

Guildford Borough Council

Report to: Executive
Date: 23 January 2025
Ward(s) affected: 'All' Wards
Report of Strategic Director of: Communities & Wellbeing
Report Author: Julian Higson, Joint Strategic Director
Housing, Communities & Environment
Email: julian.higson@guildford.gov.uk
Lead Executive Member: Cllr George Potter
Email: George.potter@guildford.gov.uk
Status: Open
Key decision: No

Framework Agreement for Countryside Services Framework

1.0 Executive Summary

- 1.1 The purpose of this report is to seek ratification from Executive of the execution of a Highways Framework Agreement for Countryside Services between Guildford Borough Council and Surrey County Council ("SCC") ("the Framework Agreement").
- 1.2 Following a successful tender process, during which support and advice was provided from both Procurement and Legal, the Council secured the award of the Framework Agreement by SCC. Under the Framework Agreement the Council has the opportunity to be awarded call-off contracts by framework customers to provide the services in the awarded lots. This report also seeks delegated authority to enter into call-off contracts under the framework to enable the Council to respond to call-offs made in accordance with the Framework Agreement.

2.0 Recommendation to Executive

That the Executive resolves to:

- 2.1 Ratify the execution underhand in May 2024 of the Framework Agreement with Surrey County Council for provision of countryside services.

- 2.2 Delegate authority to the Joint Strategic Director Housing, Communities & Environment to enter all call-off contracts under the Framework Agreement.

3.0 Reasons for Recommendations

- 3.1 To note the award and execution underhand of the Framework Agreement and provide ratification of the method of execution.
- 3.2 To ensure that the Council can fulfil its obligations under the Framework Agreement and respond expeditiously to call-offs under the Framework Agreement.

4.0 Status of Report

- 4.1 The content of the report is 'open'.

5.0 Strategic Priorities

- 5.1 The revised Corporate Plan was approved by Council on 23 July 2024 and this recommendation supports priority 1: A more sustainable borough, priority 2: A more prosperous borough and priority 5: A resilient and well-managed council

6. Background

- 6.1 SCC went out to procure a framework for the provision of countryside services commencing in April 2024. The services provided under the framework are split into seven different lots which include, but are not limited to grass cutting, weed control, countryside services and highways services. SCC carried out an open tender process to identify suitable service providers to deliver (if and when required) countryside services to those framework customers as defined in the Framework Agreement. Each successful service provider would be appointed to the relevant lot(s) they bid for and were successfully awarded.
- 6.2 In response to SCC's advertisement and invitation to tender for the Countryside Services Framework, the Council submitted a tender for the following lots in January 2024:
 - 1a Countryside Services : Elmbridge
 - 1f Countryside Services : Mole Valley
 - 1h Countryside Services : Woking
 - 1i Countryside Works : Surrey Heath
 - 1j Countryside Services : Guildford
 - 1k Countryside Services : Waverley

- 2a Highways : Elmbridge
- 2f Highways : Mole Valley
- 2h Highways : Woking
- 2i Highways : Surrey Heath
- 2j Highways : Guildford
- 2k Highways : Waverley
- 4a Weed Control : Elmbridge
- 4b Weed Control : Spelthorne
- 4c Weed Control : Epsom and Ewell
- 4d Weed Control : Tandridge
- 4e Weed Control : Reigate and Banstead
- 4f Weed Control : Mole Valley
- 4g Weed Control: Runnymede
- 4h Weed Control : Woking
- 4i Weed Control : Surrey Heath
- 4j Weed Control : Guildford
- 4k Weed Control : Waverley
- 5a Grass Cutting : Elmbridge
- 5f Grass Cutting : Mole Valley
- 3h Grass Cutting : Woking
- 3i Grass Cutting : Surrey Heath
- 3j Grass Cutting : Guildford
- 3k Grass Cutting : Waverley

- 6.3 The Council's tender was successful for all lots bid for and SCC awarded a contract to the Council to provide services to framework customers under these lots. When a framework customer wishes to order services under the Framework Agreement, they have to complete a separate call-off contract which specifies the value and details of the services to be provided.
- 6.4 The Framework Agreement commenced on 1st April 2024 and remains in force for a period of four years (until 31st March 2028), unless terminated earlier in accordance with the terms and conditions of the Framework Agreement.
- 6.5 Following notification by SCC of the Council's successful award on the Framework Agreement, the Council entered into and signed the Framework Agreement on 15 May 2024. Whilst Procurement and Legal Services were involved in the tender submission process, following contract award, the Framework Agreement was signed rather than being sealed in accordance with the Council's

Constitution and the Procurement Procedure Rules in force at the time.

- 6.6 As aforementioned, the Framework Agreement remains in force until 31st March 2028 and this report therefore seeks ratification of the signing of the Framework Agreement.
- 6.7 As part of the services that the Council has successfully tendered for under the Framework Agreement, SCC have requested call-off contracts for the Council to carry out and undertake grass and hedge cutting. This brings in a substantial income, under the previous agreement call-offs in 23/24 provided net profit of approximately £100,000 and it is anticipated that the net profit for 24/25 will be circa £90,000. Further call-offs under the Framework Agreement have the potential to provide additional income.

7.0 Options

- 7.1 Not to ratify the execution of the Framework Agreement which would leave the agreement open to challenge.
- 7.2 Not to delegate authority for the entering into of call-off agreements under the Framework Agreement. This could cause delay and result in a loss of income for the Council.

8.0 Consultation

Not applicable

9.0 Key Risks

- 9.1 The key risk is that the contract has not been effectively executed in accordance with the Council's constitution.
- 9.2 If a further delegation is not made in relation to the signing of call-off agreements under the framework this could result in delay and put the Council at risk of breaching the Framework Agreement. SCC could then look at alternative service provision which would result in a loss of income to the Council.

10.0 Legal and Governance Implications

- 10.1 Legal advice was provided throughout the tender exercise and the Framework Agreement was reviewed and approved by legal. In order to ensure good governance, and that all agreements entered in to by the Council are executed in accordance with the constitution, ratification of the contract is being sought. Further advice and training have been provided to all Officers to ensure that

future contracts are executed correctly in accordance with the constitution.

- 10.2 Individual call-offs under the Framework Agreement may be key decisions and in accordance with the Council's constitution and would therefore require separate Executive approval. This report seeks delegated authority to the Joint Strategic Director Housing, Communities & Environment so that any call-off contracts can be entered in to in accordance with the Framework Agreement and without delay.

11.0 Financial Implications

The provision of services under call-off agreements entered through the Framework Agreement provide a source of income for the Council. The Framework Agreement does not guarantee that any call-offs by Framework Customers but provides this opportunity to the Council.

12.0 Human Resources Implications

Not applicable

13.0 Equality and Diversity Implications

Not applicable

14.0 Climate Change and Sustainability Implications

Not applicable for the purposes of this report. It is noted that individual call-offs under the Framework Agreement are likely to have climate change and sustainability implications but the recommendations of this report do not.

15.0 Next Steps

The Council will continue to provide the services in accordance with the Framework Agreement and enter into call-off agreements in accordance with the Framework Agreement.

16.0 Background Papers

None

17.0 Appendices

None

Report clearance progress:

Your report will not be published by democratic services unless the below is completed and there is evidence of the correct clearance process.

This box must not be deleted and will be published with the report

Finance	Jo Knight	14.01.2025
Legal & Governance	Claire Beesly	14.01.2025
Human Resources	Ali Holman	14.01.2025
Equalities	Ali Holman	14.01.2025
Strategic Director	Julian Higson	14.01.2025