

Report to **South Downs National Park Authority**
Date **14 December 2022**
By **Head of Marketing and Income Generation**
Title of Report **Ouse Valley Climate Action – Procurement of a Monitoring & Evaluation Consultant**

Decision

Recommendation: The Authority is recommended to

- 1. Approve the commencement of a procurement process leading to the appointment of a contractor to undertake monitoring and evaluation services for the Ouse Valley Climate Action project.**
 - 2. Delegate authority to the Chief Executive to award a contract for the above, following a competitive process as described in this report.**
-

1. Introduction

- 1.1 In December 2020, the Ouse Valley Climate Action project was awarded £150k funding from the National Lottery Community Fund (the Lottery) for the development of a 3 year project. As part of this development bid, the project commissioned a consultant to put together a costed Monitoring & Evaluation (M&E) framework to set out how the project delivery will be monitored and evaluated in order to assess project impact and success of intended outcomes. This framework was developed collaboratively with key partners in order to ensure a robust and relevant output as well as partner approval and buy-in.
- 1.2 The application was submitted to the Lottery in May 2022, following approval by the Chief Executive, following consultation with the Chair of the Policy and Resources (P&R) Committee in line with paragraph 3.17 of Appendix 7 of Standing Orders.
- 1.3 In October 2022, the project was successful in its application for delivery funding and was awarded £2m. The project, now underway, will focus on three key areas: nature recovery and climate resilience; people's knowledge and skills; and, finally, greener energy and travel. As delivery commences, it is necessary to concurrently procure an M&E consultant to finalise, carry out and manage the proposed M&E framework.
- 1.4 The total value of the M&E contract is £125k. However, this includes costs for sub-contracting consultants including a climate behaviour change specialist, a carbon accounting coordinator and an ecological consultant.
- 1.5 It is crucial to be able to robustly evidence the impact, success and learnings of this project in order to demonstrate impact versus value for money as well as help inform and provide best practice for future projects of a similar nature.
- 1.6 As set out in the National Park Authority's (NPA) Standing Orders, Appendix 4, the P&R Committee would normally authorise the entering into of contracts of £100k or greater. However, due to the need to engage a supplier and commence the contract by the end of

March 2023, bringing this matter to the next meeting of the P&R Committee on 23 February 2023 would not allow sufficient time for the contract to be tendered, awarded and started; hence it is brought to the NPA for approval. Any decision that the NPA may have delegated to one of its committees may still be determined by the NPA itself.

2. Policy Context

- 2.1 This project is expected to greatly contribute to the SDNPA Corporate Plan HLT #4:
5% reduction per annum in the overall carbon footprint of the South Downs National Park from the baseline reported in 2019.
- 2.2 This project will deliver against PMP Outcome 2: Increasing Resilience
There is increased resilience within the landscape for its natural resources, habitat and species to adapt to the impacts of climate change and other pressures.

3. Issues for consideration

The Procurement Route

- 3.1 As yet there have been no significant changes to the Public Procurement Rules following the UK's departure from the European Union, save for some minor policy changes to below threshold procurements, allowing Authorities to reserve specific contracts. Although much of the public procurement law in the UK derives from EU directives, it is incorporated into English law through The Public Contracts Regulations (2015) Act, which remains in force. The UK has joined the Government Procurement Agreement, within the World Trade Organisation, through which it commits to maintain access to Government contracts to other member states. A bill on public procurement, which sets out a direction of travel for the future, is currently going through Parliament, but if passed, this will not be implemented until late in 2023.
- 3.2 The indicative value for this four year contract is expected to fall significantly below the threshold set out in The Public Contracts Regulations (PCR) 2015 for services contracts. The threshold applying from January 2022 is £213,477 (including VAT). The Regulations, other than Chapter 8, will not therefore apply to this procurement process.
- 3.3 Contract Standing Orders (CSO 10) applies to this contract as it is above £75,000 but less than the relevant PCR threshold. As no suitable framework agreement, DPS or Approved List is available, CSO 10 requires that tenders should be invited from at least five bidders. It is intended in this procurement to use the Open Process and advertise this contract on our own website and nationally using the Contract Finder public procurement portal.

Tender Evaluation

- 3.4 Although SDNPA commonly uses the single stage or open process for receiving tenders, as recommended by the Cabinet Office for low value tenders, evaluation of the tenders is carried out in two stages.
- 3.5 The Selection Stage is where we evaluate the capability of the contractor to satisfactorily carry out the contract. This involves looking at the financial strength and other resources of the bidder, including its previous experience in carrying out similar works. There is no weighting or scoring in this stage of an open tender; contractors can either do the work or they can't, so this is judged on a pass or fail basis. As the selection criteria are described in the tender, it is unusual for bidders to fail at this stage, generally if they don't meet the criteria then they won't submit a bid.
- 3.6 The Award Stage is carried out using the Most Economically Advantageous Tender (MEAT) criteria for awarding the contract, using a combination of quality factors, for example Approach to the Contract and Project Resourcing as well as price. The evaluation panel will be looking at the sustainability aspects of any approach, as well as looking for proposals that will add social value to the contract.

