

## Highways Grass Cutting Contract and Food Waste Disposal Contracts

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### This report relates to a Key Decision

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#### Purpose of this report

1. The report proposes the Executive approve the provision of delegated authority to the Director of Community Services, in consultation with the Executive Member for Community Services, to award contracts for the highways grass cutting and food waste disposal contracts following the completion of the EU procurement processes.

#### RECOMMENDATIONS

##### The Executive is asked to:

1. grant delegated authority to the Director of Community Services, in consultation with the Executive Member for Community Services, to award a contract for highways grass cutting as detailed within this report and enter into the appropriate legal agreements in order to meet the required timescales allowing the contract to be operational by April 2017; and
2. grant delegated authority to the Director of Community Services, in consultation with the Executive Member for Community Services, to award a contract for food waste disposal as detailed within this report and enter into the appropriate legal agreements in order to meet the required timescales allowing the contract to be operational by April 2017.

## **Overview and Scrutiny Comments/Recommendations**

2. This item has not been to Overview and Scrutiny as it represents a decision to award contracts to provide services which are already carried out within Central Bedfordshire.

## **Issues**

3. This report sets out the strategy to deliver the highways grass cutting contract as well as the delivery of a food waste disposal contract that will allow for the continued provision grass cutting and waste treatment and disposal services across the authority.

## **Background Information**

4. The Council's current contract for highways grass cutting was let in April 2016, the contract included 5 lots for the provision of a number of services including highways grass cutting and rights of way hedge cutting. Due to continued poor performance under Lot 1 (highways grass cutting) the Council took the decision to terminate this lot early (with all other lots remaining in place). Consequently the Council has been required to re procure the service with a start date of April 2017.
5. The current food waste disposal (north of Central Bedfordshire) contract is in the final year, with all extension periods utilised, therefore the Council is required to re tender for this service with a required start date of April 2017.
6. Each contract will follow the EU procurement process and each contract will be awarded on the basis of the most Economically Advantageous Tender (MEAT) with 40% of available scores being allocated to quality and 60% to cost.

## **Highways Grass**

7. The highways grass cutting contract will predominantly cover the rural highways network, covering approximately 600 linear kilometres. The aim of the contract is to ensure that the network is safe and maintained to a high standard, utilising suitable equipment and experience, whilst maintaining the ecological aspects of the network.
8. The contract will include standard cut, vision splays, full swathe cuts, roadside hedge cutting, maintenance of roundabouts and roadside nature reserves. A standard number of cuts for each will be priced by bidders with options for increased numbers of cuts where appropriate so that the service is flexible and can be tailored with potential changes to requirements.

9. It is proposed that the contract term will be 2 years to 31 March 2019. This will allow options to procure grass cutting contracts for both rural and amenity in 2019 but also allow flexibility with the option of possible 2 x 1 year extensions to 31 March 2021.
10. The anticipated procurement milestones proposed are set out below:
  - Post OJEU notice 14 November 2016
  - Issue tender documentation and receive bids 15 November 2016 to 22 December 2016
  - Evaluate bids 23 December 2016 to 7 January 2017
  - Contingency 8 January 2017 to 18 January 2017
  - Notification of intention to award 19 January 2017 to 29 January 2017
  - Formal award and mobilisation period 30 January 2017 to 31 March 2017
  - New contract start date 1 April 2017

### **Food Waste Disposal Contract**

11. The food waste collection service operates in the north of Central Bedfordshire only, providing residents with a weekly collection of food waste. The current food waste disposal contract ends 31 March 2017 and arrangements need to be in place to allow a continuation of this service from the 1 April 2017.
12. The contract will require the provider to treat up to 5,000t of food waste a year to create useable outputs such as soil conditioner and electricity and avoid the waste going to landfill.
13. It is proposed that the contract term for food waste disposal is for 3 years to 31 March 2020 with a 3 year flexible extension to 31 March 2023.
14. The procurement process milestones are set out below:
  - Post OJEU notice 28 October 2016
  - Issue tender documentation and receive bids 30 October 2016 to 29 November 2016
  - Evaluate bids 29 November 2016 to 13 December 2016
  - Contingency 13 December 2016 to 23 December 2016
  - Notification of intention to award 28 December 2016 to 07 January 2017
  - Formal award and mobilisation period 08 January 2017 to 31 March 2017
  - New contract start date 1 April 2017

## **Reason for Decision**

15. Due to the decision to terminate the current highways grass cutting contract (lot 1) the Council needs to act swiftly to re procure a provider to provide the required service by April 2017 allowing the Council to continue to meet its statutory obligations.
16. The Council has a statutory responsibility to dispose of household waste collected within its administrative area. The tender of the food waste disposal contract will allow the Council to continue to contribute to the performance of the Councils recycling performance.

