

# URGENT DECISIONS

Friday, 18th March, 2022, 1.30 pm

**Members:** Councillor Peray Ahmet – Leader of the Council

## 1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

## 2. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

## 3. CALL-OFF AGREEMENTS FOR THE PROVISION OF HIGHWAYS AND TRANSPORT CONSULTANCY SERVICES (PAGES 1 - 6)

*The Chair of Overview and Scrutiny has agreed that the decision is both reasonable in all the circumstances and that it should be treated as a matter of urgency for the following reasons:*

*The call-off agreements referred to in the report are required in order for the Council to procure transport and engineering-related consultancy services and, if they are not in place before 1 April 2022, the implementation of next year's works programmes for Highways and Parking Services will be significantly delayed. Due to the call-off agreements under the framework crosscutting three Cabinet Member portfolios, it became apparent that the*

*Leader would be required to give approval rather than one Cabinet Member doing so.*

*Given the above, and the need to ensure the delivery of works programmes, it is not practicable to comply with the 28-day notice requirement in Part Four, Section D, Rule 13 of the constitution or the 5-day notice period requirement for key decisions. This is set out in Part Four, Section D, Rule 16, of the Constitution. As set out below, the decision is urgent and time critical in accordance with Part 4 Section H paragraph 18 (a) and 18 (b).*

*Please be advised that the Chair of Overview and Scrutiny has further agreed that the call-in procedure shall not apply to this urgent decision. This is because the decision is urgent and any delay in implementation caused by the call-in procedure would seriously prejudice the Council's or the public's interests as the contracts need to be in place by 1 April 2022 and a delay would prevent the Highways and Parking Service from seeking the delivery of transport and engineering-related services that the internal resource is currently unable to provide. Given that the scale of work that the Cabinet committed to on 8 March 2022 in relation to the investment plans for 2022/23 for Highways and Street Lighting, Parking, Flood Water Management and Road Danger Reduction, any delay in the commissioning of work through the proposed call-off agreements would seriously prejudice the Council's and/or the public's interests, given the improvements that these investment plans will deliver in Haringey in the forthcoming 12 months. The Chair of Overview and Scrutiny Committee has agreed that the decision is both reasonable in all circumstances, and that it should be treated as a matter of urgency. This is in accordance with Part 4, Section H, and Paragraph 18 (a) and (b) of the Council Constitution.*

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Thursday, 17 March 2022

**Report for:** Cabinet Member Signing – 18 March 2022

**Title:** Call-off Agreements for the Provision of Highways and Transport Consultancy Services

**Report**

**Authorised by:** Mark Stevens, Assistant Director Direct Services

**Lead Officer:** Peter Boddy, Highways and Traffic Manager, 020 8489 3404,  
[peter.boddy@haringey.gov.uk](mailto:peter.boddy@haringey.gov.uk)

**Ward(s) affected:** All

**Report for Key/**

**Non-Key Decision:** Key Decision

**1 Describe the Issues Now Under Consideration**

- 1.1 This report seeks the Leader of the Council's approval for the Assistant Director Direct Services to enter into three non-binding call-off agreements, with an aggregated value not exceeding £1m per annum, across all three named service providers on Lot 3 (Transport and Engineering Services) of the 2021 Ealing Highways and Transportation Services Framework ("Framework"), in accordance with Contract Standing Order (CSO) 7.01 b.
- 1.2 Each call-off will be in accordance with the Framework terms and conditions, which is in order of supplier ranking.
- 1.3 The Framework has a duration of four years, expiring 31 October 2025. Therefore, the maximum permissible aggregated value of contracts per borough under Lot 3 would be £4m.
- 1.4 Having three separate call-off facilities enables the Council to respond and mobilise transport and engineering services more rapidly, without the need to obtain further approvals from Cabinet for any individual awards above £500k. All expenditure under this Framework will be within the Environment and Neighbourhood Directorate's allocated budgets for the individual services and works.

