



**Rutland**  
County Council

Rutland County Council

# **Pre-Procurement Business Case**

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## Document Control, Approval and Distribution

### Version Control

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This document should be updated with any amendments:

Version	Date	Notes
V3	26 <sup>th</sup> May 2021	draft
V4	16 <sup>th</sup> June 2021	draft
V5	07 <sup>th</sup> October 2021	draft
V6	25 <sup>th</sup> January 2022	draft

### Document Approval

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This document requires the following approvals:

Cabinet	Name	Date

### Document Distribution

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This document will be distributed to:

Project Team	Method	Date

Informal Cabinet & Portfolio Holder	Method	Date

## Contract Details

<b>Contract Title</b>	Grounds Maintenance and Forestry Services		
<b>Contract Description</b>	Undertaking of grounds maintenance in relation to council assets to include, grass cutting, shrub maintenance, hedge maintenance, closed cemetery maintenance, weed management, tree maintenance and associated works		
<b>Contract Dates</b>	<u>Start</u> : 01/04/2023	<u>End</u> : 31/03/2027	Extension option 2 x 12 Months
<b>Proposal to:</b>	Conduct a Further Competition – under YPO: <b>DPS 881</b> Grounds Maintenance and Associated Services		
<b>Responsible Officer</b>	Ben Thompson		

## Background/Overview

The Council currently has a shared service agreement with Harborough District Council for the provision of Grounds Maintenance service through FCC Environment, for a 3 year Term (from 1<sup>st</sup> March 2019 until 31<sup>st</sup> March 2022), with two x 12 month extension options.

The Council has secured a 12-month extension to its Grounds Maintenance Services contract until 31 March 2023, with new contracts due to commence on 1 April of the same year.

The Council has a Forestry Contract with George Walker (Tree Care) Ltd, the outcome of a competitive tendering process that was undertaken during 2017, for a 5 year Term (from 1<sup>st</sup> February 2018 until 31<sup>st</sup> January 2023), with five x 12 month extension options. The Forestry contract is currently set to expire on 31<sup>st</sup> of January 2023, the Council will therefore extend the contract by x2 months to 31<sup>st</sup> March 2023 to enable the end date to align with the end of the current Grounds Maintenance contract.

The intention is to:

- Undertake pre-procurement exercise/planning. This will include a review of the service in readiness for commencing a re-procurement exercise for these Environmental Services contracts during 2022.
- Following completion of relevant due diligence as part of the pre-procurement exercise, we shall commence the re-procurement exercise of a consolidated Grounds Maintenance & Forestry Services contract. Previously the Forestry service has been conducted under its own contract, due to the similarities in grounds maintenance and forestry work and the two contracts ending on the 31<sup>st</sup> March 2023 it has become evident that there is merit in combining the two services into one contract. Although the specialist Tree surgery works shall need to be kept as a separate Contract arrangement, to be procured separately, as the skills set and contract requirements for this specialist work is different to that required for the consolidated Grounds Maintenance & Forestry Services contracts.

***For new and renewal contract/framework agreement the information fields detailed below must be completed.***

## Contract Details & Procurement Plan

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<u>Headings</u>	
<b>Scope of requirement</b>	<ul style="list-style-type: none"> <li>• To provide a comprehensive and robust suite of supporting tender documents to enable future bidders for the Grounds Maintenance &amp; Forestry Services contracts to provide value for money bids.</li> <li>• To realise any service efficiencies from undertaking relevant due diligence prior to re-tendering the service, through lessons learnt exercise and clear service mapping.</li> <li>• To re-procure the service contracts in a resource efficient manner, using the services of Welland Procurement to adopt the most suitable procurement route for the Council to take.</li> <li>• Minimising the extent of Bidder's risk-pricing the contracts by producing high quality specification outputs, clearly defined pricing schedules and robust supporting tender and contract documentation.</li> <li>• Ensuring the service requirements are packaged/offered to the market, to maximise efficiencies for Service provision.</li> <li>• To deliver the project in a timely, planned, and co-ordinated approach to ensure the new contracts can be awarded and mobilised (and the incumbent contractors demobilised) within the timescales specified prior to 31<sup>st</sup> March 2023.</li> <li>• Aspire to deliver a saving on the current annual contact costs, this will be achieved by the repackaging of tree work as described above and in the design of specifications.</li> <li>• To attribute to and align with the council's biodiversity objectives, set out in Appendix 1 of this Business Case.</li> </ul>
<b>Contract Objectives</b>	<p>To procure a Grounds Maintenance contractor that will provide the services of Highway, Urban and Public Open Space, grass cutting, Shrub pruning and reductions, low level crown lifts and epicormic growth removal, tree, and shrub planting. Including all associated ground works for the above items.</p> <p>To procure a Forestry contractor that will provide the service of tree reductions, tree felling and all specialist forestry aspects.</p>

