

North Yorkshire Council

Environment Executive Members

31 October 2024

Procurement of an Electric Vehicle Charge Point Operator (CPO)

Report of the Assistant Director – Highways and Infrastructure

1.0 PURPOSE OF REPORT

- 1.1 To recommend that the Corporate Director – Environment, in consultation with the Executive Member for Highways and Transportation, the Corporate Director Resources and the Assistant Chief Executive Legal and Democratic Services
- i. note the changes that have been made to the route to market and capital available for the procurement of a delivery partner to undertake the rollout of Electric Vehicle Charging Points (EVCPs) across North Yorkshire since the key decision in July 2023
 - ii. confirms their approval to allow for the procurement of a delivery partner to undertake the rollout of Electric Vehicle Charging Points to take place
 - iii. note that a further report will follow after the procurement exercise to award the contract
 - iv. confirms their approval to allow for the procurement of a delivery partner to undertake the design and, separately, the delivery of the renewable system proposed as part of the Local Electric Vehicle Infrastructure (LEVI) Fund Pilot scheme to take place.

2.0 SUMMARY

- 2.1 This report provides an update on the procurement of a Charging Point Operator (CPO) to deliver EVCP's across North Yorkshire and a renewable infrastructure partner since time has lapsed since permission was granted to procure them in 2023. There has been changes to the route to market and the value of the contracts for the CPO therefore this report is prepared in the interest of transparency and openness.

3.0 BACKGROUND

- 3.1 On 28 July 2023 a report was considered at the Environment Executive Members meeting to seek approval to undertake two separate procurement exercises to attract delivery partners for the rollout of EVCPs across North Yorkshire and, separately, for the design and delivery of a renewable infrastructure system proposed as per our LEVI Pilot application.
- 3.2 At the time of writing it was anticipated that NYC would launch a further competition exercise with a Concession Contract using the Kent County Services Framework to appoint a delivery partner to provide a full "turnkey" EVCP delivery solution to NYC, and that the exercise would launch within the 2023 calendar year.
- 3.3 It was reported that NYC had successfully been awarded £3.237m grant funding to deliver the LEVI Pilot and Upscaling projects across North Yorkshire and Officers were preparing to submit a Stage 2 application to receive NYC's indicative allocation of £4.88m capital grant through the LEVI Capital fund to deliver around 1000 EVCP's. This would bring the

total capital grant funding to £8.1m. For local authorities to access their indicative funding, they had to follow a three-stage process:

- i. Stage 1 – Expression of Interest
- ii. Stage 2 – business case, criteria compliance, and tender document review
- iii. Stage 3 – contract review

- 3.4 It should be noted that OZEV agreed in principle for NYC to undertake one procurement exercise for all of the EVCPs that the LEVI funding will deliver owing to economies of scale and private sector investment that can be realised as a result of undertaking a single larger tender exercise.
- 3.5 The recommendation to procure with a Concession Contract using the Kent County Services (KCS) Framework was approved but the Office for Zero Emission Vehicles (OZEV), the funding body, were clear that procurement for the £4.88m must not commence until they have approved NYC's application, Invitation to Tender (ITT) and contract documents (Stage 2/3).
- 3.6 In July 2024 a successful bid was made to the York and North Yorkshire Combined Authority for £175,000 gainshare funding to support delivery of replacement chargers in the Hambleton area, where the existing delivery partner had declared insolvency, and replacement chargers that are at the end of their term in the Craven area where the CPO is no longer supporting public charging. £210k of NYC funding has been previously agreed and therefore this brings the total capital available for EVCP infrastructure to £8,502,600.
- 3.7 The report further recommended procurement of a delivery partner to undertake the design and delivery of the renewable infrastructure system proposed as part of the LEVI Pilot fund via a further competition using the Oxford City Council Dynamic Purchasing System which was also approved.

