

Cabinet – 9 February 2022

**Black Country Collaborative Framework Contract for
Minor Works 2021-2024/25**

Portfolio: Councillor Andrew, Deputy Leader and Regeneration

Related portfolios:

Service: Highways & Transport

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

1.1. The Black Country Collaborative Framework Contract for Minor Works 2020 – 2024/25 [the “framework”] will provide a mechanism to for the delivery of minor works; typically, minor highway improvements, work on bridges and structures, together with other transport related highway and civil, engineering and construction.

2. Summary

2.1. This report seeks approval to utilise the framework, which has been developed and procured on behalf of and in conjunction with the Black Country authorities, Birmingham City Council and Transport for West Midlands.

2.2. The framework will supplement the council’s Highway Infrastructure Service Contract [HISC] with Tarmac. It will provide an alternative delivery mechanism for highways, transport and public realm schemes, particularly when the nature of the work is better suited to an alternative contractor. Additionally, access to the framework will facilitate market testing, wider supply chain engagement and drive both performance and best value.

2.3. Notably, joining the framework will facilitate the appointment of a contractor for the construction of the York’s Bridge project without the need for lengthy and costly procurement procedures.

2.4. This is a Key Decision because the cumulative value of the works procured over the life on the contract is expected to exceed £250k. Additionally, if agreed, the contract will used to procure works in more than two wards of the borough.

3. Recommendations

- 3.1. That Cabinet authorise the Head of Highways & Transport, in liaison with the Executive Director for Economy, Environment & Communities, to formally utilise the Black Country Collaborative Framework Contract for Minor Works 2020 – 2024/25 with an anticipated expenditure by the council of up to £10,000,000 until the contract expiry date, 31 October 2024, with an option to extend use of the framework for further year until 31 October 2025.
- 3.2. That Cabinet delegate authority to the Executive Director for Economy, Environment and Communities to award call-off contracts from the framework and subsequently authorise the sealing of Deeds and/or signing of contracts and any other related documents for the provision of such works and services as well as any extension and variation of the contractual arrangements or other related documents should this be required throughout the duration of the contract.

4. Report detail - know

Context

- 4.1. Following Cabinet approval in December 2016, the council formally joined the Framework Agreement for Minor Civil Engineering Works, which operated from 1 November 2016 to 31 October 2021.
- 4.2. The Black Country wide framework, also managed by Sandwell Council in conjunction with the Black Country Authorities and Transport for West Midlands, has provided the council with access to 12 contractors, both West Midlands-based and national, across three lots. Contractor performance has been consistently good, the framework has facilitated market testing and helped to drive best value from the HISC with Tarmac by providing an element of completion and a quality comparator with respect to target costed highways schemes.
- 4.3. In 2020, Sandwell Council started a further procurement process, on behalf of the four Black Country Local Authorities, Birmingham City Council and Transport for West Midlands, to provide a replacement framework agreement.
- 4.4. The scope of the Framework Agreement includes all minor civil engineering works associated with improving and protecting the highway network infrastructure. This includes, but is not limited to:
 - Construction of new footways and carriageways.
 - Associated highways landscape works.
 - Installation of new highway drainage.
 - Installation of new traffic signals and pedestrian crossings.
 - Installation of bitumen and block paved surfacing.
 - Installation of lighting columns, bollards and electrical connections.
 - Installation of road marking, road signs, electronic message signs.

- Excavation, demolition and disposal of existing infrastructure.
 - Infilling of redundant subway and associated demolition works.
 - Protection to existing underground services.
 - Implementation of off-highway civil engineering works on behalf of external and internal clients.
- 4.5. Without the ability to call off works and services from a framework, which enables quick and efficient use of contractors to undertake programmes of work, each project will either require separate costly and timely tendering processes or need to be delivered via the HISC or use of less suited framework contracts for urgent service provision. This would inevitably lead to long delays in delivering safety and infrastructure improvement projects, increased costs and potential reputational harm.
- 4.6. Access the framework will simplify delivery of projects necessary to maintain the borough's highway infrastructure and public realm to a high standard and improve road safety cost effectively. It will provide a level of efficiency through utilising shared resources, adoption of regional best practice and effective project management principles.
- 4.7. The framework will help to drive best value by providing a means to carry out market testing and introducing the opportunity to carry out mini competitions when tendering. Additional benefits will be realised through the reduction in tendering costs, reduced contract administration, access to regional innovation, creativity and collaboration, improved customer service, delivery of social value benefits and improved measurement, recording and promotion in the successful delivery of projects and schemes.

