

	Decision of Cabinet Member for Public Realm & Enforcement
	Report from the Corporate Director, Neighbourhoods and Regeneration
Authority to award contract for Arboricultural Services	

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	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)"
No. of Appendices:	Two Appendix 1 – Names of Tenderers Appendix 2 – Evaluation Grid
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Name: Tony Kennedy Job Title: Head of Highways Management Email: tony.kennedy@brent.gov.uk

1.0 Executive Summary

- 1.1 This report concerns the award of a contract for Arboricultural Services for the provision of planned cyclical maintenance, unplanned and urgent tree works to the Authority's trees in highways, Council managed housing estates, parks, cemeteries, and other Council managed areas. This report requests authority to award contracts as required by Contract Standing Order 88. This report summarises the process undertaken in procuring a contract and following the completion of the evaluation of the bids, recommends to whom the contract should be awarded.

2.0 Recommendation(s)

That the Cabinet Member for Public Realm and Enforcement, having consulted with the Leader and in accordance with paragraph 13 of Part 3 of the Constitution:

- 2.1 Approves the award the contract for Arboricultural Services to Gristwood & Toms Limited for a period of four (4) years with the option to extend by yearly periods up to a maximum of two (2) years in the sum of £4,200,000.

3.0 Detail

3.1 Contribution to Borough Plan Priorities & Strategic Context

- 3.1.1 Maintaining our existing tree asset along the public highway, in parks, and on Council managed estates is vital to our ambitions for the climate and local environment. It will aid nature recovery, improve air quality, health and wellbeing and support climate change mitigation.
- 3.1.2 It will directly contribute to Strategic Priority 2 of the Borough Plan 2023-2027 – A Cleaner, Greener future and Strategic Priority 5 – A Healthier Brent. It will also contribute to the Brent Climate & Ecological Emergency Strategy 2021-2030 – Theme 4 Nature & Green Spaces.
- 3.1.3 Efficiently maintaining trees on the public highway will reduce insurance claims (reducing the inconvenience caused to residents and the financial implications for the Council) and minimise the incidence of tree-related subsidence.

<https://www.brent.gov.uk/the-council-and-democracy/strategies-priorities-and-policies>

Background

- 3.2 The Council requires the provision of Arboricultural Services for planned cyclical maintenance, unplanned and urgent tree works to the Authority's trees in highways, Council managed housing estates, parks, cemeteries, and other Council managed areas (the "Contract"). Council officers have undertaken a procurement exercise and identified a contractor providing the most economically advantageous offer in accordance with relevant evaluation criteria and therefore recommend award of the Contract.
- 3.3 The revenue budget for planned and reactive maintenance is circa £570,000 and officers will need to ensure maintenance programmes remain within budget. This will require close monitoring of reactive works and only taking forward planned works considered of essential need.

The Procurement Process

- 3.4 The Contract for will be let using NEC4 Engineering and Construction Contract June 2017 for an initial term of 4 years with the option to extend by yearly

periods up to a maximum of 2 years (on a 4+1+1 basis), the extensions being subject to satisfactory performance.

- 3.5 Advertisements were placed on the London Tenders Portal on 21st February 2025 to seek initial expressions of interest, which elicited 25 initial enquires. Contractors were provided with an outline specification and details of the tender approach and were invited to complete a selection questionnaire using the Council's Electronic Tendering Facility. 2 contractors subsequently completed the questionnaire.
- 3.6 Shortlisting was carried out on the basis of the contractors' financial viability, technical ability and 2 contractors were invited to tender.
- 3.7 The tendering instructions stated that the Contract would be awarded on the basis of the most economically advantageous offer to the Council and that in evaluating tenders, the Council would have regard to the following:
- Price 50%
 - Quality 40%
 - Social Value 10%
 - Health & Safety compliance pass/fail (SQ)

Quality questions are split into the following criteria for assessment:

1. Mobilisation
2. Working Practices
3. Management of the Contract
4. Reactive and Emergency Works
5. Planned work
6. Sustainability
7. Circular Economy

Evaluation process

- 3.8 The tender evaluation was carried out by a panel of officers from Highways Management.
- 3.9 All tenders had to be submitted electronically no later than 11th April 12:00 Midday. Tenders were opened on 11th April 2025 and 2 valid tenders 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.
- 3.10 The panel met on 29 April 2025 and each submission was marked by the whole panel against the award criteria.
- 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 Contractor A

was the highest scoring tenderer. Officers therefore recommend the award of the Contract to Contractor A, namely Gristwood & Toms Limited.

