

## Report to Cabinet

26<sup>th</sup> November 2020

By the Cabinet Member for the Local Economy and Parking



### **DECISION REQUIRED**

#### **Not exempt**

Appendix 1 is exempt under Paragraph 3 Part 1 of Schedule 12A to the Local Government Act 1972

## **EV Charge Point Network – Concession Contract**

### **Executive Summary**

Cabinet approved an Electric Vehicle (EV) Charge Point Strategy on 26th March 2020. One aspect of this is to support the installation of charge points on Council owned land to encourage the take up of electric vehicles. The main focus is to provide charge points for residents that do not have access to off-street parking and are, therefore, unable to charge their vehicles at home. Supporting the take up of electric vehicles would make a significant contribution to reducing carbon emissions across the District, as well as assisting with improving air quality.

Cabinet also gave in principle approval for the Council to join an Inter Authority Agreement (IAA) with West Sussex County Council. This would enable the Local Authorities joining the IAA to act collaboratively to procure a supplier who would work with most of the Council's in West Sussex to develop a network plan for EV charge points, to purchase, install and then maintain the charge points as well as running the back office which would support the whole network. The IAA was signed on 8<sup>th</sup> September 2020. The Agreement formed the basis for the procurement process to secure a supplier. The overall aim of the project is to install hundreds of charge points on publicly owned land to form a cohesive and comprehensive network.

As the value of the contract (to the contractor) is in excess of OJEU thresholds, a fully compliant OJEU tender process was undertaken. West Sussex County Council lead the process, but Horsham District Council had significant input. Following evaluation and moderation of the bids, a successful supplier has been identified. This report, therefore, seeks authorisation to award the concession contract.

### **Recommendations**

That the Cabinet is recommended:

- i) To award the concession contract to Supplier A as detailed in Appendix 1

## **Reasons for Recommendations**

- i) A fully compliant OJEU process has been undertaken and a supplier has been identified to establish, install and run a County wide network of EV charge points

## **Background Papers**

Electric Vehicle Charge Point Strategy - Cabinet Report dated 26<sup>th</sup> March 2020

**Wards affected:** All

**Contact:** Helen Peacock, Project Developer 01403 215513

## **Background Information**

### **1 Introduction and Background**

- 1.1 Increasing the take up of Electric Vehicles can contribute to reducing carbon emissions across the District, as well as improving air quality. One of the barriers to the take up of Electric Vehicles is the lack of charging infrastructure. Studies confirm that most EV users charge their vehicles at home. However, this is difficult for residents without off-street parking. The Council approved an EV charge point strategy in March 2020 which sought to address these issues by using Council land (primarily car parks) to install EV charge points. These would form charging hubs for residents to charge their vehicles overnight and could be available during the day for visitors and shoppers.
- 1.2 The Council required a net no cost solution for providing a network of EV charge points. The report to Cabinet on 26<sup>th</sup> March 2020, therefore, proposed working collaboratively with West Sussex County Council via an Inter Authority Agreement. This was signed on 8<sup>th</sup> September 2020 and formed the basis of working, not just with the County Council, but other Council's across the County to procure an EV charge point supplier via a concession contract. As the value of the contract exceeded the OJEU threshold a fully compliant OJEU tender process was undertaken.
- 1.3 The purpose of this report is to seek approval to award a concession contract to the successful supplier.

### **2 Relevant Council policy**

- 2.1 The approval of an EV Strategy relates to several activities/projects in the 2019-2023 Corporate Plan: -
  - "Work with partners to become a carbon neutral District"
  - "Work with partners to increase the number of electric vehicle charging points across the District"
  - "Target improvements of our air quality management areas".

### **3 Details**

- 3.1 The Government has set a challenging target for the take up of EV; that from 2035 new cars should not be petrol, diesel or hybrid. This approach supports the UK's mandatory target to become net zero carbon by 2050. Furthermore, Horsham District Council agreed a notice of motion in June 2019 that noted many environmental challenges; including climate change and a reduction in air quality.
- 3.2 A comprehensive and cohesive network of charge points across West Sussex would reduce one of the barriers to the transition to electric vehicles. In order to achieve this, most of the Council's in West Sussex have agreed to put forward land in their ownership for the installation of charge points (this would be via a lease). A concession contract would be used to secure a third-party supplier to assist with developing and then running the network.

- 3.3 The concession contract is for seven years plus extensions, to a maximum of ten years. The councils listed in the contract are Key Delivery Organisations and their assets being put forward for charge point installation are also included in the contract. Once the contract has been awarded other public sector organisations (including Parish Councils) will be able to join the contract (known as Collaborating Organisations) and offer sites for charge point installations.
- 3.4 Due to the high value of the contract (to the supplier) a fully compliant OJEU procurement process was followed. A single procurement process was undertaken, led by West Sussex County Council and the following organisations were listed as named delivery authorities:
- Horsham District Council
  - Crawley Borough Council
  - Adur District Council
  - Worthing Borough Council
  - Arun District Council
  - Mid Sussex District Council
- 3.5 Full details of the procurement process and its outcome are set out in section 10 of this report.

