
Grounds Maintenance Services Tender Award

1. Supporting Information

- 1.1 This Contract provides for the maintenance of all the Council's parks (incl. Northcroft, Goldwell and Holybrook Linear Park), small and large open spaces, children's play areas, sports facilities - including Henwick Worthy and highway verges in the District.
- 1.2 The current Grounds Maintenance Contract with ISS Facilities is due to expire on the 30th September. This contract commenced in 2009 and was extended for 3 years in 2014.
- 1.3 Over the last 3 years savings on this Contract have been achieved by negotiating with the contractor on the terms of the 3 year extension. The specification has also been reduced in some areas. For example the rural verge cutting regime has been reduced from 3 to 2 cuts per annum, and most recently the urban grass cutting regime was reduced from 10 to 8 cuts per annum.
- 1.4 In advance of the expiry of the current contract Officers considered other procurement options.
- 1.5 Taking the grounds maintenance contract in-house was considered but dismissed. There would be greater overhead costs related to this option and there is too much uncertainty around the Council's budget for this to be a viable option.
- 1.6 Officers also discussed with Highways colleagues about the possibility of combining the grounds maintenance contract with the highways contract but again this was dismissed as an option. Grounds maintenance is not a core function of highways contractors and the contract would most likely have to be sub let with the associated loss of control and greater management and supervision costs.
- 1.7 Officers considered the Eastern Shires Purchasing Organisation (ESPO) Framework but this was considered to be restrictive, as this Framework does not include a number of significant grounds maintenance contractors. The two current grounds maintenance contractors are not part of this Framework in any case.
- 1.8 Pre-procurement consultation, undertaken last year, with suppliers of grounds maintenance services, generally indicated that a larger contract, over a longer period, could potentially allow more favourable contract rates to be realised. For example, leasing of vehicles and equipment over a 5/10 year period can provide more favourable rates. Officers therefore took the opportunity to speak to colleagues at Newbury and Thatcham Town Councils to establish if they would be prepared to package their grounds maintenance obligations into one larger contract so as to achieve as far as possible any benefits from economies of scale.
- 1.9 Currently West Berkshire Council (WBC) provides grounds maintenance services under its current contract to Thatcham Town Council (TTC). Quarterly payments are made to WBC by TTC for services rendered in that period. Newbury Town

Council (NTC) has its own grounds maintenance contract arrangement in place and this has been extended temporarily pending a new contract. The value of all 3 council's contracts is as follows:

WBC - £681,000 p.a

NTC - £275,000 p.a

TTC - £75,000 p.a

- 1.10 There are advantages in a joint procurement approach to this contract. There is a considerable future uncertainty around the devolution process and one of the concerns, perhaps risks, involved in devolving open space maintenance to local councils is that there could be a reduction in the viability of the contract remaining with this Council with associated penalties. Officers are currently considering the devolution of Henwick Worthy Sports Complex, the maintenance of which is about 8% of the total annual contract value. A jointly procured contract with one contractor effectively means that asset ownership, in the event of devolution, is not a relevant consideration. The contract value, as far as the successful contractor is concerned, will remain the same across all three council's.
- 1.11 After concluding their own internal discussions, both town councils have now agreed to a joint contract. They have however insisted that if the joint procurement does not realise expected benefits in terms of cost and quality they can withdraw from the joint procurement. This can be accommodated by letting the new contract as a 'framework' i.e. one general specification but with overall costs being identified separately for each council as individual lots. This means that one or more parties can withdraw without impacting on the contract price for the others.
- 1.12 Having sought permission from Commercial Board in January 2017 to proceed with a joint procurement arrangement officers sought expressions of interest and received 11 submissions. Having carried out a scoring exercise these have been reduced down to 6 contractors, including the current contractor for this Council and Newbury Town Council's current contractor. These 6 contractors have been invited to tender for the contract.
- 1.13 Having studied the early Expressions of Interest it is clear that the horticultural/grounds maintenance industry has advanced since 2009, particularly in relation to equipment, vehicles, and IT. The potential for added value is apparent. Grounds maintenance information technology, including software and mobile applications, provide opportunities to improve the service to our communities and customers. It is hoped that all 3 parties may also benefit from economies of scale.
- 1.14 Tender submissions were received on the 21st August and are now being evaluated. Once a preferred bidder is determined both TTC and NTC will then have to make a recommendation to their respective decision making bodies as to whether they intend to participate in a joint contract.
- 1.15 The contract is due to be awarded on the 11th September so as to allow the successful bidder sufficient time to mobilise and implement TUPE requirements. It is hoped to commence the contract on January 8th 2018.

2. Consultation and Engagement

- 2.1 Procurement of this contract has involved officers from NTC and TTC. Officers from all three councils will be involved in the Tender evaluation.
- 2.2 Officers from the respective council's will now place the joint procurement option and the tender evaluation outcomes before their decision making committees for approval.

Background Papers: None

Subject to Call-In:

Yes: No:

Wards affected: All wards in West Berkshire

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

MEC – Become an even more effective Council

The proposals contained in this report will help to achieve the following Council Strategy priority:

MEC1 – Become an even more effective Council

Officer details:

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Appendix B

Equality Impact Assessment – Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	Seek delegated authority for officers to award the Grounds Maintenance contract.
Summary of relevant legislation:	The various highways acts, health and safety, and environmental legislation and guidelines require land to be kept in a good condition and safe for the public to use.
Does the proposed decision conflict with any of the Council’s key strategy priorities?	No
Name of assessor:	Paul Hendry
Date of assessment:	2 nd August 2017

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	Yes
Service	Yes		

1. What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	Appoint a contract for grounds maintenance in West Berkshire.
Objectives:	Ensure best value through joint procurement.
Outcomes:	Cost savings through economies of scale. Enhanced service delivery.
Benefits:	Good quality grounds maintenance in the District and improvements to our customer’s local environment.

2. Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this

Age	No impact	The service is universal and delivered to areas of land rather than individuals.
Disability	We may be able to achieve access enhancements in some locations and a standardised approach across participating council areas	The aim is to procure one contract for all three councils to ensure a standardised approach is achieved.
Gender Reassignment	No impact	The service is universal and delivered to areas of land rather than individuals.
Marriage and Civil Partnership	No impact	The service is universal and delivered to areas of land rather than individuals.
Pregnancy and Maternity	No impact	The service is universal and delivered to areas of land rather than individuals.
Race	No impact	The service is universal and delivered to areas of land rather than individuals.
Religion or Belief	No impact	The service is universal and delivered to areas of land rather than individuals.
Sex	No impact	The service is universal and delivered to areas of land rather than individuals.
Sexual Orientation	No impact	The service is universal and delivered to areas of land rather than individuals.
Further Comments relating to the item:		
The intention is to realise a better outcome for our customers and communities. Working jointly with a new contractor brings about opportunities to share knowledge and experience which is of benefit to everyone. Opportunities to benefit from technological advances may have significant benefits for our customers.		

3. Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: Contractor performance is closely managed through a process of self-reporting and random monitoring, making use of modern technology to ensure that outcomes meet the required standards for all members of the community.	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer:	

No the intention is to realise a better outcome for our customers and communities. Working jointly with a new contractor brings about opportunities to share knowledge and experience which is of benefit to everyone. Opportunities to benefit from technological advances may have significant benefits for our customers.

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4. Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Paul Hendry

Date: 2nd August 2017

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.