



Environment, Climate Emergency and Transport Committee

Tuesday, 7th September 2021

REPORT TITLE:	WEED CONTROL MEASURES OPTIONS APPRAISAL
REPORT OF:	DIRECTOR OF NEIGHBOURHOOD SERVICES

REPORT SUMMARY

This report provides Committee with an overview of the appraisal exercise undertaken to consider options future weed control across the borough. The report recommends the option of using a competitive tender process to secure the Council's weed control function as the current contractual arrangement for weed control at the end of 2021. It is proposed that the new weed control contract will run for a 4-year period beginning in January 2022, with a conditional extension option of a further year.

Securing the appropriate and effective management of weed control contributes to the Wirral Plan 2025 theme to promote a Sustainable Environment and create a cleaner, greener borough which protects and improves Wirral's environment.

Weed control is carried out across all Wards and this report has been classed as a Key Decision and as such included on the Council's Forward Plan.

RECOMMENDATIONS

It is recommended that the Environment, Climate Emergency & Transport Committee:

- (1) The option to use a competitive tender process to secure the future supplier of the weed control service, beginning January 2022 until January 2025, with the option of a further year is preferred;
- (2) the tender process for the procurement of the weed control service be commenced; and
- (3) the Director of Neighbourhood Services be delegated to award the contract within approved budget and to the highest scoring tender within approved budget and in accordance with the Most Economically Advantageous Tender (MEAT) criteria.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATIONS

- 1.1 The weed control service needs to be re-tendered due to the current contract concluding this year with no provision for extension. Awarding the contract through an open competitive tender exercise represents the most economically advantageous option and is fully compliant the corporate procurement rules, the contract tender offers the opportunity to explore the marketplace to identify new and innovative approaches to weed control, including alternative methods to the use of glyphosate.
- 1.2 Wirral Council is committed to a performance and evidence-based approach to social value based on the National TOMs. The TOMs within this tender process reflect the specific needs of Wirral Council. Bidders will be required to complete a social value submission for any given tender.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 A working group made up of officers from a range of service areas, including finance and procurement, considered a total of 7 options for future weed control provision, with five being shortlisted for detailed appraisal. A full breakdown of the appraisal exercise is set out in Appendix 1.
- 2.2 Two in-house options were explored in detail, one using Glyphosate and another using 'Nomix Dual.' 'Nomix Dual' is a product that reduces the Glyphosate usage by 53%, as detailed in Appendix 2. Following completion and conclusion of the appraisal exercise, the total costs to bring the weed control service in-house were found to be considerably higher than the current contract, due to staffing costs and the first-year start-up costs that included the capitalisation of the core assets such as quad bikes and vehicles. The comparison cost for both in-house options, alongside the current contract cost, can be seen in the table below:

Options Comparison	In-house operation using Glyphosate	In-house operation using Nomix Dual	Current contract
Total cost of service provision (year 1)	£330,046	£444,544	£249,000
Total cost of service provision year 2	£324,435	£434,986	£249,000
Total cost of service provision year 3	£324,435	£434,986	£249,000
Total Costs (for 3 years)	£978,916	£1,314,516	£747,000

