

<b>Policy and Resources Committee</b>	
<b>Meeting Date</b>	7 February 2024
<b>Report Title</b>	Procurement of minor maintenance and cleansing of public conveniences service.
<b>EMT Lead</b>	Emma Wiggins, Director of Regeneration and Neighbourhoods
<b>Head of Service</b>	Martyn Cassell, Head of Environment and Leisure
<b>Lead Officer</b>	Alister Andrews / Kelly Mehmet
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	1. That the Committee approves the appointment of Company X for the provision of minor maintenance and cleansing of public conveniences from 1 <sup>st</sup> April 2024 for an initial period of 1 Year (plus an option of a 1 year extension).

## **1 Purpose of Report and Executive Summary**

- 1.1 The current minor maintenance and cleansing of public conveniences contract expires on 31<sup>st</sup> March 2024. The Contract and Resources team carried out a one stage tender process based on the most economically advantageous tender (MEAT) which was evaluated on 60% price and 40% quality. The maintenance and cleansing of public conveniences contract will provide a service that opens and closes all of the public conveniences within the borough; cleans them to the appropriate standards; replenishes consumable items; and undertakes minor maintenance.
- 1.2 This report summarises the procurement process and its results and seeks Environment Committee approval for awarding the contract.

## **2 Background**

- 2.1 In August 2021 Members approved a recommendation to extend the current 'Minor maintenance and cleansing of public conveniences' contract until 31<sup>st</sup> March 2024. There are no further options to extend this contract.
- 2.2 In June 2023 the Environment Committee agreed to re-tender for a 1 + 1 year contract to start from 1<sup>st</sup> April 2024 to allow time for a full review of public conveniences to be completed. The current list of public conveniences consists of:
- The Forum, Sittingbourne (attended – shared attendant with Central Avenue)
  - Central Avenue, Sittingbourne (attended – shared attendant with The Forum).
  - Rose Street, Sheerness (attended)
  - Central car park, Faversham (attended)
  - Leysdown Beach Services (attended seasonally)
  - Minster Leas

- Park Road, Faversham
  - Milton Regis High Street
  - Queenborough Park, Queenborough
  - Bartons Point, Isle of Sheppey
  - The White House, Minster
  - Oare Gunpowder Works Visitors Centre, Faversham
  - The Spinney, Leysdown
  - King George V Playing Field, Sittingbourne
  - Milton Creek Country Park
  - Beachfields, Sheerness
- 2.3 The majority of public conveniences are open between 07.00 and 19.00 Mon – Sun, but a full list of opening times is available in Appendix I as there are some variations to these opening times and some facilities have seasonal changes.
- 2.4 The contractors provide toilet roll, cleaning materials and undertake minor maintenance such as graffiti removal, cubicle lock repairs, replace toilet roll holders and toilet seats and unblock drains between the toilet and the nearest inspection chamber. Other more major repairs such as broken tiles, sinks, bowls or structural elements are reported to property services for repair via a separate property maintenance contract.
- 2.5 The contractor also undertakes routine deep cleans at each facility and toilets may be kept open later for special events.
- 2.6 Ad-hoc refurbishments have taken place as required to deliver improvements using one-off funding from the reserves, but the overall asset management and levels of public convenience provision will need a more detailed review and a subsequent report for consideration by Members. For example, are they in the right locations, what are the conditions of the buildings and what investment will they need. Will new technology allow a change in approach e.g. electronic opening and closing. It was agreed by members at Environment Committee in June 2023 that a procurement exercise will create the time for this work to be completed and debated fully.
- 2.7 Interested parties were invited to submit prices for different models. These included existing ‘attended’ facilities to remain as attended; a partially attended model based upon hourly rates – bidders were asked to state their recommended number of hours at each location but this was for information only and was not evaluated; and an ‘unattended’ model where no facilities had an attendant. Bidders were also invited to submit variant bids if they chose to.
- 2.8 The opportunity was advertised in accordance with current procurement policy requirements, with interested parties asked to complete an Invitation to Tender.
- 2.9 Two submissions were received, and scores were allocated according to the criteria explained in the tender document.

- 2.10 From the submitted prices it was evident that the current model of having some facilities fully attended was unaffordable with all exceeding the available budget for next year. In contrast, the model of having all facilities unattended priced in large sums for increased risk from issues such as vandalism and theft. The price for a fully unattended model from both bidders was higher than the partially attended model price.
- 2.11 The model that offered best value (but still exceeds the available budget) was for the facilities to be partially attended. Different bidders suggested different hours required at each facility to offer best value. Company X suggested a model where the hours spent at each of the currently attended facilities reduced from current levels to between 3 and 6.25 hours a day depending on the perceived risk at each location. Company Y suggested that more time was needed at each facility (at a greater price), but for the purposes of comparing bids, the evaluating officers used the hourly rate provided by both bidders to compare prices for the same amount of time at each establishment.
- 2.12 The scores for this option were as follows:

<b>Company</b>	<b>Price Score</b>	<b>Quality Score</b>	<b>Total</b>
X	60	33	93
Y	58.60	30	88.60

### **3 Proposals**

- 3.1 The Committee is requested to approve the proposal to enter into a contract with Company X for a one year minor maintenance and cleansing of public conveniences contract with the option to extend the contract for a further one year, totalling two years.

