



**ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT
COMMITTEE**

Monday, 1 February 2021

REPORT TITLE:	ACCEPTANCE OF TENDER AND AWARD OF CONTRACT - ARBORICULTURAL MAINTENANCE CONTRACT
REPORT OF:	DIRECTOR OF NEIGHBOURHOOD SERVICES

REPORT SUMMARY

This report recommends acceptance of a tender from Man Coed VM Ltd and award of a term service contract for the Wirral Arboricultural Services Contract (Corporate Tree Maintenance Contract). The contract will run from April 2021 until March 2026 with a conditional extension option of 2 further years.

The effective management and maintenance of the Council's tree stock contributes to the Wirral Plan 2025 pledge to promote a Sustainable Environment and "A cleaner, greener borough which celebrates, protects and improves our environment and urgently tackles the Climate Emergency declared by the Council".

The services carried out within this contract will take place across all Wards.

This report has been classed as a Key Decision and included on the Council's Forward Plan.

RECOMMENDATIONS

The Environment, Climate Emergency & Transport Committee is recommended to:

- (1) Accept the tender for the Wirral Arboricultural Services Contract Apr 2021-Mar 2026 submitted by Man Coed VM Ltd to Wirral Council on 8 January 2021;
- (2) Approve the award of the contract to Man Coed VM Ltd, subject to contract and subject to the Official Journal of the European Union (OJEU) standstill period.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATIONS

1.1 The tender from Man Coed VM Ltd represents the most economically advantageous tender received, is fully compliant, is within allocated budgetary provision and is within the estimated value of the contract price for the service.

2.0 OTHER OPTIONS CONSIDERED

2.1 Tenders for the Wirral Arboricultural Services Contract Apr 2021- Mar 2026 were invited on 20 November 2020 in open competition in accordance with the applicable Official Journal of the European Union (OJEU) procedures. Tender return date was 8 January 2021.

2.2 Six fully-compliant tenders were received by the due date and have been evaluated, with moderation of the process by the Council's Procurement service and all quantitative evaluations validated by the Resources directorate, on a 65/20/15 price/quality/social value model, as follows:

Tenderer	Price (65%)	Quality Score (20%)	Social Value Score (normalised) (15%)	Total Score (normalised)
Man Coed VM Ltd	£1,232,594.00	90.00%	100.00%	100.00%
Tenderer rank 2	£2,008,800.00	90.00%	61.36%	66.11%
Tenderer rank 3	£2,071,473.50	85.00%	40.12%	63.58%
Tenderer rank 4	£2,971,236.60	70.50%	47.19%	49.71%
Tenderer rank 5	£2,842,475.00	60.00%	43.36%	48.30%
Tenderer rank 6	£3,837,740.00	62.50%	27.03%	38.82%

2.3 All tenderers included a pricing schedule based on 'dayworks' activity items. The submitted price rates were applied to a hypothetical 'basket of work', indicating predicted quantities for each work item over the five-year term of the contract, to generate an indicative price sum for comparative evaluation.

2.4 A seventh tender was received which was submitted via the Social Value Portal, not the Due North Chest Portal, which is the process tenderers were instructed to follow. The Council could have legitimately omitted this tender from consideration, but it has been evaluated to reduce the risk of legal challenge and to avoid compromising the selection process. This tenderer

would have ranked 6th in the table above, with a price element of £2,631,958.00.

3.0 BACKGROUND INFORMATION

3.1 Procurement route and contract form:

On 26 February 2020 the Cabinet Member for Community Services decided to endorse the recommendations of a report of the Interim Director – Highways & Streetscene, titled: Arboriculture Services – Approval of Contract Strategy and Procurement Route, including: that the contract be long-term, five to seven years duration; that the contract be with a single supplier covering all the Council's tree stock; that the form of contract be based upon the NEC3 Term Service Contract (TSC) form and that the tender evaluation model be based upon a 65/20/15, price/quality/social value, ratio.

3.2 Contract Services Scope:

The services included within this contract cover routine, planned and 24/7 emergency response maintenance and improvement of all the Council's tree stock, and will include, but is not limited to: tree pruning, crown lifting, crown thinning, crown reduction, deadwood removal and formative reduction, minor root pruning, aerial inspection, tree removal (dismantling in sections and clear felling), stump removal and tree planting. A comprehensive tree maintenance service is required across all the Council's estate which is comprised of street trees (approximately 26,000), trees in parks and public greenspaces, trees in cemeteries and church yards, trees on public commons, trees within the grounds of Council buildings across all directorates, including schools, and trees situated on a wide range of small incidental public spaces. Occasionally trees on private land will require intervention where they pose an immediate threat to public or highway safety.

4.0 FINANCIAL IMPLICATIONS

4.1 Man Coed VM Ltd is the current incumbent supplier of tree maintenance services to the Council and commenced in service on 1 December 2016; that contract being due to expire on 31 March 2021. The pricing schedule submitted by Man Coed VM Ltd has been closely scrutinised and where there are activity items equivalent or similar to those in the current contract it is clear that the rates tendered are very similar or slightly reduced from the rates in the current contract. Consequently, the evaluation team is satisfied that the rates tendered by Man Coed VM Ltd are suitable and sufficient, and represent very good value for money.

