

# ENVIRONMENT CABINET MEMBER MEETING

**Agenda Item 30**  
Brighton & Hove City Council

<b>Subject:</b>	<b>Transport Term Contract</b>		
<b>Date of Meeting:</b>	<b>4 July 2008</b>		
<b>Report of:</b>	<b>Director of Environment</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jim Mayor</b>	<b>Tel:</b> <b>29-4164</b>
	<b>E-mail:</b>	jim.mayor@brighton-hove.gov.uk	
<b>Key Decision:</b>	<b>No</b>	<b>Forward Plan No. N/A</b>	
<b>Wards Affected:</b>	<b>All</b>		

## FOR GENERAL RELEASE

### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 In February 2008 Policy & Resources committee agreed that a tender for sustainable transport consultancy support should be advertised. The proposed four year framework arrangement will replace the existing term contract agreement with Peter Brett Associates, which expires in August 2008. Committee approval was sought because works awarded through the commission may ultimately exceed £500K, the threshold at which committee approval is required. Following confirmation of member support, the tender process has progressed.
- 1.2 This report asks that the cabinet member grants the Director of Environment delegated authority to approve appointment of consultants identified through the tender process.

### 2. RECOMMENDATIONS:

- 2.1 That the cabinet member grants the Director of Environment delegated authority to approve appointment of consultants identified through the Transport Term Consultancy tender process.

### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 In 2005 the council was involved in assessing various locations around the city for potential development as Park & Ride facilities. Due to the specialist skills required to assess all aspects of potential sites, some external consultancy skills were needed to complement council resources.
- 3.2 At the same time a number of other significant developments were evolving in the city, such as Brighton International Arena, Rapid Transport and the King Alfred Centre. These also benefited from a degree of external specialist transport input.

- 3.3 In order to ensure that the council could access these skills within procurement regulations, and also that external advice could be provided consistently over a period of time, a decision was made to tender primarily for the Park & Ride work, whilst also giving the council the opportunity to commission the consultant for other specialist transport services over a period of three years.
- 3.4 Peter Brett Associates (PBA) was successful in winning the tender and became the council's Term Transport Consultant in an agreement that is due to end in August 2008.
- 3.5 As the PBA arrangement has proved beneficial for the council, in February 2008 Policy & Resources committee agreed that a new tender for sustainable transport consultancy support should be advertised to enable the benefit to be extended beyond August 2008.
- 3.6 In order to provide even greater flexibility value for money, the new Term Consultancy will work as a framework contract. This means that the council will appoint four consultants to work with it over the contract period, and maintain a degree of competitive tendering for each individual piece of work whilst continuing to benefit from the consistency a longer term consultancy partnership approach offers.
- 3.7 The commission would also seek a consultant to support the council in plans to take forward the city transport model within procurement regulations. The previous transport model consultancy agreement was with Halcrow.
- 3.8 Committee approval to tender was requested on the basis that works arising through the commission may ultimately exceed £500K, the threshold at which committee approval is required (although the arrangement will not commit the council to commissioning any of the consultants ultimately appointed).
- 3.9 There is no Cabinet Member Meeting in August. Therefore, asking the cabinet member to approve appointment of consultants identified through the tender process would result in a delay between the existing term contract agreement ending and the next starting.
- 3.10 The Cabinet Member is therefore asked to delegate authority for appointment of consultants through the tender process to the Director of Environment, so that appointments can be made at the earliest opportunity

#### **4. CONSULTATION**

- 4.1 The approach has been agreed by Policy & Resource Committee. The tender has been advertised through the European OJEU tendering process.

## 5. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

Entering into the proposed framework consultancy will not commit the Council to funding consultancy support. Each individual project will need to be costed and budget identified from the relevant capital or revenue project budget before commissioning takes place. The value of commissions against successful contractors will be monitored over the four year period.

*Finance Officer Consulted: Patrick Rice*

*Date: 23 May 2008*

### Legal Implications:

The proposed framework contract would be permissible under EU and UK law, which limit the maximum length of such agreements to four years, as proposed. If the Council intends to use such a framework it must be set out clearly in the OJEU notice in order to ensure that it complies with the relevant legislation. The Council must take the Human Rights Act into account when proposing new developments but it is not considered that any individual's Human Rights Act rights would be adversely affected by the recommendations in this report.

*Lawyer Consulted: Alison Leitch*

*Date: 19 May 2008*

### Equalities Implications:

Consultants are required to demonstrate equitable working practises as part of the tender process.

### Sustainability Implications:

Sustainability will play a key role in a decision on which consultants will be invited to join the framework. Consultants will be asked to provide a detailed statement of their sustainability credentials, including examples of innovative ways in which truly sustainable solutions have been implemented into their working practises and solutions.

### Crime & Disorder Implications:

5.5 There are no specific implications arising from this report.

### Risk and Opportunity Management Implications:

5.6 The term contract enables the council to benefit from best value if and where transport consultancy services are required (see 5.7) but does not commit the council to any financial outlay should services not be required (see 5.1). As such there is no negative risk associated with the contract, other than the small risk that costs associated with the tender process may not result in an appointment, or not result in a contract that is ever called on.

Corporate / Citywide Implications:

- 5.7 Having a term consultancy arrangement enables the council to benefit from consistent skills complementing those already available within the organisation. This helps ensure that all projects across the city are delivered cohesively and to the highest standard. A successful Transport Model ensures council strategies and developments can be tested to better ensure they deliver objectives successfully before they are implemented.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The alternative to a term contract is multiple single commissions as and when consultant support is required. However this approach would not offer value for money offered by consistency of approach. Also more internal resource would be required to manage what could be many individual tender processes.
- 6.2 A framework contract is preferable to an agreement with a single consultant as this retains the benefits associated with a consistent approach whilst offering the council greater choice – and therefore flexibility and assurance of value for money.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 Because the value of works awarded through the consultancy agreement has potential to exceed £500,000, Cabinet Member approval is required to appoint the consultants.
- 7.2 The Cabinet Member will not have an opportunity to approve appointment of consultants until after the existing PBA contract has expired. If the Cabinet Member gives the Director of Environment delegated authority to approve the appointments, the new agreement can begin as soon as the existing arrangement ends, offering the council constant access to services it may wish to draw on.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. None

**Documents In Members' Rooms**

1. None

**Background Documents**

1. Policy & Resources Committee paper from February 2008 'Tender for Sustainable Transport Consultant Support'.