

# Report to Cabinet

**24 February 2021**

<b>Subject:</b>	West Midlands Collaborative Framework Contract for Works to Highways Structures
<b>Cabinet Member:</b>	Councillor Jackie Taylor. Cabinet Member for Sustainable Travel
<b>Director:</b>	Interim Director of Regeneration & Growth Tammy Stokes
<b>Key Decision:</b>	Yes
<b>Contact Officer:</b>	Engineer, Steve Scrivens steve_scrivens@sandwell.gov.uk

## 1 Recommendations

- 1.1 That approval be given to participate in a new West Midlands Collaborative Framework Agreement for the procurement of Works to Highways Structures.
- 1.2 That the Director of Law and Governance be authorised to execute any documents necessary to give effect to the recommendation at 1.1.






## 2 Reasons for Recommendations

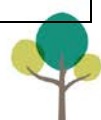
- 2.1 The purpose of this report is to request approval to participate in a new West Midlands Collaborative Framework Contract for Works to Highways Structures.



- 2.2 The benefits from participation in this regional Framework Agreement will include the delivery of the work necessary to maintain Sandwell's highway structures to a high quality at lower costs through utilising shared resources, adoption of regional best practice project management principles and procurement.
- 2.3 All participants in this Framework Agreement will be able to achieve costs savings and additional benefits through: reduction in tendering costs, reduced contract administration; regional innovation, creativity and collaboration; improved customer service; delivery of social value benefits and to improved measurement, recording and promotion in the successful delivery of these outcomes.

### 3 How does this deliver objectives of the Corporate Plan?

	<p><b>Best start in life for children and young people:</b> Good, well maintained highway infrastructure will encourage more walking and cycling among our younger people increasing their wellbeing, improving road safety and promoting cleaner air quality.</p>
	<p><b>People live well and age well:</b> 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. Well maintained highways make it much more likely that older people in particular will go for a walk.</p>
	<p><b>Strong resilient communities:</b> Good quality Highways infrastructure will make our communities feel safe, more protected and confident in their homes and neighbourhoods.</p>
	<p><b>A strong and inclusive economy:</b> Our local 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.</p>
	<p><b>A connected and accessible Sandwell:</b> Our residents will have excellent public transport that connects them to jobs in Birmingham, Wolverhampton, the airport and the wider West Midlands.</p>



## 4 Context and Key Issues

### Legal and Statutory Implications

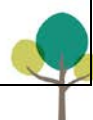
- 4.1 The principal statutory duty imposed on highway authorities to maintain the highway maintainable at public expense is set out in Section 41 of the Highways Act 1980.
- 4.2 The Traffic Management Act 2004 imposes a network management duty on a council to manage day-to-day operational use of its highways to 'keep traffic moving'.

## 5 Alternative Options

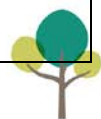
- 5.1 Without a current Highways Structures supplier, we will have to utilise elements of a civil engineering framework contract for urgent service provision, which is not recommended for this specialist area of work or considered to provide not provide best value.

## 6 Implications

<b>Resources:</b>	Financial, staffing, land/building implications
<b>Legal and Governance:</b>	<p>The principal legal statutory duties imposed on highway authorities to maintain the highway structures are set out in the Highways Act 1980.</p> <p>Section 41 (1) of the Highways Act, provides that a highway authority is under a duty to maintain those highways in the area for which it is responsible.</p> <p>Section 130 of the highway Act, provides for protection of public rights. It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority.</p> <p>The Council also has legal statutory duties to manage day-to-day operational use of its highways to 'keep traffic moving' under The Traffic Management Act 2004.</p>