<p><b>Financial Proposal</b></p>	<p>Budget for Grounds Maintenance is currently £450,000 p.a.</p> <p>Forestry current budget is £115,000 p.a.</p> <p>Total estimated spend £3,390 million over the full Contract term. This equates c. ££2.26m over the initial 4-year contract term and £1,130,000 for 2x12 months extension option)</p> <p>----<b>Check and confirm current budget</b>----</p> <p>The Project Risk Evaluation Tool has been applied which has categorised this is as a medium-risk project. The project will be managed in line with financial requirements as set out in the councils financial due diligence guidance for managing a medium risk projects – for the purposes of setting the relevant financial vetting standards as part an Open procurement process (note this will not be relevant if Call-off via either a Framework or DPS); and for setting a relevant and proportionate contract management approach during the life of the new Contract.</p>
<p><b>Customer base</b></p>	<p>The Contract will service the council’s own requirements principally in relation to Environment, Property, Highways and Property assets. The contract manager will be a nominated Officer from the Environmental Services Team (client side).</p> <p>The Annual contract usage will be defined within the asset information to be provided as part of the tender documentation. Whilst the contract is in use there will be an ability to increase and/or decrease areas through a notice of change in alignment with the associated bill of quantities.</p>
<p><b>Customer &amp; Stakeholder Engagement</b></p>	<p><u>Lessons Learnt exercise with Incumbent</u> - A questionnaire has been submitted to the current contractor that will identify any areas that have been problematic through the current contract as part of a lessons “learnt process”.</p> <p>Internal customers within the directorate (Environment, Property, Highways and Property) have been alerted to the proposed change of contract/contractor. Further discussion will take place with internal clients as the detailed specification is developed.</p>
<p><b>Social Value Consultation</b></p>	<p>We will ensure that the new service specifications align with biodiversity considerations through consultation with the Members Climate Action Group and in turn through their association with a volunteer network. This group is a strong link with members of the community where they are able to voice suggestions of how to improve the local areas’ biodiversity.</p>
<p><b>Equality Impact Assessment</b></p>	<p>No EIA is required.</p>

<b>Market Sector and Suppliers</b>	A soft market testing exercise will be considered – as part of determining a procurement and lotting strategy in support of this project. It is believed that large national organisations, local providers and small & medium sized enterprises will all show interest in this new contract opportunity. The market place is mature, but there will potentially be issues given the relatively low contract value and geographical location of Rutland, hence our intention to undertake soft market testing exercise.		
<b>Joint/Collaborative arrangement</b>	This approach is not being proposed.		
<b>Procurement Plan and Timescales</b>	<b>Milestones</b>	<b>Start Date</b>	<b>End Date</b>
	Develop Outline Business Case	01-Apr-21	30-Apr-21
	Contract Risk Assessment	01-Apr-21	30-Apr-21
	Data Mapping exercise	01-Apr-21	30-Jun-21
	Agree Procurement and lotting strategy	01-Aug-21	30-Sep-21
	Lessons Learnt	01-Oct-21	31-Oct-21
	Contract Extensions	01-Oct-21	03-Dec-21
	Pre Procurement Business Case - <b>Governance</b>		
	SMT	20-Oct-21	20-Oct-21
	Project Board	02-Dec-21	02-Dec-21
	Cabinet Briefing	02-Nov-21	02-Nov-21
	Cabinet		
	Develop Cabinet Report	04-Jan-22	01-Feb-22
	Scrutiny	10-Feb-22	10-Feb-22
	Present Cabinet Report	15-Feb-22	15-Feb-22
	Develop Outline Specification, Service Levels /KPIs	Feb-22	Apr-22
	Assemble all project background information	Feb-22	Apr-22
	Consultation		
	Plan Consultation	17-Jan-22	15-Feb-22
	Consult	16-Feb-22	09-Mar-22
	Collate Responses	16-Feb-22	09-Mar-22
	Analyse Responses	10-Mar-22	16-Mar-22
	Procurement & Contract Docs		
	Develop Outline further competition ITT documentation	Mar-22	Apr-22
	Agree on Evaluation Panel	Apr-22	Apr-22
	Agree Award Criteria & Evaluation methodology	Apr-22	Apr-22
	Method statement questions & Pricing schedules	May-22	May-22
	Request TUPE Information	May-22	May-22
	Review YPO DPS 881 call off contract Ts and Cs	Jun-22	Jun-22
	Publish PIN Notice (one already published Nov 2021)	Aug-22	Aug-22
	Finalise Procurement & Contract Docs	Sep-22	Oct-22
	Welland to review all Documentation	Nov-22	Nov-22

