



**ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT COMMITTEE**  
**MONDAY 15 JULY 2024**

<b>REPORT TITLE:</b>	<b>TREE MAINTENANCE CONTRACT TENDER</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF NEIGHBOURHOOD SERVICES</b>

**REPORT SUMMARY**

This report recommends the termination of the current Corporate Tree Maintenance Contract and endorsement of a tender for a new contract. The proposed new contract will run from October 2024 until March 2026, with an option for a conditional extension of three twelve-month periods.

Effective management and maintenance of the Council's tree stock contributes to the Council Plan: Wirral Working Together 2023-27 specifically under delivery theme 5: protect our environment.

This is a key decision The services provided under this contract will take place across all Wards.

**RECOMMENDATIONS**

The Environment, Climate Emergency and Transport Committee is recommended to Authorise the Director of Neighbourhood Services to:

1. Agree to the termination of the existing Tree Maintenance Contract (1 April 2021- 31 March 2026).
2. Approve the commencement of the tender process for the procurement of a new Wirral Arboricultural Services Contract; and
3. Give delegated authority to the Director of Neighbourhood Services 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/S FOR RECOMMENDATIONS**

- 1.1 The termination of the current Arboricultural Services Contract, which commenced on 1 April 2021 and expires on 31 March 2026, with Man Coed VM Ltd is necessary due to the contract reaching its maximum value, as previously advertised through a compliant competitive tender process.
- 1.2 The contracts maximum value of 2 million was reached due to an unexpected increase in annual tree work volumes. This increase is attributed to more frequent storms, leading to emergency tree works, a rise in tree pests and diseases, and issues with aging highway tree stock. The additional costs have been covered by reserve spending and increased annual tree maintenance budgets.
- 1.3 A new tender process is required to identify the most economically advantageous tender, compliant with budgetary provisions and the estimated contract value for the service.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 The current contract cannot continue, and there is no internal resource to deliver the Council's arboricultural services. Therefore, no alternative options have been considered.

### **3.0 BACKGROUND INFORMATION**

- 3.1 A comprehensive arboricultural maintenance service is required across the Council's estate to ensure the Tree Risk Management System (TRMS) is delivered and statutory duty of care responsibilities are met. This includes routine, planned and 24/7 emergency response maintenance for highways, parks and countryside sites, as well as operational assets land. Services will include but are not limited to: tree pruning, tree removal, stump removal and tree planting.

### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 The cost of this contract will be contained within existing revenue budgets, subject to annual budget setting activity. The Council is not obligated to issue any specific value of work. Work orders will be managed by the tree team based on risk and budgetary provisions at the time of order.

### **5.0 LEGAL IMPLICATIONS**

- 5.1 The Council, in common with employers in general, has a duty under health and safety legislation to conduct its undertakings in such a way as to ensure so far as reasonably practicable that persons other than themselves or their employees are not exposed to risks to their health and safety. The Council also has a duty of care under the Occupiers' Liability Act 1957. A robust tree risk management and maintenance approach is therefore necessary to enable the Council to discharge these duties.

- 5.2 The commission of the services detailed in this report will be undertaken in accordance with The Public Contract Regulations 2015 and the Council's Contract Procedure Rules.
- 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 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 the Committee for consideration.

## **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

- 6.1 ICT: The Council's tree stock inventory has recently moved to TreePlotter software, which will be accessible to the awarded contractor for efficient contract management.
- 6.2 Staffing: The contract management team will be provided from current staffing resources, including the Senior Trees and Woodland Manager, two specialist Tree Management 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 Providing an effective tree maintenance service is essential to mitigate risks to public safety. Following the Coroner's Inquest in 2019 related to a tragic accident in 2016, the coroner issued a 'Regulation 28 Report' to prevent future deaths, highlighting the need for a proactive tree risk system. Any delay in tendering, awarding the contract, or providing a supplier may expose the Council's Chief Officers to prosecution risks.

## **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 Tree management practices are sensitive and often elicit community opinions. This contract is a works service supply contract, meaning the tree management activities will be planned and instructed by the Council's arboricultural officers per Council's policies and procedures, not managed by the supplier.

8.2 The successful contractor must provide substantial social value benefits to the community during the contract, monitored and evaluated by contract officers.

## **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 No equality issues arising from this report.

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 Tree health is crucial for ecosystem services such as carbon sequestration, rainfall interception, temperature regulation and habitat provision. High-quality tree maintenance and planting are vital for the Council's Climate Emergency targets for improved tree cover. The tender evaluation process will verify that the contractor has the necessary skills and resources.

10.2 As severe weather events become more frequent, it is essential to have a service supplier with sufficient and flexible resources to manage the aftermath effectively. The tender process will ensure the contractor meets these requirements.

10.3 The content and/or recommendations contained within this report are expected to:

- Reduce emissions of Greenhouse Gases

## **11.0 COMMUNITY WEALTH IMPLICATIONS**

11.1 Trees offer numerous social and economic benefits, such as enhancing community well-being, increasing property values, and contributing to environmental sustainability. However, poorly managed trees can pose significant health and safety risks. An arboricultural service contract is essential to maintaining a health, safe and sustainable tree stock, ensuring the continued improvement and longevity of tree cover. This, in turn, supports community wealth by fostering a healthier environment, promoting social cohesion and enhancing the overall quality of life for residents.

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## **APPENDICES**

None

## BACKGROUND PAPERS

Wirral Council Tree Maintenance Contract Volume 2 (Services Information)

Tree, Hedgerow and Woodland Strategy 2020 – 2030

## TERMS OF REFERENCE

**This report is being considered** by the Environment, Climate Emergency and Transport Committee in accordance with Sections (a), (b), (e), (l), and (j) of its Terms of Reference.

## SUBJECT HISTORY (last 3 years)

<b>Council Meeting</b>	<b>Date</b>
Environment, Climate Emergency and Transport Committee  Acceptance of Tender and Award of Contract Report - Arboriculture Maintenance Contract	1 <sup>st</sup> February 2021
Environment, Climate Emergency and Transport Committee  Tree Management and Inspection Update	20 <sup>th</sup> January 2022
Environment, Climate Emergency and Transport Committee  Tree, Hedgerow and Woodland Strategy Progress Report 2022	21 <sup>st</sup> July 2022
Environment, Climate Emergency and Transport Committee  Tree, Hedgerow and Woodland Strategy Progress Report 2023	20 <sup>th</sup> September 2023

