

North Lanarkshire Council Report

Housing Committee

Does this report require to be approved? ☒ Yes ☐ No

Ref: SL/KMcG

Date: 08/05/24

Contract Award for Ad-Hoc Garden Works 2024

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Executive Summary

Committee is asked to homologate the award of the contract for Ad-Hoc Garden Works 2024 (the 'Agreement') to Tivoli Group Ltd.

The Agreement is for a period of 12 months commencing on 01 March 2024.

The value of the Agreement is Six Hundred and Nine Thousand, Four Hundred and Forty-seven Pounds Sterling (£609,447) exclusive of VAT.

Recommendations

It is recommended that the Housing Committee:

- (1) Homologates the award of the Agreement to Tivoli Group Ltd at the value of Six Hundred and Nine Thousand, Four Hundred and Forty-seven Pounds Sterling (£609,447) exclusive of VAT.

The Plan for North Lanarkshire

Priority Improve the health and wellbeing of our communities

Ambition Statement (17) Ensure we keep our environment clean, safe, and attractive

Programme of Work Resilient People

1. Background

- 1.1 The ad-hoc garden works contract was introduced in 2013 to allow one off works to be carried out to properties to bring them to a standard to enable them to be included on and maintained through the council's Garden Assistance Scheme which is a service provided to clients who are unable to maintain their garden due to age or infirmity. Additionally, the ad-hoc garden contract allows the authority to maintain and improve areas where gardens and other pieces

of land within the housing services portfolio have fallen below and acceptable standard and where other ad-hoc works are deemed necessary. The ad-hoc garden works contract is carried out across all North Lanarkshire areas within council owned tenancies and other areas of land within the housing services portfolio. The purpose of these services is to assist in ensuring the overall environmental and visual amenity of estates is good.

- 1.2 The requirements within the Agreement are currently under contract with Inex Works Ltd. This arrangement is due to expire on 29/02/24 with the Agreement detailed within this report due to supersede it.

2. Report

- 2.1 A group of technical and procurement representatives was formed to develop and agree the procurement strategy for the Agreement to enable the council to achieve maximum benefit for the requirements.
- 2.2 The initial estimated value of the Agreement dictated that the procurement procedure be undertaken in accordance with the Public Contracts (Scotland) Regulations 2015.
- 2.3 The procurement procedure was undertaken as a mini competition from the Garden Assistance Scheme & Ad-Hoc Garden Works, 2021 - 2024 (Lot3 - Ad-Hoc Garden Works) framework agreement (NLC-CPT-20-043) ("Framework Agreement").
- 2.4 Invitation to Tender documentation was issued to three companies appointed to the Framework Agreement with the council receiving two tender submissions.
- 2.5 This recommendation to award the Agreement followed the completion of a procurement procedure where Tivoli Group Ltd has been evaluated as demonstrating Best Value for the council.
- 2.6 Appendix 1 confirms the scoring achieved by each tenderer, further details of the procurement procedure is provided in Appendix 2 and the SME status and location of all tenderers is located within Appendix 3.

Financial / Budget Consideration

- 2.7 The pre-tender wholelife estimate budget for the Agreement was £450,000. Following completion of the procurement procedure, the value of the Agreement to be awarded is Six Hundred and Nine Thousand, Four Hundred and Forty-seven Pounds Sterling (£609,447) exclusive of VAT.
- 2.8 The significant increase in spend associated with this contract is due to increasing labour costs and increases in costs for machinery and materials required to service this contract.
- 2.9 The costs associated with delivery of the Agreement will be contained within the Housing Revenue Account budget for Ad-hoc Garden Works.

Price Stability

- 2.10 A fixed Pricing mechanism has been applied to this contract as this will guarantee the rate for the duration of the contract for the majority of the works undertaken and will allow the service to project spend and manage jobs throughout the year.

Community Benefits

- 2.11 The council is committed to maximising the delivery of community benefits. The procurement included a community benefit requirement, this approach is designed to deliver local community benefits where possible.
- 2.12 Within their tender, Tivoli Group Ltd. committed to deliver the following community benefits within the Agreement:

| Community Benefit Type | Quantity Committed |
|---|--|
| Modern Apprenticeships | 1 |
| Work Experience Placement (16+ year Olds) | 4 |
| Financial Support for the community | £250k annual spend with local businesses |

- 2.13 The community benefits delivered as part of the Agreement includes the creation of jobs or apprenticeships.

