

Report to Cabinet

16 November 2022

Subject:	Highway Surface Treatment Contract
Cabinet Member:	Cllr Zahoor Ahmed – Cabinet Member for Environment
Director:	Alice Davey – Director of Borough Economy
Key Decision:	Yes Impacts multiple wards across the Borough
Contact Officer:	Robin Weare – Assistant Director, Highway Services Mathew Burling – Senior Engineer – Maintenance

1 Recommendations



- 1.1 That Cabinet approves Sandwell MBC working in collaboration with Dudley MBC, with Dudley MBC acting as the lead Authority for the provision of highway surface treatments contract.
- 1.2 That Cabinet authorise the Director of Borough Economy to award contracts for the provision of highway surface treatments in support of Sandwell's annual planned highway maintenance programme, following a compliant competitive tender process in collaboration with Dudley, Wolverhampton and Walsall Councils, with Dudley MBC acting as the lead authority.
- 1.3 That Cabinet authorise the Director of Law and Governance – Monitoring Officer to execute any documentation necessary to enable the above.
- 1.4 That any necessary exemptions be made to the Procurement and Contract Procedure Rules to enable the course of action referred to in 1.2 above to proceed.






2 Reasons for Recommendations

- 2.1 Road users and the wider community place a high value on keeping all road users moving safely around Sandwell on well-maintained roads and footpaths. Failure to do so can result in adverse economic and social impacts, public dissatisfaction and significant reputational damage.
- 2.2 The Council has a statutory duty under section 41 of the Highways Act 1980 to maintain highways that are maintainable at the public expense.
- 2.3 To meet this duty to effectively maintain the highway a suite of specialist contracts are in place covering different methods of work for which this proposed contract will form a key part.
- 2.4 The objective of planned surface treatment works is to preserve and protect both footways and carriageways before wider resurfacing and reconstruction works are required. This is consistent with the principles of Asset Management best practice.
- 2.5 The existing agreement, which was also a collaborative exercise with Dudley MBC acting as lead authority, ended on 31st May 2022. This has ensured Sandwell can both fulfil its obligations as the Highway Authority for Maintenance related highway works and benefit from economies of scale and reduced tendering costs.
- 2.6 Subject to the required approvals, the new agreement would commence from 1st December 2022 to ensure planned works can proceed as planned for 2022-23 and following financial years.

3 How does this deliver objectives of the Corporate Plan?

	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.
	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 will help maintain economic and physical activity, minimise delays to journey time and contribute to reduced accidents and accident damage.
	<p>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.</p> <p>The recent Enventure survey was conducted to gain insight from residents to support Sandwell Council in the development of the budget proposals and future spending priorities. The survey found that “Maintaining Roads and Pavements” was selected as important by high proportions of respondents in both the representative survey (72%) and the online survey (79%).</p>

4 Context and Key Issues

- 4.1 Cabinet approval is sought for delegated authority to approve Sandwell participating in a framework tender working in collaboration with Dudley and Wolverhampton Councils for a period of up to 4 years for highway surface treatments; to support the Councils highway maintenance programme.
- 4.2 Dudley MBC are acting as lead authority, in collaboration with Sandwell MBC and Wolverhampton Councils who will utilise the contract to support their own surfacing operations.
- 4.3 It is anticipated that Sandwell’s value over the 4-year period will be approximately £10m. This will primarily be for planned preventative maintenance works to the carriageway and footway.
- 4.4 The tender will be evaluated by 75% price and 25% quality with tender evaluation completed by Dudley MBC and Wolverhampton City Councils.

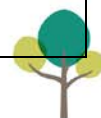


5 Alternative Options

- 5.1 There are no recommended affordable alternatives to enable effective and efficient highway surfacing and associated works.

6 Implications

Resources:	Planned maintenance work to the highways is funded from Highways Maintenance budgets with an allocation across revenue.
Legal and Governance:	<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>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> <p>The contract will be procured and awarded in accordance with the Public Contracts Regulations 2015 and the Council's Procurement and Contract Procedure Rules.</p>
Risk:	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'.
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 highway environment plays an important role in the life of the community, particularly the positive opportunities for social inclusion and interaction. Participation in this Framework Agreement will help ensure that our highways are maintained to a good standard,
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 Sandwell Council Highway Infrastructure Asset Management Plan

