

Report to Cabinet

15 December 2021

Subject:	Award a Contract for Coated Road Stone and Instant Road Repair Materials
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 approves Sandwell Metropolitan Borough Council (SMBC) working in collaboration with Dudley Metropolitan Borough Council and Wolverhampton City Council, with SMBC acting as lead Authority, in the supply of Coated Road Stone and Instant Road Repair Materials.
- 1.2 That Cabinet authorise the Director of Borough Economy, to award contracts and accept tenders for the provision of Coated Road Stone and Instant Road Repair Material; for general maintenance, repair of footways and carriageways on the highways network around the Borough once evaluation processes are complete and following compliant competitive tender processes.
- 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 Procurement is required because the existing contracts for the supply of Coated Road Stone Materials and Instant Road Repair are about to expire.
- 2.2 The current contract for the supply of Coated Road Stone Materials originally expired on 30 June 2021 but was extended to 31 December 2021 using Regulation 72(1)(c).
- 2.3 The current contract for Instant Road Repair, now part of the Coated Road Stone procurement, expired July 2021 and was extended to 10 January 2022 using Regulation 72(1)(c).
- 2.4 The framework tender is a collaboration with Dudley Metropolitan Borough Council and Wolverhampton City Council with Sandwell acting as lead Authority with SMBC benefitting from economies of scale and reduced tendering costs.
- 2.5 The tender exercise will aim to ensure continuity of operations and enable a smooth and efficient switch to the new contract.

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 As the Local Highway Authority, SMBC has a statutory duty to ensure the Highway Network is maintained in a safe and useable manner.
- 4.2 To meet this duty, the material stipulated within these contracts are used to maintain carriageways and footways across the Borough.
- 4.3 Road users and the wider community also place a high value on keeping traffic moving safely around the Borough.
- 4.4 Failure to adequately maintain our Highway Network can result in accidents, avoidable congestion, consequent adverse economic and social impacts, public dissatisfaction, claims and significant reputational damage.
- 4.5 Cabinet approval is sought for delegated authority to approve the award of a framework tender in collaboration with Dudley Metropolitan Borough Council and Wolverhampton City Council for a period of up to 4 years for the supply of Coated Road Stone and Instant Road Repair Materials.
- 4.6 The tender exercise will be carried out by Sandwell MBC acting as lead authority, in collaboration with Dudley MBC and Wolverhampton City Council who will utilise the contract to support their own Highway Maintenance Operations.
- 4.7 It is anticipated that the combined value of the framework agreement over a 4-year period will be £4.1 million, of which SMBC's proportion is estimated to be approximately £1 million.
- 4.8 The tender is split into 3 Lots as follows:

Lot 1 – Aggregates and Asphalts

Lot 2 – Ready-mix Concrete

Lot 3 – Instant Road Repairs



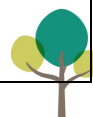
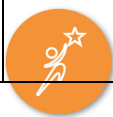
4.9 Each Lot will be evaluated by 60% price and 40% quality with tender evaluation completed by Sandwell, Dudley MBC and Wolverhampton City Council.

5 Alternative Options

5.1 There are no recommended affordable alternatives to obtain material to maintain our Highway Network.

6 Implications

Resources:	The actual material procured through these contracts will either be delivered by the successful supplier or collected by our own internal employees. no guarantee of expenditure is given to suppliers only an estimated that the services to be procured by the Council over the life of the agreement will be approximately £1,000,000.
Legal and Governance:	<p>The principal statutory duty imposed on local highway authorities is to maintain the highway maintainable at public expense.</p> <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.</p>



	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:	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.
Health and Wellbeing:	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.
Social Value	We are asking tenderers to explain how they can deliver a positive impact on the social, economy and environmental well-being of the local area.

7. Appendices

None

8. Background Papers

8.1 Tender documentation

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

