

Report to Cabinet

17 March 2021

Subject:	Award a Contract for Bulk Rock Salt for Winter Service Operations
Cabinet Member:	Cllr Jackie Taylor – Cabinet Member for Sustainable Transport
Director:	Tammy Stokes – Interim Director Regeneration & Growth
Key Decision:	Yes
Contact Officer:	Mat Burling – Senior Engineer Maintenance – Highway Services mat_burling@sandwell.gov.uk

1 Recommendations

That Cabinet:

1. Authorise the Interim Director – Regeneration and Growth and the Head of Finance/ S151 Officer, in consultation with the Cabinet Member for Sustainable Transport to enter into a collaborative framework agreement with Dudley Metropolitan Borough Council for the provision of bulk ground rock salt for winter service operations.
2. Authorise the Interim Director – Regeneration and Growth and the Head of Finance/ S151 Officer in consultation with the Cabinet Member for Sustainable Transport to award a contract for the provision of bulk ground rock salt for winter service operations, following a compliant competitive tender process in collaboration with Dudley Metropolitan Borough Council for a 4 year period.



3. Authorise the Director of Law and Governance – Monitoring Officer to execute any documentation necessary to enable the course of action in 1 above.
4. That any necessary exemptions be made to the Procurement and Contract Procedure Rules to enable the course of action referred to in 2 above to proceed.





2 Reasons for Recommendations

- 2.1 Authority is sought to authorise the Interim Director – Regeneration and Growth and Head of Finance – Acting Section 151 officer in consultation with the Cabinet member for Sustainable Transport, to approve and award the contract and accept a tender for the procurement of bulk ground rock salt, once the evaluation process is complete following a compliant competitive tender exercise.
- 2.2 Road users and the wider community place a high value on keeping traffic moving safely in snow and freezing winter weather. Failure to do so can result in adverse economic and social impacts, public dissatisfaction and significant reputational damage.
- 2.3 The council has a statutory duty ‘to ensure, so far as reasonably practicable, that safe passage along a highway is not endangered by snow or ice’. The duty is not absolute, but decisions must be taken on reasonable grounds with due care and regard to relevant considerations set out in best practice guidance.
- 2.4 To meet this duty, winter service operations are carried out to prevent ice forming (precautionary salting), melt ice already formed (post salting) and remove snow accumulations by using ground rock salt which is stored at Taylors Lane Depot in Oldbury.
- 2.5 Grit bins are located across Sandwell at various locations; these are stocked with ground rock salt to enable people to use this on the public highway as required.



- 2.6 To enable the effective and required operation of the Highway Winter Service Plan; rock salt is used during precautionary treatment and during snow to prevent ice forming on the highway network.
- 2.7 To complete a joint tender exercise with Dudley MBC to enable authorities to benefit from greater economies of scale by combining volumes.

3 How does this deliver objectives of the Corporate Plan? (select relevant category and inc narrative how deliver)

	<p>Best start in life for children and young people 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>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.</p>
	<p>Good quality Highways infrastructure will make our communities feel safe, more protected and confident in their homes and neighbourhoods.</p>
	<p>The implication for our 2030 vision is if we fail to procure appropriate materials we will be unable to deliver our Highway Winter Operational Plan which will lead to reduced economic and physical activity resulting from residents being less likely to travel as well as higher costs for users of our highway from increased wear and tear and accident damage.</p>
	<p>Our highways (both carriageways and pavements) 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>



4 Context and Key Issues

- 4.1 Cabinet approval is sought for delegated authority to approve the award of a framework tender in collaboration with Dudley Metropolitan Borough Council (MBC) for a period of up to 4 years for ground rock salt to support the efficient and effective running of the Winter Service Operational Plan.
- 4.2 The current contract for the supply of ground rock salt expires on 25th May 2021.
- 4.3 The tendering exercise will be carried out to ensure seamless operations remain in place and to enable a pre-season re-stock to be completed prior to the upcoming winter of 2021/22.
- 4.4 The exercise will be carried out by Sandwell MBC acting as lead authority, in collaboration with Dudley MBC who will utilise the contract to support their own winter service operations.
- 4.5 It is anticipated that the combined value of the framework agreement over a 4-year period will be between £1,000,000 and £1,500,000, of which Sandwell's proportion will be approximately half.
- 4.6 The tender will be evaluated by 80% price and 20% quality with tender evaluation completed by both Sandwell and Dudley MBC.
- 4.7 The exercise is a joint procurement with Dudley MBC, with Sandwell acting on behalf of both authorities. The rationale for the joint procurement is to enable authorities to benefit from greater economies of scale by combining volumes.

5 Alternative Options

- 5.1 There are no recommended affordable alternatives to mitigate the safety risks arising from winter weather.



6 Implications

Resources:	<p>The Winter Service is funded from the Highways Maintenance target revenue with an allocation of £540,000 based on an 'average' winter.</p> <p>There are both fixed and variable elements to the service cost. Fixed costs incurred, irrespective of winter severity, are £371,000 and include plant (gritters), labour (stand-by), management and duty staff, weather forecasting, salt bins, annual service charges, training etc.</p> <p>The variable costs depend on winter severity. The budgeted cost for an 'average' winter season based on 55 precautionary treatments is £169,000 and includes labour (turn outs), salt consumed, fuel, plant repairs etc.</p> <p>Whilst the severity of the winter does impact on the actual level of expenditure incurred any costs associated with the winter maintenance service will be met from within Highways Services target budget.</p> <p>A 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'. The Winter Service Plan 2020-21 sets out the council's arrangements for delivery of the winter service to meet its legal obligations to mitigate this risk which requires the use of ground rock salt.</p>
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<p>Legal and Governance:</p>	<p>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.</p> <p>Section 41 (1) of the Highways Act, as modified by the Section 111 of the Railways & Transport Act 2003, imposes a duty on a highway authority <i>‘to ensure, so far as reasonably practicable, that safe passage along a highway is not endangered by snow or ice’</i>.</p> <p>The duty is qualified by <i>‘reasonable practicability’</i>. So, therefore, it would not be reasonable to expect to:</p> <ul style="list-style-type: none"> • provide the service on all parts of the network; or • ensure roads are kept free of ice or snow at all times. <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’. This duty extends to periods of severe winter weather.</p>
<p>Risk:</p>	<p>Highway maintainable at public expense. This will help deliver the aims and objectives as set out in the Corporate Asset Management Plan and The Highway Asset Management Plan aimed at ensuring the safety of the highway network.</p> <p>The council has a duty to meet its legal obligations to mitigate service risks related to third party liability claims arising from accident and injury due to condition of the highway, the cabinet approved Winter Maintenance Plan sets out the council’s proposed arrangements for delivery of the winter service for which rock salt is required for effective and efficient use on the public highway.</p>



Equality:	An equality impact assessment has not been carried as maintaining the highway infrastructure maintainable at public expense is not believed to impact significantly against the protected characteristics.
Health and Wellbeing:	The procurement of bulk rock salt will support the effective running of the winter service plan which supports 2030 Ambitions 5 and 6 in keeping the roads operating safely and efficiently during freezing conditions.
Social Value	Not applicable in this instance.

7. Appendices

None

8. Background Papers

- 8.1 Well-managed Highway Infrastructure – Code of Practice Last updated October 2016
- 8.2 Highways Winter Maintenance Plan 2020-21.

