



**Cabinet**  
6<sup>th</sup> February 2023

**Report from the Director,  
Regeneration, Growth and  
Employment**

**Authority to Award a Contract for Services relating to the Supply, Installation, Operation and Maintenance of Electric Vehicle Charging Points**

<b>Wards Affected:</b>	All wards
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Part Exempt- Appendix A 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>	Three: Appendix A: Bidders for Electric Vehicle Charging Infrastructure Solution (exempt) Appendix B: Electric Vehicle Charging Infrastructure Solution Tender Evaluation Grid Appendix C: Equality Analysis – Supply, Installation, Operation and Maintenance of Electric Vehicle Charge Points
<b>Background Papers:</b>	None
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**1 Purpose of the Report**

1.1 This report concerns the procurement of the supply of a Vehicle Charging Infrastructure Solution – Supplier Funded - End to End Service. The Council has conducted a competitive tender for this contract for a duration of 10 years with an option to extend the contract up to a maximum of 15 years. Each contract extension is subject to an annual review. This report requests

authority to award the contract as required by Contract Standing Orders 88 and 89.

- 1.2 This report summarises the process undertaken in procuring this contract through further competition using the Crown Commercial Services' Dynamic Purchasing System and recommends to whom the contract should be awarded to.

## **2. Recommendations**

That Cabinet:

- 2.1 Approves the award of the call off contract for the supply, installation, operation and maintenance of electric vehicle charge points for 10 years with an option to extend for a further 5 years (up to 15 years) to Zest Eco Ltd following completion of the further competition from the Crown Commercial Services' Dynamic Purchasing System and notes that, depending on charge point models used, the value of the Contract is estimated to range between circa £952,000 and £1,936,000 plus a total revenue share projection over 10 years of £200,678.53.
- 2.2 Approves a maximum capital budget of £1.04m for supply and installation of the electric vehicle charging points.

## **3. Background**

- 3.1 Uber, the private hire organisation, has adopted a clean air plan for its operations to help reduce air pollution in London (the "Clean Air Plan"). This includes a target of making every vehicle operating in London on the Uber app fully electric by 2025.
- 3.2 Brent drivers registered as working for Uber, and those working for independent mini cab firms based in Brent, represent a significant number of Brent workers employed in the Private Hire Vehicle (PHV) sector. There is growing demand for additional on-street EV charging infrastructure for those who are employed in the high mileage taxi and private hire trades and who currently use, or are planning to transition to, an electric vehicle, but have no convenient place to charge it. The move to electric vehicles by car hire drivers requires the availability of more charging infrastructure to enable drivers to continue in their work. Consequently, the Council requires the provision of the supply, installation, operation and maintenance of electric vehicle charge points.
- 3.3 The Council entered into an Infrastructure Funding Agreement ("IFA") with Uber on 13<sup>th</sup> April 2022 setting out the terms and conditions of the funding and the requirement for the Council to appoint a Charging Point Operator to supply, install, maintain and operate the on-street charge points to achieve Uber's goals. Supporting this sector to transition to EVs through the supply of conveniently located charging facilities links directly to the Council's climate change and air quality objectives and addresses the growing demand by residents for on street EV charging facilities.

- 3.4 Uber has agreed in the IFA to part-fund up to 160 new on-street charge points at 80 locations across Brent, with a maximum of £6,500 available per charge point. The charge points delivered through the partnership with Uber will be available for use by its drivers as well as the wider public, thereby supporting the transition to EVs of other Brent drivers too.
- 3.5 Following Cabinet's approval on 7<sup>th</sup> March 2022 the Council commenced the procurement process to identify and appoint a suitably qualified charge point operator (CPO) to supply, install, operate, and maintain charge point infrastructure at provisionally identified locations (or at suitable alternative locations to be agreed) for a fixed period of 10 years with an option to extend for a further 5 years, with any supplementary funding necessary to be provided by the CPO (the "Contract").
- 3.6 The deadline previously agreed in the IFA for the installation of the EVs is 30 June 2023. Owing to delays in the procurement process, the Council has fallen behind on the project timetable and Uber has acknowledged the concerns regarding the installation deadline. Uber are open to revisiting this deadline, and the IFA includes such flexibility on the basis that the LA will make Uber aware of any challenge to this date as soon as reasonably practicable. The Council is in the process of negotiating a revised installation deadline for the EVs with Uber.

