

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 15 May 2017

| | |
|-----------------------------|---|
| Portfolio: | Planning and Development |
| Subject: | Tree Maintenance Services: Award of Tender |
| Report of: | Director of Planning and Regulation |
| Strategy/Policy: | Contract Procedure Rules and Corporate Tree Strategy |
| Corporate Objective: | Protect and Enhance the Environment, Safe and Healthy Place to Live and Work. |

Purpose:

This Report seeks approval to secure the budget and award the tender for the Council's Tree Maintenance Services. It is anticipated the Contract term will be a four year period (including an optional 2 years) commencing May 2017.

Executive summary:

Following discussions with the Hampshire and Isle of Wight Procurement Partnership in 2016 it was agreed, due to limited resources within the Borough and District Councils, that it was not feasible to run a collaborative tender in respect of Tree Maintenance Services.

Therefore, it was proposed in-house that Fareham Borough Council runs its own tender and in January 2017, the Director of Finance and Resources gave approval to go out to tender for the Council's Tree Maintenance Services.

During the tender, published via the South East Business Portal, the Council received nineteen (19) compliant tender responses from suppliers based throughout the UK. The evaluation panel consisted of the Principal Tree Officer and the Tree Officer. The scores and ranking for all nineteen (19) tenders received are represented in the confidential Appendix A attached to this report.

Recommendation:

That the Executive agrees:

- a) to secure the annual budget for the Council's Tree Maintenance Services for the contract term; and
- b) to award the contract to the top 8 scoring tenderers as set out in the Confidential Appendix A.

Reason:

To accord with the Public Contracts Regulation 2015 and continue to deliver consistent high quality tree work and value for money from the Council's tree maintenance budgets.

Cost of proposals:

The total cost of the proposals is indicated in confidential Appendix A attached to this report and will be funded from the tree maintenance service budgets.

Appendices: A: Confidential – Tender Prices and Evaluation matrix.

Background papers: None.

Reference papers: None

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

| | |
|---------------------|---|
| Date: | 15 May 2017 |
| Subject: | Tree Maintenance Services: Award of Tender |
| Briefing by: | Director of Planning and Regulation |
| Portfolio: | Planning and Development |

INTRODUCTION

1. In 2011 Fareham Borough Council joined the Hampshire and Isle of Wight Procurement Partnership (H&IoWPP) – Tree Maintenance Service. The H&IoWPP agreement expired in August 2016 and in January 2016 those Authorities using the existing framework began to prepare for a new collaborative tender.
2. Despite attempts by the Council's Procurement Officer and Principal Tree Officer to keep the project on course the process lost traction and there seemed to be limited appetite to run a collaborative tender again. The existing agreement subsequently expired at the end of August 2016 with no new framework in place, which has left the Council non-compliant in procurement terms.
3. However, all the Council's existing suppliers have continued in the spirit of the lapsed agreement in terms of receiving orders from the Council using the existing contract rates. Orders are raised for each individual work package, which means the supplier is working under the Council's terms and conditions in any event.
4. Following discussions with the H&IoWPP it was agreed, due to limited resources within the Borough and District Councils it was not feasible to run a collaborative tender to establish another call-off framework in respect of Tree Maintenance Services. It was agreed in-house for Fareham Borough Council to run its own tender, which due to the annual spend over the last five years falls into the OJEU category.
5. The spend for Tree Maintenance Services is as follows:-

2016/17 - £236,145

2015/16 - £274,452

2014/15 - £280,950

2013/14 - £190,636

2012/13 - £141,097

The average annual spend over this five year period is £225,000.

6. The primary factors contributing to the increased demand on the Tree Maintenance Service budgets are - works arising from tree safety inspections, so called 'good neighbour' pruning and the adoption of public open space. A more detailed explanation of the variables affecting the increased annual spend since 2012 is set out further on in this briefing paper under 'demands on the service'.
7. The combined pressures on the tree service have been carefully monitored since 2012 and the implications for the annual spend reported to the Director of Finance and Resources. Since 2015 the Council's tree maintenance budgets have been subject to review, which was reinforced by a recommendation of the 2016 Audit Report of Council tree services.
8. The OJEU threshold for services pursuant to the Public Contracts Regulation 2015 is £164,176 and it was agreed, in order to test the market, to utilise the open tender procedure. In January 2017 the Director of Finance and Resources gave approval to go out to tender for the Council's Tree Maintenance Services.

