

ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT COMMITTEE**Tuesday, 11 March 2025**

REPORT TITLE:	COMMENCEMENT OF PROCUREMENT PROCESS FOR CARRIAGEWAY AND FOOTWAY SURFACING CONTRACTS
REPORT OF:	DIRECTOR OF NEIGHBOURHOOD SERVICES

REPORT SUMMARY

This report seeks approval to commence with the procurement process for four contracts listed below to enable the Council to carry out essential highway maintenance of existing carriageway and footway surfaces:

- A1.1 Surface Dressing and Micro Carriageway Surfacing
- A1.2 Footway Slurry and Carriageway Micro Hand Patching
- A1.3 Carriageway and Footway Retread
- A2 Carriageway Structural Resurfacing

The works provided under the proposed contracts will enable the Council to continue to meet its statutory duties under Section 41 of the Highways Act 1980.

The report supports the Council Plan Wirral Working Together 2023-27, specifically the themes: People-Focussed Regeneration and Safe, Resilient and Engaged Communities and Protecting Our Environment.

This matter affects all wards and is a key decision.

The appendix 1 to this report is exempt from publication under paragraph 3 of part 1 of Schedule 12A of the Local Government Act 1972 (Information relating to the financial or business affairs of any particular person [including the authority holding that information] and the public interest in maintaining the exemption outweighs the public interest in disclosure.

RECOMMENDATIONS

The Environment, Climate Emergency and Transport Committee is recommended to authorise the Director of Neighbourhood Services to:

- (1) proceed with procurement exercises with a view to appointing, in each case, a contractor to deliver the following essential highway maintenance works on a 3-year contract:

- a) the A1.1 Surface Dressing and Micro Carriageway Surfacing contract;
 - b) the A1.2 Footway Slurry and Carriageway Micro Hand Patching contract;
 - c) the A1.3 Carriageway and Footway Retread contract;
 - d) the A2 Carriageway Structural Resurfacing contract; and
- (2) appoint in each case the preferred tenderer on the basis of the most economically advantageous tenderer criteria.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The recommendation will enable the subsequent appointments of Contractors to deliver works under the proposed contracts, to enable the Council to carry out essential highway maintenance to carriageways and footways. The works provided under the proposed contracts are to enable the Council to continue to meet its statutory duties under Section 41 of the Highways Act 1980.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Extend the current contracts. This was discounted as the current contracts do not have an option available to extend them further.
- 2.2 Do nothing. This was discounted as the Council has a statutory duty under Section 41 of the Highways Act 1980 to maintain the highway network.

3.0 BACKGROUND INFORMATION

- 3.1 In 2018 the Council brought highway service delivery back in-house using a small direct workforce supported by a number of tendered contracts. The continued delivery of the Council's highway service via an in-house plus top-up model, was approved by this Committee on 16 March 2021. These are of several contracts, which the Council needs to procure in order to maintain its highway service delivery provision.
- 3.2 The current contracts are due to terminate on 30 November 2025. The proposed timeline for the new contracts will be to procure, award and commence on 1 December 2025.
- 3.3 The contracts have a combined indicative value of £27,750,000 based upon a hypothetical basket of works likely to be issued over the contract terms of 3 years. Contract details are set out in the exempt Appendix 1 to this report.
- 3.4 Pursuant to the recommendations within this report the proposal is that each contract will be subject to an Open Tender procurement process via the Council's e-tendering portal, The Chest, with the final contract award being subject to a subsequent decision based upon an evaluation of the tenders. The procurement process will be supported by the Council's Procurement Team.

4.0 FINANCIAL IMPLICATIONS

- 4.1 Exempt Appendix 1 details estimated maximum values of the contracts. The tendering exercise will determine the exact financial value. There is no commitment to spend should funding become unavailable.
- 4.2 The contracts will be funded from the Liverpool City Region Combined Authority using City Region Sustainable Transport Settlements highway maintenance budget to carry out planned carriageway and footway maintenance.

