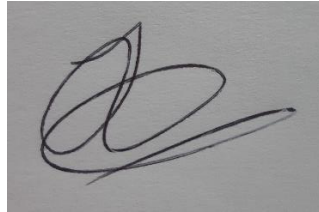
N/A

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

Name: Jo Green

Designation: Parking Manager

A square box containing a handwritten signature in black ink. The signature is stylized and appears to be 'Jo Green'.

Signature:

Date: 12/07/2023

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 may discontinue the procurement.

The Council's decision not to award the contract 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 is for the reasons set out within this report and is considered proportionate.

A decision not to award the contract will supersede the decision to award the contract.

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.

Having discontinued the existing procurement, the Council may rely on the previous decision dated 01.02.2023 to commence a fresh procurement exercise which is for the same services and from the same framework. It is confirmed that the powers to commence procurement as set out in that report continue to apply. As the rules of the framework do not permit the Council to use the 70:30 price quality evaluation ratio which is mandated within the Council's Contracts Procedure Rules, it is permissible to apply evaluation weightings of 50% quality and 50% price (CPR 18.5)

Further confidential legal implications are at Appendix A to this report.

FINANCIAL IMPLICATIONS AND RISKS

The procurement cost of £0.300m will be funded from the Capital budget C30010, which at the time of this report has sufficient budget.

Future years maintenance costs will be contained within the Service budgets A24500 and A24600.

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

The reduction of machines and removal of cash facility may reduce staffing needs within the Car parks service area. Any changes that impact on the Council's workforce including changes to existing job profiles will need to be managed in accordance with the Council's Organisational Change policy and procedures. Consideration will also need to be given as to whether TUPE may apply to the future maintenance element of this contract although at this stage it is unlikely to be the case because the Council is the current employer and all the staff members for this project are in house.

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EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An EQHIA has been completed and it has determined that there is neither a negative nor positive impact on any of the protected characteristics. Removing the provision to pay with cash at a machine does not impact on customers, as there is nearby provision in local shops where PayPoint is provided. Those customers with a walking disability and who hold a valid Disabled Persons parking badge are not required to pay for their parking at on-street machines as they have unlimited free parking. In off-street car parks, up to 3 hours free parking is permitted provided the associated parking dispensation is correctly displayed inside the vehicle.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

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

BACKGROUND PAPERS

NonKey ED for Procurement for PD contract 1 February 2023

APPENDICES

Confidential Appendix A

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

Delete as applicable

~~Proposal NOT agreed because~~

Details of decision maker

Signed



Name: Imran Kazalbash

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title: Assistant Director of Environment

Date: 12/07/2023

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 _____

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