

Decision Maker: PORTFOLIO HOLDER FOR PUBLIC PROTECTION AND SAFETY

Date: For Pre-Decision Scrutiny by the Public Protection and Safety Policy Development and Scrutiny Committee on Wednesday 27th September 2017

Decision Type: Non-Urgent Executive Key

Title: DOGS AND PEST CONTROL CONTRACT PART 1 (PUBLIC) INFORMATION

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Ward: All Wards

1. Reason for report

- 1.1 The Council currently operates a contract for the provision of the Dogs and Pest Control services, which is due to expire on 31 January 2018.
 - 1.2 In September 2016, the Portfolio Holder agreed that officers proceed to tender for a new contract for the Dogs and Pests Control services based on the Procurement strategy as set out in that report (**ES16043**).
 - 1.3 This report sets out the outcome of the tendering process and seeks approval to award the contracts to the successful provider.
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2. **RECOMMENDATION**

- 2.1 The Public Protection and Safety Portfolio Holder is asked to:

Note the information set out in this Part 1 report and subject to any comments, award a contract for the Dogs and Pest Control Services for a period of 3 years effective from 1st February 2018, with the option to extend for a period of up to 2 years, as set out in the Part 2 report on this agenda.

Impact on Vulnerable Adults and Children

1. Summary of Impact: It is not expected that there will be any adverse impact from commissioning the Dogs and Pest Control service on vulnerable adults or children and young people.
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Corporate Policy

1. Existing policy
 2. BBB Priority: Excellent Council, Vibrant, Thriving Town Centres and a Quality Environment
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Financial

1. Cost of proposal: Details included in the Part 2 report
 2. Ongoing costs: Details are set out in the Part 2 report
 3. Budget head/performance centre: Environmental Protection and Parks & Green Space
 4. Total current budget for this head: £120k & £4k within the Parks Budget
 5. Source of funding: Existing controllable revenue budget for 2017/18
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Personnel

1. Number of staff (current and additional): 1.1 FTE
 2. If from existing staff resources, number of staff hours: 1.1 FTE
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Legal

- 1.1 This report seeks the approval of the Public Protection & Safety PDS Committee to award a contract for the provision of the Dogs and Pest Control Service for a period of 3 years with the option to extend for a further 2 years.
 - 1.2 The Public Contracts Regulations 2015 apply to this contract and the Council has carried out a competitive open process ensuring that the process was fair and transparent throughout.
 2. Call-in: Applicable: Portfolio Holder decision
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Procurement

Summary of Procurement Implications:

1. The tender exercise has been carried out in an appropriate manner and in accordance with the Council's contract procedure rules (Specifically 8.22/8.24/14.10) and in compliance with the relevant parts of the Public Contracts Regulations 2015 for a two stage and a one stage open process.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 310,000
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

3 COMMENTARY

BACKGROUND

3.1 On 28th September 2016, **(ESD16043)** the Portfolio Holder for Public Protection & Safety agreed that officers should go out to the market for the provision of the Dog Warden, Kennelling, Rehoming and Pest Control Services based on the following lotting strategy:

- Lot 1- Dog Warden Service
- Lot 2 – Kennelling Service
- Lot 3 – Dog Re-homing Service
- Lot 4 – Pest Control Service

3.2 Whilst the Procurement process was started soon after the Portfolio Holder decision, the drafting of the specifications took far longer than officers anticipated and there was insufficient time left under the existing contracts to commence a fully compliant EU tendering process. Therefore Officers went back to the Portfolio Holder in January 2017 to agree a further extension for all of the current contracts until 31st January 2018. This provided officers with sufficient time to commence a fully EU compliant tender process **(ESD17006)**.

3.3 Prior to going out to tender officers reviewed the lotting strategy. Due to the complexities and practicalities of specifying the services across four separate lots and following consultation with Procurement, the lotting strategy was reduced to two lots:

- Lot 1 – Dog Warden, Kennelling and Re-homing Service
- Lot 2 – Pest Control Service

THE TENDER PROCESS

3.4 The Dogs and Pest Control Service was initially advertised in the Official Journal of the European Union (OJEU) and on Contracts Finder on 4th May 2017 and key contract documents were published including terms and conditions, specifications, contract monitoring regime and instructions for applicants.

3.5 Although 9 organisations expressed an interest on the Council's e-procurement portal, only two submitted tender bids before the closing date of 30th June 2017. One tender was received for Lot 1 and two for Lot 2. The other seven organisations who had anticipated bidding decided not to proceed; one citing that they were not interested in both lots and only wanted to bid for the pest control service, despite this approach being clarified as an option during clarification questions.

3.6 Due to a technical issue and following advice from Procurement officers, a decision was made to go back out to tender for a further 30 day period using a single stage open process. Those two organisations that submitted bids, following the first tender opportunity, were given the option to either re-submit their tender bids or for the Council to hold on to their current tender bids and use them once the second tender process had ended. Both tenders requested that the Council used their original bids.

3.7 The second tender opportunity for the provision of the Dogs and Pest Control Service was advertised in the Official Journal of the European Union and on Contracts Finder on 12 July 2017 and key contract documents were published including terms and conditions, specifications, contract monitoring regime and instructions for applicants.

3.8 Although 3 organisations expressed an interest in the second tender opportunity on the Council's e-procurement portal, the Council did not receive any additional bids, before the

closing date of 18th August 2017. The other two organisations who had anticipated bidding decided not to proceed; one citing that they did not consider they were able to compete with local providers.

