



OFFICER DECISION NOTICE

REPORT TITLE:	CONTRACT AWARD – PROVISION OF DRIVERS FOR WINTER GRITTING OPERATION
REPORT OF:	ASSISTANT DIRECTOR: HIGHWAYS AND INFRASTRUCTURE

REPORT SUMMARY

This report recommends acceptance of a tender from Idverde Ltd, company number 06539986, for the provision of gritter drivers required for the Winter Service Gritting Operation.

The works provided under the proposed contract is to enable the Council to meet its statutory duties under Section 41(1a) of the Highways Act 1980 (as amended) ‘...to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice’.

The Report supports the delivery of the Council Plan: Wirral Working Together 2023-27, specifically the themes: Safe Resilient and engaged communities, Protect our environment, people focussed regeneration and promoting independence and healthier lives.

Appendix 1 of this report is exempt from publication pursuant to paragraph 3 of the part 1 of Schedule 12 A of the Local Government Act 1972 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) because it contains or refers to information relating to the financial and business affairs of tenderers and the Council and the public interest in maintaining the exemption outweighs the public interest in disclosure.

This matter affects all Wards.

This matter is a Key Decision.

RECOMMENDATION/S

The Director of Neighbourhood Services is recommended to:

1. endorse the competitive tendering exercise that is outlined in paragraph 3 of this report; and
2. award the contract for the provision of gritter drivers required for the Winter Service Gritting Operation to Idverde Ltd (company registration number

06539986) as the most economically advantageous tenderer for an estimated contract value of £1,400,000 for a term of 3 years, commencing 1 November 2024 with an option to extend a further 2 years.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION

- 1.1 The works provided under the proposed contract are to enable the Council to meet its statutory duties under Section 41(1a) of the Highways Act 1980 (as amended) to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice'.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Do Nothing. This is not an option as maintaining a safe highway from snow or ice is a statutory duty.
- 2.2 Current staff are not fully trained to operate gritters and unable to operate 24/7 whilst carrying out substantive posts. It would not be financially viable to employ staff all year round for a 21-week period.

3.0 BACKGROUND INFORMATION

- 3.1 Responsibility for the delivery of an effective highway winter maintenance service rests with the council as the local Highway Authority for Wirral. The Council's Winter Service provision is managed and takes into account the recommendations and advice set out in the national guidance: Well-managed Highway Infrastructure: Code of Practice (October 2016).
- 3.2 The Winter Service Period operates from November until April. Council staff and Idverde staff will be on standby 24 hours a day, seven days a week during a 21-week period. However, this period may be brought forward or extended depending upon the prevailing weather conditions.
- 3.3 This is one of several contracts, which the Council needs to award in order to deliver the Council's Winter Service. The contract has an indicative value of £1,400,000 and a contract term of 3 years, commencing November 2024 with an option to extend a further 2 years.
- 3.4 The Council is a Member of the Fusion21 Members Consortium. This contract was procured by a further competition under the Fusion21's Grounds Maintenance Framework (Contract Notice 2022/S 000-006749). Only suppliers appointed to the Grounds Maintenance Framework for the North West region were invited for expressions of interest in the provision of drivers for Wirral's Winter gritting fleet tender.
- 3.5 One positive interest from Idverde Ltd and a decline of the opportunity from another contractor were received and the Procurement team approved progression to a direct award.
- 3.6 For due diligence, market testing was carried out by the procurement team and Idverde Ltd was requested to supply a breakdown of costs for the 5 years of the contract. This contract is based on fixed prices for the 21 week period with Idverde

Ltd staff on standby for 21 weeks. See the exempt Appendix 1. Appendix 1 of this report is exempt from publication pursuant to paragraph 3 of the part 1 of Schedule 12 A of the Local Government Act 1972 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) because it contains or refers to information relating to the financial and business affairs of tenderers and the Council and the public interest in maintaining the exemption outweighs the public interest in disclosure.

- 3.7 Idverde Ltd has provided drivers for the Council's gritting fleet on direct award contracts for the last 13 years and has performed well by delivering the works on time, on budget and has met the contractual performance requirements regarding response times and Health & Safety.
- 3.8 In the event that, in due course, consideration were to be given to exercising the 2 year extension of the contract, a further decision would be sought in accordance with constitutional requirements.

4.0 FINANCIAL IMPLICATIONS

- 4.1 Funding for works to be delivered under this contract derives from the Council's revenue budget for highway maintenance from the annual transport settlement grant through the City Region Sustainable Transport Settlement.
- 4.2 There are no additional financial implications arising from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 Section 41(1A) of the Highways Act 1980 provides: "a highway authority are under a duty to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice."
- 5.2 The open procurement exercise for the commissioning of the contract for the provision of winter drivers complies with the provisions of the Public Contracts Regulations 2015 and the Council's Contract Procedure Rules.
- 5.3 A contract for the works and services will be prepared by the Director of Law and Corporate Services to protect the Council's interests and ensure the deliverables under the contract are of satisfactory quality and standard.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

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

7.0 RELEVANT RISKS

- 7.1 Failure to deliver a Winter Service exposes the council to reputational, financial, and legal risks and could compromise public safety.
- 7.2 Failure to award the contract would affect the service delivery.

Appendix 1- Confidential details of Tender Evaluation.

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BACKGROUND PAPERS

Highways Act 1980
Social Value Policy

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Environment, Climate Emergency and Transport Committee	16 March 2021
Environment, Climate Emergency and Transport Committee – Winter Service Plan	13 October 2023