

Notice of Non-Key Executive Decision

Subject Heading:	Award of contract for the replacement of Grounds Maintenance Assets
Decision Maker:	Mark Butler – Assistant Director of Regeneration & Place Shaping.
Cabinet Member:	Councillor Chris Wilkins – Cabinet Member for Finance
SLT Lead:	Neil Stubbings – Strategic Director of Places
Report Author and contact details:	Simon Blake 01708 433202 Simon.Blake@onesource.co.uk
Policy context:	Supporting the Places objectives within the Corporate Plan and in particular the Council's Air Quality Action Plan 20182023
Financial summary:	The indicative value of the procurement is £68k per annum over 5 years and will be funded from the grounds maintenance existing revenue budgets.
Relevant OSC:	Place OSSC
Is this decision exempt from being called-in?	Yes, as it is a Non-Key Decision

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

People - Supporting our residents to stay safe and well

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

Resources - Enabling a resident-focused and resilient Council

Non-key Executive Decision

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To approve the award of a contract to P Tuckwell Ltd (Registered Company Number: 1189939) to hire 4 replacement Tractors and 1 side arm flail (c/w Hedge Cutter) within the Grounds Maintenance fleet with built in maintenance over 5 years via the TPPL (The Procurement Partnership Ltd) & Hertford County Council (HCC) Framework for finance & leasing with an estimated total contract value of £340,555.70.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3, para 3.4 of the Constitution –Powers of Second Tier Managers.

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

Havering's grounds maintenance team is responsible for 108 parks and open spaces totalling approx. 2122 acres. These are maintained under the Keep Britain Tidy NI (National Indicator) 195 standard, and use the official grading manual from Parks for London.

Grounds maintenance are responsible for the following:

- Maintaining the status of 14 Green Flag Parks
- Grass care for 25 schools and school fields
- Maintaining 225 residential areas on a 15-day planned schedule
- Maintaining 670 roads on a 15-day planned schedule
- Specialist grass care for the following sports facilities, 8 cricket pitches, 9 running tracks and 97 football pitches

It's essential that the 4 tractors are replaced as the current machines contracts expires in June and the contract period is unable to be extended further. The new proposed contract hire vehicles meet the demands of the service and also have the potential to generate surplus revenue from external work for grounds maintenance.

These new Tractors will be heavily used in recreational parks, country parks, sports playing fields and country lane verge management by the parks teams maintaining the landscapes and well-being for local residents.

HCC & TPPL 5 Year framework.

Details of Framework:

Agreement Reference (TPPLHCCFL01)

Start Date: 20th July 2021

End Date: 19th July 2026

Number of suppliers 23

Contract Notice: 2021/S 000 – 017047

Non-key Executive Decision

The framework provides contracting authorities with access to a range of market leading supplier of operating lease, finance lease and loans of various assets. The agreement is available to all current and future members of The Procurement Partnership Ltd (TPPL).

This framework offers access to 23 suppliers: In the following categories

- EV Charger
- Refuse and Waste
- LCVs
- Agricultural
- Grounds Maintenance
- Modular Buildings
- Bus & Coach

Award Criteria used within the framework tender process are:

Costs 70% for all Lots
Quality 30% for all Lots

The Council is seeking to directly award a contract to a supplier meeting the required specification and award criteria. The TPPL/ HCC framework is being utilised due to the large selection of specialist suppliers.

OTHER OPTIONS CONSIDERED AND REJECTED

Do nothing

These current machines (Tractors) are at the end of their natural operating contracted life (5 years) and extending the life (contract) is not an option. Not replacing the tractors would impact on the cutting services Grounds Maintenance provides to schools, parks and residential areas. If the Tractors were not available, cutting areas within the borough would temporarily be suspended until other alternatives were made available again, impacting on the residents and visitors of the borough including schools.

Spot Hire

The Tractors are extremely hard to acquire via spot hire and would cost in the region of £347 per week for 120hp Tractor. These Tractors would be used for a minimum of 45 weeks per year. Our current contract hired machines, cost £250 per week on average, £188.10 less per month than the spot hired machine.

