

MUNICIPAL YEAR 2014/2015 REPORT NO.

ACTION TAKEN UNDER DELEGATED AUTHORITY

PORTFOLIO DECISION OF:
Cabinet Member for Environment
& Community Safety

REPORT OF:
Director – Regeneration &
Environment

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Agenda - Part: 1	KD No: KD 3923
Subject: Enfield Council Tree Maintenance Contract (G MD 371)	
Wards: All Wards	
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1. EXECUTIVE SUMMARY

- 1.1 This report details the evaluation exercise for the Enfield Council Tree Maintenance Contract G MD 371, which was tendered through the London Tenders Portal in August 2014
- 1.2 The contract period is for five years. It is to commence on 1st April 2015, expiring on 31st March 2020, subject to the option of a five year extension or part thereof.

2. RECOMMENDATIONS

- 2.1 To note and approve the award of the Enfield Council Tree Maintenance Contract G MD 371 to the contractor listed in Part 2 of this report to commence on 1st April 2015 for a five year term with the option of a five year extension or part thereof.
- 2.2 To note that a waiver was required to appoint the contract as less than three tenders were received.
- 2.3 To note that the details of the evaluation exercise are contained in Part 2 of this report on this agenda

3. BACKGROUND

- 3.1 Enfield is one of the greenest boroughs in London. It offers a rich environment of mature gardens and trees that are both public and privately owned.
- 3.2 Enfield Council values its remarkable heritage of trees, and recognises the importance of trees and identifies with the benefits and contribution they play within the urban environment, wildlife, conservation, and climate change.

Trees:

- Soften and frame the built environment;
 - Form part of the 'personality' of an area, helping to create a sense of pride and community;
 - Benefit health and promote a feeling of well-being;
 - Have a positive influence on air quality, noise, flooding and global warming;
 - Provide shade and air conditioning effects;
 - Provide habitat, enhancing the Council's ability to foster bio-diversity, and make the oxygen we breathe.
 - Contribute to wildlife and conservation.
- 3.3 As with all council owned land, the Local Authority has a duty of care and therefore a responsibility to maintain all of its land to a safe standard. The Council's Tree Strategy enables the Council to fulfil its duty to do all that is reasonably practical to minimise the risk of people being harmed or property being damaged as a result of an incident associated with trees on Council property.
- 3.4 Compliance with this strategy ensures that robust and effective arrangements are in place to manage the Council's tree stock that will:
- ensure a reasonable standard of safety to members of the public and users of Council property;
 - enable the number, quality and diversity of trees in Enfield to be sustained, and enhanced wherever possible;
 - provide a clear and transparent set of standards by which the Council manages its tree stock leading to increased levels of customer satisfaction;
 - enable the Council to defend litigation cases and third party claims brought against it;
 - reduce the potential number and value of third party claims brought against the Council for tree-related damage and associated causes;
 - contribute to the achievement of the Council's key aims of growth and sustainability and strong communities by enhancing the 'green' credentials of the borough.