BACKGROUND

9. Fareham is a coastal borough lying between the two cities of Portsmouth and Southampton on the south coast of Hampshire. It covers an area of approximately 30 square miles, being 8 miles long from east to west and has a population of approximately 112,000 people.
10. The urban environment has a 'verdant character' synonymous with its tree cover, providing an attractive pleasant environment in which to live and work. Many of these trees are remnants of the historic landscape.
11. The countryside in Fareham has a locally distinctive character, which is described in the Fareham Landscape Character Assessment, the Hampshire Integrated Character Assessment and in Hampshire's Historic Landscape Report. The rural landscape is made up of a diverse range of land types ranging from chalk downland, coastal landscapes, mud flats, salt marshes and low lying river valleys, which in turn support a diverse range of trees.
12. Fareham Borough Council is responsible for a range of treed areas including over 280 hectares of public open space and housing areas, 60 hectares of woodland, car parks and cemeteries.
13. There is a strong legacy of tree cover within the borough. The Council is responsible for many important trees in key locations which provide essential benefits to local people and visitors.

OVERVIEW OF BENEFITS

14. The trees and woodlands of Fareham, collectively termed as the urban forest, provide numerous benefits, not just for those who live here, but for the wider environment. These can be broken down into economic, social, health, environmental and cultural benefits.
15. Trees have an impact on our lives directly and indirectly; therefore it is important to understand why the Council needs to invest in them.
16. Over the next decade, the urban environment is expected to increase by nearly 30%. The urban forest is becoming increasingly recognised for its importance as part of the

solution for many pressing problems in the built environment. The urban forest therefore should not be an afterthought, but recognised for its role supporting the Council's wider strategic priorities for the borough and focus on achieving broader benefits.

17. The existence of high quality, well-managed trees and woodlands can dramatically enhance the appearance of both urban and rural environments. This in turn has a significant bearing on people's perceptions, both of their surroundings and of their quality of life.
18. It is generally accepted that trees are attractive features within our towns, villages and countryside, which contribute significantly to the character of the borough. Beyond purely visual features, trees provide many other benefits which are often overlooked. Recognising and evaluating these benefits can help the Council to make the right decisions about how best to manage the urban forest.

RISKS POSED BY TREES

19. The risks posed by trees to people and property have been understood and reported for many years, frequent legislation and guidance has assisted in clarifying the duties of a reasonable and responsible tree owner. In 2007 the Health and Safety Executive [HSE] published Management of the Risk from Falling Trees (SIM 01/2007/05) which provides guidance on the standard of risk management of trees. In 2012 the National Tree Safety Group, comprising key industry stakeholders, published Common Sense Risk Management of Trees, which gives guidance on trees and public safety.
20. The very low risk of harm associated with trees can sometimes cause disproportionate public concern. Trees are dynamic living structures which are often of great size and which move and react to the wind. Furthermore, tree failures and instances of fatalities associated with trees are often subject to a high degree of public attention further engendering a high perception of risk.
21. The HSE suggests that the risk from trees falls within its lowest category of risk; the Broadly Acceptable Region on the Tolerability of Risk Framework ('Reducing Risks, Protecting People' 2001). Despite this, tree owners have a Duty of Care under Common Law (the torts of negligence and nuisance), The Occupiers Liability Acts (1957 & 1984) and the Health and Safety at Work Act 1974, to take reasonable steps to prevent foreseeable harm to people or property.
22. This Duty of Care can be reasonably fulfilled by undertaking a suitable and sufficient cyclical system of inspection and remediation, to manage risk as far as reasonably practicable.
23. Accurate records are maintained by the Council as part of this Duty of Care. Detailed data of the tree's condition, species, age and size, along with records of its maintenance history and any enquiries relating to it, are recorded on the Council's 'EzyTreev' database, which is also linked to an electronic mapping system.
24. Fareham Borough Council will manage the low risk posed by its trees as part of its wider management of the tree stock and in line with current best practice.

CURRENT SITUATION

25. Fareham Borough Council is responsible for a wide variety of trees growing on land owned and maintained by the Council across a range of sites.

26. The Council currently has more than 15,000 trees recorded on its tree management system.
27. This number should be treated as a modest figure since it reflects only those trees which are specifically recorded and substantially underestimates the total number of trees, particularly smaller individuals, trees within large groups and woodlands.
28. This information has been collected over the past 9 years via an on-going proactive survey and inspection of Council owned trees by recording data on a specialised electronic database.
29. The previous collaborative framework agreement has been successful with the Council using 6 suppliers, which included 3 contractors who had delivered tree work for the Council prior to 2011. The same 3 suppliers have also submitted tenders for the 2017 call-off framework for Tree Maintenance Services.
30. The supplier rates are entered into the Council's tree works ordering system – 'Ezy Treev', which creates a value for individual work packages before issue and any order is raised. The schedule of rates provides flexibility and enables tree work to be directed to suppliers according to their capacity and capability.