5.0 LEGAL IMPLICATIONS

- 5.1 Section 41 of the Highways Act 1980 imposes a duty on the Council, as a Highway Authority, to maintain highways at the public expense. The Council also has a devolved duty to maintain and improve those parts of Liverpool's City Region's Key Route Network that are within Wirral in accordance with Section 6 of the Highways Act 1980.
- 5.2 The Services in the proposed contracts will be carried out under terms and conditions of the New Engineering Contract (NEC3) Term Service Contract Third Edition, published in April 2013 by the Institution of Civil Engineers.
- 5.3 The Open Tender procurement exercise for the commissioning of the contracts for will comply with the provisions of the Procurement Act 2023 and the Council's Contract Procedure Rules.
- 5.4 It is intended that the contract awards will be subject to a subsequent decision based upon an evaluation of tenders, based on quality 50%, price 40%, and social value 10%. Quality will be evaluated on 5 method statements submitted by each contractor including:
- Operational, Quality and Methodology;
 - Health Safety and Environment;
 - Construction Management; and
 - Supply Chain Management and Public Engagement.
- 5.5 Contracts for the works will be prepared by the Director of Law and Corporate Services to protect the Council's interests and ensure the deliverables under the contracts are of satisfactory quality and standard.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 The proposed contracts will enable the Council to fulfil its statutory requirements as a Highway Authority. There are no additional staffing, ICT or assets implications.
- 6.2 Commencement of the procurement process will be carried out within the existing directorate structures
- 6.3 The recommendations do not affect directly employed staff. Variation of the contract will be managed internally from within existing directorate structures.

7.0 RELEVANT RISKS

- 7.1 Failure to have sufficient contractor support to undertake a programme of planned highway maintenance works could result in the Council not meeting its statutory duties as set out in the Highways Act 1980.
- 7.2 Failure to procure the contracts would lead to a deterioration of the network condition, which could have an adverse effect not only on the number of claims against the Council, but the defensibility of those claims and potential cost implications. Insurance related claims come with an excess of £250,000 payable by 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.

7.4 Potential risks related to the performance of the contracts will be monitored via robust contract management arrangements to ensure standards are met during the lifespan of the contracts.

8.0 ENGAGEMENT/CONSULTATION

8.1 Any decision to proceed to the relevant procurement processes 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 Highways Structural Maintenance Programme Equality Impact Assessment, has been checked reviewed and is still valid and can be viewed here: –

<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>

10.0 ENVIRONMENT, BIODIVERSITY AND CLIMATE CHANGE 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 contractors within the tender process and during the term of the contracts.

10.2 A resilient highways network is critical to the delivery of bus priority measures and high-quality walking and cycling route surfaces. As well as reducing noise and improving air quality promoting increased cycling and walking with better infrastructure will help combat climate change. By encouraging and enabling people to travel more on foot and by cycle instead of private car harmful emissions will be reduced. Promoting active travel can result in reduced emissions of nitrogen dioxide, particulate matter and carbon dioxide helping to tackle climate change and improve air quality.

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 A requirement of the tenders will consist of both a qualitative and quantitative Social Value submission to deliver local community wealth benefits which will be monitored throughout the life of the contracts.
- 11.2 It is considered that the contracts will help to support Wirral's wider Community Wealth Building commitments to deliver a prosperous, inclusive economy that benefits residents and supports the principles of community wealth building.
- 11.3 The proposed contracts support several key Community Wealth Building aims, including: Local Employment – creation of local employment and training opportunities; Maximising the Wirral Pound – buying supplies for schemes delivered through these contracts locally wherever possible to support business and employment. Green and Sustainable: protecting the environment, minimising waste and energy consumption and using other resources efficiently, within the contractors' supply chain.

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APPENDICES

Appendix 1 – Contract Details

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BACKGROUND PAPERS

Highways Act 1980
Social Value Policy

TERMS OF REFERENCE

This report is being considered by the Environment, Climate Emergency and Transport Committee in accordance with Section 5.2 (d) of its Terms of Reference in relation to all highways matters and as highway authority, street authority, bridge authority, including but not limited to public open spaces, street furniture on the highway and open spaces or parts of open spaces immediately adjacent to the highway

SUBJECT HISTORY (last 3 years)

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

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