



**Brent**

**Cabinet**  
18 June 2018

**Report from the Strategic Director  
Regeneration and Environment  
Amar Dave**

**Air quality improvement measures: Electric vehicle  
charging infrastructure – Cabinet variation report**

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|---|---|
| <b>Wards Affected:</b>  | All wards   |
| <b>Key or Non-Key Decision:</b>   | Key decision (significant in terms of its effect on communities living or working in an area comprising two or more wards)                            |
| <b>Open or Part/Fully Exempt:</b><br><small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small> | Open  |
| <b>No. of Appendices:</b>   | None  |
| <b>Background Papers:</b>   | None  |
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## **1.0 Purpose of the Report**

- 1.1 This report seeks approval to amend the procurement process as previously agreed by Cabinet on 15 January 2018 for a supplier of charge points in lamp columns which are to be installed in streets where residents do not have access to off-street parking to enable them to charge an electric vehicle overnight and close to home.

## **2.0 Recommendations**

That Cabinet:

- 2.1 Notes the reason as set out in paragraph 4.2 as to why the procurement process in respect of the supply, installation, maintenance and operation of charge points in lamp columns for electric vehicles on residential streets in Brent cannot proceed as agreed by Cabinet on 15 January 2018;
- 2.2 Approves the procurement of the supply, installation, maintenance and operation of charge points in lamp columns for electric vehicles on residential

streets in Brent from TfL's Electric Vehicle Charging Infrastructure Framework Agreement; and

- 2.3 Delegates authority to the Strategic Director Regeneration and Environment, in consultation with the Lead Member for Environment, to authorise an alternative procurement process for the supply, installation, maintenance and operation of charge points in lamp columns for electric vehicles should the TfL Electric Vehicle Charging Infrastructure Framework Agreement be delayed in its set up or fail to address Brent Council's needs for the reasons set out in paragraph 4.9.

### **3.0 Background**

- 3.1 As detailed in the report to Cabinet on 15 January 2018, Officers are working on three separate electric vehicle charging infrastructure projects in order to provide a range of appropriate charging facilities to meet the demand for electric vehicle infrastructure by residents and businesses in Brent. These three projects are: 1) the lamp column charging project; 2) the Rapid Charging Infrastructure Project; and 3) the Source London project. The lamp column charging project is the subject matter of this Cabinet report.
- 3.2 Brent Council has received £150,000 of funding from London's Go Ultra Low Cities Scheme (GULCS) towards 75% of the capital costs of procuring and installing charge points for electric vehicles in lamp columns in streets where residents do not have access to off-street parking. These installations are necessary to allow residents the option of charging their electric vehicles overnight and close to home which is an important factor in encouraging more residents to purchase electric vehicles. To date, 50 requests from residents have been received for on-street charging facilities. The Council's £50,000 match funding for this project is being sourced from S106 developer contributions in specific wards, Neighbourhood CIL and TfL Local Implementation Plan Funding.

### **4.0 Detail**

- 4.1 On 15 January 2018, Cabinet approved amongst other recommendations, Brent Council's participation in a collaborative procurement led by Transport for London (TfL) and London Councils using the Crown Commercial Services Traffic Management Technology 2 Framework Agreement (the "CCS Framework") in order to select a single supplier to install, manage and maintain electric vehicle charge points in lamp columns in Brent.
- 4.2 TfL and London Councils have now decided not to use the CCS Framework as they have concluded that it does not adequately meet the project's needs. It would not, for example, allow boroughs to issue concession contracts. As a result, it would not be possible for boroughs to pass on operational risks to the supplier so there would likely be ongoing costs to Brent Council, particularly in relation to reactive and preventative maintenance of charge points. London Councils also reported that there was a risk of challenge from suppliers who do not win the award.