### **4 Alternative Options Considered and Rejected**

- 4.1 Do not award a contract. This will prevent public conveniences from being opened, closed or maintained from 1<sup>st</sup> April 2024 and it is effectively a decision to close all public conveniences in Swale as they could not be managed sufficiently without such measures in place. This option is therefore not recommended.
- 4.2 Award to Company Y rather than Company X. Company X provided the Most Economically Advantageous tender (MEAT), therefore awarding to a less favourable bidder would not comply with procurement policy and would very likely attract a challenge from the first placed bidder.
- 4.3 A variant bid from Company X offered a slightly better price if we considered a longer contract of three years. The price was still in excess of the budgets set in

the medium term financial strategy and it would significantly restrict any changes/ recommendations being implemented in a timely fashion after the full public conveniences review was completed. This option is not recommended.

- 4.4 Members could choose to close some facilities to reduce the price. This is not recommended until a full review is undertaken. A full review will involve gathering various data sets and analysing them to make informed recommendations. This will take time and resources to deliver in a period when such resources are busy delivering other corporate contractual objectives.

## 5 Consultation Undertaken or Proposed

- 5.1 The opportunity was advertised on the appropriate business portal and businesses were asked if they could suggest a variant bid that may offer a better solution.
- 5.2 The award of this contract would allow time for a full review of public conveniences to be completed with recommendations being considered by Members.

## 6 Implications

Issue	Implications
Corporate Plan	Appointing a contractor that meets a good quality standard and provides good value for money contributes towards all the corporate priorities.
Financial, Resource and Property	<p>Anticipated annual spend on the minor maintenance and cleansing of public conveniences contract is £654,145.62 over 2 years (£313,543.41 in year 1 and £340,602.21 in year 2) if awarded to Company X.</p> <p>The awarding of this contract to the most economically advantageous tender will result in an overspend against the budgets in the 2024/25 medium term financial strategy of approximately £69K (as the 23/24 budget will be reducing in 24/25 by £50K). The overspend if the contract is extended into year 2 will be even greater at around £196K as the current proposals in the MTFs will reduce this budget in 2025/26 by a further £100K.</p> <p>The Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended (“TUPE”) do apply to this contract and the implications of this have been addressed in the procurement process.</p>

	<p>The full review of public conveniences will determine usage and provide recommendations on assets and funding options for the future.</p>
<p>Legal, Statutory and Procurement</p>	<p>The procurement of a service provider was advertised in line with the contract legislation requirements.</p> <p>The Public Health Act 1936 gives Local Authorities a power to provide public toilets, but it imposes no duty to do so.</p> <p>The contract will be drawn up using the Council's current standard Terms and Conditions.</p> <p>All bidders were made aware that TUPE legislation is relevant to this contract.</p> <p>Public Services (Social Value) Act 2012 – All bidders provided evidence to demonstrate compliance.</p> <p>Evidence was presented by bidders that delivers some of the requirements of The National Procurement Policy Statement such as tackling climate change and reducing waste.</p>
<p>Crime and Disorder</p>	<p>Some toilets are currently attended to ensure that facilities are kept up to the necessary standard, but also to deter crime and disorder. The risk of damage and anti-social behaviour may increase in unattended facilities (this has been reflected in the prices submitted by bidders). The opening and closing times are structured to avoid times of the day when anti-social behaviour is more prevalent. These can be altered accordingly to site specific issues. The chosen model delivers a service where facilities are partially attended at the times of the day when the risks of vandalism/ damage/ theft are at their peak.</p>
<p>Environment and Climate/Ecological Emergency</p>	<p>All bidders provided evidence of how they intend to reduce their impact on the environment through a variety of ways such as water usage reduction or by using more environmentally sensitive cleaning products.</p> <p>An unattended model will result in more travelling required between establishments. The partially attended model has less impact on travel.</p>
<p>Health and Wellbeing</p>	<p>The public convenience facilities operate in line with government guidance to ensure they remain safe. Such facilities are appreciated by members of the public and they have obvious health and well-being benefits. However, the contract costs are</p>

	significant and it is important that we keep reviewing these facilities to ensure we are providing the right resource in the right place.
Safeguarding of Children, Young People and Vulnerable Adults	The appropriate safeguarding requirements have been identified in the specification of the tender.
Risk Management and Health and Safety	<p>There is an overspend risk that has been identified in the finance section.</p> <p>There are risks of vandalism/ damage from a reduced service.</p> <p>There is a risk that having less of a presence at these facilities may increase the chances of accidents from slips and trips due to hazards such as spillages/ leaks going un-resolved for longer.</p> <p>All three risks have been considered and in the officer's opinion, the 'partially attended' model provides a value for money option to the council without introducing excessive risk, or without closing facilities.</p> <p>Part of the procurement process ensures that contractors are fully competent, particularly in the area of health and safety. Company X's competence is evidenced through their membership of CHAS contractors Health &amp; Safety Assessment Scheme, and ROSPA (Royal society for the prevention of accidents) and ISO accreditations for ISO14001:2015 and ISO9001:2015</p> <p>This will be monitored throughout the contract.</p>
Equality and Diversity	All Swale Council public conveniences provide for a range of disabilities. Recent additional signage has supported the 'Not every disability is visible' campaign at all sites.
Privacy and Data Protection	None identified at this stage

## 7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

Appendix I: A list of current public conveniences in Swale with opening times and current attendance levels.

## **8 Background Documents**

8.1 Previous Environment Committee consideration of the service can be found [here](#).