Outright Purchase

These machines are very expensive to purchase and maintain. They come with specialist drivetrains which are expensive to repair quickly due to the arduous conditions they work in. The Capital required to purchase these vehicles would be in the region of £275k & the maintenance over 5 years for the 4 tractors would cost £170,000 or £34,000 per annum.

BEA (Battery Electric Alternative)

At present there are no electric powered alternative tractors available to market. Manufacturers of specialist grounds care plant are still currently only at the R&D stage phase (Research and Development). This is due to the size of the batteries and driveline required to power a tractor capable of towing weights exceeding 10tons.

Non-key Executive Decision

PRE-DECISION CONSULTATION

None

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

Name: Simon Blake

Designation: Head of Transport

Signature: *S. Blake*

Date: 03.02.24

Non-key Executive Decision

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

Part 1 Chapter 1 of the Localism Act 2011 gives the Council the same power to act as that of an individual, subject to other statutory provisions limiting or restricting its use. The recommendation in this report is compatible with the above statutory powers.

The proposed procurement value exceeds the applicable public procurement threshold for supply contracts stipulated under the Public Contracts Regulations 2015 ("PCR"). Therefore, this procurement is subject to the full PCR regime.

The Framework (Contract Award Notice 2022/S 000-021119) appears to be compliant with the Public Contracts Regulations 2015. The Framework commenced on 22 July 2022. Participating organisations therefore have until July 2026 to call-off from this Framework.

The framework allows direct award and mini competition options. As set out in the body of this report, Officers have decided to directly award a contract to P Tuckwell Ltd and are satisfied that they offer the best value for the Council.

FINANCIAL IMPLICATIONS AND RISKS

The indicative value of the procurement is estimated at £340K over the 5 year life of the contract, £68K per annum. The 4 tractors are estimated to cost £60K per annum and the Side Arm Flail (hedge cutter) is estimated to cost £8K per annum, both of which will be funded from Grounds Maintenance existing revenue budgets.

Ordinarily, plant and vehicles would usually be purchased outright and funded through the Internal lease reserve, however as these machines are very expensive to purchase and maintain, particularly as they are fitted with specialist parts which are expensive to repair, in this instance, contract hire is cheaper than purchasing.

No costs are envisaged for carrying out the procurement process as it will be undertaken by existing Council staff.

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

There are no anticipated HR issues resulting from this decision

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.

Non-key Executive Decision

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

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 (Equality and Health Impact Assessment) is usually carried out when a proposed or planned activity is likely to affect staff, service users, or other residents.

The Council seeks to ensure equality, inclusion, and dignity for all in all situations.

In this case there is no impact, as we are replacing like for like machines which are already used by staff, service users in residential areas improving the landscape for the residents living in the borough.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

The stand –on grass cutting machinery required come fitted with mulcha decks. These decks are designed for finely re-cutting grass clippings and then dropping them back on to the lawn. This allows the cuttings to decompose and feed nutrients back into the lawn without the need for any chemical feed. This purpose reduces the following:

- Cutting duration is reduced as there is no need to collect any cuttings reducing machine operating time
- No unnecessary trips to dispose of green waste, saving fuel and reducing our carbon footprint
- Grass requires no chemical feed due to the mulching process and therefore no additional vehicle trips required, reducing unnecessary fuel consumption and reducing our carbon footprint.

These machines are subjected to arduous working conditions and are now at the end of their planned working life. If these machines are not replaced it would impact on the service, due to mechanical failure of parts (age related) and increased downtime. This would impact on residential areas, as planned cutting schedules would need to be altered due to the current machines unavailability and the depart may have to seek alternative less cost effective means to maintain grass cutting which could have a direct impact on the environment due to additional machine hours and vehicle trips.

BACKGROUND PAPERS

None

APPENDICES

None

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:

Mark Butler

Service title:

Assistant Director of Regeneration & Place Shaping

Date:

30th April 2024

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 _____

Executive Decision Report Audit Trail

Non-key Executive Decision

<u>Position/Title</u>	<u>Directorate</u>	<u>Date Sent</u>	<u>Date received</u>	<u>Date Cleared</u>
	Cabinet Lead			
	Member			
	SLT Director			
	Legal			
	Finance			
	Human			
	Resources			
	Equalities			
	Health			
	Democratic			
	Services			