

**Agenda Item 15**  
**Report PR20/21-05**

Report to	<b>Policy and Resources Committee</b>
Date	<b>16 July 2020</b>
By	<b>Head of Business Services</b>
Title of Report	<b>Contract for Bat Surveys at West Dean, Singleton and Cocking Tunnels</b>

**Recommendation: The Committee is recommended to**

- 1. Approve the commencement of a procurement process leading to the appointment of a contractor to undertake Bat Surveys at West Dean, Singleton and Cocking Tunnels.**
- 2. Approve delegation of Authority to the Chief Executive to award contracts for the above, following a competitive process carried out under the terms of the Public Contracts Regulations 2015**

**1. Summary and Background**

- 1.1 The South Downs National Park Authority (SDNPA) has been developing a cycleway along the disused railway line from Chichester to Midhurst. Recently Phase II of these works received planning permission, but in addition, SDNPA Members have requested that officers continue to explore the potential for use of the West Dean tunnel, and the two further north Singleton and Cocking tunnels, for the extended route of the Centurion Way (**Appendix 1**). This is to be achieved by gathering sufficient information to be able to consider investigating whether humans and bats can in practice share the use of these tunnels.
- 1.2 SDNPA is currently looking to obtain data on the bat species using the three disused railway tunnels at West Dean, Cocking and Singleton (**see map at Appendix 2**). The last two of these tunnels are designated as a Special Area of Conservation (SAC). There have been regular winter counts for many years but there is little data available for the summer usage of the tunnels.
- 1.3 The SDNPA is looking to record bat activity in the three tunnels in winter (hibernation) and summer for three years. The survey work will be split into two parts. Summer Surveys; These will include static monitoring of the tunnels to record bat movement in and out and any swarming activity. This should be supplemented by monthly visits to the tunnels between May and late September to record bat species and numbers using the tunnels as a roost or as a maternity roost. Winter Surveys; To be carried out of hibernation roosts in December, January and February.
- 1.4 The SDNPA will receive a short summary of interim survey findings at the end of each season. A comprehensive final report detailing the findings of the winter and summer surveys and the review of similar schemes should be produced.

**2. The Procurement Route**

- 2.1 The indicative contract value is £120,000 over a 3-year period this falls below the threshold set out in the Public Contracts Regulations 2015 for service contracts. The threshold for 2020/21 is £189,330. The Regulations, other than Chapter 8, will not therefore apply to this procurement process.
- 2.2 Contract Standing Orders (CSO 10) applies to this contract (above £75,000 but less than the relevant EU threshold) and states that tenders should be invited from at least five companies.
- 2.3 The intention therefore is to use the open process and publish the full tender documents through SDNPA's In-tend portal. The contract will also be advertised on the SDNPA website and through England's Contract Finder National website.

### **3. Evaluation of the tenders**

- 3.1 Tender evaluation for SDNPA contracts is carried out in two main stages; Selection and Award.
- 3.2 SDNPA use the MEAT criteria for awarding the contract, using a combination of quality factors, such as Approach to the Contract, Project Resourcing and price based on lifetime costs.
- 3.3 Evaluation is carried out by a number of officers scoring independently, before meeting on a panel. The evaluation programme will also allow for a process of clarification on all aspects of bids and due diligence before the award is made

### **4. Outline Timetable**

- 4.1 With Committee Approval, it is intended to publish the Invitation to Tender on Monday 20 July.
- 4.2 The process will remain open for almost five weeks, with the tender responses due back by 21 August.
- 4.3 The evaluation and due diligence will take place the following two weeks and the contract is anticipated to be awarded by 7 September. The contract is intended to commence at the beginning of November 2020

### **5. Other Implications**

<b>Implication</b>	<b>Yes*/No</b>
Will further decisions be required by another committee/full authority?	No
Does the proposal raise any Resource implications?	SDNPA has sufficient resources in place, in terms of staff qualified to undertake the procurement exercise.
How does the proposal represent Value for Money?	The competitive tender process is aimed at delivering value for money for SDNPA
Are there any Social Value implications arising from the proposal?	Consideration has been given as part of the procurement strategy as to how the tender process could be formed to enhance social value
Has due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	The procurement exercise and the terms of the subsequent contract will meet the terms of the Equality Act.
Are there any Human Rights implications arising from the proposal?	The selection process will examine the bidding companies' compliance with the laws on Modern Slavery.
Are there any Crime & Disorder	The probity of the companies bidding for the contract will

implications arising from the proposal?	be examined as part of the selection process.
Are there any Health & Safety implications arising from the proposal?	The works contractors' Health and Safety policies and record will be examined during the selection processes.
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy: 1. Living within environmental limits 2. Ensuring a strong healthy and just society 3. Achieving a sustainable economy 4. Promoting good governance 5. Using sound science responsibly	The environmental policies of the bidding companies will be examined during the selection process.