## **4 Next Steps**

- 4.1 The contract is due to commence on January 4<sup>th</sup>, 2021, with the service commencing on February 1<sup>st</sup>, 2021 to allow for mobilisation. The first stage in progressing the project is to establish the Strategic Management and Tariff Setting Board and the Partnership Board. Horsham District Council will have representation on both of these. The Boards will oversee the production of a Network Plan and an associated Delivery Plan. The intention is for some sites to be identified for installation during 2021; such as locations where the charge points have become unreliable.

## **5 Views of the Policy Development Advisory Group and Outcome of Consultations**

- 5.1 A presentation was made to the Local Economy and Parking Policy Development Advisory Group on 2<sup>nd</sup> November 2020 which supported the proposal in this report.
- 5.2 The comments from the Monitoring Officer have been incorporated into the report, whilst the Director of Corporate Resources did not require any amendments.

## **6 Other Courses of Action Considered but Rejected**

- 6.1 The main alternative course of action is not to enter into the contract with a third-party supplier. However, this would mean that the Council would not be part of the collaborative approach to install a cohesive and comprehensive network of charge points across West Sussex.

## **7 Resource Consequences**

- 7.1 The approach outlined in the report to Cabinet in March 2020 is that the installation of the charge points should be via a no net cost solution to the Council. This is being achieved by a concession contract to procure the supplier. The supplier will work collaboratively with the Councils in West Sussex to produce a network plan identifying potential EV charge point sites. The supplier will then purchase and install the charge points, be responsible for maintaining them, as well as operating the back office support for the whole network.

## **8 Legal Considerations and Implications**

- 8.1 Section 1 of the Local Government (Contracts) Act 1997 confers power on the local authority to enter into a contract for the provision of making available assets or services for the purposes of, or in connection with, the discharge of the function by the local authority.
- 8.2 The Council has a wide general power of competence under Section 1 of the Localism Act 2011 to do anything that individuals generally may do. The existence of the general power is not limited by the existence of any other power of the Council which (to any extent) overlaps the general power. The Council can therefore rely on this power, where appropriate, to undertake the proposals contained in the Electrical Vehicle Charge Point Strategy.
- 8.3 The Local Government Act 2000, supplemented by Local Government & Public Involvement in Health Act 2007 and Sustainable Communities Act 2007, provides the principal statutory powers by means of which local authorities are currently engaged directly in helping to tackle climate change.
- 8.4 Under the Public Contract Regulations 2015 where a Public Authority is to enter into a contract for the supply of goods & services, and the value of those goods and services exceed a financial limit of £181,302 any procurement exercise to contract for those goods and services must be conducted in accordance with the Regulations and any failure to do so may be declared as anti-competitive and in breach of the Regulations.
- 8.5 As the chosen contract arrangement falls under the definition of a 'concession' the Concession Contract Regulations 2016 will apply and be adhered to.

## **9 Risk Assessment**

- 9.1 The procurement process was robust, with the suppliers thoroughly vetted for their suitability to deliver. Risks to delivery will be managed by the appointed Governance Board. The arrangements for establishing and running the Board are included in the contract. Horsham District Council will have representation on the Board.

## **10 Procurement implications**

- 10.1 As the value of the contract (to the contractor) is in excess of OJEU thresholds, a fully compliant OJEU tender process was undertaken. West Sussex County Council led the procurement process for the concession contract. Horsham District Council had significant input to drawing up the procurement documentation.
- 10.2 A Contract Notice was issued in the Official Journal of the European Union (OJEU) on 21<sup>st</sup> August 2020 (ref 2020/S 162-395361) in relation to the concession procurement process. Further promotion of the requirement was made for both procurements through the West Sussex e-Sourcing Portal and Contracts Finder. A total of 53 organisations expressed an interest in the tender and 4 made submissions; though one of these withdrew during the evaluation process.
- 10.3 The County Council undertook compliance checks on the tender submissions to ensure all schedules that were required were duly submitted and that the tenders were correct. The tenders were evaluated by a multi partner (including Horsham District Council) and multi-disciplinary panel between 2<sup>nd</sup> October and 8<sup>th</sup> October 2020. This was followed by moderation meetings to discuss and agree final scores. Quality and cost were evaluated by separate teams, with cost having a 50% weighting and quality having 50%.
- 10.4 The successful supplier demonstrated that they met the requirements of the specification for both cost and quality. The details are set out in Appendix 1.

## **11. Equalities and Human Rights implications / Public Sector Equality Duty**

- 11.1 The public sector equality duty will apply to the delivery of the services which fall within the contract, and the terms of the contract will ensure that they enable the County Council to fulfil its obligations through the delivery of the contract, and provide sufficient assurance that the duty will be complied with.

## **12 Environmental Implications**

- 12.1 The proposed contract will ensure that charge points are installed across the County as part of a cohesive and comprehensive network. This will assist with improving air quality and contribute to reducing carbon emissions; which is the main contributor to climate change.

## **13 Other Considerations**

- 13.1 Data Protection requirements were incorporated into the specification and contract.