

Report to the Cabinet



**Epping Forest
District Council**

Report reference: C-031-2023/24

Date of meeting: 4 December 2023

Portfolio: Customer and Corporate Support Services Portfolio (Cllr Sam Kane)

Subject: Award of Contract for Off-Street Car Park Enforcement

Responsible Officer: James Warwick (Service Director Contracts, Partnerships and Procurement)

Democratic Services Officer: V Messenger (democraticservices@eppingforestdc.gov.uk)

Recommendations/Decisions Required:

- (1) To agree the contract for off-street parking enforcement be awarded to Marston Holdings Ltd from 1st April 2024 for a period of five (5) years with an option to extend by two (2) years.
- (2) To agree the yearly contract cost of £229,830.03 allocated from the existing budget provision.
- (3) To agree to the trialling of IPS pay & display machines at two car parks (free of charge by the contractor) to enable EFDC to assess its performance and consider replacing the existing parking equipment.

Executive Summary:

Epping Forest District Council exercise civil parking enforcement powers in Council operated car parks conferred on them under the Traffic Management Act 2004. Since 2016, off-street parking enforcement is undertaken through a parking enforcement contract with Marston Holding Ltd (via NSL Limited) which expires on 31st March 2024. A new contract for off-street car park enforcement is required from 1st April 2024, therefore, a tendering exercise was carried out to procure the enforcement services and achieve best value for money. Following the evaluation of tenders, it is recommended that the contract for off-street enforcement be awarded to Marston Holdings Ltd, the Council's incumbent contractor, at a yearly cost of £229,830.03 for a period of five (5) years with an option to extend by two (2) years.

Reasons for Proposed Decision:

To award the contract for undertaking off-street enforcement, cash collection and front-line machine maintenance in all Council operated off-street car parks.

Other Options for Action:

The do-nothing option will mean that the Council will not have a parking enforcement contract from 1st April 2024 and will not be able to carry out enforcement on vehicles parking in contravention of parking restrictions in its public car parks. This option is not recommended as the Council will not

be able to enforce compliance with parking restrictions. This may also result in lower fees & charges income to the Council.

Insourcing parking enforcement services was considered, however, due to the scope and nature of services required, outsourcing the contract will provide greater efficiency and better value for the Council. Outsourcing parking enforcement services will save the Council money as it costs less work with a third party than employing a team of parking enforcement officers. This option is not recommended as a result.

Report:

1. Epping Forest District Council exercise its civil parking enforcement powers in Council operated car parks conferred on them under the Traffic Management Act 2004. The Council is in a five-year contract with NSL Ltd. to deliver parking enforcement, cash collection, first-line machine maintenance and the provision of an integrated IT system for all processing activities associated with parking enforcement and cashless parking. The contract expires on 31 March 2024 and a new contract is required from 01 April 2024 to be able to continue providing such services.
2. The management of the off-street car parks, including back office functions for the processing of Penalty Charge Notices (PCNs), is the responsibility of the Epping Forest District Council Leisure and Parking Team and this arrangement will remain in place.
3. Due to the value of the contract, it was necessary to carry out a procurement and tendering exercise to comply with The Public Contracts Regulations 2015 Act and the Council's Procurement Rules. The tender was issued and managed via the Council's electronic tender facility Delta e-Sourcing in accordance with The Public Contracts Regulations 2015 Act open tender procedure. The procurement process commenced with the issue of a Find a Tender (FTS) Notice on 08 August 2023 and a deadline for tenders to be received by 04 October 2023.
4. Two tender submissions were received from Marston Holdings Ltd (the incumbent contractor) and APCOA Ltd, which have been assessed by officers to determine which bid represents best Value for Money. The tenders were evaluated under a price and quality ratio of 40% and 60% respectively. Each tenderer submitted a Selection Questionnaire, five method statements, a Social Value proforma and pricing schedule. The pricing submissions were as follows;
 - Marston Holdings Ltd. - £229,830.03
 - APCOA Ltd. - £228,846.36