DEMANDS ON THE SERVICE – TREE SAFETY INSPECTIONS

31. The proactive inspection of the Council's tree stock continues to identify a significant quantity of tree work necessary to prevent interference with or damage to property, obstruction to access / thoroughfares and general hazards to the public. The maturing tree population throughout the western wards of Fareham continues to generate an increased requirement for remedial tree works.
32. The most common type of tree work identified comprises reducing branches away from buildings, crown lifting over paths, roads and well used areas, removing major dead wood and remedial pruning of weak and defective branches; and other bio-mechanical defects. Pruning to remove ivy and clear basal vegetation to enable visual inspection is also necessary and can be quite onerous throughout the extensive network of greenways and green spaces throughout the western wards of Fareham.

DEMANDS ON THE SERVICE – GOOD NEIGHBOUR PRUNING

33. The public expects local authorities to manage the risks associated with trees responsibly. However, from day to day residents tend to raise more general concerns about encroaching branches, tree related debris and shading that have a direct impact on the enjoyment of their property. Officers acknowledge there is an expectation from residents that trees should be 'maintained properly' to reduce any negative impact on their property to a reasonable degree. Requests to undertake 'good neighbour' pruning are assessed on the merits of each case.
34. The vast majority of this work does not improve the risk associated with the Council's trees and is not undertaken to remove hazards.
35. Failing to respond to public expectations is likely to have a negative impact on the profile of trees in general and the image of the Council. The presumption is that trees are good and should be protected and managed responsibly to ensure they continue to deliver multiple benefits to our communities. The Council strives to provide a tree service that is sympathetic to residents' needs whilst meeting our wider environmental responsibilities and corporate objectives.

36. Therefore any work or activity that could be considered harmful to trees will generally be deemed unnecessary and avoided. However, the majority of requests for tree work from householders are not unreasonable or likely to be harmful to the trees concerned. In most cases residents pruning requests can be undertaken without conflicting with the objectives of the Council's Tree Strategy or wider corporate objectives.

DEMANDS ON THE SERVICE – ADOPTION OF OPEN SPACE

37. Since November 2015 the Council adopted 35 hectares of open space from Miller Homes, the Health Authority and the Homes and Communities Agency at the former Coldeast Hospital site. The associated tree cover is significant; approximately 74 % of the total area of land adopted comprises trees and woodland. The trees are a mixture of broad leaf and coniferous species of both native and exotic origins with many large mature specimens and several veteran trees.
38. The on-going adoption of public open space on new development within the borough will continue to increase number of trees the Council is responsible for maintaining.

TENDER EVALUATION PROCESS

39. The Council's criteria for evaluating tenders for Tree Maintenance Services were made clear at the outset of the process. The contract documents defined a pre – determined scoring mechanism whereby tenderers are assessed on price, service and quality including a scenario question.
40. The evaluation criteria was based on the Most Economically Advantage Tender utilising the following criteria:

Cost = 40%

Service/Quality = 60%

41. During the tender for Tree Maintenance Services published via the South East Business Portal the Council received nineteen (19) compliant tender responses from suppliers based throughout the UK. The evaluation panel consisted of the Principal Tree Officer and the Tree Officer.
42. The tender submissions were evaluated and the scores weighted as specified in the invitation to tender. Following the evaluation exercise and pursuant to the tender documentation the new contract will consist of the top 8 scoring tenderers set out in the confidential Appendix A.
43. The new contract will consist of the framework suppliers whose services will be called-off in accordance to the tender documentation as agreed.
44. The Tree Maintenance Services contract term is 4 years commencing May 2017, with an option to extend by a further 2 years.

RISK ASSESSMENT

45. Many of the usual and identifiable risks initially presented in this type of tender exercise have been negated through the Council's rigorous and structured procurement process.
46. Regular performance monitoring will take place and a series of annual contract meetings will be held during the course of the contract term.

CONCLUSION

47. As outlined in confidential Appendix A, Nineteen (19) valid tenders were received. It is recommended that the top eight scoring tenders be accepted and a contract awarded accordingly.
48. As noted above, the contract term is for 4 years (including an optional 2 years) commencing May 2017.
49. The contract will be reviewed in 2020 before considering the option to extend for a further 2 years.

Enquiries:

For further information on this report please contact Paul Johnston, Principal Tree Officer.
(Ext 4451)