4.0 LEVI CPO PROCUREMENT UPDATE

- 4.1 Following the submission of the report in July 2023, NYC prepared and submitted its Stage 2 and 3 application, ITT and Contract documents to OZEV. The documents were submitted in September 2023 and at the time no other local authority had gone through this process. In October 2023 the application was rejected by OZEV with a request for further clarifications and a recommendation to change the way NYC proposed to approach the market with a suggestion that a Dynamic Purchasing System (DPS) might be more suitable for NYC needs than the KCS Framework.
- 4.2 NYC made the required clarifications and undertook its own research into DPSs and eventually changed its approach to market to use the Oxford City Council DPS. This involved redrafting the original contract to fit the Oxford City Council DPS template suite of documents and ensuring alignment with the updated LEVI Heads of Terms. NYC resubmitted the documents by 30 November 2023 deadline.
- 4.3 In January 2024 OZEV implemented a scoring system for the assessment and NYC was issued an overall score of lower than 4 (4 is considered 'Excellent' by OZEV) and that applications must obtain a score of 4 before proceeding. They announced, at the same time, that an offer for the full allocation of £4,880,000 was granted (which NYC accepted in February 2024) subject to NYC completing a Post Approval Action Plan (PAAP) which outlines improvements required to the documentation to reach a score of 4. OZEV issued 90% of the funding but detailed improvements, via the PAAP, had to be discussed and agreed before the remaining 10% of funding would be released.
- 4.4 In March 2024, after NYC had received agreement that the changes made, via the PAAP, were acceptable to OZEV, a legal challenge was raised to Oxford City Council regarding

the procurement of regulated concession contracts (which are contracts that entail entrusting works or services to an operator and are over the value of £5.3m) through a DPS or Framework.

- 4.5 Unfortunately, Oxford City Council did not release detailed information about the challenge but stopped all new applications to the DPS whilst they sought legal advice. All local authorities considering using the DPS were advised to take their own legal advice and await further feedback from Oxford City Council and the Department for Transport (DfT) before proceeding. It should be noted that this legal challenge affected all English DPS and Frameworks for regulated concession contracts.
- 4.6 NYC officers explored all available options whilst waiting for feedback from Oxford and the DfT. In May 2024 Oxford confirmed that they would not allow regulated concession contracts to use the EV DPS until further notice. Legal issues had been identified under both existing and new procurement legislation impacting all English DPS and framework concession contracts. After taking advice from multidisciplinary teams at NYC it was clear that approaching the open market was the only option available to NYC to enable procurement of any CPO.
- 4.7 External legal resource was drawn in to help NYC in preparing an entirely new contract and suite of ITT documentation that were appropriate to approach the open market. This was proportionate to the complexity of the contract and the need to meet both national procurement regulations and scheme specific Heads of Terms.
- 4.8 NYC resubmitted its application and ITT to OZEV in August 2024 and the submission was approved by OZEV's Programme Board on 23 September 2024 which means we can now receive the final 10% payment and launch our tender.
- 4.9 Further, because of not yet procuring a CPO we have not procured a renewable infrastructure design and delivery partner either, both parties will be contractually obliged to collaborate to ensure their systems work together. We are now proposing to separate the design and delivery elements of the procurement and we will re-evaluate our route to market based on responses to a Request for Information published in February 2024 and that new procurement tools are available which could be a better fit for this type of tendering opportunity than the DPS originally proposed.

5.0 NEXT STEPS

- 5.1 Officers have some internal processes to complete, such as the Procurement Gateway, and minor amendments to the contract documents have been made that need to be seen and approved by OZEV before we proceed to Tender.
- 5.2 A further report will be brought forward to award the contract following the procurement exercise.
- 5.3 Following the launch of the tender for the CPO, officers will work with procurement colleagues to evaluate the best route to market for renewable design and delivery partners and prepare tender documentation before launch.

6.0 ALTERNATIVE OPTIONS CONSIDERED

- 6.1 Alternative options have been considered and consulted on (internally between officers and with the LEVI Support Body, Energy Savings Trust) throughout the process, and the final recommendation is a result of the feedback received from those key stakeholders and the experience of Officers.

