



REPORT TITLE	ACCEPTANCE OF TENDER AND AWARD OF CONTRACT FOR MINOR HIGHWAY PATCHING WORKS, CONTRACT REFERENCE B1
REPORT OF	ASSISTANT DIRECTOR OF HIGHWAYS AND INFRASTRUCTURE

REPORT SUMMARY

This report recommends acceptance of a tender from C and D Surfacing Limited, and award of a contract for the provision of the works to undertake bituminous and asphalt patching work on roads within Wirral.

The Wirral Plan 2021-2026 sets out the council's vision to secure the best possible future for our residents, defined by the community prosperity we create and supported by our excellent people and services. This proposal directly supports the following key themes within that plan:

- A prosperous inclusive economy where local people can get good jobs and achieve their aspirations; and
- Safe, vibrant communities where people want to live and raise their families.

The purpose of the works provided under the proposed contract is to enable the council to meet its statutory duties under Section 41 of the Highways Act 1980, by undertaking repairs to dangerous defects on the council's roads. The contract also enables proactive maintenance repairs to be made.

This matter affects all wards. This matter is a Key Decision.

RECOMMENDATION

The Director of Neighbourhood Services is recommended to accept the tender and approve the award of the contract for the provision of works to undertake bituminous and asphalt highway patching work to C and D Surfacing Limited (company registration number 07773726) as the most economically advantageous tenderer at a contract price of £1,411,046.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATION

- 1.1 An Invitation to Tender was placed via the Due North Chest tendering portal to a selected list of six suppliers (identified from Constructionline as meeting all the necessary requirements to be awarded such a contract by the council) for works to undertake bituminous and asphalt patching work on roads within the borough.
- 1.2 The majority of the work that is in scope of the proposed contract relates to the council's statutory duties to maintain the highway, including: repairs to carriageways and footways. Having an appropriate supplier in place will enable the council to fulfil its statutory duties and reduce the potential risk of adverse legal claims.
- 1.3 Only one compliant tender was received. Based upon previous contract awards and prices, the tendered price of the compliant tender shows a small reduction from the latest price indices and therefore represents good value for money.
- 1.4 The tender from C and D Surfacing Limited represents the most economically advantageous tender received, is fully compliant with the tendering requirements, and is within the available and allocated budget provision. C and D Surfacing Limited has already been providing a service under contract B1 since April 2021 and has performed well and met the relevant contractual performance requirements.

2.0 OTHER OPTIONS CONSIDERED

- 2.1. The existing contract B1 could not be further extended within the terms of the contract so this option was discounted. As only one tender was received a further tender exercise was considered, but this option was discounted for the following reasons: there was no guarantee that further bids would be received; more time and resources would be expended in the procurement process and the one compliant tender is considered to demonstrate good value for money, hence the recommendations set out within this report.

3. BACKGROUND INFORMATION

- 3.1 In 2018 Wirral Council brought the council's highway delivery service back in-house using a small direct workforce supported by a number of tendered contracts.
- 3.2 The continued delivery of the council's highway service via an in-house plus top-up model, including top-up with contract B1, was approved by Environment, Climate Emergency and Transport Committee on 16 March 2021.

- 3.3 This is one of a number of contracts which need to be re-tendered, in order to maintain the council's highway service delivery provision under this model.
- 3.4 The contract has an indicative value of £1,411,046, based upon a hypothetical basket of works likely to be issued over the contract term of four years and the tendered rates.

4.0 FINANCIAL IMPLICATIONS

- 4.1 Most of the funding for works delivered under this contract comes from the council's revenue budget for highway maintenance.
- 4.2 In addition some of the work delivered under this contract will be financed from grant settlements provided for pothole repairs through the City Region Sustainable Transport Settlement (CRSTS).
- 4.3 Call-off orders will be placed under this contract only when sufficient budget provision allows.
- 4.4 There are no additional financial implications arising from this decision.

5.0 LEGAL IMPLICATIONS

- 5.1 Section 41 of the Highways Act 1980 imposes a duty on the council, as Highway Authority, to maintain highways at the public expense. The council also has a devolved duty to maintain and improve Liverpool's City Region's Key Route Network in accordance with Section 6 of the Highways Act 1980.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 6.1 This proposed contract will enable the council to fulfil its statutory requirements as a highway authority. There are no additional ICT, staffing or assets implications as a result of this report.

7.0 RELEVANT RISKS

- 7.1 Failure to have sufficient contractor support to undertake a programme of planned highway maintenance works or reacting to defective highway conditions could result in the council not meeting its statutory duties as set out in the Highways Act 1980.
- 7.2 Failure to proceed to contract award could lead to a deterioration of the network condition, which could have an adverse effect on the number of claims against the council.
- 7.3 Failure to have sufficient contractor support to undertake a programme of planned highway maintenance works could result in reputational damage to the council and potentially the Liverpool City Region Combined Authority, and may affect future funding allocations. It would also result in a failure to support the delivery of the priorities of the Liverpool City Region Combined Authority

Transport Plan. Consequently, this could result in the loss or clawback of already allocated grant funding.

8.0 ENGAGEMENT/CONSULTATION

8.1 The decision to proceed to contract award has no specific consultation implications.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision, or activity.

9.2 The council has an obligation under the Equality Act 2010 and the Public Sector Equality duty (Sect 149 2011) to show due regard to the duty and show due regard to mitigate any negative impacts that may affect people with protected characteristics under the Act.

9.3 Whilst there are no equality implications arising directly from this report, the associated actions arising from the project delivery may further need to assess any equality issues and mitigate any negative impact that may emerge.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 Sustainable travel is at the heart of the council's Climate Emergency declaration, and providing a safe and well-maintained highway is key to encouraging active travel, with cycling and walking. All relevant opportunities for innovation and efficiency to generate cost and carbon emission savings will be explored with the supplier during the term of the contract.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 C and D Surfacing Limited has provided a costed Social Value submission to deliver local community wealth benefits that will be monitored throughout the life of the contract.

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APPENDICES

None

BACKGROUND PAPERS

Highways Act 1980

Commercial tender documentation – held by the report author.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Environment, Climate Emergency and Transport Committee	16 March 2021