

Report to Cabinet

15 December 2021

Subject:	Award a Contract Plant Hire Equipment
Cabinet Member:	Cllr Ahmad Bostan – Cabinet Member for Environment
Director:	Alice Davey – Director of Borough Economy
Key Decision:	Yes
Contact Officer:	Robin Weare – Service Manager, Highways

1 Recommendations

- 1.1 That Cabinet authorise the (Interim) Director of Borough Economy, to award a contract for the provision of Plant Hire Equipment once evaluation processes are complete and following compliant competitive tender processes.
- 1.2 That Cabinet authorise the Director of Law and Governance – Monitoring Officer to execute any documentation necessary to enable the above.
- 1.3 That any necessary exemptions be made to the Procurement and Contract Procedure Rules to enable the course of action referred to in 1.1 and 1.2 above to proceed.






2 Reasons for Recommendations

- 2.1 Procurement is required because the current contract for the supply of Plant Hire Equipment expired on 31st October 2021.



- 2.2 Plant hire equipment is essential for Highways Services to facilitate general maintenance, repairing footways and carriageways on the highways network around the Borough.
- 2.3 As the Local Highway Authority; the Council has a statutory duty to ensure the Highway Network is maintained in a safe and useable manner.
- 2.4 To meet this duty, the plant and equipment stipulated within this contract is used to enable our direct labour force to maintain carriageways and footways across the Borough.

3 How does this deliver objectives of the Corporate Plan?

	Best start in life for children and young people Good, well maintained highway infrastructure will encourage more walking and cycling increasing wellbeing, improving road safety and promoting cleaner air quality.
	People live well and age well The Highway environment plays an important role in the life of the community, particularly the positive opportunities that they can bring from social inclusion and interaction.
	Good quality Highways infrastructure will make our communities feel safe, more protected and confident in their homes and neighbourhoods.
	Well maintained highways bring increased economic and physical activity and reduces wear and tear and accident damage.
	Our highways are the arteries of our communities. They connect our residents to employment, education, local services and indeed the wider world. They enable economic growth, social mobility and are vital in ensuring good health outcomes.

4 Context and Key Issues

- 4.1 Cabinet approval is sought for delegated authority to approve the award of this contract for a period of up to 4 years for the supply of Plant Hire Equipment.



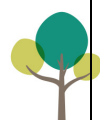
- 4.2 The current contract for the supply of Plant Hire Equipment expired on 31st October 2021.
- 4.3 The tendering exercise will aim to ensure seamless operations remain in place and to enable a smooth and efficient switch to the new contract.
- 4.4 The tender exercise will be carried out by Sandwell MBC as a stand-alone authority, who will utilise this contract to support their own Highway Maintenance Operations.
- 4.5 It is anticipated that the combined value of this contract over a 4-year period will be £280,000.
- 4.6 The tender will be evaluated by 60% price and 40% quality with tender evaluation completed by Sandwell MBC.

5 Alternative Options

- 5.1 There are no recommended affordable alternatives to obtain plant equipment to maintain our Highway Network.

6 Implications

Resources:	The plant and equipment procured through this contract will either be delivered by the successful suppliers or collected by our own internal employees. No guarantee of expenditure is given to suppliers only an estimate value of the services to be procured by the Council over the life of the agreement, approximately £280,000.
Legal and Governance:	The principal statutory duty imposed on local highway authorities is to maintain the highway maintainable at public expense.



	<p>The Council, in carrying out transportation, highways and infrastructure related work, will do so under the relevant primary legislation comprising the Highways Act 1980; Road Traffic Act 1974; Road Traffic Regulation Act 1984; Local Government Act 1972; Traffic Management Act 2004; and Transport Act 2000 and other related regulations, instructions, directives and general guidance.</p> <p>The Traffic Management Act 2004 imposes a network management duty on a council to manage day-to-day operational use of its highways to 'keep traffic moving'.</p>
Risk:	<p>The Council has a duty to meet its legal obligations to mitigate service risks related to third party liability claims arising from accidents and injury due to condition of the highway.</p> <p>The key service risk relates to third party liability claims arising from accident and injury due to condition of the highway or non-compliance with statutory obligations. The duty is not absolute, but decisions must be taken on reasonable grounds with due care and regard to relevant considerations as set out in best practice guidance 'Well-managed Highway Infrastructure'.</p>
Equality:	<p>There are no specific equality issues regarding the proposals contained in this report. The requirements of the Equality Act 2010 are included in the Framework Agreement Documentation to draw attention to the detail of, and the need to comply with, the Act.</p>
Health and Wellbeing:	<p>The Highway environment plays an important role in the life of the community, particularly the positive opportunities that they can bring from social inclusion and interaction.</p>
Social Value	<p>We require tenderers to say how they can deliver a positive impact on the social, economy and environmental well-being of the local area.</p>



7. Appendices

None

8. Background Papers

8.1 Tender documentation

8.2 Well-managed Highway Infrastructure – Code of Practice Last updated October 2016