**2 Recommendations**

The Leader of the Council is asked:

- 2.1 To approve the Council entering into three individual non-binding call-off agreements with the following service providers:
  - a) Project Centre Ltd
  - b) Gutteridge, Haskins and Davey Ltd, and
  - c) WSP UK Ltd

up to an aggregated value not exceeding £1m per annum, across all three named service providers above on Lot 3 (Transport and Engineering Services) of the 2021 Ealing Highways and Transportation Services Framework Contract, until its expiry on 31 October 2025, in accordance with Contract Standing Order (CSO) 7 .01 b. (selecting one or more 'contractors' from a framework) and CSO 9.07 1 d) (contracts valued over £500k may be awarded by Cabinet) and CSO 16.02.

### **3 Reasons for decision**

- 3.1 There are occasions when internal resources are not able to deliver services in addition to their current work programme, given the fluctuating workload and availability of funding. It is more cost-effective to make use of external consultancy services to cater for such peaks in the work programme.
- 3.2 Having a flexible call-off arrangement under the Framework enables the Council to respond quickly to unforeseen events and reduces the resources and effort required to undertake procurements and expediate the Council's governance processes

### **4 Alternative options considered**

- 4.1 Doing nothing is not an option, bearing in mind the need for additional professional and technical resources to ensure the delivery of the extensive highway and traffic related programmes required over the next few years.
- 4.2 Whilst an option would be to separately tender for the required additional services, this would represent an avoidable drain on resources when frameworks already exist that are accessible to the Council.
- 4.3 The contractual arrangements described in this report are intended to ensure that the Council can access the needed professional and technical support. Whilst the Council will keep alternative procurement strategies under review, the use of the contracts let by Ealing Council have historically been used extensively by other London Boroughs and have proved to be a cost-effective option due to the resulting economies of scale.

### **5 Background information**

- 5.1 In November 2021, the London Borough of Ealing established a Highways and Transport Framework Contract. Project Centre Ltd, Gutteridge Haskins and Davey Ltd, and WSP UK Ltd were the successful contractors (or 'service providers') awarded to Lot 3 for the provision of Transport and Engineering Services. The Framework is open to all members of the London Contracts & Supplies Group (LCSG)
- 5.2 London boroughs that are members of the LCSG can access the Framework at any time by entering into an access agreement with Ealing Council and can then select either through a direct award with or a mini competition between the service provider(s) to deliver the services required to meet their specific needs. Haringey Council is a member of the LCSG and, having signed the access agreement, is therefore entitled to use the Framework.

- 5.3 The services available through Lot 3 of the Framework include:
- Accident and other studies
  - Highway management
  - Traffic management
  - Road safety engineering and audit
  - Parking policy
  - Traffic order making
  - Highway engineering
  - Highway maintenance
  - Structural/civil engineering
  - Asset management
  - Utilities and drainage
  - Transport planning
  - Urban design/public realm
  - Technical administration
  - Construction Design and Management Regulations (CDM) coordination
  - Health and safety advice
- 5.4 In addition to providing professional and technical services in support of discrete projects, there are likely to be instances when the Council will need the service providers to provide professional and technical advisory and support services on an ad hoc basis. There may also be instances where there is a need to second personnel to the Council. Such arrangements would be underpinned by a formal secondment agreement.
- 5.5 In order to be able to access the Framework documents, the Council was required to give a confidentiality undertaking to Ealing Council. This undertaking was signed by the Head of Highways and Parking on 24 January 2022. The Head of Procurement has subsequently signed an access agreement with the London Borough of Ealing to enable the Council to formally access the Framework.
- Value for money considerations**
- 5.6 Those service providers who were judged to have presented the most economically advantageous tenders using the evaluation criteria set out in the procurement document, which was based on 40 percent for quality and 60 percent for price, were admitted to the Framework.
- 5.7 In Lot 3, there are three service providers admitted to the Framework. The highest ranked service provider is Project Centre Ltd and is the 'Preferred Consultant' on the Framework Contract. Gutteridge Haskins & Davey Ltd were second highest ranked, and WSP UK Ltd third highest. Service providers would normally be approached in respect of individual commissions in this order to determine whether they are able to deliver the required work. Alternatively, where larger commissions are concerned, there is provision for the use of mini-competitions between service providers within the terms and conditions of the call-off agreements.
- 5.8 It is therefore proposed to award non-binding call-off agreements to all three companies under a direct award for Lot 3 of the Framework for the period until its expiry on 31 October 2025, until when orders may be placed for funded projects or services.

