

## Decision by Portfolio Holder



**Report reference: ENV-003-2017/18**

**Date of report: 09 August 2017**

**Epping Forest  
District Council**

**Portfolio: Environment**

**Author: Trevor Baker (Ext 4048)**

**Democratic Services: J. Leither**

**Subject: Tender Award for the 4-year Contract for Works and Maintenance of Watercourses and Related Assets**

**Decision:**

- (1) That Hugh Pearl Land Drainage Ltd is awarded the contract for Works and Maintenance of Watercourses and Related Assets, in the contract sum of £75,222.29 with an overall weighted price and quality score of 93%.

<b>ADVISORY NOTICE:</b> <i>A Portfolio Holder may not take a decision on a matter on which he/she has declared a Pecuniary interest. A Portfolio Holder with a non-pecuniary interest must declare that interest when exercising delegated powers.</i>	
I have read and approve/do not approve (delete as appropriate) the above decision:  Comments/further action required:     Signed: Cllr. W. Breare-Hall Date: 09 August 2017	
<i>Non-pecuniary interest declared by Portfolio Holder/ conflict of non-pecuniary interest declared by any other consulted Cabinet Member:</i>  None	<i>Dispensation granted by Standards Committee:</i> Yes/No or n/a  N/A
<b>Office use only:</b> Call-in period begins: 18 <sup>th</sup> August 2017	Expiry of Call-in period: 24 <sup>th</sup> August 2017

**After completion, one copy of this pro forma should be returned to  
Democratic Services IMMEDIATELY**

**Reason for decision:**

The Council's Procurement Rules require a Portfolio Holder decision to award any contract with a total value over £250,001 and below £1m when totalled over the life of the contract.

**Initialed as original copy by  
Portfolio Holder:**

### Options considered and rejected:

To award the contract to Anglian Land Drainage Ltd instead. However, that would not provide value for money since the lowest tender submitted by Hugh Pearl Land Drainage Ltd is a lower sum and is a fully compliant bid.

### Background Report:

1. The Council requires the services of a contractor to undertake maintenance on the flood defence assets it directly owns, or for which the Council have riparian responsibility, e.g. in the case of watercourses on Housing land. Various legislation requires the Council to maintain those assets, additionally, during times of severe rainfall events, the contractor would be called upon to provide rapid assistance to mitigate flooding to property and protect the Council's assets.

2. As there continues to be no suitable frameworks for the procurement of such service via the Essex Procurement Hub, discussions on the way forward to achieve the require objectives were held with the Councils Procurement Officer. Consequently in order to arrive at the appropriate balance between cost and quality it was recommended that the contract be awarded based on the most economically advantageous tender by applying a weighting of 65% cost and 35% quality. The method was formally agreed via Portfolio Holder Decision ENV-004 2016/17 dated 22 March 2017.

3. Six small to medium sized contractors were invited to express an interest in tendering for the contact, 2 of whom failed to respond. Tender documents were subsequently prepared using the NEC3 Engineering and Construction Short Contract, and were sent out on 9 June 2017 to 4 contractors.

4. Tenders were returned on 28 June 2017 and after evaluation of the cost element, the following values have been produced:

Contractor	Tender Sum with weighting
Land and Water Group Ltd	Declined to tender
W H Construction Ltd	Did not tender
Anglian Land Drainage Ltd	£205,801.09
Hugh Pearl Land Drainage Ltd	£75,222.29

5. The subsequent combined scores for both price and quality, which have been evaluated strictly in accordance with the tender assessment criteria, are set out in the table overleaf:

Overall Tender Score Results				
Company	Quality Assessment Total Weighted Score Percentage	Cost Element Total Weighted Score Percentage	Evaluation Total Weighted Score Percentage Result	Contractors Overall Position
Hugh Pearl Land Drainage Ltd	28	65	93	1st
Anglian Land Drainage Ltd.	29.05	26.03	55.08	2nd

6. The most economically advantageous tender received was from Hugh Pearl Land Drainage Ltd, with a combined quality and price score of 93%. It is therefore recommended that Hugh Pearl Land Drainage Ltd, be awarded the 4 year contract for Works and Maintenance of Watercourses and Related Assets.

7. Hugh Pearl Land Drainage Ltd. was the successful contractor during the last tender exercise and has demonstrated their experience in this competitive tender exercise through their price and quality submission. Hugh Pearl Land Drainage Ltd has a good track record working with the Council and has provided both a quality service and value for money on a consistent basis.

#### **Resource Implications:**

The current average annual spend on the exiting contract is approximately £70,000 which is made up of Land Drainage, Leisure and Housing Assets budgets.

#### **Legal and Governance Implications:**

Requirement for the Council to properly administer its asset maintenance responsibilities, under amongst other legislation, the Land Drainage Act 1991, Flood and Water Management Act 2010.

#### **Safer, Cleaner and Greener Implications:**

Efficient and effective management of assets and management of flood risk in accordance with the Council's Safer, Cleaner, Greener Strategy.

#### **Consultation Undertaken:**

Discussion held with the Council's Procurement Officer.

#### **Background Papers:**

Portfolio Holder Decision ENV-004 2016/17 dated 22 March 2017.

**Impact Assessments:**

**Risk Management:**

The impact of not maintaining flood defence assets within the Councils ownership is considered detrimental to the overall aims of the Council in managing flood risk, promoting sustainable development and asset maintenance, and where possible protecting the general public.

**Equality Analysis:**

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided at Appendix 1 to the report.

**Key Decision Reference (Y/N): N**