- 3.5 Highways: The Council's responsibility, as the Highway Authority, is to maintain the public highway to a condition fit for traffic and pedestrians that might ordinarily be expected to use it.
- 3.6 There are an estimated 25000 trees situated within the street scene in Enfield. All are subject to cyclical pruning and pollarding programmes. Lime trees, Plane trees and Silver Maples are programmed on a three yearly cycle and all other species on a four yearly cycle.
- 3.7 Parks and Open Spaces: The largest proportion of Enfield's trees, estimated at 60,000, are located within parks, open spaces, cemeteries and allotments.
- 3.8 These trees are in the process of being surveyed, with many trees requiring significant works to raise them to a standard which could be considered for cyclic maintenance.
- 3.9 This backlog is being managed by the tree client officers in Highways with the works being undertaken by the in-house Parks tree team. The in-house team are an effective resource which can focus on Parks trees, but provide resilience to support the council appointed Contractor if required. They are also able to provide an immediate response to emergency call outs, and have the potential to provide income by offering services to other departments.
- 3.10 Enfield Homes: There are approximately 12,000 trees within the management of Enfield Homes. These are located predominantly within communal areas. The remainder of the trees are located within the front and rear gardens of individual properties
- 3.11 Enfield Housing does not currently operate a cyclical programme of works. However, it is intended that a cyclical programme will be introduced. It is intended that all the trees within communal areas will surveyed on a two year cycle and all trees within gardens will surveyed on a 3 year cycle.
- 3.12 At present the Highway Tree maintenance programme for revenue and capital works are delivered by a single contractor on behalf of the London Borough of Enfield, with other departments able to call off works from this contract such as Enfield Homes.
- 3.13 This will continue with the new Contract, with the contract specification not also including the specific requirements of Enfield Homes trees, and includes greater links to the Parks in-house tree team.
- 3.14 The scope of the new contract will be as follows:
- regular maintenance of trees within the borough and housing sites
 - planting of new and replacement trees
 - felling and grinding
 - surveying works
 - 24 hrs emergency call out service
 - root pruning

- supply and installation of Christmas trees.
 - various other related tree maintenance works as requested by the *Authorised Officer*.
- 3.15 The Contract will create job opportunities in Enfield for the long term unemployed and the under 25's who are not in employment, education or training (NEETS).
- 3.16 The Contract also requires that the Contractor will pay the London Living Wage, and create at least 2 apprenticeships for Enfield residents.
- 3.17 The existing contract commenced on 1st October 2009 and was for a period of three years with two single year's extension options.
- 3.18 The initial three years of the contract expired on the 30th September 2012, a report was approved to first extend the contract for 2 years on the 11th April 2012.
- 3.19 A further report was then approved on 4th July 2014, to extend the existing Highway Tree Maintenance Contract for further 6 months taking the end date of the contract to the 31st March 2015, to enable the completion of the re-tendering exercise.
- 3.20 In January 2014 Pre-Qualification Questionnaires were uploaded on to the London Tender Portal to gain expressions of interest for the provision of these services.
- 3.21 29 expressions of interest were received which converted into 2 opting out and only 4 submissions submitted a PQQ. It is likely that the size of this contract prevented other companies from submitting a PQQ.
- 3.22 After evaluating the 4 submissions, only 3 bidders were compliant.
- 3.23 Tender Documents were issued via the London Tenders Portal to the 3 compliant bidders on 22nd August 2014, with a tender return date of 18th September 2014.
- 3.24 From the original three companies selected, one company opted out and only two tenders were returned. Both tenders were considered to be strong bids.
- 3.25 A waiver has been approved by the Assistant Director of Procurement, to recognise that there were less than 3 submitted tenders, this is in accordance with the Council's Contract Procedure Rules.
- 3.26 This contract has been tendered and evaluated on the basis of most economically advantageous to the council. This was based on a 30/70 Quality/Price ratio.

- 3.27 The tender documentation consisted of two parts, namely the completed Technical Questionnaire (Quality Submission) and the Schedule of Rates Submission (Financial Evaluation).
- 3.28 Representatives from Highways Services and Enfield Homes were selected to evaluate and score the returned Technical Questionnaire (Quality Submissions).
- 3.29 As part of the Technical Questionnaire (Quality Submission) the evaluation panel conducted a Contractor's Presentation Day that took place on Wednesday 1st October 2014, where the Contractor presented on a Tree related works scenario that was set as part of the Quality Submission.
- 3.30 A financial evaluation model was created taking into account each area of the provision of service, including routine works, programmed projects, and Enfield homes works. The model was reviewed and approved by Finance prior to Tender return.
- 3.31 The criteria for the Award of the tender was stated under item 16 (Award Criteria) in the Instructions for Tendering that were sent out as part of the Contract Documents prior to the tender period.
- 3.32 Details of the evaluation process are contained in the Part 2 report.

4. ALTERNATIVE OPTIONS CONSIDERED

The London Highways Alliance Contract was considered, however, they were not able to offer this service competitively.