- 2.3 The working group considered an option of varying the current Refuse Collection and Street Cleaning contract, the incumbent being Biffa, to include the weed control service. The rationale behind this option was to streamline weed control and control operations, as Biffa are responsible for the control of weeds as part of their contract with the Council. Biffa work closely with the incumbent weed control contractor, Man Coed, to synchronise weed control following control application.
- 2.4 Meetings were held with Biffa to discuss this option, however the discussions proved to be inconclusive as to whether this option was viable. As a result, the option on varying the contract with Biffa was not pursued further as part of the exercise. Biffa may choose to tender for the weed control contract when the tendering opportunity comes around.
- 2.5 As previously reported to Committee, the Council is continuing to conduct trial exercise to consider alternative methods to the use of Glyphosate for weed control. The trials of such alternatives were considered as part of the options appraisal exercise, these included 'Foamstream' (hot foam), hand weeding/scraping (utilising community groups and volunteers), Nomix Dual and compared against the current Glyphosate application.
- 2.6 Pelargonic acid was requested by a committee member to be part of the trials. There are currently two pelargonic acid products on the market. However, after undertaking research into these products, it was determined that the Health and Safety Executive (HSE) official guidance confirms that this product does not have approval for use on hard surfaces. Although there is approval for products used by non-professionals which can be used on hard surfaces, for example around a domestic patio or driveway. These products could not be used on the commercial scale required for this contract.
- 2.7 The trials of weed control methods concluded that Glyphosate remains the most effective and affordable method of treating weeds on the scale required for the delivery of the Weed Control Contract. The Council will continue to identify alternative weed control measures to trial as part of the objective and commitment to eradicate the use of glyphosate, once a viable and affordable alternative is found. A breakdown of the results of the weed control trials can be found in Appendix 1.
- 2.8 Officers also explored the possibility of engaging with local community groups and volunteers to carry out weed control. One of the issues that arose was that the manual hand scraping method used by community groups generated a significant potential health and safety risk, with volunteers at the alternative method trials complaining of back pain after relatively short periods of weeding. There were also health and safety concerns identified relating to the risks associated with volunteers working near or on the highway. It is evident therefore that the use of volunteers to carry out weed control would not be viable to keep the 100,000km of roads and pavements free of weeds. However, involving community groups and volunteers in weed control in a

supporting way is welcomed and should be promoted (with appropriate risk assessment and support from officers).

3.0 BACKGROUND INFORMATION

3.1 Highway Infrastructure:

When the weed control was undertaken in-house by the Highways Service during 2012-2017, it was to treat a measured area of 1,479,000 m². This was the historical measurement used by the service. The service used two teams of two individuals to spray this entire area at a cost of £120,000 per year as per the measurement against projected productivity. There were significant issues in managing this operation, with the teams being unable to properly carry out the weed control to acceptable standard. An operational decision was made that the service should go out to Tender, with the winning tender from Man Coed VM Ltd with a yearly cost of £87,000. Within the first year of the contract, 2018, it was clear that the contract was failing and that following discussions with the contractor they presented evidence that with the measurement they had tendered for was significantly smaller than the actual areas that require weed control. The previous Director requested the measurement to be re-checked. As a result of this, it was confirmed that the measure was in fact 4,896,168m². This being nearly 3.5 times as larger than the original measurement included in the tender. The cost of the contract held by Man Coed VM Ltd then rose to £249,000 to accommodate the increased area that required weed control. The revised measurement has been used for weed control provision for several years now.

3.2 Reduction of Glyphosate:

3.3 Wirral Council made a commitment on 15th July 2019 to phase out the use of Glyphosate and reduce the amount used until a viable and affordable alternative is found. Since the resolution of 2019, officers have been exploring the best alternatives and after significant efforts have concluded that at this time, there is currently no available alternative that has both the same effectiveness and comparable cost to Glyphosate, with some options explored the method would increase the cost significantly. Details on how this conclusion was made can be found in Appendix 1.

3.4 Steps have been taken by the Parks & Countryside Service to reduce the amount of herbicides and pesticides used in weed control. Residual herbicides are no longer in use as part of Wirral's highway hard surface weed control.

4.0 FINANCIAL IMPLICATIONS

4.1 Man Coed VM Ltd is the current incumbent contractor for weed control services to the Council and the contract is due to expire on at the end of 2021. The annual price of the current contract is £249,000, following the re-measurement exercise referred to above. It is expected that any tendered

contract secured via the proposed option would offer a competitive price relative to the current.

- 4.2 By going out to tender as proposed, the initial year one costs and investment required to bring the service in-house, would not be required. The estimated year one costs of bringing the service in-house using Glyphosate is £440,800. The year one cost of using Nomix Dual is higher, at £555,370. The financial implications of the necessary capitalisation of assets associated with an in-house service make the overall costs incomparable with the estimated costs of a tendered service, although some economy of scale could be realised through workforce utilisation. The in-house provision would also require the additional employment of a team of weed control operatives, as there is not the capacity within the existing grounds maintenance workforce to undertake weed control operations. Therefore, an in-house model is financially prohibitive, full details of the costs projected for in-house options are set out in Appendix 2.
- 4.3 The total value of works projected for this contract would be in the order of £250,000 per annum (an estimate based on the cost of the current contract), funded from the relevant service area revenue budgets: Parks and Environment, Highways and Infrastructure and Asset Management. Ratios have not yet been calculated due to contract bids not yet being received. 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.