The combined score for both price and quality of each submission is noted in the table below:

Bidder	Marston Holdings Ltd.	APCOA Ltd.
Compliance check	Pass	Pass
Quality	52.75%	36.50%
Price	39.83%	40.00%
TOTAL SCORE	92.58%	76.50%

5. Martson Holdings Ltd. has demonstrated that it has provided the most economically advantageous tender based on a combination of price and quality. Marston Holdings Ltd. have also passed the Selection Questionnaire and financial stability assessments. It is therefore recommended that the contract be awarded to Marston Holdings Ltd. for a yearly

sum of £229,830.03, subject to yearly uplift of CPI, for a period of five (5) years with an option to extend by another two (2) years.

6. The cost of the contract is to be funded from the existing parking enforcement contract budget. The Council's existing parking enforcement contract budget is £262,840 for FY2024/25 and therefore the new contract will generate a saving to the Council. The savings are from reduced deployed hours due the closure of Cottis and Bakers Lane car parks.
7. The contract mirrors existing contract operations which consists of:
 - Civil Enforcement Officers (CEO) inspecting car parks to ensure vehicles are parked in compliance with the conditions applied and issue Penalty Charge Notices (PCN) to contravening motorists under civil parking enforcement powers;
 - Cash collection from pay & display machines;
 - First line machine maintenance of all pay & display machines;
 - Provision of an integrated IT system for all processing activities associated with parking enforcement and cashless parking.
8. The recommended contractor, Marston Holdings Ltd, is the incumbent contractor and proposes to continue offering motorists cashless parking via MiPermit. Therefore, there will be no change to end users and a smooth transition between contracts. Cashless parking is offered in addition to payment via pay & display machines in EFDC car parks.
9. The existing pay & display machines have reached the end of their designed life and is becoming expensive to maintain and unreliable for car park users. For example, 700 visits have been required over the last year just to service the machines at three car parks (Traps Hill, The Pleasance and Sainsbury's Basons Lane). Marston Holdings Ltd has proposed EFDC agrees to trialling (free of charge) IPS pay & display machines at two of the three sites mentioned to enable EFDC to assess its performance and consider replacing the existing metric parking equipment. IPS can update existing equipment by replacing the interior mechanisms of the machines, whilst keeping the same exterior that members of the public have become familiar with. The benefits of the IPS equipment would also include reduced transaction costs, good communication connectivity, secure units and maximised functionality.
9. As part of the social value commitments, the recommended contractor has committed to supporting the local community and delivering social value improvements. The contractor proposes to support three community organisations based in the Epping Forest District with monetary donations throughout the life of the contract. EFDC officers will work with the proposed contractor to identify the organisations.

Scrutiny Comments

N/A

Resource Implications:

There are minimal resource implications as the contract will be funded via the existing parking enforcement contract budget.

Management responsibility of the off-street enforcement contract will remain within the Leisure and Parking Team of the Council.

Legal and Governance Implications:

The Epping Forest District Council Contracts Team have prepared the proposed parking enforcement contract.

As the contract is recommended to be awarded to the incumbent contractor, TUPE transfer will not be necessary. The contractor's employees on the Epping contract will retain their existing employment contracts.

Safer, Cleaner and Greener Implications:

All the Council car parks have Park Mark accreditation by continuing to provide adequate enforcement action and maintaining all the pay and display machines in a good state of repair the Council can continue to keep the accreditation.

The current ability of motorists to pay by phone, app and pay & display machines (cash/card) will continue.

Consultation / Scrutiny Undertaken:

The procurement notices were published on the official Find a Tender Service (FTS) website.

Background Papers:

N/a

Risk Management:

As the incumbent contractor is recommended to be appointed for the new contract, there are no major risks identified. The recommended contractor proposes to continue using the current Council service providers which means a smooth transition process with minimal risk.

TUPE transfer will not be necessary. Avoiding a TUPE transfer avoids risk for the Council at the start of the contract and uncertainty for those directly affected.

Equality:

An Equality Impact Assessment was carried out and there was no significant impact identified.