

# Report to Cabinet

**9 February 2022**

<b>Subject:</b>	Award a Contract for Highway Surfacing and Associated Works
<b>Cabinet Member:</b>	Cllr Ahmad Bostan – Cabinet Member for Environment
<b>Director:</b>	Alice Davey – Director of Borough Economy
<b>Key Decision:</b>	Yes
<b>Contact Officer:</b>	Robin Weare – Service Manager, Highways Mathew Burling – Senior Engineer – Maintenance

## 1 Recommendations



- 1.1 That Cabinet approves Sandwell MBC working in collaboration with Dudley MBC and Wolverhampton City Council with Dudley acting as the lead Authority to procure a contract for the provision of highway surfacing and associated works.
- 1.2 That the Director of Borough Economy be authorised to accept tenders and award the recommended collaborative contract for the provision of highway surfacing and associated works in support of Sandwell's annual planned highway maintenance programme, following a compliant competitive tender process.
- 1.3 That the Director of Law and Governance and Monitoring Officer be authorised to execute any documentation necessary to enable the recommended course of action.
- 1.4 That any necessary exemptions be made to the Procurement and Contract Procedure Rules to enable the recommended course of action referred 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, routine highway maintenance works are programmed such as patching for minor defects or wider resurfacing and reconstruction works where required.
- 2.4 To enable the effective completion of highway maintenance works a suite of contracts are in place covering different specialist methods of work. The current contract for highway surfacing and associated works is due to expire on 30<sup>th</sup> April 2022.
- 2.5 The existing agreement was also a collaborative exercise with Dudley MBC acting as lead authority and has ensured Sandwell can fulfil its statutory obligations as Local Highway Authority for maintenance of the public highway network, while benefitting from economies of scale and reduced tendering costs.
- 2.6 Subject to the required approvals, the new contract will be in place to allow seamless transition from the current framework.

## 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 among our younger people increasing their health and wellbeing, improving road safety promoting cleaner air quality and supporting the response to the climate change emergency.
	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 reduce the potential for road traffic accidents to make our communities feel safer, 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.
	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 recommendations to establish a collaborative contract for a period of up to 4 years for highway surfacing and associated works to support the Council's highway maintenance programme.
- 4.2 It is anticipated that the value of work commissioned by Sandwell over the 4-year period will be approximately £15M. This will primarily be for planned carriageway and footway maintenance and associated works.
- 4.3 The tender will be evaluated by 60% price and 40% quality with tender evaluation completed by Dudley MBC.

## 5 Alternative Options

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

## 6 Implications

<b>Resources:</b>	Planned maintenance work to the highways is funded from Highways Maintenance budgets with a combined allocation from revenue and external capital grants of £3.75M based on an 'average' year.
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<b>Legal and Governance:</b>	<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 as Local Traffic Authority to manage the authority's road network to facilitate as far as reasonably practicable the expeditious movement of traffic.</p>
<b>Risk:</b>	<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'.</p>
<b>Equality:</b>	<p>An equality impact assessment has not been carried out as maintaining the highway infrastructure maintainable at public expense is not believed to impact significantly against the protected characteristics.</p>
<b>Health and Wellbeing:</b>	<p>The framework will support the delivery of planned highway maintenance work; which supports 2030 Ambitions 5 and 6 in keeping the roads operating safely and efficiently.</p>
<b>Social Value</b>	<p>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</p>



## 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