	The Framework Agreement has been developed in accordance with the Public Contracts Regulations 2015.
<b>Risk:</b>	<p>There are no specific risk or resource implications. Any work undertaken through this framework will be funded utilising current budgets.</p> <p>The West Midlands Collaborative Framework Contract for Works to Highways Structures will be used to support the delivery of the statutory duties outlined above, namely the inspection, maintenance, repair and strengthening of highway structures funded from within included within approved capital programmes and revenue budgets.</p>
<b>Equality:</b>	An Equality Impact Assessment (EIA) initial screening has been undertaken. The screening identified that there will be no adverse impact on people or groups with protected characteristics. A full EIA is not therefore required.
<b>Health and Wellbeing:</b>	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. The continuation of participation in this West Midlands Collaborative Framework Agreement for the procurement of Works to Highways Structures will help ensure that our highways are maintained to a good standard, defects are identified, repairs completed to a required standard.
<b>Social Value</b>	<p>Continued participation in this framework provides us the opportunity to share best practice, improve our performance and make efficiency savings by working collaboratively together with other members.</p> <p>Sandwell believes that the effective use of local, smaller or medium sized contractors unlocks significant benefits for the residents of Sandwell that goes beyond the first-order project derived Value For Money benefits, by making more holistic use of the economic funds available to us to compliment the</p>



	<p>Council's wider drivers to tackle poverty, inequality and lack of opportunities within the Borough.</p> <p>The successful supplier's offerings in respect of Social Value will be assessed as part of the Tender Appraisal stage of this framework. The successful suppliers tend to be local businesses, supplying employment opportunities for local people. We will be working with Wolverhampton City Council to develop appropriate quantitative and measures on employment of local people, work placements and mentoring, working with local schools and community groups etc.</p>
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**Background Details**

- 8.1 The scope of the Framework Agreement includes the inspection, maintenance, repair and strengthening of highway structures including; Highway over and under bridges, Footbridges, Subways, Retaining walls, Culverts, Fences and safety barriers, and any other highway-associated structures advised by the Council
- 8.2 The Works does not include maintenance and repair of carriageways or footways except where specifically necessitated by bridge maintenance works.
- 8.3 The Contractors will be required to have the required skills/range of staff available, in sufficient numbers and levels, to cover the range of activities needed to efficiently carry out all the different types of works as described in the lot(s).
- 8.4 The lead authority will be Wolverhampton City Council working in collaboration Birmingham City Council, Coventry City Council and the Metropolitan Boroughs of Dudley, Sandwell, Walsall and Solihull.
- 8.5 The Framework Agreement will comprise of 2 Lots:



Lot 1 for package orders up to £40,000





Lot 2 for package orders between £40,001 and £500,000

- 8.6 The Procurement process for the Framework Agreement began with the publication of a Contract Notice in the Official Journal of the European Union (OJEU) by leading Council – Wolverhampton City Council following the Open procurement procedure, in accordance with the requirements of the Public Contracts Regulations 2015. Although Wolverhampton City Council will lead on the procurement process, the work will be undertaken collaboratively amongst the seven Local Authorities.
- 8.7 The Framework Agreement is for an initial three-year period, with an option to extend for an additional 12 months, subject to satisfactory performance and budget availability. The Framework Agreement will commence on the 1st April 2021 to 31<sup>st</sup> March 2024, with an option to extend for an additional 12 months until 31<sup>st</sup> March 2025, subject to satisfactory performance.
- 8.8 Sandwell current participate in a similar existing Framework Agreement that commenced on 1st April 2016 and expires on 31st March 2021.
- 8.9 Approval is sought, subject to completion of all the relevant procurement processes and award of the contract, to participate in this new Framework Agreement from 1st April 2021.
- 8.10 Sandwell would expect to spend c£625,000 per year under this framework.
- 8.11 Projects undertaken using the new Framework Agreement will contribute to achieving the priorities and targets set out in the West Midlands Local Transport Plan 2011 – 2026, particularly to underpin private sector led growth and economic regeneration and to improve the health, personal security, and safety of people travelling in the West Midlands Metropolitan area.

## 7. Appendices

None

