



Report of Business Development Manager, Parks and Countryside

Report to Chief Officer, Parks and Countryside

Date: 1/3/2021

Subject: City Wide Footway Weed Control Contract – Provision From 1st April 2021

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary

1. Main issues

- The previous City-wide weed spraying contract for treatment of broad leaf weeds and grasses growing in cracks/joins in footways and communal hard surfaces around housing estates managed by Leeds City Council expires on 31st March 2021. All activity associated with the outgoing contracted was completed by autumn 2020.
- This contract award is the resulting outcome of the Approval to Procure decision taken in December 2020 (decision reference D52519). A competitive tender exercise was completed to allow for new arrangements to commence from 1st April 2021.
- Evaluation was undertaken following the tender submission closure date however 1 bid was submitted which was incomplete and whilst the bidder was given to opportunity to provide the missing information within a revised deadline (following legal advice sought by the Procurement Officer), they failed to do so and the submission was deemed non-compliant.
- Following evaluation of quality; external Social Value Portal evaluation; and with a tender price within anticipated parameters it is recommended that the contract is awarded to LanGuard Ltd.

2. Best Council Plan implications (see the [latest version of the Best Council Plan](#))

- This contract will contribute to the following Best Council Plan outcomes:
 - To 'enjoy happy, healthy, active lives'
 - To 'enjoy greater access to green spaces, leisure and the arts'
 - Priority 20 'enhancing the quality of our public realm and green spaces'.

3. Resource implications

- This is a replacement contract, funded through existing budgets
- An option to include additional treatment over and above provision set out in previous contracts was set out in the tender pricing schedule. This option is currently unaffordable, but remains available should priorities change and the required additional funding become available during the course of the contract.

Recommendations

- a) It is recommended that the Chief Officer, Parks and Countryside takes the delegated decision to award the city wide footway weed control contract for treatment of weeds within designated hard surfaced areas adjoining the adopted highway and within communal housing areas to Languard Ltd. Contract effective commencement date will be 1st April 2021 until the contract end date of 31st March 2024, with the option to extend for a further 2 x 12 months. The estimated contract value for the initial contract period, excluding discounts for faster payments is £774k based on an estimated annual value of £258k.

1. Purpose of this report

1.1 The purpose of this report is to seek agreement to award a replacement contract for weed spraying of footpaths and hard areas within the adopted highway and communal paths/hard areas within housing estates managed by Housing Leeds/BITMO with effect from 1st April 2021. Due to the specialised nature of this contract, it will continue to be managed by officers from Parks and Countryside.

2. Background information

2.1 Control of weeds within the street environment contributes to the overall cleanliness of the city and helps abate degradation of surfaced footpaths, which would otherwise require more frequent dressing or resurfacing. This also supports the fulfilment of statutory responsibilities in relation to publicly maintainable highways by controlling vegetation that would otherwise compromise or break up the footway surface (The Highways Act 1980 requires local highway authorities to “keep the highway in reasonable condition”).

2.2 Treatment of weeds within social housing communal areas under the jurisdiction of Housing Leeds supports the duty to tenants and leaseholders to maintain communal areas in a safe and clean condition.

2.3 Legislation – (Sustainable Use Directive), places restrictions upon the use of herbicides in public areas. It is no longer possible to pre-treat areas to prevent weed growth, and in order to be fully effective, weeds must have sufficient leaf surface area and be actively growing in order to treat them. Due to the risk of potential water contamination, application of herbicides is also restricted where there would be potential for it to pass into the drainage system or watercourses. In the street environment, this is usually drainage channels at the road side and within 5 linear metres either side of gully pots and soakaways.

2.4 Despite the increased regulation and subsequent limitations, a well-managed herbicide based contract, delivered by experienced specialist contractors, is still the most cost efficient and sustainable approach for local authorities. It is also one of the safest methods for both operatives and members of the public.

2.5 Weed control within the street environment aims to manage broad leafed weeds and grasses growing from cracks, joins and blemishes in tarmac or flagged footpaths and similar communal hard surfaces such as drying areas and high rise forecourts. Certain pernicious (e.g. horsetail) and invasive species (e.g. Japanese Knotweed) require bespoke treatment (either the product used or the method of application) and are therefore outside the scope of general weed control.

2.6 Herbicide based control of weeds growing in footpaths and similar hard areas adjoining the highway and within selected communal housing areas has been outsourced to specialist providers since 2002.

3. Main issues

Contract Term and Tender Evaluation

3.1 The contract will be initially for 36 months, with a further option of 2 X 12 month extensions (subject to satisfactory performance).

- 3.2 The quality evaluation panel consisted of 3 officers from Parks and Countryside. Cleaner Neighbourhoods were approached as stakeholder with regards representation on the panel but due to the challenges presented by the ongoing pandemic, an officer with the relevant experience was not available.
- 3.3 The tender submission deadline was midday on 15th February 2021. One bidder was given a revised deadline of 4.45pm the same day to provide any missing information but failed to do so and was therefore excluded from the procurement process. Evaluation of the quality element through consensus scoring took place on 18th February 2021.
- 3.4 The evaluation model was based upon all bids meeting the minimum quality threshold moving forward to pricing evaluation, with the lowest value bid being the winner.
- 3.5 To ensure the bid price did not influence quality scores, Procurement Unit carried out the pricing evaluation separately using standard formulas. The evaluation panel was advised of the bid values and pricing score after quality scoring had been concluded.