- 3.12 The Contract will commence on 1st July 2025, subject to the Council's observation of the requirements of the mandatory standstill period noted in paragraph 6.3 below.

4.0 Stakeholder and ward member consultation and engagement

- 4.1 N/A.

5.0 Financial Considerations

- 5.1 Paragraph 13 of Part 3 of the Council's Constitution states that the Cabinet Member for Public Realm and Enforcement has delegated authority to approve the award of contracts for services / supplies valued at more than £2 million but does not exceed £5 million. The estimated value of the Contract is £4.2m
- 5.2 The cost of the Contract will be funded from Highways Management Revenue (Trees B02037)

6.0 Legal Considerations

- 6.1 The procurement of the Contract for arboricultural services commenced prior to 24 February 2025 and as a result the procurement and award are subject to the requirements of the Public Contracts Regulations ("PCR 2015"). The estimated value of the Contract over its lifetime is in excess of the PCR 2015 threshold for Services and the award of the Contract is therefore governed by the PCR 2015. Section 3 of the report outlines how the Contract was procured in accordance with the PCR 2015.
- 6.2 The award of the Contract is subject to the Council's own Standing Orders in respect of High Value Contracts. The Cabinet Member for Public Realm & Enforcement has delegated power in consultation with the Leader to award High Value Contracts for Services valued between £2M and £5M in accordance with paragraph 13 of Part 3 of the Constitution.
- 6.3 The Council must observe a mandatory minimum 10 calendar day standstill period under the PCR 2015 before the Contract can be awarded. Therefore once the Cabinet Member for Public Realm & Enforcement has determined which tenderer should be awarded the Contract, all tenderers will be issued with written notification of the Contract award decision. 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 decision – and additional debrief information will be provided to unsuccessful tenderers in accordance with the PCR 2015. The standstill period will run concurrently with the Council's usual call-in process. Subject to there being no call-in or challenge pursuant to the PCR 2015, after the standstill period ends,

the successful tenderer will be issued with a letter of acceptance and the Contract can commence.

- 6.4 As the decision that is being sought here is a Key Decision, the decision may not be taken by the Cabinet Member unless this matter has been published on the Forward Plan. The Key Decision must be published on the Forward Plan (Paragraph 30 of the Access to information rules) and must be included on the Forward Plan not less than 28 days before the decision is to be made. (Paragraph 34 of the Access to Information Rules). The decision to award has been on the Forward Plan for the requisite 28 days. Cabinet Member decisions are to be recorded and published along with the report.
- 6.5 The recommended award will not involve the transfer of staff pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") as the recommendation is to award to Gristwood & Toms, the incumbent contractor. No Council staff are impacted by this decision.

7.0 Equity, Diversity & Inclusion (EDI) Considerations

- 7.1 Pursuant to s149 Equality Act 2010 (the "Public Sector Equality Duty"), the Council must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act
 - (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,
- 7.2 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.
- 7.3 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.
- 7.4 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.
- 7.5 The proposals in this report have been subject to screening and officers believe that there are no adverse equality implications.

- 7.6 The proposals in this report have been subject to screening and officers believe that there are no adverse health equality implications.

8.0 Climate Change and Environmental Considerations

- 8.1 The procurement of the Arboricultural Service to effectively maintain the borough's tree asset will have a positive impact on the Council's environmental objectives and climate emergency strategy. It will assist in improving air quality, improve general health and wellbeing and support climate change mitigation by providing shade along the urban environment.

9.0 Human Resources/Property Considerations (if appropriate)

- 9.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from retendering the Contract. There are no TUPE implications due to the Contract being awarded to the same provider who is delivering the current services.
- 9.2 There are no property / accommodation implications as the service will be delivered in the field and from the contractor's premises.

10.0 Communication Considerations

- 10.1 N/A.

Related document(s) for reference

Authority to tender contract for Arboricultural services in accordance with paragraph 13 of Part 3 of the Constitution

Report sign off:

Alice Lester

Corporate Director

Neighbourhoods and Regeneration