

	January 2019
	Report for the Strategic Director Regeneration and Environment
CCTV Maintenance Services Authority to Tender Contract	

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt:	Open
No. of Appendices:	None
Background Papers:	Cabinet Report: Council CCTV Making a Safer Brent: Income Generation and Service Savings; 13 th March 2017
Contact Officer(s):	Karina Wane Head of Community Protection Karina.wane@brent.gov.uk 020 8937 5067

1.0 Purpose of the Report

- 1.1 This report sets out the options considered for the procurement of this service from 1st August 2019; and also seeks approval to invite tenders for the CCTV Maintenance Services contract from 1st August 2019, as required by Contract Standing Orders 88 and 89.

2.0 Recommendation

That the Strategic Director of Regeneration and Environment:

- 2.1 Approves the invitation of tenders for CCTV Maintenance Services from 1st August 2019 on the basis of the pre-tender considerations set out in paragraph 4.1 of this report;
- 2.2 Approves the evaluation of the tenders referred to in 2.1 above, on the basis of the criteria set out in paragraph 4.1 (vi) of the report;
- 2.3 Authorises the Head of Community Protection to make the decision as to whether procure using a framework agreement or via a restricted tender process for the reasons detailed in paragraph 4.1 (iv) of the report;

3.0 Detail

Existing Contract

- 3.1 The Council primarily uses CCTV to combat crime and public disorder. The service provides valuable support to the police and emergency services, and CCTV recordings can be used as evidence in court cases. In addition to crime, CCTV is also used for monitoring fly tipping and environmental anti-social behaviour, enforcing bus lane and moving traffic contraventions, and managing events around Wembley Stadium.
- 3.2 The Community Protection service currently operates over 240 CCTV cameras from its CCTV Control Room based at the Civic Centre. These cameras have formed part of an upgrade project to switch previous analogue CCTV systems to a digital 'IP enabled' system. This project is due to be completed in Spring 2019, and is expected to improve intelligence sharing with the police, as well as reduce ongoing maintenance costs.
- 3.3 In addition, the Council operates 40 dedicated cameras for the purposes of capturing moving traffic contraventions. This includes motorist performing banned manoeuvres, stopping in Yellow Box Junctions and driving in bus lanes. Images are captured automatically by each camera, and evidence packs then transmitted to the back office enforcement system for review by the Council's Parking Services contractor.
- 3.4 The current CCTV maintenance contract expires on 31st July 2019. The contract includes planned preventative maintenance visits, software patches and upgrades, fault reporting and resolution.
- 3.5 It is proposed that the CCTV maintenance contract would commence on 1st August 2019. The initial period of the contract would be up until the end of March 2023, aligning the end date with that of the Public Realm, Parking, Street Lighting and Trees Maintenance contracts. It is recommended that an option for an extension period of up to two years should also be available for the Council to exercise, if desired, to provide additional flexibility and manage risk.
- 3.6 Work is underway with a CCTV consultant to review the technical specification, in order to take into account the recent upgrade work that has taken place on Community Protection cameras, and ensure that the specification refers to up to date statutory or legislative requirements, and industry trends.
- 3.7 The following procurement options, outlined in the table below have been considered. The table sets out a brief summary of the benefits and risks associated with each option. The recommended approach is to procure as a single authority.

Option	Comments	Appraisal
Procure as a single authority	<p>Benefits</p> <ul style="list-style-type: none"> • Quickest and least expensive option • Only Brent's needs to be considered • A bespoke service can be procured • Single, locally-based contract management <p>Risks</p> <ul style="list-style-type: none"> • May reduce the scope for any additional economies of scale • May have less potential for efficiency savings 	Recommended
Collaborate with a neighbouring Authority	<p>Benefits</p> <ul style="list-style-type: none"> • May increase savings due to increased buying power • Could share some contract costs • Could share some client staff costs • Could share best practice and provide opportunities for career progression • More resilient <p>Risks</p> <ul style="list-style-type: none"> • Loss of sovereignty and expertise • A more complex process • Complex governance structure • May restrict tenders to large firms • Reduces the time to implement • Requires additional staff resources to manage the procurement • Complex, varied requirements and potential diseconomies of scale • Procurement timelines differ 	Not Recommended
In source	<p>Benefits</p> <ul style="list-style-type: none"> • Establishes expertise in house • Direct control of operations • Greater budget control <p>Risks</p> <ul style="list-style-type: none"> • Requires prohibitive start-up costs, particularly in vehicles, plant and equipment • The Council does not possess the management expertise or technical experience • Highly localised service will find it difficult to recruit and retain staff • Complex Transfer of Undertaking • Higher staffing on-costs • The overall costs would likely be prohibitive 	Not Recommended