Council Corporate Plan priorities

- 4.8. Access to the framework will facilitate the Highways & Transport contribution to the council's corporate plan priorities:
- 4.8.1. **Economic Growth:** Our local highways are the arteries of our communities. They connect our residents to employment, education, local services and the wider world. They enable economic growth, social mobility and are vital in ensuring good health and economy.
- 4.8.2. **People:** A safe and well-maintained highway environment plays an important role in the life of the community, particularly the positive opportunities that they can bring from health, independence, social inclusion and interaction.
- 4.8.3. **Internal Focus:** Access to a framework contract for the delivery of highways and civil engineering works will facilitate efficiency and the delivery of quality, best value infrastructure improvements.
- 4.8.4. **Children:** Quality, well maintained and safe highway infrastructure will encourage more walking and cycling among our younger people increasing their wellbeing

and health, improving road safety and reducing road casualties and promoting cleaner air quality.

- 4.8.5. **Communities:** Quality highway infrastructure will connect our communities, provide access to work, education and leisure and create a feeling of safety and confidence in their neighbourhoods.

Risk Management

- 4.9. There are no specific risk implications. The framework will be used to support the delivery of the statutory duties outlined below and from approved capital programmes and revenue budgets.

Financial Implications

- 4.10. It is anticipated that the council will spend between £5m and £10m over the duration of the framework contract including the investment allocated to replace Yorks Bridge [approximately £3,500,000].
- 4.11. Regarding Yorks Bridge specifically, the funding for this scheme has been secured from Local Transport Plan and Maintenance Block funding allocations for bridge maintenance. There is currently £1.9m allocated to the project and an additional £750k for 2021/22 and a further £750k for 2022/23 allocated from the council's budget, which is sufficient to deliver the scheme.
- 4.12. Works undertaken utilising the framework will be funded through yearly revenue allocations and capital budgets and grants in relation to, but not limited to, the City Region Sustainable Transport Settlement, which includes the Integrated Transport Block and Highway Maintenance Block; Towns Fund and the Future Highway Street Fund.
- 4.13. The Highways & Transport Capital Programme is subject to Cabinet approval on an annual basis with further approvals sought for additional capital and revenue spend as appropriate.
- 4.14. There is no guaranteed workload associated with joining the framework. As such, admission to the framework agreement does not place any financial commitment on the council.

Legal implications

- 4.15. The Highways Act 1980 sets out the council's duty to maintain the highway maintainable at public expense. The Road Traffic Act 1988 sets out the council's duty to prepare and carry out a programme of measures designed to promote road safety. Traffic Management Act 2004 sets out the council's network management duty to, as far as reasonably practicable, secure the expeditious movement of traffic on the authority's road network. The framework will provide a mechanism to deliver against these duties.

4.16. The procurement has been undertaken in accordance with the Public Contracts Regulations 2015 and the Council’s Procurement and Contracts Procedure Rules. As such, by electing to use a framework, the Directorate accepts the contract terms provided by the framework for any call offs with contractors and the Directorate have therefore not involved Legal Services in reviewing those call off terms.

Procurement Implications

4.17. Sandwell Council have procured the framework using an open tender process and advertised it on the ‘Find a Tender’ service (FTS).

4.18. The procurement is split into 3 Lots:

4.18.1. Lot 1 – Highways and related civils works up to £100,000

4.18.2. Lot 2 – Highways and related civils works up to £100,001 to £500,000

4.18.3. Lot 3 – Highways and related civils works over £500,001

4.19. The evaluation was split for each Lot with 60% on price and 40% on quality and social value.

4.20. 61 companies expressed an interest with 22 submitting tenders. There were 11 bids for Lot 1, 20 bids for Lot 2, and 11 bids for Lot 3.

4.21. The bids were evaluated by a panel of representatives from Sandwell Council, Birmingham City Council, Dudley Council, Walsall Council, City of Wolverhampton Council and Transport for West Midlands.

