



City of Westminster

Cabinet Member Report

Decision Maker:	Cabinet Member for Environment and City Management
Date:	04 April 2022
Classification:	Publication – with Part B exempt from publication
Title:	Contract Award for the Parking People & Resources Contract
Wards Affected:	All
Key Decision:	Yes. An entry was included in the Forward Plan for Key Decisions on Monday 11th of February 2022, enabling a decision to be made from 12 th of March 2022.
Financial Summary:	The total cost of the contract, assuming that the average enforcement level continues, will be £6.471 which can be met within the current revenue budgets.
Report of:	Raj Mistry, Executive Director for Environment and City Management

1. Executive Summary

- 1.1. The report gives recommendations for the direct award of the Parking People & Resources Contract for the period from 1 May 2022 to 31 March 2023 to NSL Limited to allow for continuation of the service provision whilst the service is currently being reprocured.

2. Recommendations

- 2.1 That Part B of this report be confidential pursuant to paragraph 3 of Schedule 12A to the Local Government Act 1972 because it contains information relating to the financial or business affairs of tenderers for the contract which is the subject of this report.
- 2.2 That the Cabinet Member for Environment and City Management approves the recommendation to award the Parking People & Resources Contract for the provision of parking marshal services, issuing of PCNs, on street parking suspensions services, management, uniforms and stationery for the period from 1 May 2022 to 31 March 2023 to NSL Limited. The full contract term is 11 months at an estimated total contract cost of £6.471m (variable marshal hours affecting final value).
- 2.3 That the Cabinet Member for Environment and City Management approves the Waiver of the Procurement Code to allow a direct award to NSL Limited.

3. Reasons for Decision

- 3.1 The COVID 19 crisis has played a major impact on service delivery, with the Council's initial response being to focus on critical and essential services. As a result, staff were diverted to deal with urgent and business critical matters. Furthermore, a number of companies had to make their employees furloughed as they tackled the economic impact of the pandemic upon their businesses. As a result, issuing re-procurements at this time may have limited supplier participation. Uncertainty brought about by the COVID 19 crisis, most notably the changes to amount of journeys into Westminster, also meant that The Council spent additional time assessing what the future requirements of parking contracts in Westminster would need to be and how this would impact on service specifications and models.
- 3.2 Following on from the strategy to remove the Technology element from the Business Processing and Technology Contract, this direct award will allow time for the implementation of the Parking Technology Systems Software Solution Contract to be awarded. The Council want to be able to provide details of the software solution that underpins both the Business Processing Parking Services Contract and the People and Resources Contract to suppliers for these contracts that will commence in 2023.
- 3.3 The design of the future operating model for Parking Services has now been finalised and the project team are now at the latter stages of developing the

tender strategy. This is pending internal governance approval with the re-procurement of relevant services to be issued shortly there afterwards. New re-procured contracts are planned to commence from 1 April 2023, and it is necessary to have continuity of these services in the interim until 1 April 2023.

4. Background

- 4.1 Since July 2014 NSL Ltd have managed the provision of the on-street marshalling service.
- 4.2 Following Cabinet approval, on the 1 July 2014, NSL Ltd commenced providing the People & Resources Contract for the supply of Marshals to carry out the Council's On-Street Parking Enforcement Programme. This contract was awarded as a 4 year plus an option to extend for an additional 2 years subject to performance and approval.
- 4.3 In June 2020, the Cabinet Member for Environment and Highways and the Cabinet Member for Finance, Property and Regeneration approved the direct award of a contract to NSL Ltd for the People and Resources (P&R) contract for 22 months, from 1 July 2020 - 30 April 2022 to co-terminate with the Parking Business Processing & Technology contract (that was subject to another endorsement from the Commercial Gateway Review Board seeking a direct award).
- 4.4 The intention was to be in a position to award a contract to commence from April 2022 following a re-procurement. However, as a result of the pandemic and the wider impact it caused the service were given direction by the cabinet member to continue with the existing model and suppliers for a further year to help better understand the impact of the pandemic on the market before re-tendering.
- 4.5 As a result of this request, the proposal (and subject of this report) is to direct award the People & Resources contract to NSL Ltd for a further period of 11 months to allow align with the re-procurement of the other Parking Services contracts. In addition, the further period will allow the new proposed Parking Technology contract to embed and implement with sufficient time to ensure a best-in-class solution for the Council.