Fair Work First

- 2.14 Within their tender submission, Tivoli Group Ltd. advised that they will commit to the following areas of the Scottish Governments "Fair Work First" initiative:
- Payment of the 'Living Wage' with commitment to working towards payment of the 'Scottish Living Wage';
 - Investment in their development programme allowing staff to undertake general/ specialist and more advanced training to provide them with the opportunity to develop within the service;
 - Engagement with staff through awards and rewards programmes;
 - Recognise staff involvement with Trade Unions;
 - Treat all staff fairly and equally and ensure no discrimination within the workplace.

Contract Management

- 2.15 Officers from Housing Solutions will be responsible for managing the Agreement which will be undertaken in accordance with the contract and supplier management conditions applied within the Agreement.
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3. Measures of success

The Agreement will deliver the following outcomes;

- 3.1 Best Value has been considered to be demonstrated by placing a higher emphasis on the Pricing Strategy within this procurement. We have awarded a 70% weighting to the pricing element of this contract with 30% weighting being applied to the quality element. In applying these weightings the provider who submitted the most competitive pricing and achieved a higher price score was more likely to be successful in securing the contract.
- 3.2 Making North Lanarkshire 'The place to LIVE' is within the council's business plan, by improving the relationship with communities through the provision of safe and attractive environments that support the wellbeing of communities and by ensuring individual garden areas and any other open plan areas of land within the housing services portfolio within our communities are maintained to an acceptable standard can assist in helping us achieve this vision. The condition of local areas can directly impact on the demand for neighbouring properties therefore in maintaining the upkeep of the land within the housing services portfolio will contribute to the overall aesthetics of the area and effectively assist in minimising void rent loss to the service.
- 3.3 The Ad-hoc garden contract will also contribute one of the Strategic Housing Outcomes highlighted in the Housing strategy which has been developed taking account of the National Outcomes Agenda and also North Lanarkshire Council's Single outcome agreement. Specifically, this contract will contribute to the achievement of Strategic Housing Outcome 2 – Our communities are vibrant, attractive and sustainable. Fundamental to achieving a positive impact in this priority is to ensure that garden areas and open plan areas within the housing services portfolio are maintained to an acceptable standard, the ad-hoc garden contract will be utilised to assist in achieving this.

4. Supporting documents

| | |
|-------------------|--|
| Appendix 1 | Summary of Tender Evaluation Process |
| Appendix 2 | Summary of Procurement Process |
| Appendix 3 | SME Status and Location of All Tenderers |



Stephen Llewellyn
Chief Officer (Housing Management)

5. Impacts (<http://connect/report-template-guidance>)

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|--|
| 5.1 Public Sector Equality Duty and Fairer Scotland Duty Does the report contain information that has an impact as a result of the Public Sector Equality Duty and/or Fairer Scotland Duty? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact? The Ad-Hoc Garden Contract is used by the housing service to carry off first cuts in gardens of tenants who are to be included on our Garden Assistance Scheme as a result of age or infirmity/ disability. If Yes, has an assessment been carried out and published on the council's website? https://www.northlanarkshire.gov.uk/your-community/equalities/equality-and-fairer-scotland-duty-impact-assessments Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 5.2 Financial impact Does the report contain any financial impacts? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant financial impacts been discussed and agreed with Finance? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact? |
| 5.3 HR policy impact Does the report contain any HR policy or procedure impacts? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant HR impacts been discussed and agreed with People Resources? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact? |
| 5.4 Legal impact Does the report contain any legal impacts (such as general legal matters, statutory considerations (including employment law considerations), or new legislation)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant legal impacts been discussed and agreed with Legal and Democratic? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact? |
| 5.5 Data protection impact Does the report / project / practice contain or involve the processing of personal data? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, is the processing of this personal data likely to result in a high risk to the data subject? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, has a Data Protection Impact Assessment (DPIA) been carried out and e-mailed to dataprotection@northlan.gov.uk Yes <input type="checkbox"/> No <input type="checkbox"/> |