#### **4. Alternative Options Considered**

- 4.1 Officers have considered whether the supply, installation, operation and maintenance of the charge points can be provided by the council but concluded that this is best provided by a suitably qualified charge point operator.
- 4.2 Officers worked with Uber and their consultants in reviewing a range of procurement options and concluded that a further competition using a suitable Dynamic Purchasing System ("DPS") was the most appropriate means of procuring the Contract as it supported wider competition in a constantly growing market.
- 4.3 Officers have reviewed a range of frameworks and concluded that the most suitable option is the Crown Commercial Services' ("CCS") DPS. There are over 50 suppliers listed on this DPS.

#### **5. Additional background**

- 5.1 Officers have, with the assistance from Uber's technical consultants, developed the Statement of Requirements and Supplier Questionnaire as well as other legal and procurement documents ensuring they are closely aligned with the requirements of the IFA as well as similar existing contracts for the installation, operation and maintenance of charge point infrastructure in Brent before going out to tender.
- 5.2 The new charge points will be located across the borough, in many cases they will be located within Controlled Parking Zones (CPZs) and the majority of the new charge points will likely be placed in parking bays that are currently

subject to Traffic Management Orders (TMOs) allowing only permit holders from the local CPZ to park their vehicle in these bays. These TMOs will need to be amended to create EV only bays allowing drivers of EVs to only park their vehicle there while charging. In non-CPZ areas new TMOs will need to be drafted to create EV only bays alongside charge points installed through this project so that EV drivers can park their vehicles in them whilst charging. The CPO will pay a fee for the use of these EV only bays. The fee level mirrors that which Source London currently pays for the use of EV only bays created alongside their charge points. The fee structure has been set for the whole London and is tier-based on London Underground travel zones. Brent spans zones 2, 3 and 4 and therefore for each EV only bay the Council would annually receive £500 for those located in zone 2, £400 for those in zone 3 and £200 for those in zone 4. Subject to final determination of charge point locations the Council will be paid £52,000 per year for the 160 charge points

## **6. The Tender Process**

### Overview

- 6.1 Procurement of the Contract was undertaken under the CCS DPS RM6213 for Electric Vehicle Charging Infrastructure on the basis of the pre-tender considerations and the Statement of Requirements developed for the invitation to tender.
- 6.2 The Council wrote to 55 potential bidders listed on the DPS that met the criteria for bidding. Out of those 55, 30 expressed an interest to be invited to the opportunity on the e-tendering portal and had access to the tender pack.
- 6.3 A call-off after a mini-competition from the DPS Agreement for the supply, installation, operation, and maintenance of up to 160 headed single electric vehicle charge points or a minimum of 80 dual headed charge points at a total of 80 locations across Brent was published on the London Portal on 14th September for the duration of 3 weeks until 7th October. The exact number, technical specification and mix of charge points will depend on the conditions at each of individual preliminarily identified locations. These will be surveyed and determined by the supplier as part of first phase of the project. The Contract is for 10 years with an option to extend for a further 5 years (total of up to 15 years) by way of an award from the CCS DPS RM6213.
- 6.4 The award process required Officers to identify the offer that best meets the stated requirements regarding quality (weighted at 50%), price schedule (weighted at 40%) and social value (weighted at 10%). These weightings differ from the usual weighting applied to contract award considerations because this contract is fully funded by both Uber and the Supplier (the CPO) and does not require additional funding from the Council. On this basis it was considered that a weighting adjusted from the proposed weighting set out in the March 2022 Cabinet Report in favour of a stronger emphasis on attracting the best quality bids and best value.

## Evaluation Process

- 6.5 Tenders were opened on 14<sup>th</sup> September 2022 and all tenders had to be submitted electronically no later than 12 noon on 7<sup>th</sup> October 2022. Two valid bids were received. Each member of the evaluation panel read the tenders and carried out an initial evaluation of how well they considered each of the award criteria was addressed in the tender.
- 6.6 The tender evaluation process was carried out by a panel of officers from the Transportation Planning Team, supported by Procurement and Legal Services. The process consisted of 3 elements Quality, Social Value and Price being scored separately and the results from each section combined to give an overall MEAT (Most Economically Advantageous Tender) score for each bid.
- 6.7 The scoring scheme for the quality element is in table 1 below.

