

TONBRIDGE & MALLING BOROUGH COUNCIL

LEISURE and ARTS ADVISORY BOARD

17 September 2012

**Report of the Chief Leisure Officer and the
Cabinet Member for Leisure, Youth and Arts**

Part 1- Public

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken
by the Cabinet Member)**

1 GROUND MAINTENANCE CONTRACT

Summary

**This report advises Members on the proposed retender of the Ground
Maintenance Contract for Public Open Spaces.**

1.1 Background

- 1.1.1 The current Ground Maintenance Contract is delivered by Kent County Council Landscape Services and was awarded on 1 January 2008. The contract was tendered for a five year period, with an optional two year extension. Following Cabinet approval (Decision Notice C 07/114) of the two year extension the current contract is due to expire on 31 December 2014.
- 1.1.2 The annual cost of the contract is currently £590,000 and covers ground maintenance of the following areas:
- Tonbridge Castle Grounds
 - Tonbridge Cemetery
 - Sportsgrounds in Tonbridge
 - Amenity Areas/Public Open Spaces.
- 1.1.3 The regular and satisfactory maintenance of these key areas across the Borough is viewed as an important public service and previous market research has revealed that the cleanliness and attractiveness of the Council's open spaces is a high public priority. This performance of this contract is also essential in achieving the Council's key priority of providing "a clean, smart, well maintained and sustainable Borough".

1.2 Services Provided

1.2.1 The current contract covers a variety of ground maintenance services that generally consist of the following:

- the care of grassed areas including fine turf; and the maintenance of sports facilities, including bowling greens, football pitches, rugby pitches, cricket pitches, tennis courts and baseball diamond;
- grassed amenity area grass;
- hedge maintenance;
- shrub bed maintenance;
- planting and maintenance of annual bedding schemes;
- maintenance and inspection of trees, ditches, ponds, watercourses, weed control, cleansing of paths and internal roads;
- maintenance and inspection of children's play areas and equipment.

1.2.2 A more detailed summary of the proposed levels of service will be reported to the February 2013 meeting of the Board for Member consideration and approval.

1.2.3 The appointed contractor has use of maintenance storage buildings at Tonbridge Racecourse Sportsground, Tonbridge Farm Sportsground and Tonbridge Cemetery. These buildings are owned by the Borough Council and are made available to assist in the delivery of the contract.

1.3 Procurement/Timeframe

1.3.1 The retendering of the contract will be subject to a full EU tendering procedure as the contract sum over the full length of the contract will exceed current EU thresholds. The contract will be retendered in line with the Council's Procurement Guidance, and in close liaison with the Director of Finance and the Chief Solicitor.

1.3.2 The restricted procedure involves a two stage process whereby the authority invites expressions of interest in the contract opportunity and draws up a select list of contractors who will be invited to tender, based on the answers to a questionnaire. This is most appropriate for procurements such as this which are likely to result in a large number of tenders which would make subsequent evaluation difficult to manage. Consequently, it is proposed that a restricted procedure is applied, with a Select List of five to nine contractors being approved, following the initial expressions of interest. It is proposed that the Select List is submitted to the February 2014 future meeting of this Board for Member approval.

1.3.3 An outline tender timescale has been developed which meets the requirements of the EU Regulations, the Council's Contracts Procedure Rules and allows at least

40 clear days between issue of invitation to tender and return of tenders. A copy of the outline timescale is attached at **[Annex 1]**.

- 1.3.4 Over the next few months the current contract will be reviewed to ensure the specification meets required needs and offers best value for money.
- 1.3.5 In addition consideration will need to be given to the Public Services (Social Value) Act 2012 which is expected to come into force before the commencement of this procurement through the dispatch of an OJEU notice to the official Journal. This Act provides for a new duty for public bodies to consider how the services they are proposing to procure might add economic, social and environmental value and how they will secure such improvements through the procurement process (for example by including requirements addressing these matters in the specification or evaluation criteria). It is necessary for this process to be undertaken before the OJEU notice is sent off and Officers will report back to the February Board meeting as this work will go hand in hand with the review of the specification of service.

1.4 Legal Implications

- 1.4.1 Legal obligations are met through adherence to the EU legislation and the Council's Contract Procedure Rules. If the Public Services (Social Value) Act 2012 is brought into force before the OJEU notice is sent off, the Council must comply with this new legislation and it will therefore be wise to assume that the new duty will apply.

1.5 Financial and Value for Money Considerations

- 1.5.1 In EU procurement there are two possible award criteria: price and the Most Economically Advantageous Tender ("MEAT"). Price alone will rarely be a suitable criteria to adopt as it does not allow any aspects of the quality of the bid to be taken into account. It is proposed that the award criteria for this contract should be MEAT weighted 50%-50% between quality and price to ensure value for money is achieved and that the quality of the bids can be evaluated. The other factors to be taken into account in determining the quality of the bids will be reported to the February Board meeting.

1.6 Risk Assessment

- 1.6.1 Liaison with the Chief Solicitor has been undertaken to ensure that the procedures applied conform to the EU Regulations and take place within a relevant time frame. Failure to do so could result in time delays causing a financial loss in a competitive market or an external challenge to our procedure.

1.7 Equality Impact Assessment

- 1.7.1 See 'Screening for equality impacts' table at end of report.

1.8 Policy Considerations

1.8.1 Asset Management, Healthy Lifestyles and Community.

1.9 Recommendations

1.9.1 It is, therefore, **RECOMMENDED** to Cabinet that:

- 1) the Council's Ground Maintenance Contract being retendered in accordance with EU Regulations and in line with the time frame shown at **[Annex 1]**; and
- 2) the proposed levels of service for the new contract be reviewed and reported to the February 2013 meeting of this Board for consideration and approval, together with the review of how the procurement might add economic social and environmental improvements through the procurement process.

The Chief Leisure Officer confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Darren Lanes

Nil

Robert Styles
Chief Leisure Officer

Maria Heslop
Cabinet Member for Leisure, Youth and Arts

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The continued maintenance of public open spaces provides access, recreation and visual amenity for all.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	Yes	The continued maintenance of public open spaces provides access, recreation and visual amenity for all
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?	N/a	N/a

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.