- 5.9 The Framework includes a performance-based KPI regime which will incentivise the service providers to maintain high standards of quality which will be closely monitored by the Council.

## **6 Contribution to strategic outcomes**

- 6.1 The technical support accessed through this contract will contribute to the delivery of Haringey's Corporate Plan relating to **Place** – “a place with strong, resilient and connected communities where people can lead active and healthy lives in an environment that is safe, clean and green”

## **7 Statutory officers' comments (Director of Finance (including procurement), Head of Legal and Governance, Equalities)**

### **7.1 Procurement**

- 7.1.1 Strategic Procurement confirms the Head of Procurement has reviewed and signed the access agreement, enabling the Council to access the Ealing Transport and Highways Services Framework (Framework).
- 7.1.2 The terms of the Framework require any direct awards to follow a ranking process and use the schedule of rates. The Framework also makes provision for mini-competitions to be undertaken.
- 7.1.3 There is a maximum total aggregated annual contracts value of £1m permitted under Lot 3 of the Framework. This restriction applies to the total of all contracts awarded to all three suppliers in Lot 3. Therefore, the potential maximum aggregated value of contracts across all suppliers in Lot 3 would be £4m over the duration of the Framework term.
- 7.1.4 Strategic Procurement confirms the recommendations are consistent with Contract Standing Order (CSO) 7 .01 b. (selecting one or more contractors from a framework) and CSO 9.07 1 d) (contracts valued over £500k may be awarded by Cabinet).

### **7.2 Legal**

- 7.2.1 The Head of Legal and Governance (Monitoring Officer) has been consulted in the preparation of the report.
- 7.2.2 It is legally permissible for the Council to access and call off under a framework contract established by another contracting authority where the Council has been identified as an approved user of the framework contract in the Contract Notice.
- 7.2.3 It is confirmed that the Council is identified as an approved user of this framework contract in the Contract Notice published by Ealing Council.
- 7.2.4 This is a key decision, and the service has confirmed it is on the Forward Plan in accordance with Contract Standing Order 9.07.1(e).
- 7.2.5 Pursuant to Contract Standing Order 16.02, the Leader of the Council has the authority to take this decision.

7.2.6 The Head of Legal and Governance (Monitoring Officer) sees no legal reasons preventing the Leader from approving the recommendations in the report.

### 7.3 Finance

7.3.1 The recommendation to enter into these access agreements does not commit the authority to a specified level of spend and limits the total value of orders up to an aggregated value not exceeding £1m per annum, across all three named providers, as set out in Section 2 above. The actual level of expenditure will be determined by the budgets being available.

### 7.4 Equalities

7.4.1 The Council has a Public Sector Equality Duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share those protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not.

7.4.2. The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

7.4.3. As a body carrying out a public function on behalf of a public authority, the service providers will be required to have due regard for the need to achieve the three aims of the Public Sector Equality Duty, noted above. Arrangements will be in place to monitor the performance of the service providers and ensure that any reasonably possible measures are taken to address any issues that may occur that may have a disproportionate negative impact on any groups who share the protected characteristics.

## 8 Use of Appendices

N/A

## 9 Local Government (Access to Information) Act 1985

N/A

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