4.0 Pre-Tender Considerations

- 4.1 As the recommended approach is to procure as a single authority, in accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for the approval.

Ref	Requirement	Response
i.	The nature of the service.	CCTV Maintenance services
ii.	The estimated value	£0.15m to £0.2m per annum
iii.	The contract term	A contract of three years and eight months duration from 1st August 2019 to 31 st March 2023, with an option to extend the term of the contract for up to two years to 31 st March 2025.
iv.	The tender procedure to be adopted.	<p>The preferred approach is to run a mini competition using a framework agreement, if it is available. An existing framework with Eastern Shires Purchasing Organisation agreement exists but expires on 31st March 2019. Eastern Shires Purchasing Organisation have confirmed that they are re-procuring this framework and it will be open to Local Authorities. The full details are not available yet so whilst it is the preferred route it is essential that it meets the needs of the Council and that the Director of Legal and Resources is content with the terms of the agreement.</p> <p>In the event that a framework agreement is not available or meets the Council's needs a restricted or two stage tender process will be followed in accordance with the Council's Standing Orders.</p>
v.	The procurement timetable.	<p>Indicative times</p> <ul style="list-style-type: none"> • Issue mini competition via framework – early April 2019. • Deadline for submissions – end April 2019 • Panel evaluation – May 2019. • Contract decision – June 2019. • Authority to Award report approval - June 2019. • Contract mobilisation – June/July 2019 • Contract start date - 1st August 2019. <p>Should a framework agreement not be available, the following additional steps will</p>

		<p>apply:</p> <ul style="list-style-type: none"> • OJEU Notice and Pre-selection questionnaire advertised • Selection questionnaire deadline and evaluation • Issue Invitation to Tender <p>This is expected to add 4-6 weeks to the process and reduce available contract mobilisation time</p>
vi.	The evaluation criteria and process.	<p>On the basis that a framework agreement is used, the Council is required to use the evaluation criteria and weightings specified in the framework documentation.</p> <p>Should an OJEU compliant tender process be adopted, at selection stage shortlists will be drawn up in accordance with the Council's Contract Management and Procurement Guidelines through the use of a selection questionnaire to identify organisations that meet the Council's financial standing requirements, health, safety and environmental standards, technical capacity and technical expertise.</p> <p>At the submission evaluation stage, the panel will evaluate submissions against the following criteria:</p> <p>Quality:</p> <ul style="list-style-type: none"> • 50% delivery of service • 10% Social Value <p>Price: 40%</p>
vii.	Any business risks associated with entering the contract.	That the upgraded cameras leads to a reduction in maintenance activities makes the contract less attractive to bidders, leading to fewer bids and a reduction in the competitiveness of the price.
viii.	The Council's Best Value duties.	The Council has a duty under Best Value to secure cost-effective and efficient services that meet the needs of the Borough's customers.
ix.	Consideration of Public Services (Social Value) Act 2012	In accordance with the Council's social value policy, 10% of the overall marks will be awarded for social value benefits.
x.	Any staffing implications,	Please see section 9.

	including TUPE and pensions.	
xi.	The relevant financial, legal and other considerations.	Please see sections 5, 6, 7 and 8.