Timing of Award

- 3.6 All activity associated with the outgoing contract has been completed and new provision is required to be in place by 1st April 2021 to enable contractor mobilisation ahead of the first treatment to commence during spring.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Views were sought from colleagues in Housing Leeds and Highways Asset Management, who were all supportive of continued herbicide based weed control.
- 4.1.2 An options appraisal briefing session took place with senior officers and managers from Cleaner Neighbourhoods (key stakeholder/joint delivery partner for an integrated approach and budget holders for the Highways element of the contract). Outcomes from this session influenced the specification of works.
- 4.1.3 The Executive Member for Environment and Active Lifestyles has been briefed.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 This is a city wide contract which will benefit all wards and communities. EDCI screening was completed as part of the tender process. There are no identified positive or negative impacts from the arrangements that would disproportionately affect any equality characteristic or group.

4.3 Council policies and the Best Council Plan

- 4.3.1 The contract supports the Strategic Plan improvement priorities by improving the quality and sustainability of the built and natural environment through minimisation of weed prevalence in footways and public areas, thereby improving physical appearance and reducing the level of surface degradation due to emerging weeds.

- 4.3.2 Contribute to the Best Council Plan outcomes to 'enjoy happy, healthy, active lives', and 'enjoy greater access to green spaces, leisure and the arts' and also priority 20 'enhancing the quality of our public realm and green spaces'.
- 4.3.3 Support the Vision for Leeds 2011 to 2030 and in particular the aspiration that 'there are high quality buildings, places and green spaces, which are clean, looked after, and respect the city's heritage, including buildings, parks and the history of our communities' as part of the overall aim that 'all Leeds' communities will be successful'.
- 4.3.4 Controlling weeds would contribute to the following objective from the City Priority Plan: Best City for Communities - Ensure that local neighbourhoods are clean.

Climate Emergency

- 4.3.5 A 4 year study undertaken by West Malling Research Institute on behalf of DEFRA concluded that a properly managed integrated approach including herbicides resulted in significantly reduced greenhouse gas emissions compared to a non-herbicide based approach.

4.4 Resources, procurement and value for money

- 4.4.1 The pricing schedule includes menu priced options in order to deliver the contract broadly within existing levels of expenditure, acknowledging the council's commitment to the Real Living Wage and added social value. Order values are anticipated to be £129k per application based upon a maximum of two applications per year. A 'Faster Payment Discount' is available against invoices paid within 10 working days
- 4.4.2 Internal delivery options were considered on a like for like basis, but costs are estimated to be at least 50% higher in annual revenue costs, with a further significant capital investment required for infrastructure (eg depot accommodation/garaging, chemical storage) reflecting the specialist nature of this work and the equipment used.

4.5 Legal implications, access to information, and call-in

- 4.5.1 The tender process was subject to relevant procurement rules and due to the bids submitted and assessed there is no requirement for a standstill period on this occasion. The tender was advertised through Find a Tender due to the proposed contract value and a subsequent award notice will also be issued through Find a Tender.
- 4.5.2 Whilst the decision to procure was a key decision available for call in, this consequential decision to award is a Significant Operational Decision taken by an officer and is not available for call in as per Executive and Decision Making Procedure Rule 5.1.
- 4.5.3 The decision to award is consequence of the Approval to Procure decision taken in December 2020 (decision reference D52519). The earlier decision set out timescales and implementation date for this decision to award.

4.6 Risk management

- 4.6.1 Rising prices (in particular fuel and material costs) mean that the aspirational option of a third application included within the specification and pricing schedule are not currently affordable based on available budgets. This will be mitigated by a robust prioritisation and monitoring process for the core contracted works.
- 4.6.2 In the event that the recommendation to award this contract is not accepted, the council is likely to see significant levels of weed growth on hard surfaces across the city that it is unable to address through programmed cleansing activities. Failure to award the contract in a timely manner could have a reputational impact on the authority if the first treatment does not commence at the optimal time.

5. Conclusions

- 5.1 Herbicide treatment as part of an integrated weed management approach represents the best options on both a financial and environmental basis.
- 5.2 External provision offers the most flexible and cost effective choice to the authority.
- 5.3 The winning bid was submitted by an experienced provider that has delivered the previous contract to the council's satisfaction for the last 6 years.

6. Recommendations

- 6.1 It is recommended that the Chief Officer, Parks and Countryside takes the delegated decision to award the city wide footway weed control contract for treatment of weeds within designated hard surfaced areas adjoining the adopted highway and within communal housing areas to Languard Ltd. Contract effective commencement date will be 1st April 2021 until the contract end date of 31st March 2024, with the option to extend for a further 2 x 12 months. The estimated contract value for the initial contract period, excluding discounts for faster payments is £774k based on an estimated annual value of £258k.

7. Background documents¹

- 7.1 None.

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.