5. Award of Contract

5.1 Award Process

- 5.1.1 As this was a direct award, using the same contract conditions as previous, a formal procurement process was not followed.

6. Mobilising the New Contract

6.1 Although this is a direct award of a new contract the provider NSL Limited remains the same as is existing, and the terms of the contract remain the same as existing. There is therefore, little to no mobilisation required.

7. Financial Implications

7.1 Parking Services have sufficient revenue budgets in 2022/23 to meet the cost of the proposed award.

7.2 There are no savings directly associated with this award. There is however a £0.500m commitment in the Medium Term Plan for a contract re-let saving for 2023/24 for Parking Services. The service will consider how this can be delivered from the contracts that are in progress of being re-procured.

7.3 There are further financial implications in Part B of this report.

Finance comments supplied by Mark Lampard, Financial Manager, Environment and City Management; mlampard@westminster.gov.uk

8. Legal Implications

8.1 The recommendation in this report is seeking endorsement for approval of the following:

- (i) A waiver from procuring the Services in accordance with the requirements of the Council Procurement Code (“the Code”) and
- (ii) The direct award of a contract to NSL Limited (Co Regn No: 06033060) for the continued provision of People & Resources Parking Services (“the Services”). The contract term shall be for a period of 11 months to commence from 1 May 2022 to 31 March 2023 with a contract value of £6.846 million.

8.2 Approval of the waiver and the direct award of the contract is required from the Cabinet Member following a recommendation to approve from the appropriate Executive Leadership Team Member, the Director of Commercial Partnerships and the Commercial Gateway Review Board.

8.3 There are further legal implications that must be considered under Part B of this report.

Legal comments supplied by Sharon Cudjoe, Senior Solicitor, Bi Borough Shared Legal Services; sharon.cudjoe@rbkc.gov.uk

9. Risk Management Implications

9.1 Costs from April 2022 will be subject to an inflationary rise, linked to the January 2022 CPI (as yet unpublished). It is expected that this will be in region 5%, and WCC operates an annual contract inflation adjustment process that could be expected to account for any difference.

- 9.2 If a new contract is not awarded there is the risk that the service will not continue, this will leave the Council without the ability to keep the public highway safe and unable to keep traffic flowing. The Council have a statutory duty to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. Enforcement of the regulations is therefore necessary in order for this to be achieved.
- 9.3 There are further risk management implications that must be considered under Part B of this report.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

Jonathan Rowing, Head of Parking, Parking Services
jrowing@westminster.gov.uk

NB: For individual Cabinet Member reports only

For completion by the **Cabinet Member for Environment and City Management**

Declaration of Interest

I have <no interest to declare / to declare an interest> in respect of this report

Signed: _____ Date: _____

NAME: **Councillor James Spencer**

State nature of interest if any

.....

.....

(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)

For the reasons set out above, I agree the recommendation(s) in the report entitled Contract Award for the supply, installation and operation of eight new rapid charge points for Westminster City Council.

Signed

Cabinet Member for Environment and City Management

Date

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:

.....
.....
.....

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, City Treasurer and, if there are staffing implications, the Director of People Services (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the

criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.

Other Implications

1. Resources Implications

- There are no resources implications as this contract continues to utilise existing resources.

2. Business Plan Implications

- There are no implications

3. Risk Management Implications

- Refer to section 9. and Part B

4. Health and Wellbeing Impact Assessment including Health and Safety Implications

- There are no additional health and safety implications over and above the existing contract. All new areas of enforcement are risk assessed prior to enforcement action commencing,

5. Crime and Disorder Implications

- There are no implications.

6. Impact on the Environment

- There are no implications.

7. Equalities Implications

- There are no implications.

8. Staffing Implications

- There are no implications.

9. Human Rights Implications

- There are no implications

10. Energy Measure Implications

- There are no implications