

	<b>Officer Key Decision</b>
	<b>Report to the Strategic Director of Customer and Digital Services</b>
<b>AUTHORITY TO AWARD CONTRACT FOR BRENT CAR SHARING SERVICE</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key Decision
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Part Exempt – Appendix 1 is exempt as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: “Information relating to the financial or business affairs of any particular person (including the authority holding that information)”
<b>No. of Appendices:</b>	Appendix 1 – Names of tenderers (exempt) Appendix 2 – Tenderers’ scores
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Seema Wint Category Manager: Corporate Services Procurement Email: seema.wint@brent.gov.uk

## 1.0 Purpose of the Report

- 1.1 This report concerns the proposed award of the contract for Brent Car Share Service. This report requests authority to award contracts as required by Contract Standing Order 88. This report summarises the process undertaken in tendering this contract and, following the completion of the evaluation of the tenders, recommends to whom the contract should be awarded.
- 1.2 The intention is to award a contract for a period of 3 years with a one year extension option.

## 2.0 Recommendation(s)

That the Strategic Director of Customer and Digital Service:

- 2.1 Approves the award of the contract for Brent Car Share Service to Zipcar (UK) Ltd for a period of 3 years with the option to extend for a further year.

### 3.0 Detail

- 3.1 The council requires the provision of car share for staff to use for authorised council business. Brent currently operates a Borough-wide Car Share arrangement which is made up of a mix of petrol and hybrid electric vehicles with both manual and automatic transmission. To support Brent's commitment under the Procurement Sustainability Policy and Brent climate and Ecological Emergency strategy, the fleet requirement was for 17 electric vehicle and 5 hybrid vehicles.

#### The Tender Process

- 3.2 It was determined that the most appropriate option of providing the car share was through the procurement of a contractor by way of a mini-competition under the RM6013 Public Sector Vehicle Hire Solutions Framework (the "Framework").
- 3.3 Officers identified Lot 7- UK Car Share as the most suitable and there are 4 suppliers appointed to this Lot.
- 3.4 All of the 4 potential suppliers had the opportunity to bid for the proposed contract under a further competition issued via the London Tenders Portal.
- 3.5 The tendering instructions stated that the contract would be awarded on the basis of the most economically advantageous offer to the Council. Details of the evaluation criteria and weightings are detailed below.

Quality Subject	Weighting %
Service Delivery	15%
Relevant Experience	15%
Contract Delivery	10%
Insurance Delivery	5%
Risk Management	5%
<b>Total</b>	<b>50%</b>

Social Value	Weighting
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Every Opportunity to Succeed	5%
A future built for everyone, an economy fit for all	3%
A Cleaner, More Considerate Brent	2%
<b>Total</b>	<b>10 %</b>

Pricing Schedule	40%
<b>Total</b>	<b>40%</b>

### Evaluation process

- 3.8 The tender evaluation was carried out by a panel of officers from Facilities Management, Parking, Energy and Sustainability, Insurance and 24/7 Service Users and moderated by Procurement.
- 3.9 All tenders had to be submitted electronically no later than 28<sup>th</sup> March 2022. There were 3 bids received.
- 3.10 Each member of the evaluation panel read the tenders responses and carried out an initial evaluation of how well they considered each of the award criteria was addressed. The moderation meetings were held on 16<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> May 2022 to agree a consensus score.
- 3.11 The names of the tenderers are contained in Appendix 1. The scores received by the tenderers are included in Appendix 2. It will be noted that Tenderer C was the highest scoring tenderer. Officers therefore recommend the award of the contract to Tenderer C, namely Zipcar (UK) Ltd.
- 3.12 Tenderer B was excluded from the process in accordance with section 24.10.1 of the Further Competition which indicated:

‘24.10.1 Scoring of both Quality/Technical and Social Value questions

24.10.1 A response that is awarded a score of:

- (a) 0 for one or more Quality/Technical question(s); or
- (b) 2 or less for three or more Quality/Technical questions or Social Value questions

Will be deemed to be a fail overall and be excluded from the process.’