7.0 FINANCIAL IMPLICATIONS CONSIDERED

- 7.1 The delivery of the EV Public Charging Infrastructure Rollout Strategy is heavily dependent upon securing access to government and charge point operator revenue and capital funding such as the LEVI Capital Fund. £8,117,550 grant funding has been secured so far with £6,792,000 being used to deliver EVCPs and £1,700,000 being used to deliver renewable infrastructure, the balance of funding is being covered by internal budgets to a value of £210,000 and £175,000 from the MCA. The value of the procurement for the EVCPs is set to be up to £6.8m to accommodate the additional £5.05m secured since the previous report was submitted, and for the renewables is set to be up to £1.7m.
- 7.2 OZEV has made clear they expect NYC to secure private investment for the LEVI Pilot Fund to meet the public: private funding ratio 91:9. Confidence that we can achieve this through the concessionary model (where a public sector contribution is made towards the installation costs, but a charge point operator, or similar, will provide additional capital funding to cover the costs of operating and maintaining the charge points for an agreed period of time) we have set up is high, and interest from industry partners wishing to form strategic partnerships has already been received. The pricing evaluation for our procurement exercise ensures that the contract will be awarded to the tenderer that offers the highest amount of EVCPs for the least amount of NYC Subsidy.
- 7.3 Grant Terms and Conditions for LEVI Capital Funding have been received and agreed by NYC.

8.0 LEGAL IMPLICATIONS

- 8.1 In light of the partnering opportunity to assist in delivering the LEVI project the Council's Procurement and Contract Procedure rules, Procurement Legislation and subsidy control rules have been adhered to in preparation of the contract documentation and ITT.
- 8.2 The concessionary delivery model for ECVP roll out fully complies with the Public Concession Regulations 2016, if applicable and the Local Government Act 2003, the Localism Act 2011 and any other relevant regulations or legislation in respect of any profits generated by NYC.
- 8.3 It is acknowledged that legal implications may arise in relation implementation stages, as well as consideration of any statutory barriers in relation to highway infrastructure proposals.
- 8.4 As per the Council's Procurement and Contract Procedure Rules, Rule 11 states;
i. Tenders for Contracts which exceed the EU Threshold shall be invited and awarded in accordance with the PCRs.

9.0 EQUALITIES IMPLICATIONS

- 9.1 There are no equalities impacts as a result of this report. The EIA can be found at Appendix A.

10.0 CLIMATE CHANGE IMPLICATIONS

- 10.1 The overall objective of the LEVI-funded scheme is in line with the council's climate change strategy and will have a positive climate change impact, but the specific recommendation in this report to commence procurement will not itself have an impact, as reflected in the CCIA. The CCIA can be found at Appendix B.

11.0 REASONS FOR RECOMMENDATIONS

- 11.1 An update has been provided in the interest of transparency and openness.
- 11.2 A route to procurement for a CPO through the open market is the only option available to NYC. Procurement needs to launch as soon as possible to enable delivery of EVCPs as there has been such a significant delay since NYC intended to reach the market which will impact their ability to meet the needs of its residents, visitors and businesses by delivering the forecast number of chargers to fulfil demand and contribute to achieving wider decarbonisation targets. A delivery plan has been established but needs to be agreed with the selected CPO upon award of the contract.
- 11.3 A review of the route to market for the design and delivery of a renewable infrastructure system needs to be undertaken in light of responses to a Request for Information published in February 2024 and new procurement tools which are available that could be a better fit.

12.0 RECOMMENDATION(S)

- 12.1 To recommend that the Corporate Director Environment, in consultation with the Executive Member for Highways and Transportation, the Corporate Director - Resources and the Assistant Chief Executive Legal and Democratic Services:
- i. note the changes that have been made to the route to market and capital available for the procurement of a delivery partner to undertake the rollout of Electric Vehicle Charging Points (EVCPs) across North Yorkshire since the key decision in July 2023;
 - ii. confirms their approval to allow for the procurement of a delivery partner to undertake the rollout of Electric Vehicle Charging Points (EVCPs) to take place;
 - iii. note that a further report will follow after the procurement exercise to award the contract;
 - iv. confirm their approval to allow for the procurement of a delivery partner to undertake the design and, separately, the delivery of the renewable system proposed as part of the Local Electric Vehicle Infrastructure (LEVI) Fund Pilot scheme to take place.