3.7 Evaluation is carried out by a number of officers scoring independently, before meeting on a panel basis. 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. Options & cost implications

4.1 This work is entirely externally funded and restricted by our agreement with the Lottery. Any proposed changes would therefore need to be agreed with the Lottery.

4.2 The M&E framework that ensued from the development stage of this project was based on an initial collaborative Theory of Change exercise ensuring a relevant and quality output.

4.3 As described in section 3 above, the procurement of a new contract will ensure value for money by seeking competitive bids and evaluating these using appropriate quality/price ratios.

5. Next steps

5.1 With Authority approval, it is intended to release the Invitation to Tender by the end of January 2023. The tender process will remain open for 4 weeks, closing end of February 2023. Three weeks has been allowed for evaluation, including clarifications and due diligence, leading to award in late March 2023.

6. Other implications

Implication	Yes*/No
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.
Which PMP Outcomes/ Corporate plan objectives does this deliver against	PMP Outcome 2: Increased resilience CP Priority HLT #4
Links to other projects or partner organisations	The project, led by SDNPA and SDNPA Trust, comprises 8 additional partner organisations including Lewes DC and OVESCO amongst others.
How does this decision contribute to the Authority's climate change objectives	Robust M&E will evidence how far this project has achieved corporate plan and PMP objectives. SDNPA will require bidders to demonstrate how they minimise their carbon emissions, both as an organisation and in the delivery of this contract.
Are there any Social Value implications arising from the proposal?	No
Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	The procurement and terms of this contract will meet the requirements of the Equality Act 2010 and SDNPA's EDI Mission statement.

Implication	Yes*/No
Are there any Human Rights implications arising from the proposal?	The selection process will examine the bidders' compliance with the laws on Modern Slavery.
Are there any Crime & Disorder implications arising from the proposal?	The probity of bidders will be examined as part of the selection process.
Are there any Health & Safety implications arising from the proposal?	The bidders' Health and Safety policies and records will be examined during the selection process.
Are there any Data Protection implications?	The bidders' Data Protection and GDPR policies and records will be examined during the selection process. Any data collected as part of the evaluative process will be held and managed in compliance with GDPR.
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy?	This project will provide key deliverables for and features within the SDNPA Climate Action plan, thereby helping deliver the Sustainability Strategy.

7. Risks Associated with the Proposed Decision

7.1 There are five risks with any procurement as shown in the table below.

Risk	Likelihood	Impact	Mitigation
Commercial Risk: that either the price objectives are not achieved up front, or there are other costs that arise during the contract that diminish the overall benefits.	Unlikely	2	A thorough tendering process will keep the risk of hidden costs to a minimum. A detailed specification of requirements will enable the contractor to accurately calculate their costs and price the contract realistically, therefore keeping changes to costs at a minimum.
The contract will be carried out during a period of severe economic downturn and insolvency on the part of the contractor is a risk.	Unlikely	3	There are provisions within SDNPA's Terms and Conditions of Contract to allow insolvency situations to be managed and financial standing will form part of the due diligence process. Neither of those is sufficient to eliminate this risk.

Risk	Likelihood	Impact	Mitigation
Technical Risk: this concerns the difficulty in being able to specify the desired outcome and on the market being able to deliver the specification.	Rare	1	The involvement of trained procurement staff will ensure that the specification is written in a clear way to enable bidders to understand the requirements. From previous tenders for evaluation services, SDNPA are aware that there are a good number of suppliers who would potentially bid for this type of contract.
Performance Risk: This concerns the ability of supplier to perform consistently over the life of the contract to deliver the planned benefits.	Possible	2	Relevant KPIs and associated targets will be agreed between SDNPA and the appointed contractor at the start of the contract, and regular contract management meetings held to ensure any performance issues are dealt with efficiently and effectively.
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.	Possible	2	See mitigations for performance risk above. Proactive contract management should minimise performance issues. SDNPA's Legal Team would assist with any contractual issues if they arise. It is difficult not to rely on a contracted supplier in this type of contract, so it is important that evaluation of bids is thorough.
Legal Risk: In Public Procurement there is a legal risk, where a procurement is found unsound in law, either through the remedies directive or the public procurement rules.	Rare	2	The value of this contract is below the threshold for Public Contract Regulations, although they are followed as best practice. The use of professional procurement staff will help ensure that the contract process complies with the SDNPA procurement rules and with best practice.

JAMES WINKWORTH

Head of Marketing and Income Generation

South Downs National Park Authority

Contact Officer: James Winkworth

Tel: 01730 819218

Email: james.winkworth@southdowns.gov.uk

SDNPA Consultees Chief Executive; Chief Finance Officer; Head of Finance & Corporate Services; Legal Services.

External Consultees Heritage Insider

Background Documents [M&E Framework](#)
[Ouse Valley Climate Action Delivery bid](#)