

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

*PART 1 – PUBLIC DOCUMENT

SERVICE DIRECTORATE: *Place*

1. DECISION TAKEN

- 1.1 To appoint the following contractors to a Framework Agreement for Tree Maintenance Services for the period April 2023 – March 2027. The percentages represent the proportion of the total contract value to be offered to them.

APA Contract Services t/a Arborcare: 50%
The CGM Group Limited: 25%
John O'Conner (Grounds Maintenance) Limited: 15%
Branching Out Tree Services Limited: 10%

2. DECISION TAKER

Sarah Kingsley – Service Director, *Place*

3. DATE DECISION TAKEN:

31 January 2023

4. REASON FOR DECISION

- 4.1 The above contractors attained the four highest scores in the tender evaluation process based on price, quality and social value criteria and are therefore considered best value.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 The current arrangements could not be extended and to ensure continuity of service a new procurement had to be undertaken. Therefore, the options for alternatives were limited to the choice of renewal of contract, or do nothing, with the latter being unacceptable.

6. CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)

- 6.1 No consultation was undertaken with stakeholders or the public. Market research was undertaken as a pre procurement exercise to identify options available to us to consider as part of the contract specification. The Executive Member for Environment and Leisure has been informed of the decision.

7. FORWARD PLAN

- 7.1 This decision is not a key Executive decision and has therefore not been referred to in the Forward Plan.

8. BACKGROUND/ RELEVANT CONSIDERATIONS

- 8.1 The maintenance of North Herts Council's tree stock has successfully been undertaken under similar former framework agreements. Due to the current contract approaching its full term and following a previous extension to the contract, there is no alternative option but to retender the contract. This provided the opportunity to review existing documentation and update accordingly to ensure that it is appropriate for current circumstances, post Brexit and Covid.

9. LEGAL IMPLICATIONS

- 9.1. Under paragraph 14.6.4 (a) (ii) of the Council's Constitution, Service Directors have general authority to enter contracts to carry out works and/or for the supply of goods and services within approved budgets.
- 9.2. Paragraph 14.6.9 (b) (ii), (iii) and (viii) further gives the Service Director - Place the authority to manage, direct and control resources relating to, amongst others, environmental services, grounds maintenance and parks and open spaces. The Executive Member for Environment and Leisure is also responsible for leadership, strategic planning and development, partnership working and decision making within these stated service areas under this paragraph.
- 9.3. Under Health and Safety Legislation, North Herts Council has a legal duty to maintain all trees on land it owns or has a responsibility to maintain, in a safe condition in public open spaces, or adjacent the highway.

10. FINANCIAL IMPLICATIONS

- 10.1. There are no specific revenue implications associated with this contract award as the costs will be met from within existing budgets.
- 10.2. The contract value is £600,000 over the 4-year term for the whole framework.

11. RISK IMPLICATIONS

- 11.1 This framework contract provides access to a range of skills, equipment and labour that is not normally retained by a single provider. In addition, all the appointed contractors will be available to undertake urgent and emergency works which will provide a better response above the capabilities of a single provider throughout the contract term.

12. EQUALITIES IMPLICATIONS

- 12.1 The Equality Act 2010 came into force on the 1st October 2010, a major piece of legislation. The Act created a new Public Sector Equality Duty, which came into force on the 5th April 2011. There is a general duty, described in paragraph 12.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.
- 12.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.3 There are no additional equality implications associated with this proposal.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 As the recommendations in the report relate to a contract above the EU threshold, Social Value has been included as part of the evaluation process with an allocation

of 10% of the award marks. The results of these steps are now included within the method statements for the delivery of the contract.

14. ENVIRONMENTAL IMPLICATIONS

14.1. There are known Environmental impacts that apply to this report. As noted at 5.1 and 9.3, the option to do nothing would be that the trees could become unsafe and a risk to residents. The appointment of qualified and experienced tree surgeons will ensure that the most effective care of the trees in the district.

15. HUMAN RESOURCE IMPLICATIONS

15.1 There no human resource implications as the works associated with delivering the framework contract are already contained within existing resources

16. BACKGROUND PAPERS

16.1 None

17. APPENDICES

17.1 None

NOTIFICATION DATE

Date sent to all Members, put on website and appears in MIS – Committee, Member & Scrutiny Services can confirm this with you,

Signature of Executive Member Consulted



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Date7th March 2023.....

Signature of Decision Taker



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Please Note: that *unless urgency provisions apply* EXECUTIVE decisions cannot be implemented until 5 clear working days have elapsed after the decision has been taken to allow for scrutiny call-in.

Call-in does not apply to NON-EXECUTIVE DECISIONS