

Cabinet Meeting	
Meeting Date	01 February 2017
Report Title	PUBLIC CONVENIENCES CONTRACT 2017-2022
Cabinet Member	Cllr David Simmons Cabinet Member for the Environment and Rural Affairs
SMT Lead	Dave Thomas, Head of Commissioning and Customer Contact
Head of Service	Dave Thomas, Head of Commissioning and Customer Contact
Lead Officer	Alan Turner, Contracts and Procurement Manager
Key Decision	Yes
Classification	Open
Forward Plan	Reference number:
Recommendations	<ol style="list-style-type: none"> 1. That the Cabinet approves the appointment of Monitor Services Ltd for an initial period of five years. 2. To delegate authority to the Head of Commissioning and Customer Contact, in consultation with the Cabinet Member for Environmental and Rural Affairs, to complete the contract award.

1. Purpose of Report and Executive Summary

- 1.1 The contract to provide Minor Maintenance and Public Convenience Cleaning to the Borough's public toilets ends on 31 March 2017. The Contracts and Procurement Team (together with Maidstone Borough Council colleagues) carried out a two stage tender process for a new contract, based on the most economically advantageous tender (MEAT) which was evaluated on 60% price and 40% quality, in accordance with the Council's policy standard ratio for tenders.
- 1.2 This report summarises the procurement process and its results, and seeks Cabinet approval of the recommended contractor.

2 Background

- 2.1 The opportunity was advertised in accordance with current Contract Standing Orders, with interested parties asked to complete an Invitation to Tender. Tenderers replied and scores were allocated according to the criteria explained in the tender document.

- 2.2 As is usual, the opportunity for joint procurement with Mid Kent authorities was explored, and as a result Swale BC entered the tendering process in partnership with Maidstone BC. The procurement was led by Swale BC, with the objective of securing a joint Minor Maintenance and Public Conveniences Cleansing contract in the expectation that this would be the most cost-effective option.
- 2.3 Nonetheless, in line with regulation 46 of the Public Contract Regulations 2015, the tender was also divided into two Lots: Lot One – Swale; and Lot Two - Maidstone. As it turned out, based on the tenders there is an economically advantageous benefit in awarding separate Lots, and the recommendation is therefore based on Lot One (Swale only). Maidstone BC will conduct their own process of award within the procurement guidelines set by Swale.
- 2.4 In November 2016 as a legal requirement a notice was placed in the Official Journal of the European Union and other media circulations, inviting tenders for the Public Conveniences Cleansing Contract to run from April 2017 until March 2022, with an optional extension period of two years subject to satisfactory performance and at the Council's sole discretion.
- 2.5 Nine companies submitted tendered bids for consideration by the due date. Officers from both Swale and Maidstone then evaluated the bids based on the instructions that had been issued in the Invitation to Tender documents that were sent out as part of the contract tender package.
- 2.6 Based on the criteria contained within the Invitation to Tender Documents, nine bids satisfied the stage one suitability assessment of the Instructions to Tender. Following this an initial headline assessment (stage two) was undertaken, which resulted in eight tenders being evaluated for Lot One. The ninth company only bid for Lot Two.
- 2.7 Eight compliant tenders were received for Lot One, ranging in value from £209,990 to £331,707 per annum, which were ranked 1-8 accordingly on price.
- 2.8 The eight companies were then assessed at the technical/quality stage of the process, and were awarded points based on the specified requirement of the Invitation to Tender document.
- 2.9 All of the tenders met the requirements of the specification, and one exceeded the requirement, but at a significantly higher cost. Company One (Monitor Services Limited) offered the most competitive price and, based on their submission, can provide the requisite level of service specified, whilst demonstrating some innovation in their approach to service delivery. This company currently provide a similar service for Dover District Council, and through references we have been able to confirm that they provide a satisfactory service.

2.10 The formal outcome of this assessment is shown the table below

Company	Price 60 pts maximum	Quality 40 points maximum	Total Points
Company 1 (Monitor Services Ltd)	60.00	28.00	88.00
Company 7	40.43	36.00	76.43
Company 5	48.89	27.00	75.89
Company 3	55.02	20.00	75.02
Company 4	51.98	22.00	73.98
Company 6	43.33	25.00	68.33
Company 2	56.00	11.00	67.00
Company 8	37.98	16.00	53.98

- 2.11 Monitor Services Ltd is an organisation with over 150 directly employed staff and several other similar contracts within the South East of England, including Dover DC. Their tender price was competitive, and they they met the requirements of the specification under the quality evaluation, based on the evidence of their track record, policies and procedures, and approach to social value. Monitor Services Limited therefore submitted the overall most economically advantageous tender.
- 2.12 The winning bid represents a saving of c£30,000 per annum against the current contract costs.