APPENDICES:

Appendix A – Equalities Impact Assessment

Appendix B – Climate Change Impact Assessment

BACKGROUND DOCUMENTS:

[Report for Permission to Procure a CPO and Renewables Partner - July 23](#)

[Local Electric Vehicle Infrastructure Pilot Scheme](#)

[Local Electric Vehicle Infrastructure Upscaling Scheme](#)

[Local Electric Vehicle Infrastructure Capital Fund](#)

[North Yorkshire Council Electric Vehicle Public Charging Infrastructure Rollout Strategy](#)

Barrie Mason
Transport and Infrastructure
County Hall
Northallerton
22 October 2024

Report Author – Keisha Moore, Senior Transport Planning Officer
Presenter of Report – Keisha Moore, Senior Transport Planning Officer

Initial equality impact assessment screening form This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Environment		
Service area	H&T		
Proposal being screened	Procurement of an Electric Vehicle Charge Point Operator		
Officer(s) carrying out screening	Keisha Moore		
What are you proposing to do?	Highlight changes to the proposed procurement process since the first report and obtain permission to procure the services of a CPO and Renewable Infrastructure partner		
Why are you proposing this? What are the desired outcomes?	To increase the volume of publicly available EV charging infrastructure to enable people to switch from an internal combustion engine to an EV		
Does the proposal involve a significant commitment or removal of resources? Please give details.	Yes, but funding has been secured to resource the procurement and delivery		
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC's additional agreed characteristics As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? 			
If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your directorate representative for advice if you are in any doubt.			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		X	
Disability		X	
Sex		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	
Are from the Armed Forces Community		X	
Does the proposal relate to an area where there are known inequalities/probable impacts (for example, disabled people's access to public transport)? Please give details.	No.		

Appendix A

<p>Will the proposal have a significant effect on how other organisations operate? (for example, partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.</p>				
<p>Decision (Please tick one option)</p>	<p>EIA not relevant or proportionate:</p>	<p>✓?</p>	<p>Continue to full EIA:</p>	
<p>Reason for decision</p>	<p>This is a report recommending that permission is granted to launch two procurement exercises. There are no impacts on people with protected characteristics.</p>			
<p>Signed (Assistant Director or equivalent)</p>	<p>Barrie Mason</p>			
<p>Date</p>	<p>25/10/2024</p>			

Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	Procurement of an Electric Vehicle Charge Point Operator
Brief description of proposal	Highlight changes to the proposed procurement process since the first report and obtain permission to procure the services of a CPO and Renewable Infrastructure partner
Directorate	Environment
Service area	Highways and Infrastructure
Lead officer	Keisha Moore
Names and roles of other people involved in carrying out the impact assessment	
Date impact assessment started	21/10/2024

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

Alternative options for procurement were considered and consulted on (internally and with the LEVI Support Body) throughout the development of the contract and ITT documentation and the final submission was a result of the feedback received from those key stakeholders and the experience of officers.

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

This project is made up of 100% grant funding that has been committed to the project.

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>	
<p>Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	Emissions from travel		*				
	Emissions from construction		*				
	Emissions from running of buildings		*				
	Other		*				
<p>Minimise waste: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>			*				
<p>Reduce water consumption</p>			*				
<p>Minimise pollution (including air, land, water, light and noise)</p>			*				

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		<p>*</p>				
<p>Enhance conservation and wildlife</p>		<p>*</p>				
<p>Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape</p>		<p>*</p>				
<p>Other (please state below)</p>		<p>*</p>				

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.

N/A

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The overall objective of the LEVI-funded scheme is in line with the council’s climate change strategy and will have a positive climate change impact, but the specific recommendation in this report to commence procurement will not itself have an impact.

Sign off section

This climate change impact assessment was completed by:

Name	Keisha Moore
Job title	Transport Planning Officer
Service area	Highways and Infrastructure
Directorate	Environment
Signature	
Completion date	21/10/2024

Authorised by relevant Assistant Director (signature): Barrie Mason

Date: 25/10/2024