**Table 1 - Scoring for Quality/Technical questions**

<b>Score</b>	<b>Definition</b>	
<b>0</b>	The information required is either omitted or fundamentally fails to meet the relevant submission requirements to address the Council's requirements.  Insufficient evidence to demonstrate that the relevant submission requirements or the Council's requirements can be met.	<b>Unacceptable</b>
<b>1</b>	The information submitted has insufficient evidence that the specified requirements can be met.  Significant omissions, serious and/or many concerns.	<b>Major reservations</b>
<b>2</b>	The information submitted has some minor omissions in respect of the relevant submission requirements.  The tender satisfies the basic minimum requirements in some respects but is unsatisfactory in other respects and raises some concerns.	<b>Some Reservations</b>
<b>3</b>	The information submitted provides some good evidence to meet the relevant submission requirements and/or the Council's requirements.  It is satisfactory in most respects and there are no major concerns.	<b>Satisfactory</b>

<b>4</b>	<p>The information submitted provides good evidence that all the relevant submission requirements and/or the Council's requirements can be met.</p> <p>Full and robust response, any concerns are addressed so that the proposal gives confidence.</p>	<b>Good</b>
<b>5</b>	<p>The information submitted provides good evidence that all the relevant submission requirements and/or the Council's requirements can be met, and the proposal is outstanding.</p> <p>Exemplary in the industry, provides full confidence and no concerns.</p>	<b>Outstanding</b>

- 6.8 The panel met on 27<sup>th</sup> October 2022 and each submission was marked by the whole panel against the award criteria.
- 6.9 Officer evaluation and panel moderation identified the Bidder A as falling short of requirements and scoring two or lower on more than two technical questions and was subsequently declared non-compliant. Bidder B was deemed most appropriate to provide best quality, price and social value offer.
- 6.10 The names of the tenderers are contained in Appendix A. The scores received by the tenderers are included in Appendix B. Contractor B was the highest scoring tenderer. Officers therefore recommend the award of the contract to Contractor B, namely, Zest Eco Ltd.
- 6.11 It is proposed that the Contract commence in the week commencing 27<sup>th</sup> February 2023, subject to the Council's observation of the requirements of a standstill period noted in paragraph 8.2 below.

## **7.0 Financial Implications**

- 7.1 The Council will pay the Charge Point Operator for the supply and installation of the electric vehicle charge points up to £1.04m (based on £6.5k per unit for 160 units) through its capital programme. This will be fully funded from the contributions from Uber highlighted in paragraph 3.4. The Council will have the option to extend the Contract for the management and maintenance of the charge points with the CPO or execute the option to remove electric vehicle charge points of which will be undertaken by the CPO at no cost to the Council.
- 7.2 In this arrangement, the Council is a lessor, where the CPO is using land owned by the Council for the charging points. This is an operating lease and has no impact on the Council's balance sheet. The Council will receive £0.52m over the 10 years of the contract for use of parking bays and will also receive a 1% share of the revenue generated through the charging points, which is projected to be £0.2m over 10 years. The CPO will cover all costs associated with the operation and maintenance of the points.

## **8.0 Legal Implications**

- 8.1 The estimated value of the Contract for the supply, installation, operation and maintenance of electric vehicle charge points over its lifetime is in excess of the threshold for Supplies / Services and the award of the Contract is therefore governed by the Public Contracts Regulations 2015 (the "Regulations"). The award of the Contract for the supply, installation, operation and maintenance of electric vehicle charge points is subject to the Council's own Standing Orders in respect of Medium Value contracts and Financial Regulations.
- 8.2 Though the procurement is from a DPS, the Council will observe a minimum 10-calendar day standstill period before the Contract is awarded. Therefore, once the Cabinet has determined which tenderer should be awarded the contract, all tenderers will be issued with written notification of the contract award decisions. A minimum 10 calendar day standstill period will then be observed before the Contract is concluded – this period will begin the day after all Tenderers are sent notification of the award decisions – and additional debrief information will be provided to unsuccessful tenderers. As soon as possible, after the standstill period ends, the successful tenderers of the Contract will be issued with a letter of acceptance and the Contract can commence.

## **9.0 Equality Implications**

- 9.1 The Council must, in the exercise of its functions, have 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 and known as the Public Sector Equality Duty.
- 9.2 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.
- 9.3 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.
- 9.4 The proposals in this report are subject to an equality analysis (see Appendix C) and Cabinet is referred to the contents.

## 10.0 Consultation with Ward Members and Stakeholders

10.1 Statutory and public consultation with ward members and stakeholders will be undertaken in line with statutory requirements and Council policy for each of the locations proposed for installation of electric vehicle charge points.

