

Pre-Procurement Market Engagement

Contract for the Provision of Environmental Enforcement Services

London Tenders Portal Reference Number: DN635361

Terms of Reference and Instructions for participants

November 2022

Contents

1. Introduction	3
2. Instructions.....	3
3. Market Engagement.....	3
4. Background.....	4
5. Current Position and Scope.....	4
6. Current Aims and Outcomes	6
7. Market Engagement Event.....	Error! Bookmark not defined.
8. Indicative Timescales	7
9. Summary.....	7
10. Disclaimer.....	7
11. Soft Market Testing Questionnaire.....	8
Appendix 1 – Soft Market Testing Questionnaire.....	Error! Bookmark not defined.

1. Introduction

This document is for the purposes of collecting pre-market information to support Enfield Council (the Council) with understanding the market for this sector relative to the subject matter.

2. Instructions

Please read the document and if you feel that your organisation can contribute to this pre-procurement market engagement, you can complete the Soft Market Testing (SMT) Questionnaire (**Appendix 1**) and return via the London Tenders Portal (LTP).

Please Note: This is pre-procurement market engagement and not a call for competition.

The following aspects are pertinent to this pre-procurement market engagement:

- An understanding of what the Council is aiming to deliver
- To understand market capability and capacity in delivering Environmental Enforcement Services
- To understand market ability to innovate and add value in delivering through management efficiencies, modern technologies, and implementation of social value imperatives

For the avoidance of doubt, this pre-market engagement is for the purpose of conducting soft market testing and will not formally begin a procurement or constitute any commitment by the Council to undertake any procurement exercise. Furthermore, this phase does not form part of any pre-qualification or ranking exercise.

3. Market Engagement

Currently the Council is at an early stage in the development of its business proposals. This is prior to formulating or commencing any formal procurement. We are therefore seeking input from the market as to what might be the most attractive and feasible way of scoping a future procurement opportunity.

This pre-procurement phase provides an opportunity for the Council to obtain insight into how potentially interested organisations might approach the delivery of Environmental Enforcement Services. It also gives useful early insight into the likely level of interest from the supply market.

Organisations will not be prejudiced by any response or failure to respond to the pre-procurement market engagement or failure to attend any follow up meetings that may be arranged at the absolute discretion of the Council.

Organisations must also note that a response to this pre-procurement market engagement does not guarantee an invitation to participate in this or any future procurement that the Council may conduct, nor that the Council will procure any such supply and services or accepts any proposals offered. Any procurement of the supply and services by the Council will be carried out strictly in accordance with The Concession Contract Regulations 2016.

The Council has developed a SMT Questionnaire **Appendix 1** and are asking potentially interested organisations to complete it. At the absolute discretion of the Council, respondents may then be invited to meet with the project team to discuss and clarify in more detail their responses and key areas of interest for the Council.

As stated above, the outcome of this pre-procurement market engagement phase may inform an outline business case, with recommendations as deemed appropriate by the Council. These would be prepared in accordance with the Council's governance and approval procedures as required.

4. Background

The Council seeks to appoint a single provider to deliver an efficient and responsive Environmental Enforcement Service which delivers the Services as detailed within the DRAFT Specification attached – **Appendix 2**. This is a service concession contract.

The contract relates predominantly to the provision of Fixed Penalty Notices (FPNs), especially for littering and “fly tipping” offences.

The service is based on a “no cost- no risk” financial model which can be scaled up or down accordingly depending on demands.

The contract will run for a period of 4 years with two possible extensions of 1 year plus 1 year subject to agreement between the Council and the successful Provider.

5. Current Position and Scope

The current contract for this service expires in September 2023, the new contract will be awarded with a commencement date of the 4th September 2023 for 4 years with two possible extensions of 1 year plus 1 year subject to agreement between the Council and the successful Provider.

The main objective is to bring about an improvement to the borough's street scene, contributing to a “Cleaner, Greener Enfield,” through a reduction in “Environmental Offences” via the service of Fixed Penalty Notices (FPN) for the offences as listed below.

Offence	Known As	Fixed Penalty Amount/Paid FPN	Estimated volume of FPN financial year 2021-2022
Environmental Protection Act 1990, Section 87 (1) s88	Littering	£150	Black Bags = 1,500 Cigarettes = 4,700 Other = 1,165
Environmental Protection Act 1990, Section 46	Householder Presentation Waste Notices	£60	0
Environmental Protection Act 1990, Section 47	Business Presentation Waste Notices	£110	0
Environmental Protection Act 1990, Section 34	Failing to Produce Transfer Notes	£300	300