5.0 LEGAL IMPLICATIONS

- 5.1 Since 01/01/2021, the United Kingdom has taken responsibility for its own regulatory decisions and rules regarding weed control by departing from the EU. Under the new regime, the Health and Safety Executive (HSE) remains the national regulator for the UK, via its specialist Chemical Regulation Division (CRD). The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 states that active substances which were due to expire in the EU within 3 years of the end of the transition period will be granted a 3-year extension under the new GB regime. This means that glyphosate is approved for 5 more years in Great Britain until at least 15 December 2025.
- 5.2 Under public contract regulation, once a contract had reached its term limits and has had no extension provision, the contract must end and be retendered.
- 5.3 The award of contract will be made on the basis of the most economically advantageous tender (MEAT) scoring. The meaning of MEAT is currently governed by the Public Contract Regulations 2015. As a criteria for the assessment of tenders on the basis of the best price-quality ratio, MEAT will always predominantly contain a cost or quality element, but the MEAT criteria may also include assessment on the basis of various other criteria linked to the subject-matter of the contract in question, including lifecycle costing and

environmental or social aspects. For example, particular award criteria may take into account the inclusion of vulnerable and disadvantaged people, local wealth building, training and educational aspects or the use of non-toxic substances in the production process to deliver the requirement. The Council's Contract Procedure Rules (Standing Orders) set out how contracts are to be awarded by the Council, which will include reference to the Council's Procurement Strategy and Social Value Policy.

- 5.4 Should the authorised Director wish to award the contract via a tender which does not hold the highest MEAT score or where the costs of the award will exceed the relevant budget, the matter will be referred back to this Committee for consideration.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 ICT: there are no additional ICT implications.

- 6.2 Staffing: The Council's contract management team will be provided from current staffing resources. The team that coordinates the tendering process will be assembled from the relevant service areas and directorates.

- 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 chosen supplier.
- 7.2 The estimated procurement timescale of 16-20 weeks could prove to be tight. However, because of there being a select number of suppliers who could offer this service, a restriction stage is not required and the SSQ can be issued post evaluation.
- 7.3 Even with this considered however, any delays to the decision and/or procurement process still poses a critical risk to the re-tendering of the contract in time and being ready for the next weed control season.
- 7.4 There is a risk of damage to the highway infrastructure and public safety through tripping hazards if weeds are not tackled and become established.
- 7.5 The Council has made a public declaration committing to eradicate the use of Glyphosate from Council operations when a viable alternative can be located. Though efforts have been made to identify a viable and cost-effective alternative, the decision to go out to tender and potentially secure a contract using Glyphosate could pose a reputational risk to the Council. Therefore, the

Council must continue to update residents on the exercises to find a Glyphosate alternative.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 When looking into alternates to Glyphosate application for weed control, requests to trial certain solutions or methods were considered and investigated fully, as set out in Appendix 1.
- 8.2 Any potential contract specification can require aspects of consultation and community engagement to be included in order to determine local prioritisation and choice. An example of this could be the development of performance indicators that produce customer satisfaction surveys to be completed by the contractor on a periodic basis.

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 a potential contract award and the associated procurement and legal processes so there are no direct equality implications arising from this report. Equality considerations will be part of the procurement and contract award processes

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 The pursuit of alternative viable methods for weed control to Glyphosate to facilitate the eradication of its use, is in line with the Council's Environment and Climate Emergency Policy and the Council's commitment to enhance Wirral's biodiversity. The Council has committed to eradicate the use of Glyphosate once a viable and affordable alternative to control weeds is found.

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APPENDICES

Appendix 1: Weed Removal Options Appraisal
Appendix 2: Nomix Dual and Glyphosate usage breakdown

BACKGROUND PAPERS

Progress report on future alternatives to Glyphosate for Weed Control (28th November 2019)

Update on the exercise to trial alternatives to glyphosate in the use of weed control (3rd December 2020)

Manufacturer's method statements and instructions for the weed control methods trialled.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Full Council	15 th July 2019
Environment Overview and Scrutiny Committee	28 th November 2019
Environment, Climate Emergency and Transport Committee	3 rd December 2020