| | |
|------|---|
| 5.6 | <p>Technology / Digital impact</p> <p>Does the report contain information that has an impact on either technology, digital transformation, service redesign / business change processes, data management, or connectivity / broadband / Wi-Fi?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If Yes, please provide a brief summary of the impact?</p> <p>Where the impact identifies a requirement for significant technology change, has an assessment been carried out (or is scheduled to be carried out) by the Enterprise Architecture Governance Group (EAGG)?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> |
| 5.7 | <p>Environmental / Carbon impact</p> <p>Does the report / project / practice contain information that has an impact on any environmental or carbon matters?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If Yes, please provide a brief summary of the impact?</p> <p>The contract will result in a requirement for the contractor to use vehicles and machinery in the course of their work and will also result in a need for them to dispose of garden waste accumulated through the jobs they carry out. Contractors have provided their processes for ensuring all waste is disposed of appropriately, including where garden waste cannot be disposed of in tenants garden waste bins, and have provided detail on how they will maintain machinery and equipment used within the contract. These processes will be regularly reviewed as part of the contract management monitoring process to ensure agreed processes are being adhered to and any negative carbon / environmental impacts are kept to a minimum.</p> |
| 5.8 | <p>Communications impact</p> <p>Does the report contain any information that has an impact on the council's communications activities?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If Yes, please provide a brief summary of the impact?</p> |
| 5.9 | <p>Risk impact</p> <p>Is there a risk impact?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If Yes, please provide a brief summary of the key risks and potential impacts, highlighting where the risk(s) are assessed and recorded (e.g. Corporate or Service or Project Risk Registers), and how they are managed?</p> <p>Failure to carry out work through the Ad-Hoc Garden contract could have a negative impact on the overall environmental and visual amenity of our housing estates which could have a direct impact on our ability to allocate houses within these estates, therefore increasing void levels and associated void rent loss. This risk is included on and managed through the Housing Solutions Risk Register.</p> |
| 5.10 | <p>Armed Forces Covenant Duty</p> <p>Does the report require to take due regard of the Armed Forces Covenant Duty (i.e. does it relate to healthcare, housing, or education services for in-Service or ex-Service personnel, or their families, or widow(er)s)?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If Yes, please provide a brief summary of the provision which has been made to ensure there has been appropriate consideration of the particular needs of the Armed Forces community to make sure that they do not face disadvantage compared to other citizens in the provision of public services.</p> |

5.11 Children's rights and wellbeing impact

Does the report contain any information regarding any council activity, service delivery, policy, or plan that has an impact on children and young people up to the age of 18, or on a specific group of these?

Yes ☐ No ☒

If Yes, please provide a brief summary of the impact and the provision that has been made to ensure there has been appropriate consideration of the relevant Articles from the United Nations Convention on the Rights of the Child (UNCRC).

If Yes, has a Children's Rights and Wellbeing Impact Assessment (CRWIA) been carried out?

Yes ☐ No ☐

Appendix 1 – Summary of Tender Evaluation Process

[illegible]

Appendix 2 – Summary of Procurement Process

| | Response | | | |
|--|---|-----|---------------|-----|
| CPT Contract Reference Allocated: | NLC-CPT-23-087 | | | |
| Procurement Procedure Utilised: | Mini Competition | | | |
| Governing Legislation / Regulations: | Public Contracts (Scotland) Regulations 2015 | | | |
| Date Contract Strategy Approved: | 12 December 2023 | | | |
| Framework / DPS Owner: | Stephen Llewellyn, Chief Officer (Housing Management) | | | |
| Framework / DPS Title: | Garden Assistance Scheme & Ad-Hoc Garden Works 2021/2024 | | | |
| Framework / DPS Reference Number: | NLC-CPT-20-043 | | | |
| Lot Reference / Title: | Lot 3 – Ad-Hoc garden Works | | | |
| Companies Appointed to Framework / Lot: | Inex Works Ltd Glendale Grounds Management Ltd Tivoli Group Ltd | | | |
| Number of Companies Invited to Take Part: | 3 | | | |
| Date ITT Published: | 18 December 2023 | | | |
| Tender Platform Utilised: | PCS-Tender (PCST) | | | |
| Tender Return Deadline: | 19 January 2024 | | | |
| Number of Tenders Received: | 2 | | | |
| Tenders from SME's: | 2 | | | |
| Tenders from NLC Based Tenderers: | 0 | | | |
| Tenders from Supported Businesses: | 0 | | | |
| Number of Non-compliant Tenders: | 0 | | | |
| Number of Compliant Tenders: | 2 | | | |
| Number of Recommended Tenderers: | 1 | | | |
| Basis of Award: | Quality: | 70% | Price: | 30% |
| Evaluation Team: | Dee Cameron, Price Evaluator Richelle Easton, Price Evaluator | | | |
| Anticipated Start Date of the Agreement: | 01 March 2024 | | | |
| Total Agreement Period (Months): | 12 | | | |
| Awarded Value of the Agreement: | £609,447.47 | | | |

Appendix 3 – SME Status and location of all Tenderers

[illegible]