3 Proposal

- 3.1 Cabinet is recommended to approve the proposal to enter into a contract with Monitor Services Limited for a five year contract, with the option after five years to extend the contract for a further two years, totalling seven years, subject to satisfactory performance and at the Council's sole discretion.

4 Alternative Options

- 4.1 One option is to not award a contract. This is not recommended as whilst the provision of public conveniences is a discretionary area of service, if we are to provide them, then we are obliged to clean and maintain the facilities appropriately.
- 4.2 The tender mechanism provided the opportunity to explore cost efficiencies through a joint tender with Maidstone BC, though ultimately it proved economically advantageous to award the two lots to different providers.

5 Consultation Undertaken or Proposed

- 5.1 Consultation has taken place with the Commissioning and Procurement Team throughout the tendering process to ensure that Swale's formal procedures have been followed.

6 Implications

Issue	Implications
Corporate Plan	<p>A Borough to be Proud of - Objective 1.4: Protect and improve the natural and built environments.</p> <p>A Council to be proud of – improve residents' perceptions and customer experiences.</p>
Financial, Resource and Property	<p>The recommended bid represents an annual saving against current costs of approx. £30,000 per annum, or £150,000 whole contract life savings (without a contract extension).</p>
Legal and Statutory	<p>Section 87 Public Health Act 1936 states that Local Authorities have discretionary powers, but not a duty, to provide public conveniences.</p> <p>Disability Discrimination Act 1995. The Disability Discrimination Act 1995 and subsequent Special Educational Needs and Disability (NI) Order 2005 gives people with disabilities important rights not to be discriminated against. A list public conveniences with disabled facilities is provided in Appendix I.</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>
Crime and Disorder	<p>Public toilets can provide an environment for anti-social behaviour including drug misuse, graffiti, vandalism and voyeurism, although the list is not exhaustive.</p>
Sustainability	<p>Contract Conditions are in place to ensure sustainability of the contract for its due term of five years.</p>
Health and Wellbeing	<p>There are many specialist user groups who suffer from medical conditions that require immediate access to the toilet. Access to clean, hygienic public toilets is regarded by many as a basic human right, fulfilling an important requirement for health and well-being, equality, social inclusion, and both private and public decency. The health and well-being of residents and visitors alike is well served by the provision of clean and hygienic public toilets.</p>
Risk Management and Health and	<p>Each facility is either visited daily or has a full time attendant to</p>

Safety	<p>address health and safety issues.</p> <p>Appropriate risk assessments are undertaken annually, along with regular legionella testing on a monthly routine.</p>
Equality and Diversity	<p>Disabled facilities are available in some facilities but not all (see Appendix I).</p>
Social Value	<p>Monitor Services Ltd has a policy of whenever possible recruiting locally, and all staff employed on the Dover Contract, other than one, are from the local area.</p> <p>In addition:</p> <ul style="list-style-type: none"> ▪ Local employment as a KPI measure - Monitor Services Ltd produce a suite of key performance indicators (KPIs) which are formally reported to clients and management on a regular basis, usually monthly. Part of this suite of reports is a KPI on local employment, which enables us to set targets for this and report on performance to ensure they are met; and ▪ Local Suppliers - Monitor Services Ltd are committed to creating benefits for the local economy when fulfilling their contracts. Monitor have a policy to use local suppliers for their products and chemicals, and this will also be the case for Swale if the contract is awarded.
Commissioning and Procurement	<p>Consultation has taken place with the Commissioning and Procurement Team throughout the tendering process to ensure that Swale's formal procedures have been followed</p>

7 Appendices

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

- Appendix I: Swale Public Conveniences illustrating disabled facilities.

8 Background Documents

8.1 None.

List of public conveniences in Swale

Public convenience	Disabled Facilities	Baby Change Facility
Faversham Central Car Park	Yes	Yes
Faversham Rec	No	No
Spinney Toilets, Leysdown	Yes	No
Grove Toilets, Leysdown	Yes	Yes
Queenborough Toilets	Yes	No
Bartons Point Toilets	Yes	No
Rose Street, Sheerness	Yes	Yes
Halfway Cemetery	No	No
Milton High Street, Sittingbourne	No	No
Forum, Sittingbourne	Yes	Yes
Central Avenue, Sittingbourne	Yes	Yes
King Georges, Sittingbourne	No	No