

# Approval to tender the Watercourse Maintenance Framework 2023 to 2025

Date: February 2023

Report of: Apprentice Quantity Surveyor

Report to: Chief Officer (Highways & Transportation)

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

## Brief summary

This report seeks the approval of the Chief Officer (Highways and Transportation) to tender the Watercourse Maintenance Framework 2023 to 2025.

The current Watercourse Maintenance Framework expires 31<sup>st</sup> August 2023.

## Recommendations

1. The Chief Officer (Highways and Transportation) is requested to approve the request to tender and undertake subsequent evaluation of submissions for the Watercourse Maintenance Framework 2023 to 2025, with an initial contract period of two years, with the option to extend for a further two years.

## What is this report about?

- 1 The current Watercourse Maintenance Framework expires on 31<sup>st</sup> August 2023. In order to keep continuity of service in ensuring that watercourses across Leeds are maintained a re-tendering exercise is required with the new framework to be in place by the 1<sup>st</sup> September 2023.
- 2 To obtain approval to tender and evaluate the watercourse maintenance framework which will appoint four contractors to the framework based on lowest price subject to meeting the minimum quality threshold, with call-off works being awarded on price subject to availability and performance. The price will be evaluated by a model based on a standard years worth of work. This is in accordance with the standard evaluation procedure as detailed in the Councils Contract Procedure Rules.

### **What impact will this proposal have?**

- 3 This proposal will ensure watercourses across Leeds are maintained for the duration of the Framework. The use of the Watercourse Maintenance Framework is an efficient and cost-effective method of procuring this type of work.
- 4 The Watercourse Maintenance Framework has developed over many years and has proved to be an ideal method of meeting the routine maintenance needs for watercourses, preventing restrictions, blockages and most importantly providing an emergency response resource to deal with emergencies which has proved invaluable on numerous occasions.
- 5 After consultation with the Flood Risk Management, they have confirmed their need for this Framework to be available to deliver their service. The proposal to expand the Framework to four contractors from one which will provide additional competition and flexibility.
- 6 This Framework will ensure that the Flood Risk Management Section will be able to urgently react to reports of watercourse problems and flooding issues.
- 7 The proposals requested in this report have no impact on the equality characteristics identified in the original equality, diversity, cohesion and integration screening assessment conducted as part of the procurement process. Therefore, it is not applicable to carry out an EDCI impact assessment at tender stage. The tender process does require tenderers to have appropriate arrangements in place to ensure equality and diversity is embedded within their organization which is evaluated through the construction selection questionnaire. They are also required not to unlawfully discriminate and must comply with the Equality Act 2010. Where considered appropriate an EDCI impact assessment will be carried out for each call-off order within the framework.
- 8 This is a key decision due to the value of services that are likely to be administered over the life of the Contract. It was accordingly published on the List of Forthcoming Key Decisions on the 26th of January 2023.

### **How does this proposal impact the three pillars of the Best City Ambition?**

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 9 Inclusive Growth – The maintenance of watercourses across Leeds allows continued development of properties/businesses in the immediate areas surrounding watercourses, with the confidence that their buildings are safe and not at a high risk of flooding as the watercourses will be continually maintained under this contract, with any problems being responded to immediately.
- 10 Health and Wellbeing – The maintenance of watercourses across Leeds contributes to a safe environment for all citizens of Leeds to live in and highly mitigates the risk of flooding in Leeds. By responding to problems quickly under the Framework, it can be ensured that any dangerous or hazardous situations that may occur during the term of the Framework are looked at and resolved swiftly, lowering the chance of any injuries that could occur because of a problem with a watercourse.
- 11 Zero Carbon – As part of the tender process, tenderers will be required to provide commitments against the Leeds TOM's (themes, outcomes, measures) which will include reducing carbon emissions to help the Council achieve its net zero ambition.

### **What consultation and engagement has taken place?**

Wards affected: All

Have ward members been consulted?       Yes       No

- 12 Although this contract is primarily to meet the needs of Leeds City Council the contract will be available for the other West Yorkshire Districts for small flood alleviation schemes.
- 13 Consultation has taken place with the Finance Section who confirmed that the funding is available from both capital and revenue budgets as and when the works are required.
- 14 After consultation with the Flood Risk Management, they have confirmed their need for this Framework to be available to deliver their service.

### **What are the resource implications?**

- 15 The tender of this Framework is an efficient use of Council resources and is judged to be value for money in comparison to issuing tenders or orders for each individual work instruction which could result in price differentials and variations on each occasion.
- 16 The estimated value of the framework over four years is £2,000,000.
- 17 Four contractors will be appointed to the framework following submission of a compliant tenders, allowing the Council to use the service of the contractor providing the best price and availability on each occasion. The contractors will be offered, subject to satisfactory performance, the opportunity to review their rates annually. Any increase of any rate is limited to the Consumer Price Index 12-month rate % value published by the Office for National Statistics as stated within the contract.
- 18 As with other frameworks, performance meetings between contractors and the authorities can be utilised. These can assess the quality of the service provided, as well as the performance of the contractor. Any issues will be addressed in an appropriate manner as per the terms of the contract to ensure that the Council is receiving the service offered at an appropriate cost and quality level.

### **What are the key risks and how are they being managed?**

- 19 To avoid delay to treating immediate problems through procuring different contractors for each individual problem that occurs. This Contract will ensure that the Flood Risk Management Section will be able to react to reports of watercourse problems and flood alleviation schemes immediately by using this contract. A Watercourse Maintenance Contract will maintain an efficient and cost-effective method of procuring this type of work.
- 20 To maintain continuity in terms of the existing service it is essential that the Contract is tendered and awarded before the existing arrangement expires on 31 August 2023.

### **What are the legal implications?**

- 21 There are no specific legal implications arising from this report. All activities relating to the procurement will be executed strictly in accordance with the Councils Contract Procedure Rules. In accordance with the CPR's, new contracts that may be used for expenditure exceeding £500,000 require the decision is subject to Call-In.

## **Options, timescales and measuring success**

### **What other options were considered?**

22 The tender of this Framework is an efficient use of Council resources and is judged to be value for money in comparison to tendering individual orders.

**How will success be measured?**

23 The procurement arrangement for the Watercourse Maintenance Framework has proved very successful in delivering the work of the Service over the previous frameworks, which have spanned several years. Appointment of up to four contractors to the Framework going forward, will improve flexibility and ensure performance is maintained using KPI's.

**What is the timetable and who will be responsible for implementation?**

24 The Highways Procurement team will aim to have the contract awarded prior the current arrangement expiring on the 31<sup>st</sup> August 2023.

**Appendices**

- Appendix 1 EDCI Form

**Background papers**

- N/A