## 11.0 Human Resources/Property Implications (if appropriate)

11.1 This service will be provided by an external contractor. It will however be necessary for officers to:

- overlook and confirm the selection and confirmation at EVCP locations and Brent's public highway;
- change existing and write new traffic management orders;
- undertake public consultations; and
- manage the contract.

## 12.0 Public Services (Social Value) Act 2012

12.1 The Council is under 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. Despite the different elements of the Contract, Officers have had regard to considerations contained in the Social Value Act in relation to the procurement and more detail is provided below reflected in the social value requirements and the social action plan provided by the successful bidder.

12.2 Social Value was scored against the criteria in table 2 below.

**Table 2 – Social value Criteria**

Score	Definition	
<b>0</b>	The Social Value offer was omitted or fundamentally failed to meet the relevant Social Value measures.  Insufficient evidence to demonstrate that the relevant submission requirements or the Council's requirements can be met.	<b>Unacceptable</b>
<b>1</b>	The Social Value offer is adequate but there is insufficient evidence to demonstrate that the relevant Social Value offer can be met.  Significant omissions, serious and/or many concerns.	<b>Major reservations</b>



Score	Definition	
2	<p>The Social Value offer has some minor omissions in respect of the relevant Social Value measures.</p> <p>The Social Value offer satisfies the basic minimum requirements in some respects but is unsatisfactory in other respects and raise some concerns.</p>	<b>Some Reservations</b>
3	<p>The Social Value offer submitted provides some good evidence to meet the relevant Social Value commitments offered in the Council's view.</p> <p>It is satisfactory in most respects and there are no major concerns.</p>	<b>Satisfactory</b>
4	<p>The Social Value offer submitted provides, in the Council's view, good evidence that all the Social Value commitments offered can be met.</p> <p>Full and robust response, any concerns are addressed so that the proposal gives confidence.</p>	<b>Good</b>
5	<p>The Social Value offer submitted provides strong evidence, in the Council's view, that all the Social Value commitments offered can be met and the proposal is outstanding.</p> <p>Provides full confidence and no concerns.</p>	<b>Outstanding</b>

Contractor B provided commitments against the following 3 themes shown below.

**Table 3 Contractors Social Value Commitment**

Theme	Commitment
Every Opportunity to Succeed	<p>A commitment to 8 apprentices over the life of the Contract.</p> <p>A minimum of 2 new apprentices and/or sustainable jobs for years 1, 5, 10 and 15 of this contract, whilst adhering to the following criteria:</p> <ul style="list-style-type: none"> <li>• Each person will be employed for 37.5 hours per week</li> <li>• We will aim for 100% of representation from women and/or BAME groups</li> <li>• We will ensure apprentices are on a training course with a training provider on the register of approved training providers ROATP, and on a National Apprenticeship Services Approved Occupational</li> </ul>

	<p>standard</p> <ul style="list-style-type: none"> <li>• We can confirm that 50% of the works will be delivered by our company and 50% will be delivered by our supply chain, including local SMEs.</li> <li>• We will also promote improved gender pay balance and representation for people with disabilities and mental health conditions within our supply chain.</li> </ul>
Strong Foundations	<ul style="list-style-type: none"> <li>• Training and Development around digital skills for residents and businesses.</li> <li>• Exploring forms of training and development around digital skills we will explore including: <ul style="list-style-type: none"> <li>○ Carrying out 5 on street demonstrations in the first 12 months of this contract</li> <li>○ Carrying out 3 virtual training dates in the first 12 months of this contract</li> <li>○ Offering digital skills courses for residents and businesses</li> <li>○ Offering training courses for Resident Associations and voluntary groups</li> <li>○ Contributing towards the sponsorship of community led initiatives</li> <li>○ Leading workshops in schools and colleges targeted at underrepresented or disengaged groups.</li> <li>○ Developing a digital presence.</li> </ul> </li> </ul>
A Cleaner, More Considerate Brent	<ul style="list-style-type: none"> <li>• Planting 50 trees per year for the first 2 years of the contract, followed by 10 trees per year for the next 13 years, resulting in a total of 290 trees being planted for the duration of this contract.</li> <li>• Working with our supply chain to reduce plastic being used on packaging. Our contractors are requested to recycle any plastic that has been removed from the packaging.</li> <li>• Working with supply chain partners that use BEV vehicles to reduce travel and carbon emissions.</li> </ul>

**Related Documents:**

Cabinet Report titled: Partnership and Funding Agreement with Uber 7 March 2022  
Infrastructure Funding Agreement 13 April 2022

**Report sign off:**

**Alice Lester**

Director for Regeneration, Growth and Employment