Tenderer B scored 2 or less in six of the Quality/Technical questions or Social Value questions. As a result they were excluded from the process and did not proceed to the final stage which was the evaluation of pricing.

- 3.13 The contract will commence on 4th July 2022 subject to the Council's observation of a voluntary standstill period noted in paragraph [5.4] below.

#### **4.0 Financial Implications**

- 4.1 This report relates to the procurement of the Brent Car Share Service contract for three years with a one year extension at an estimated annual cost of £0.281m. Part 3 of the Council's Constitution states that the Strategic Director of Customer and Digital Services has delegated authority to approve the award of contracts for services / supplies valued at less than £2 million.
- 4.2 The estimated total value of this contract is £1,124,000. The cost of the contract will be met from the existing budget for car share. This budget is £0.281m per annum.
- 4.3 A representative of Brent Financial Services attended the evaluation panel and reviewed the pricing schedule submission. There is a risk of the actual costs being higher than the planned spend if additional vehicles are added, resulting in costs pressure. Consequently the usage if lower would mean the Council will still be paying the committed costs for car share service. These risks will be mitigated by regular monitoring of the cars usage and costs.

#### **5.0 Legal Implications**

- 5.1 The value of this contract over its lifetime is £1.2m, which is in excess of the threshold for Services and the award of the contract is therefore governed by the Public Contracts Regulations 2015 (the "Regulations"). The award is subject to the Council's own Standing Orders in respect of Medium Value Contracts and Financial Regulations.
- 5.2 Officers recommend the award of a call off contract from the CCS Public Sector Solutions Vehicle Hire Framework. The PCR 2015 allows the use of framework agreements and prescribe rules and controls for the 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 procurement 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.
- 5.3 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 the call off under the framework agreement is approved by the relevant Chief Officer and provided that the Director of Legal, HR, Audit and Investigations has advised that participation in the framework is legally permissible. The Director of Legal, HR, Audit and Investigations confirmed that participation in the relevant framework is legally permissible.

- 5.3 As indicated in paragraph 5.1, the award of the contract is subject to the Council's own Standing Orders in respect of Medium Value Contracts. Chief Officers have delegated to them power to award Medium Value Contracts in accordance with paragraph 9.5, of Part 3 of the Constitution.
- 5.4 As the contract was procured under a Framework Agreement, there is no legal requirement for a 10 day Standstill Period under the PCR 2015, however, Officers will be observing a voluntary Standstill Period. In addition, Officers are required to observe the Council's Call-In Period of 5 clear days prior to award.

## **6.0 Equality Implications**

- 6.1 The Council must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment and victimisation
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,

pursuant to s149 Equality Act 2010. This is known as the Public Sector Equality Duty.

- 6.2 Under the Public Sector Equality Duty, having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 6.3 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.4 The proposals in this report have been subject to screening and officers believe that there are no equality implications.

## **7.0 Consultation with Ward Members and Stakeholders**

7.1 Two high volume service users were included on the evaluation panel.

## **8.0 Human Resources/Property Implications (if appropriate)**

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

## **9.0 Public Services (Social Value) Act 2012**

9.1 The Council is under a duty pursuant to the Public Services (Social Value) Act 2012 (“the Social Value Act”) to consider how 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. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement.

9.2 Bidders were asked to outline how they will add social value initiatives and deliverables which align with the Strategic Themes of the Council’s Brent Borough Plan. Social value equated to 10% of the total evaluation score. The successful bidder is offering employment support and skills provision via Brent Works, Improving air quality by encouraging car club members to switch to electric vehicles through incentives and also providing discounts to Brent Community Organisation.

### **Related documents:**

Authority to procure Brent Car Sharing Service using RM6013 Public Sector Vehicle Hire Solutions Framework Agreement

**Report sign off:**

**PETER GADSDON**

Strategic Director Customer and Digital Services.