5.0 Financial Implications

- 5.1 The estimated value of the current CCTV maintenance contract is approximately £0.2m per annum.
- 5.2 The CCTV maintenance service contract as set out in paragraph 4.2 of this report is estimated to cost up to £0.2m per year. Over the total contract term of 5 years 8 months (3 years 8 months initial term with a possibility of extension by up to a further 2 years), the total estimated contract value amounts to £1.1m. The cost of this contract is jointly funded by Community Protection and Parking Services. Both services have sufficient funds within their revenue budgets to cover the contract costs. Therefore, it is anticipated that the cost of the new contract will be funded from the existing resources and no additional funding will be required from the General Fund.

6.0 Legal Implications

- 6.1 The contract is subject to the full application of the Public Contracts Regulations 2015 (the "PCR 2015") and is classed as a Medium Value Contract under the Council's Standing Orders.
- 6.2 For Medium Value Contracts, the Strategic Director must approve the pre-tender considerations set out in paragraph 4.1 above (Standing Order 89) and the inviting of tenders (Standing Order 88).
- 6.3 The intention is to procure using either a framework agreement or by way of a restricted tender procedure. For the reasons detailed in paragraph 4.1(iv), the Strategic Director is asked to authorise the Head of Community Protection to decide on the appropriate procurement route.
- 6.4 The PCR 2015 allow the use of framework agreements and prescribe rules and controls for their procurement. Contracts may then be called off under such framework agreements without the need for them to be separately advertised and procured through a full EU process. Call offs under the framework need to be carried out in accordance with the framework rules, to include using evaluation criteria specified in the framework and utilising the terms and conditions set out in the framework.
- 6.5 The Council's Contract Standing Orders state that no formal tendering procedures apply where contracts are called off under a framework agreement established by another contracting authority, where call off

under the framework agreement is approved by the relevant Chief Officer and provided that the Director of Legal and HR has advised that participation in the framework is legally permissible.

- 6.6 Should it not be possible to procure by way of a framework agreement, the intention is to procure by way of a restricted or two stage procurement procedure. Such procedure is permitted by both the PCR 2015 and Contracts Standing Orders.
- 6.7 Should the procurement be via a framework agreement, there is no requirement for the Council to observe a 10 day standstill period under the PCR 2015 although the award of the contract will be subject to the council's usual call-in process. However, if the procurement via a restricted procedure, the Council must observe the requirements of the mandatory minimum 10 calendar standstill period imposed by the PCR 2015 before the contract can be awarded. The requirements include notifying all tenderers in writing of the Council's decision to award and providing additional debrief information to unsuccessful tenderers on receipt of a written request. The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council's award decision if such challenge is justifiable. However if no challenge or successful challenge is brought during the period, at the end of the standstill period the Council can issue a letter of acceptance to the successful tenderer and the contract may commence.
- 6.8 Once the tendering process is undertaken, Officers will report back to the Strategic Director in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contracts and recommending award.

6.0 Equality Implications

- 7.1 The Council has used and maintained CCTV cameras since the late 1990s. No significant diversity implications for any protected groups have been identified arising from the decision to re-procure this contract.

8.0 Consultation with Ward Members and Stakeholders

- 8.1 The Lead Member was consulted when seeking authority to tender the contract. The contract is borough-wide and therefore consultation in respect of specific wards was not considered appropriate.

9.0 Human Resources/Property Implications (if appropriate)

- 9.1 This service is currently provided by an external contractor and there are no implications for Council staff or accommodation arising from retendering the contract.

10. Public Services (Social Value) Act 2012

- 10.1 In Since 31st January 2013, the Council, in common with all public authorities subject to the EU Regulations, has been under duty pursuant to the Public Services (Social Value) Act 2012 to consider how the services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the council might act with a view to securing that improvement and whether the council should undertake consultation. This duty applies to the procurement of the proposed contract as Services over the threshold for application of the EU Regulations are subject to the requirements of the Public Services (Social Value) Act 2012. Where a framework is used, the Council is required to use the evaluation criteria set out in the framework but will attempt to ensure that social value is reflected in the detailed evaluation criteria. If the restricted procedure is used to procure, in accordance with the council's Social Value Policy, 10% of the award criteria will be reserved for social value considerations to be contained in the tender documentation.

Report sign off:

AMAR DAVE

Strategic Director Regeneration and
Environment