	Tender goes Live	Dec-22	Dec-22
	Site visits	Jan-23	Jan-23
	Clarification period	Jan-23	Jan-23
	Tender submission Deadline	Feb-23	Feb-23
	Evaluation: Quality	Feb-23	Feb-23
	Moderation Meeting	Mar-23	Mar-23
	Review Price submissions	Mar-23	Mar-23
	Bidder Presentation/ Interview (if needed)	Mar-23	Mar-23
	Contract Award Recommendation Report	Apr-23	Apr-23
	<b>Governance</b> - Award Contract (Cabinet)	Jun-23	Jun-23
	<b>Governance</b> - Award Contract (Council)	Jul-23	Jul-23
	Draft Intention to award and feedback letters	Aug-23	Aug-23
	Issue Intention to Award letters to all bidders	Aug-23	Aug-23
	Voluntary Standstill period (10 days)	Aug-23	Aug-23
	Due Diligence - Checks	Aug-23	Aug-23
	Publish Contract Award Notice (FTS & Contracts Finder)	Sep-23	Sep-23
	Contract documentation to be finalised/signed/sealed	Sep-23	Sep-23
	Contract added to Contracst Register	Sep-23	Sep-23
	Decommission - incumbent supplier	Oct-23	Dec-23
	TUPE Complete	Oct-23	Dec-23
	Mobilisation - of new supplier complete	Oct-23	Dec-23
	New contractors are live	Jan-24	Jan-24
<b>Optional Appraisal</b>	<p>This business case proposal brings together grounds maintenance and forestry activities that presently operate under two separate Contracts. This will be through an appropriate lotting strategy:</p> <p>Lot 1 – Grounds Maintenance (to include non-specialist forestry work)</p> <p>Lot 2 – specialist Forestry Service</p> <p>This will enable the non-specialist tree work to be included in the grounds maintenance “lot” resulting in lower pricing for this non-specialist work, as well as improving the critical mass of the new Contract opportunity offered to the market.</p>		
<b>Risk</b>	The Project Risk Evaluation Tool has been completed/ approved - which has identified the contract as a medium risk project.		
<b>Contract &amp; Supplier Management</b>	<p>Contractor due diligence &amp; financial vetting will be in accordance with the requirements for medium risk projects. This will include:</p> <ul style="list-style-type: none"> <li>• Documentation that clearly sets performance standards and requirements</li> <li>• A contractor self-monitoring regime of work undertaken submitted on a regular basis</li> <li>• Regular contractor meetings and sample inspection/auditing of work undertaken</li> </ul>		

	<ul style="list-style-type: none"> <li>A balanced and simple process for the withholding of payment for work that is not undertaken, and/or remediated, satisfactorily.</li> </ul> <p>Detailed proposals will develop as the tender documentation is drafted and with relevant input from legal service over the drafting of bespoke Contract T&amp;Cs.</p>
<b>Legal resources</b>	<p>Broadly the Council Corporate standard terms and conditions will be used, but external legal support will be engaged to produce a bespoke Contract Agreement and to ensure that arrangements are robust going forward. The Council's legal team have been consulted in this respect.</p>
<b>Data Protection Impact Assessment</b>	<p><u>GDPR Screening Questions</u></p> <p>a) Will the project involve the collection of new information about individuals? <b>No</b></p> <p>b) Will the project compel individuals to provide information about themselves? <b>No</b></p> <p>c) Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information? <b>No</b></p> <p>d) Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used? <b>No</b></p> <p>e) Does the project involve you using new technology that might be perceived as being privacy intrusive? For example, the use of biometrics or facial recognition. <b>No</b></p> <p>f) Will the project result in you making decisions or taking action against individuals in ways that can have a significant impact on them? <b>No</b></p> <p>g) Is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? <b>No</b></p> <p>h) Will the project require you to contact individuals in ways that they may find intrusive? <b>No</b></p>



<b>Exit Strategy/Plan</b>	<p>The detailed exit/mobilisation strategy/plan will be formulated as draft documentation is prepared.</p> <p>All planned service provision under the existing Grounds Maintenance contract will have been concluded by 31st December 2022, with the existing contractor (Harborough District Council) only being asked to undertake emergency/essential work, if any, prior to the existing contract ending. Upon contract award the plan/strategy for transferring for exit/mobilisation will be finalised and agreed. This is likely to include:</p> <ul style="list-style-type: none"><li>• Confirmation with existing contractor that all work in progress, if any, is scheduled for completion in a timely fashion and payment.</li><li>• Confirmation of future work programmes and timescales with new contractor</li><li>• Familiarisation with contract assets</li><li>• Arrangements for depot handover</li><li>• Reporting and monitoring/management arrangements and financials set up</li><li>• Any related HR/TUPE issues</li></ul>
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