5. REASONS FOR RECOMMENDATIONS

The tender received from the contractor listed in Part 2 of this report is recommended for acceptance as their tender achieved the highest overall combined (financial and quality) evaluation score, in accordance with the tender requirements.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

Please see Part 2 report.

6.2 Legal Implications

- 6.2.1 As a Highway Authority, the Council has a statutory duty to ensure that trees under its control are regularly inspected and maintained so their condition or location does not pose an unreasonable risk to people or property. The Highways Act 1980 ("the Act") requires a Highway Authority to keep its highway free of obstructions. Section 130 of the Act places a duty on a Highway

Authority to protect the rights of the public to use and enjoy the highway. Specifically, section 154 of the Act gives the Highway Authority the power to require the removal or cutting back of trees, scrubs or hedges that obstruct or endanger highway users.

6.2.2 The Council has power to enter into a contract for the provision of trees maintenance services with the preferred bidder pursuant to section 1 of the Local Government (Contracts) Act 1997.

6.2.3 The procurement was conducted in accordance with the Council's Contract Procedure Rules.

6.2.4 The resultant contract must be in a form approved by the Assistance Director of Legal and Governance Services.

6.3 Property Implications

There are no direct Property Implications for the proposed award of contract. However, the safe maintenance of trees on all Council land assets is an important Corporate Landlord obligation. The proposals in this report for regular surveys and maintenance are prudent.

7. KEY RISKS

7.1 Award of contract delayed – Ensure contingency plan in place to extend the current arrangement to continue with the service

7.2 The appointment of a competent contractor will assist in the mitigation of key risks arising from 3rd party personal injury and property claims.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

The provision of tree maintenance and improvement works to the highway and other assets will provide benefits for all in the borough.

8.2 Growth and Sustainability

8.2.1 Council Priority 2.2 - Improve the public realm, introducing better design, cleaner streets, and a greener, more sustainable environment, by effectively maintaining and management of the Councils tree stock.

8.2.2 Supporting the current Labour administration's manifesto to plant 2000 trees.

8.3 Strong Communities

Work in partnership with others to ensure Enfield is a safe and healthy place to live by effectively managing the tree stock and increasing the number of trees

within the borough which is proven to improve air quality, and therefore the Health and wellbeing of residents.

9. EQUALITIES IMPACT IMPLICATIONS

Corporate advice has been sought in regard to equalities and an agreement has been reached that an equalities impact assessment/analysis is neither relevant nor proportionate for the approval of this report.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

10.1 The Contractor's performance in delivering the service will have a direct impact on the Council's Vision and Priorities. The Contractor's performance will continually be assessed in the categories

- Contract Management
- Customer Satisfaction
- Operational Performance

10.2 An Incentive Schedule of Key Performance Indicators take into account the above categories with targets set by the Council. These continue to be reviewed and updated to ensure the contractors continued performance.

10.3 Performance monitoring will be a continuous process and Key Performance Indicators will be reported monthly at the contract progress meetings.

10.4 Where specific KPI targets set in the Incentive table are not met, then Low Services Adjustments will be deducted from the application of payments.

11. HEALTH AND SAFETY IMPLICATIONS

The Approval of this report will allow the Council to request works to manage the Council's tree stock, through the appointed Arboriculture Contractor.

- This will ensure a reasonable standard of safety to members of the public and users of Council property

12. PUBLIC HEALTH IMPLICATIONS

12.1 This contract will continue to improve public health and promote a feeling of well-being for the residents; by the Council and the successful tenderer meeting the obligations of the Social Value Act.

12.2 Forms part of the personality of an area, helping to create a sense of pride and community improving mental wellbeing.

12.3 The carbon footprint of carrying out the works will be reduced in this new contract with an obligation to meet the latest legislation on plant and vehicles

12.4 Has a positive influence on air quality, noise, flooding and global warming

12.5 To provide shade and air conditioning effects

12.6 Provide habitat, enhancing the Council's ability to foster bio-diversity, and make the oxygen we breathe.

Background Papers

None.