Environmental Protection Act 1990, Section 34 (2A)	Household/Domestic waste Duty of Care	£400	0
Environmental Protection Act 1990, Section 33	Fly tipping	£400	300
Anti-Social Behaviour, Crime and Policing Act 2014, Section 63 and 67	Public Spaces Protection Orders	£100	3
Anti-Social Behaviour Act 2003, Section 43	Graffiti and Fly Posting	£80	0
London Local Authorities Act 1990, Section 34 and 38	Street Trading	£150, reduced to £90 if paid within 14 days	0
London Local Authorities Act 1990, Section 34 and 38	Failing to comply with a condition of a street trading licence	£100, reduced to £60 if paid within 14 days	0
Highways Act 1980, Section 137,138,139,148,& 161	Highways Offences	£100, reduced to £50 if paid within 14 days	0
Town and Country Planning Act 1990, Section 224	Displaying advertisement	£100, reduced to £60 if paid within 14 days	0
Authority Byelaw (made under s235 Local Government Act 1972; & s15 LLA 2004 namely, spitting.	Spitting	£80, reduced to £50 if paid within 14 days	900
Anti-Social Behaviour, Crime and Policing Act 2014, Section 48*	Community Protection Notices	£100	0
Refuse Disposal (Amenity) Act 1978, Section 2*	Abandoned Vehicles	£200	0
Cleaner Neighbourhoods and Environment Act 2005, Section 3* and 4*	Nuisance Vehicles	£100	0
Control of Pollution (Amendment) Act 1989, Section 5B*	Failing to Produce Authority	£300	0
Health Act 2006, Section 7*	Smoking in smoke free premises or work vehicles	£50, reduced to £30 if paid within 15 days	0
Health Act 2006, Section 6*	No smoking Signs	£200, reduced to £150 if paid within 15 days	0

The Authority may at any time require additional bespoke enforcement work on
MarketEngagement_v1.0. EZH V2 251122

a case-by-case basis. This may include but is not limited to:

- FPNs for those offences marked “**” in the table above.
- Undertake patrols to detect and report offences relating Blue Badge misuse under section 117 Road Traffic Regulation Act 1984 and associated legislation.

The Council have a “zero tolerance” approach to environmental crime; these crimes have a detrimental impact on residents and the local community and affect how areas are perceived.

This will be achieved through:

- Deploy a team of no less than 6 EOs per day including a team leader which equates to no less than 336 hours a week, this should include public holidays and weekends.
- Provide an adequate number of administrative staff, this should be no less than 40 hours a week.
- Identification and enforcement at any “hot spots” for fly tipping/littering.
- Patrol relevant areas on event days (e.g., music festivals in Parks) to deal with high volume of littering for attendees.
- Change behaviour by educating and informing persons who have disregard for the environment that this is not acceptable behaviour and action will be taken against them.
- Provision of “court ready” prosecution files where FPNs are not paid, and the Authority seeks to prosecute for the substantive offence.
- Inspection of businesses and where appropriate the issuing of Notices to produce written descriptions of waste (Transfer Notes) in accordance with section 34(5) Environmental Protection Act 1990 & Regulation 35, The Waste (England and Wales) Regulations 2011.
- Providing education initiatives to target groups.
- Enforcement in relation to all PSPOs.

The Council would like to find out about the solutions that the market currently or potentially offers, along with the types of innovation or areas of best practice that are being developed and could meet the Council’s current requirements and/or make improvements to current ways of working and business processes.

Please note that information provided is purely for information only, and to inform the Council of solutions that it may not already be aware of. It may also inform and shape any future requirements, whilst reflecting common traits across the marketplace, where appropriate.

6. Current Aims and Outcomes

The anticipated number of FPNs to be issued is to be based on the indicative volumes of FPN by type as detailed in Specification – **Appendix 2** Table 1: FPN by type and volume. These have been derived from the current littering performance and estimated future waste enforcement volumes.

The service is based on a “no cost- no risk” financial model which can be scaled up or down accordingly depending on demands.

The contractor will collect all monies from paid FPNs, paying the full amount to the Council who will then pay back, on receipt of an invoice the agreed percentage split.

In order to achieve best value for the Authority and to maintain good service standards the Authority will invite tenders at Tender stage to propose what percentage split they wish to offer.

Providers will be expected to meet target Key Performance Indicators as specified within Appendix 2 – Specification (DRAFT) and evidence those social value initiatives they have delivered for the Borough.

7. Indicative Timescales

An indicative timetable is summarised below:

Action	Date
Council publishes Prior Information Notice on the Find a Tender service portal	25/11/2022
Council publishes an Early Engagement Notice on the Contracts Finder portal	25/11/2022
Receipt of SMT Questionnaires (12:00 Noon)	09/12/2022
Follow-Up Meetings (if requested by the Council)	16/12/2022
Market Engagement phase concludes	23/12/2022
Proposed procurement process commences	January/February 2023

Note: This timetable is indicative only. Whilst the Council does not intend to depart from the timetable, it reserves the right to do so at any time.

8. Summary

In this instance, the pre-procurement market engagement phase comprises:

- Seeking initial interest from the market, with submission of the SMT Questionnaire - your Questionnaire must be received by **12:00 (noon) 9th December 2022**
- Any follow-up meetings (if requested by the Council) will be based on the questions/clarifications contained within the SMT Questionnaire and key areas of interest.

9. Disclaimer

The information in this document and the related appendices is solely for the purpose of the Council's pre-procurement market engagement and SMT, and no representation, warranty, or undertaking is given by the Council as to its accuracy or completeness, and the Council accepts no liability in relation to this.

No information contained in the documents or in any communication made between the Council and any organisation in connection with its pre-procurement market engagement phase and SMT shall be relied upon as constituting a contract, agreement or representation that any contract shall be awarded.

The Council reserves the right, at its discretion to:

- a) Change this document and/or the procedure for the pre-procurement market engagement; and
- b) Proceed, or not, with a subsequent procurement.

The Council will not treat as confidential, any information submitted in response to this process, and respondents should note that the Council is subject to the requirements under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 and may be obliged to disclose responses.

10. Soft Market Testing Questionnaire

Please refer to **Appendix 1** of this market engagement documentation.