## 6. Risks Associated with the Proposed Decision

- 6.1 There are four well documented risks with any procurement and those are listed as follows;
- 6.2 *Commercial Risk* – That either the price objectives aren't achieved up front or there are other costs that arise during the contract that diminish the overall benefits. This is low risk, the contract will have a fixed price over the three years with stage payments throughout its life.
- 6.3 *Technical Risk* – This concerns the difficulty in being able to specify the desired outcome and on the market being able to deliver to the specification. SDNPA is using a traditional contract to manage this. Active contract management will be used to mitigate this risk.
- 6.4 *Performance Risk* – This concerns the ability of suppliers to perform consistently over the life of the contract to deliver the planned benefits. Stage payments and regular supervision will provide the necessary incentives for the completion of the work to the required standard.
- 6.5 *Contractual Risk* – This covers things like being able to remedy the shortcomings in the contractors' performance without severely damaging the contract and about avoiding reliance on the contracted supplier as the contract develops. It is impossible not to rely on a contracted supplier in a contract such as this and it is important that the evaluation at the outset, in both stages, capability and award, is thorough.
- 6.6 In Public Procurement, there is also the *Legal Risk*, where a procurement is found unsound in law, either through the remedies directive or the public procurement rules or the original Treaty of Rome principles. The application of the Public Contract Regulations to a works contract of this value is limited and the use of professional procurement staff will ensure that the contract process complies with the procurement rules and with best practice.

## HAYLEY MADGWICK

### Procurement Officer

### South Downs National Park Authority

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SDNPA Consultees	Chief Executive; Director of Countryside and Policy Management; Director of Planning; Directory of Operations; ; Chief Finance Officer; Monitoring Officer; Legal Services
External Consultees	None

## Appendices

Appendix 1- Letter from Chair of Planning

Appendix 2- Map showing tunnels



28 October 2019

Ken Bodfish  
Chair – Policy & Resources Committee

Dear Ken,

### **Centurion Way Phase 2**

I am writing following the 10<sup>th</sup> October 2019 Planning Committee meeting, where Members approved permission for Centurion Way Phase 2 at West Dean (ref: SDNP/18/05920/FUL).

During their deliberation on the application, Members expressed concern that the end of Phase 1 (currently terminating in Motor Road, West Dean) does not directly link to the start of Phase 2 (due to start by the Scout Hut opposite West Dean House) because of the approach taken to avoid the currently closed West Dean Tunnel (a Local Wildlife Site). There was particular, strongly expressed concern about the aspect of the application scheme that would 'force' users of Centurion Way out onto the footway of the A286 road, in order to continue their journeys onto Phase 2.

Members noted and agreed that the West Dean Tunnel would provide the most obvious, direct, flat route for the continuation of Centurion Way, avoiding the busy A286, and creating a route that would be accessible for all (avoiding the use of awkward, sloping access pathways to get people on and off the former railway alignment. While Members were able to understand the reasons why the application before them did not include the re-opening of this tunnel (i.e. the presence of protected bat species, and the fact that the tunnel is designated a Local Wildlife Site), they wished to be reassured that this issue has been thoroughly explored, and will be explored further, as far as is practicable.

Members also sought assurance that the practical feasibility of re-opening to human use the two further tunnels on the route, at Singleton and Cocking, was being explored, albeit clearly having regard to the legal obligations following from the acknowledged presence of protected bat species in those tunnels (and their status as a Special Area of Conservation). Once again it was noted that, from the point of view of the use and enjoyment of Centurion Way by humans, considerable advantages would flow from the ability to continue along the level route of the old railway line, as opposed to the need to use ramps etc to get people up / over and away from the tunnel entrances, and then over the intervening ground between those entrances.

Ultimately, the Planning Committee (having regard in particular to the point that existing Centurion Way users on foot can and probably do use the A286 footway in West Dean if they wish to continue northwards) did grant planning permission for the scheme as currently proposed. However, they also agreed that I should write you, as your Committee is understood to be the 'sponsor' of the underlying project on behalf of the NPA, requesting that the applicant continues to explore further the potential for use of the West Dean

tunnel, and the two further north, for the Centurion Way, by gathering sufficient information to be able to consider investigating whether humans and bats can in practice share the use of these tunnels (as is understood to be under investigation in other places in England), and the making of such licence applications as may be necessary in connection with any such proposals.

Yours sincerely

Alun Alesbury  
Chair – Planning Committee

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