- 3.9 On review of the 2 tender bids, the Council confirmed that they had only 1 tender bid for The Dog Warden, Kennelling and Rehoming Service (Lot 1) and 2 bids for the Pest Control Service (Lot 2).
- 3.10 The Qualitative Selection Questionnaire for both Lots was evaluated and a consensus decision was made by the officer Evaluation Panel. For more specific information on the evaluation of the Qualitative Selection Questionnaires is supplied in accompanying “Part 2” report **(ESD 17072)**
- 3.11 In accordance with the process set out in the tender documents, tenders were subject to a robust commercial evaluation and were evaluated on the basis of:
- 60% Price
 - 40% Quality

The 40% quality evaluation was further evaluated against weighted criteria as follow:

- Financial Resources and Affordability – 10%
- Quality & Operational Competence – 20%
- Technical ability – 10%
- Health & Safety- 5%
- Customer Care and Service Development - 20%
- Sustainability – 10%
- Accreditations- 15%

Due to a technical error, the weightings added up to 90%; but this did not affect the outcome of the evaluation as the weightings were changed to a base 10 in the evaluation so the calculations accurately reflected the weightings.

- 3.12 As Officers had only received 1 bid for Lot 1 and 2 bids for Lot 2 and they were all compliant, Officers sought permission from the Executive Director of Environment & Community Services, the Director of Corporate Services and the Director of Finance to proceed to consider the tenders without the required number of bidders as set out in CPR 14.10.
- 3.13 Authorisation was given by the above officers on the 1st September 2017 to proceed to evaluate the tender returns.

JUSTIFICATION FOR AWARD

- 3.14 The details of compliant bids, evaluation process and scoring are shown in the “Part 2” paper **(ESD17072)**.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 No significant impact on Children, Young People nor Vulnerable Adults.

5 POLICY IMPLICATIONS

- 5.1 The report is in line with the Portfolio Plan for Public Protection 2017/18.

- 5.2 This approach is consistent with the Council's stated ambitions around Quality Environment, Vibrant Towns and Centres and an excellent Council under its vision for Building a Better Bromley.
- 5.3 The Council's Corporate Operating Principles include a commitment that services will be provided by whoever offers customers and council tax payer's excellent value for money.

6 FINANCIAL IMPLICATIONS

- 6.1 The current budget available for the Dogs and Pest Control Services is £124k, this includes £4k Parks and Green Space.
- 6.2 The "Part 2" report provides further details.

7 PERSONNEL IMPLICATIONS

- 7.1 The Dog Warden, Kennelling and Rehoming and Pest Control treatment Service is already contracted out to 3 different providers, with minimal administrative and managerial responsibilities remaining the responsibility of the Council.
- 7.2 There is a Contract Manager and the Contract Monitoring will be organised through the in-house contract monitoring team currently being set up in the Environmental and Community Services Division. There is however a need for a level of staffing to remain in house to deal with the Council's Statutory requirements enforcement of pest control matters.

8. LEGAL IMPLICATIONS

- 8.1 The Public Contracts Regulations 2015 apply to this contract and the Council has carried out a competitive open process ensuring that the process was fair and transparent throughout.
- 8.2 Pursuant to rule 8.22 and 8.24 of the Contract Procedure Rules with a total contract value above £500k/the EU threshold the Council must invite tenders from all suitable tenderers and comply with the Public Contracts Regulations 2015 and this has been followed.
- 8.3 In this case the Council invited tenders on an open basis through a two stage process on the first tender opportunity and received 9 expressions of interest and one tender bid for Lot 1 and two tender bids for Lot 2 as set out in paragraphs 3.6 of this report. As advised in paragraph 3.7 the council went back out with the tender opportunity with a one stage open process with 3 expressions of interest and again one tender bid for Lot 1 and two tender bids for Lot 2 as set out in paragraphs 3.6/3.7 of this report.

Statutory Duties

- 8.4 Section 149-151 of the Environmental Protection Act 1990 and Section 68 of the Clean Neighbourhoods & Environment Act 2005 places a duty of the Council to provide a 24/7 dog collection and kennelling service.
- 8.5 Part 1 of the Prevention of Damage by Pests Act 1949 places a duty on the Council to keep its land free of rodents and to respond to complaints in relation to vermin and nuisance. There is also an additional duty on the Council under the Environmental Protection Act 1990 to deal with insect infestations; these Statutory duties are fulfilled in house.
- 8.6 In awarding the dog warden services under this contract as set out in the tender process, the Council will be fulfilling these duties.

- 8.7 There is no statutory provision for mandatory re-homing of stray dogs that have not been reunited with their owners, however on the 20th January 2016 Members formally adopted the Council's policy not to put a healthy dog to sleep and that the Council would work with a provider to rehome those dogs unable to be reunited with their owners. (See Report ES16001).
- 8.8 There is no specific statutory requirement for the Council to provide a pest control treatment service to the public, the Council does have a specific statutory obligation under Part 1 of the Prevention of Damage by Pests Act 1949 in relation the Council having to keep its district clear of rats and mice.

9. PROCUREMENT IMPLICATIONS

- 9.1 This tender process was originally a two stage open procedure with an initial expression of interest from 9 tenderers, which resulted in only 2 tender bids, one bid for Lot 1 and 2 bids for Lot 2. However due to a technical issue with the set-up of the Pro-Contract system based on advice from Procurement Officers went back out to tender with a one stage open process with an initial expression of interest from 3 tenderers, which resulted in only 2 tender bids which were the same 2 from the original tender exercise. During the evaluation stage of the tender process this was reduced to a final tenderer as identified in this report on the basis that their bid represented best value. The tender process was carried out in accordance with the pre-agreed procurement strategy and was compliant with all relevant legislation and Council rules.

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	Reports ES16043; ES17006; ES17072