4.22. Seven contractors have been appointed for each of Lots 1 and 2, and four contractors for Lot 3. These are detailed in the table below:

Lot 1 – Highways and related civils works up to £100,000.	Lot 2 – Highways and related civils works up to £100,001 to £500,000.	Lot 3 – Highways and related civils works over £500,001.
Contractor	Contractor	Contractor
Bridge Construction	Bridge Construction	Colas Limited
Haystoun Construction	Colas Limited	Fitzgerald Contractors Ltd
GN Groundworks	Fitzgerald Contractors Ltd	McPhillips Wellington Ltd
Mac Surfacing Limited	Haystoun Construction	Thomas Bow Limited
Parade Civil Engineering	McPhillips Wellington Ltd	
RW Services Contractors Limited	Parade Civil Engineering	
Stourbridge Paving Limited	Thomas Bow Limited	

Social Value

- 4.23. The procurement of this framework provides an opportunity to share best practice, improve performance and achieve best value by working collaboratively together with other authorities. The effective use of local, smaller or medium sized contractors unlocks significant benefits for the local economy.
- 4.24. The bidders' social value offerings have been assessed as part of the tender appraisal for the framework. The successful bidders are mainly local businesses, thus creating employment opportunities for local people.
- 4.25. In their administration and monitoring of the framework, Sandwell Council will work in conjunction with the council's Social Value Officer to develop appropriate quantitative and measures on employment of local people, work placements and mentoring and working with local schools and community groups.

Property implications

- 4.26. As highways and public realm are included in the scope of the framework's services, it is expected that the majority of works will be delivered on land already owned or managed by the council. Where necessary, agreements will be put in place for the use or enhancement of third party land.
- 4.27. Each scheme of works will be assessed with respect to the implications on land and assets. A view will be taken by either the Highways Authority, Clean & Green service leads or the Asset Management function of the council as to how the Council's land portfolio may be impacted, and how any impacts can be mitigated or managed.

Health and wellbeing implications

- 4.28. 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 utilisation of this framework contract will help ensure there is a continuation of road safety improvement works on the highway network and that our highways are maintained to a good standard.

Staffing implications

- 4.29. The framework will be accessed and managed by existing council post holders.
- 4.30. Access to the framework will provide a means of addressing short-term skills gaps within the workforce and peaks in demand without the need alter the service areas structure on a temporary or permanent basis.

Reducing inequalities

- 4.31. The provision of a mechanism to deliver quality, best value infrastructure improvements will have a positive impact by improving infrastructure and making highways and areas of public realm safer.
- 4.32. An equality impact screening has been carried out for the procurement and indicates no discriminatory impact that necessitates a full assessment to be carried out.

Climate Change

- 4.33. Tender evaluations included the following requirements with respect to Climate Change:
 - 4.33.1. **Reducing carbon dioxide emissions** - detail what sustainable initiatives are in place or will be undertaken to meet this objective.
 - 4.33.2. **Waste reduction and recycling** - detail what sustainable initiatives are in place or will be undertaken to meet this objective.
 - 4.33.3. **Sustainable travel** - detail what sustainable initiatives are in place or will be undertaken to meet this objective.
- 4.34. Accessing the framework will present the opportunity to share best practice between local authorities with respect to sustainable construction solutions and carbon reduction.
- 4.35. Additionally, accessing locally based contractors adheres to the principles of sustainable procurement whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society and the local economy, whilst minimising damage to the environment.

5. Decide

- 5.1. Cabinet is asked to re-confirm their support for the use of a regional framework for the delivery of delivery of minor highways and civil engineering works.
- 5.2. Cabinet is asked to re-confirm its support for use of a Black Country framework agreement to deliver suitable highways and civils minor construction works including the Yorks Bridge Replacement scheme.

6. Respond

- 6.1. Subject to Cabinet approval, the Directorate will enter into an access agreement allowing it to use the framework.

7. Review

- 7.1. Ongoing review of contract performance will be formally undertaken on a quarterly basis in line with the framework's provisions.

8. Background papers

- Cabinet – 11 December 2013 - York's Bridge Replacement Scheme, Pelsall [including recommendation to formally join the Framework Agreement for Minor Civil Engineering Works. - [Microsoft Word - 11-12-13 Yorks bridge FINAL.docx \(walsall.gov.uk\)](#)
- Cabinet – 9 December 2020 – Yorks Bridge Replacement Scheme – Replacement Common Land - [Document.ashx \(walsall.gov.uk\)](#)

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