4.2 The total value of works likely to be ordered through this contract is up to £400,000 per annum, funded from the relevant service area revenue budgets in the approximate ratios: Highways and Infrastructure £220,000; Parks and Environment £100,000; Asset Management £80,000. The Council is not contractually committed to issue any particular value of work. Task order instruction will be managed within each service using a risk-based

prioritisation approach, with advice from the Council's specialist arboricultural officers, having regard for the pertaining budgetary provision at time of order.

5.0 LEGAL IMPLICATIONS

- 5.1 Under UK Public Sector Procurement Regulations, post Brexit, since this tender was issued pre 31 December 2020, it will proceed under full OJEU, EC Directive, Open Procedure. Therefore, the contract award will proceed to full award after a successful Alcatel period, 10 day standstill, and notification of the successful and unsuccessful bidders.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 ICT: The Council's tree stock inventory has recently moved onto the 'Insight' software package on Symology and where applicable this system will be linked to the contractor's ICT systems to manage the contract efficiently.
- 6.2 Staffing: The Council's contract management team will be provided from current staffing resources and will consist of the Tree Risk Management Coordinator and two specialist Tree Officers, with support from the Highways and Infrastructure Service Support team.
- 6.3 Assets: there are no additional assets implications.

7.0 RELEVANT RISKS

- 7.1 As part of the evaluation process all necessary quality management, health and safety and environmental accreditations, together with: economic and financial viability, employment legislation, Modern Slavey Act compliance and insurance checks have been undertaken for the recommended supplier, Man Coed VM Ltd.
- 7.2 There remains a risk to the contract award and a service commencement delay should a procurement challenge be lodged during the 10 day standstill period (paragraph 5.1 refers). This risk to a continuation of service is less onerous if the recommendation for award is for the current service provider, as the incumbent post-contract re-mobilisation should be minimal.
- 7.3 It is essential the Council provides an effective tree maintenance service in order to mitigate risks to public safety. Following the Coroner's Inquest in 2019 in relation to a tragic accident in 2016 when a large horse chestnut tree on the perimeter of Arrowe Park Road fell onto a busy carriageway, tragically killing a baby girl, the Coroner issued a 'Regulation 28 Report' to Prevent Future Deaths. The report stated there needs to be a proactive strategic management of trees policy, with a written policy system to ensure all trees are checked. Whilst a Council tree strategy is now in place, any delay to

award of contract and provision of a supplier to support an effective service may expose the Council's Chief Officers to risk of prosecution as a result.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 Tree management operational practices are an extremely sensitive and emotive issue in the local community, often with polarised opinions being expressed. This contract is a works service supply contract. Thus, the tree management activities undertaken will be planned and instructed by the Council's professional specialist arboricultural officers in accordance with the Council's policies and procedures, not managed by the supplier. However, Man Coed VM Ltd has undertaken to work with the Council to pro-actively engage with the public and Members in advance of planned works taking place, in order to explain the rationale and methodology to be employed. It would be the intention to promote and launch this service in conjunction with Man Coed VM Ltd.
- 8.2 The contract includes a comprehensive performance management framework (PMF) with a set of ten key performance indicators (KPIs), with corrective actions for failure to meet performance targets. One of the KPIs requires customer satisfaction surveys to be completed by the contractor on a 3 monthly basis distributed to the general public living in the areas where the previous 3 months works have been carried out.
- 8.3 As part of its tender submission, Man Coed VM Ltd has committed to provide substantial social value benefits into the community during the course of the contract, which will be monitored and evaluated by contract officers, as well as significant local employment commitments, including: apprenticeships, young offender rehabilitation and long-term unemployed, they have offered to engage with local schools and colleges and volunteer and donate to local community projects.

9.0 EQUALITY IMPLICATIONS

- 9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help Council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.
- 9.2 This report is concerned with contract award and associated procurement and legal processes so there are no direct equality implications arising from this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 Tree health plays a significant role in supporting a diverse local ecology, pollution sequestration and carbon capture. Sub-standard tree works can predispose trees to disease and greatly reduces their safe useful life

expectancy, therefore it is imperative that high quality tree maintenance is carried out. Likewise, correct tree planting techniques can greatly improve the successful establishment of new tree planting. Therefore, ensuring that the Council has the necessary skills and competent suppliers available for restocking schemes is paramount in ensuring the Council's Climate Emergency targets for improved tree cover. It has been verified through the tender evaluation process that Man Coed VM Ltd possesses the necessary skills and resources to meet these requirements.

- 10.2 As our weather becomes more and more unpredictable and hitherto once in a generation severe weather events become an almost biennial occurrence resilience, capacity to quickly and effectively deal with the aftermath of such events (extensive windthrow and storm damage clear up) becomes paramount. Therefore, a service supplier with sufficient and flexible staff, plant and machinery resources is essential. It has been verified through the tender evaluation process that Man Coed VM Ltd possesses the necessary skills and resources to meet these requirements.
- 10.3 Man Coed VM Ltd has confirmed a 100% recycled arboricultural waste policy, a new vehicle and plant fleet including European stage 5 emission compliant specification wood-chipper engines, is currently trialling battery-powered hand tools, and will work with the Council to achieve our net zero carbon targets. As part of their social value tender commitment, Man Coed VM Ltd has also offered to volunteer in the creation and management of green infrastructure.

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APPENDICES

None

BACKGROUND PAPERS

Commercial tender submission information.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet Member for Community Services decision: Arboriculture Services – Approval of Contract Strategy and Procurement Route	26 February 2020