## **Council Priorities**

17. The recommendations in this report support Central Bedfordshire in delivering the following priorities:
  - Enhancing Central Bedfordshire – providing the services set out will allow for a continuation and where possible an improvement in the appearance of the highways network as well as helping to maintain the recycling performance of Central Bedfordshire.
  - Great resident services – procuring the services set out will ensure the highways network is well maintained throughout the year and continue to provide residents in the north of the authority area the ability to recycle food waste generated in the home.

## **Corporate Implications**

### **Legal Implications**

18. In order to comply with Part 4 of the Highways Act 1980, the Council has a statutory duty to keep the highway safer for users. Letting this contract will assist the authority in meeting this requirement by ensuring that visibility is maintained through preventing encroachment on the highway through a regular cutting regime.
19. Central Bedfordshire is a Waste Disposal Authority (WDA) for the purposes of the Environmental Protection Act 1990 ("EPA") and is under a duty under s.51 of the Act to dispose of household waste collected within its administrative area. Undertaking this proposal will allow CBC to meet these duties.
20. In delivering the procurements set out the Council are acting in accordance with EU Procurement Directives and ensuring that all procurement activity is conducted in compliance with the Public Contracts Regulations 2015.

## **Financial and Risk Implications**

21. The Council is facing significant financial pressures in the coming years and in light of this it is essential that value for money is a key deliverable of the procurement processes.
22. As on going statutory services, adequate financial provision is made in base budgets for these services. It is anticipated that the proposal will secure services in line with the cost identified within the current MTFP.
23. Key risks to the Council that will be mitigated through the delivery of these procurements include:
  - a. Procurement risk challenge
  - b. Current contracts expiring with only high cost emergency provision of services available.
  - c. Lack of maintenance of the highways network including vision splays presenting a hazard to road users.
  - d. Lack of treatment for food waste resulting in disposal to landfill.

## **Staffing**

24. There will be no impact on staffing as a result of this recommendation.

## **Equalities Implications**

25. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. As part of the procurement process, organisations submitting bids will be asked to provide information demonstrating an understanding of equality legislation as it relates to residents and employees.

## **Public Health**

26. Satisfactory grass cutting to areas of the network to maintain the aesthetics of Central Bedfordshire and for the safety of motorists and pedestrians.
27. The health and well being of residents would be negatively impacted if waste disposal services were not in place for an extended period of time impacting on collections. The recommendation ensures that the Council fulfils its statutory duties in relation to public health.

## **Community Safety**

28. The rural grass network needs to be maintained satisfactorily to ensure that fly tipping hotspots are visible and fly tipping activities are more likely to be observed.
29. The Council's statutory duty under Section 17 of the Criminal and Disorder Act 1998 includes the need to address environmental crimes such as fly tipping. The provision of a waste disposal service facilitates collection and allows residents to safely deposit their waste items, in a responsible and legal manner. If the provision of this service were disrupted it could lead to an increase in the incidents of fly tipping, a criminal offence. This recommendation ensures that the Council fulfils its statutory duties in relation to crime and disorder.

## **Procurement**

30. In delivering these procurements, the Council will act in accordance with the EU Procurement Directives and ensure that all procurement activity is conducted in compliance with the Public Contracts Regulations 2015.
31. The internal procurement team have been fully engaged throughout the process and will remain engaged until contract award. A full audit trail is in place covering the entire exercise which will be kept as a full record of the process for the required period.

## **Sustainability**

32. Maintenance of additional roadside nature reserves with options for cut and clear techniques has been included within the rural grass cutting specification to enhance the ecological value of the area.
33. Landfilling waste leads to the release of substantial amounts of methane, a potent greenhouse gas with over twenty times the climate change potential of carbon dioxide. Through the procurement for the disposal of food waste the Council is seeking to maintain high landfill diversion performance and minimise the tonnages of waste being landfilled.

## **Conclusion and next Steps**

34. Should the recommendations in this report be agreed, once the procurement processes have been completed the Council will award the contracts identified above. This will allow for the new contracts to be operational from the 1 April 2017 and ensure a continuation of the services provided.

**Appendices - None**

**Background Papers - None**