- 4.3 In view of the above, London Councils and TfL have decided to themselves procure a new framework agreement for charge points – the Electric Vehicle Charging Infrastructure Framework Agreement (the “New TfL Framework”). The New TfL Framework is expected to:
- Allow the award of concession contracts; and
  - Incorporate greater flexibility to meet the needs of boroughs, such as Brent, who have Private Finance Initiative (PFI) street lighting contracts.
- 4.4 The New TfL Framework is due to be set up by July 2018 and then boroughs would have the option to either directly call-off from it or invite further competitions.
- 4.5 Given London Council’s and TfL’s decision not to use the CCS Framework, Officers evaluated using the CCS Framework independently and procuring a supplier from it. However, it is unclear if scrutiny proved that a concession contract could be awarded using the CCS Framework, which is the Council’s preferred option, and also it is not suited to meet all the specific and complex requirements of the project.
- 4.6 Officers also considered running a full tender exercise independently from London Councils / TfL. However, it was concluded that this would take considerable time and resources and also was likely to take longer than the timescales suggested by TfL for the setting up of the New TfL Framework. Additionally, this approach could risk missing the project deadlines resulting in the invalidation of the funding that Brent Council has already received.
- 4.7 Officers therefore recommend using the New TfL Framework in order to select a Concessionaire to supply, install, maintain and operate charge points in lamp columns for electric vehicles on residential streets in Brent.
- 4.8 Should Cabinet approve the use of the TfL Framework, Officers propose to run a mini-competition amongst suppliers of the New TfL Framework and select a suitable Concessionaire.
- 4.9 Officers also seek delegated authority to the Strategic Director Regeneration and Environment, in consultation with the Lead Member for Environment, to authorise an alternative procurement process for the supply, installation, maintenance and operation of charge points in lamp columns for electric vehicles should the New TfL Framework be delayed in its set up and/or fail to address all of Brent’s needs. This is necessary as Brent has been awaiting the setting-up of the New TfL Framework since March 2017. The delays to date in the set-up of the New TfL Framework leave some uncertainty as to whether it will be ready to use by July. Should there be further delays to this process, or the New TfL Framework prove not to cover all of Brent Council’s needs, then Officers may need to undertake an alternative procurement exercise to ensure that the funding received can be spent within the required timeframe. In the light of possible time pressures, delegated authority to the Strategic Director Regeneration and Environment, in consultation with the Lead Member for Environment, to authorise an alternative procurement process is sought.

## **5.0 Conclusion**

- 5.1 London Councils/TfL are not using the CCS Framework to procure a supplier of lamp column charge points but setting up a New TfL Framework instead. Officers propose to use the New TfL Framework. As a result, Officers require Cabinet approval to this changed procurement route for the installation of charge points in lamp columns for residents without off-street parking.

## **6.0 Legal Implications**

- 6.1 The recommendations in this report request Cabinet approval to use the New TfL Framework following TfL's decision to not use the CCS Framework for the supply, installation, maintenance and operation of charge points in lamp columns for electric vehicles on residential streets, as previously described in the report to Cabinet on 15 January 2018.
- 6.2 Officers have indicated their wish to award a concession contract using the New TfL Framework at paragraph 4.3. Concession contracts fall under the Concession Contracts Regulations 2016. The threshold for application of the Concession Contracts Regulations 2016 is £4,551,413. As the estimated value of the concession contract (based on the amount suggested in the January 2018 Cabinet report of £666k over the duration of the contract) is estimated to be less than this sum, the contract will not be subject to the full requirements of the Concession Contracts Regulations 2016. However, award of service concession contracts is subject to over-riding obligations of non-discrimination, fairness and transparency and also some form of advertised process which will be covered by TfL when setting up the New TfL Framework.
- 6.3 Following amendments to the Council's Constitution with regard to Contract Standing Orders, this contract will now fall within the definition of a Medium Value Contract. Officers are proposing to call-off contracts from the New TfL Framework to appoint a Concessionaire that will supply, install, maintain and operate charge points in lamp columns for electric vehicles, and to enter into a Call-Off Contract with the successful operator. In accordance with Standing Order 86(e)(ii), the Director of Legal and HR Services will need to advise that participation in the Framework Agreement is legally permissible but this can only be done once the New TfL Framework has been properly established.
- 6.4 Due to amendments to the Council's Constitution with regard to the levels of delegations as set out in Part 3 of the Constitution, the Strategic Director of Regeneration and Environment has delegated authority to award a call-off contract from the New TfL Framework based on its estimated value.
- 6.5 Delegated authority to the Strategic Director Regeneration and Environment, in consultation with the Lead Member for Environment, to authorise an alternative procurement process for the supply, installation, maintenance and operation of charge points in lamp columns for electric vehicles should the New TfL Framework be delayed or not considered suitable is sought. Given the estimated value of the contract is below delegated levels set out in Part 3 of the Constitution, Officers would not ordinarily seek such authority but choose to do so given the history to this matter.

## **7.0 Financial Implications**

- 7.1 There are no new financial implications arising from the recommendation to vary the procurement process for a provider to supply, install, maintain and operate charge points in lamp columns for electric vehicles on residential streets in Brent.

## **8.0 Equality Implications**

- 8.1 There are no new equality implications arising from the recommendation to vary the procurement process for a provider to supply, install, maintain and operate charge points in lamp columns for electric vehicles on residential streets in Brent.

**Report sign off:**

**AMAR DAVE**

Strategic Director of Regeneration and Environment