

Public Document Pack

Officer Decisions

Friday, 27th January, 2023

AGENDA

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Date Published: Friday, 27th January, 2023
Denise Park, Chief Executive

Agenda Item 1

RECORD OF DECISION TAKEN UNDER DELEGATED AUTHORITY FROM EXECUTIVE/COUNCIL/COMMITTEE

DELEGATED POWERS OUTLINED IN THE CONSTITUTION



DELEGATED OFFICER DECISION TAKEN BY:	Strategic Director of Environment & Operations, Strategic Director of Growth & Development
DELEGATED BY:	Planning Committee 21-10-2022
IN CONSULTATION WITH:	Chief Officer
PORTFOLIO AREA:	Environment

SUBJECT: Highways Minor Works Framework Agreement

1. DECISION

To invite the three highest scoring tenderers onto the above Framework Agreement for two years with the option to extend for a further two years. The three companies in order of score are:

1. A J Bretherton Groundworks & Plant Hire
2. Multevo Ltd
3. JJ O'Grady Ltd

2. REASON FOR DECISION

An advertised competitive tendering exercise was undertaken via the Council's e-tendering portal – The Chest and there were 15 on time submissions. The bids were evaluated against the following published scoring criteria:

Price – 65%
Quality – 20%
Social Value – 15%

As detailed in the tender documentation, it is proposed the three highest scoring bidders are invited onto the framework agreement.

3. BACKGROUND

The Council needs to establish a minor works framework, as part of its highway maintenance function, which provides labour, plant, equipment and occasionally materials resources to undertake repair and improvement works.

The Contractor/s will mainly provide gangs of two or three operatives, with transport and equipment, that will work independently or alongside the Council's Highways Team.

Works include but are not restricted to repairing, maintaining and installing:

- Kerbing, Edging, Channelling, Step Units, including PCC, Stone and Specialist Granite products
- Combined kerb and drainage blocks and linear surface drainage systems,
- Footway paving including PCC flagstones, block paving, tactile flagstones including potentially high specification materials such as granite and york stone products,
- Drainage – repair or install surface water drains including pipework, connections and fittings,
- Drainage – installing manholes and road gullies with associated connections and fittings
- Renewing and / or adjustment levels of existing ironwork covers including manhole and gully cover and frames, fire Hydrants, stop taps and inspection covers in carriageway and footway,
- Ducting of all types including Traffic Signals, Street Lighting, Communications, including all associated Chambers and Covers
- Bituminous surfaces – hand lay all types of bituminous materials (macadams, asphalts etc) in carriageway and footway including pothole and patching repairs
- Groundworks – excavate trial holes, undertake minor earthworks excavation and disposal in all types of materials and the importing, placing and compacting of aggregates,
- Install Street Furniture – all types of signs, bollards, litter bins, benches etc including stainless steel and high specification products
- Brickwork, Blockwork & Stonework – walls and retaining structures.
- Traffic Signals - NAL Sockets, Chamber Boxes / Covers and Frames, Loop Boxes and Ducting

Maximising social value is an important part of this tendering process and subsequent contract. Therefore, as detailed above, the proposed evaluation score for social value was 15% of the scoring marks available.

Contractors were required to confirm what contractual commitments they would be willing to make to help tackle one or more of the Council's social value priorities.

The Council undertook its own tendering exercise, rather than using a national framework agreement, which gave local businesses an opportunity to bid and two of the three successful contractors are based in the borough.

Council officers from the Highways Department and the Contracts and Procurement Team evaluated the submissions. Each bid was scored against price, quality and social value criteria as detailed in the tender documents.

4. KEY ISSUES AND RISKS

The following risks and issues have been considered:

- Currently, not having a formal contract in place for minor works is a risk to service delivery. This contract mitigates the risk with the successful contractors all being required to enter into a formal call-off contract (with terms and conditions) under seal with the Council.

- By appointing three contractors to the framework, the risk of service delivery failures is further mitigated should one contractor not perform adequately or cease trading.
- Potential “teething problems” with a new contractor/s. This will be mitigated with a robust implementation plan being put in place before the new contract begins and the plan will be supported by established performance indicators which will be maintained throughout the duration of the contract.
- Cost control - The works undertaken will be minor in nature with limited associated risks, contractors will only provide resources when requested to do so and they will be paid monthly for the resources provided at agreed costs. The Council will therefore have good control of the expenditure through this contract.

5. FINANCIAL IMPLICATIONS

The pricing submitted by the contractor ranked first is similar to the rates currently paid by the Council. In the current financial climate this is a very positive outcome. The costs of works to be undertaken during the term of the contract will be met from within existing budgets.

6. LEGAL IMPLICATIONS

The procurement process has been carried out in accordance with the Council’s Contract and Procurement Procedure rules and the Public Procurement Regulations. Contracts will be in a form approved by legal officers.

7. RESOURCE IMPLICATIONS

The Highways Operations Manager and Highways management team will liaise with the three companies on the minor works framework and allocate work to them as necessary to assist the Highways service to meet deadlines for highway repairs and highways improvement works.

8. OPTIONS CONSIDERED AND REJECTED

- Use of an existing framework agreement - this was rejected as it would mean local businesses and SME’s would not have the opportunity to bid.
- Continue with the short term ad-hoc arrangements - this was rejected because the aggregated value meant a tender exercise had to be undertaken to meet the Council’s Contracts and Procurement Procedure Rules. In addition, it is felt a longer term contract would offer better value for money and increased resilience in terms of business continuity.


Further information is available via the following link [] or from the report author

9. DECLARATION OF INTEREST

All Declarations of Interest of the officer with delegation and the any Member who has been consulted, and note of any dispensation granted should be recorded below:

VERSION: 1	12 January 2023
CONTACT OFFICER:	Les Smith les.smith@blackburn.gov.uk Joanne Byrne joanne.byrne@blackburn.gov.uk
DATE:	12-01-2023

BACKGROUND DOCUMENTS:	N/A
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Signed: 	
Director Strategic Director of Environment & Operations, Strategic Director of Growth & Development	Date: 12 January 2023

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

11. DECLARATION OF INTEREST

All Declarations of Interest of the officer with delegation and the any Member who has been consulted, and note of any dispensation granted should be recorded below:

VERSION: 1

CONTACT OFFICER:

DATE:

BACKGROUND DOCUMENTS:

DIRECTORS - has legal and finance advice been considered ?

YES

NO

Agenda Item 2

**RECORD OF DECISION TAKEN UNDER
DELEGATED AUTHORITY FROM
EXECUTIVE/COUNCIL/COMMITTEE**

**DELEGATED POWERS OUTLINED IN
THE CONSTITUTION**



BLACKBURN
with
DARWEN
BOROUGH COUNCIL

DELEGATED OFFICER	Acting Director Children's Services and Education
DECISION TAKEN BY:	Council (date of delegation)
DELEGATED BY:	Chief Officer
IN CONSULTATION WITH:	Schools & Education
PORTFOLIO AREA:	

SUBJECT: Award of contracts for home to school transport

1. DECISION

In consultation with the Director of Finance to award to successful providers who have submitted tenders for Home to School transport with the associated budget adjustments.

2. REASON FOR DECISION

A competitive tender exercise was advertised through the Chest portal and on the government's contract finder website for a replacement operator for these routes. In this tender exercise operators only bid against 3 of these routes and therefore the tender had to be re-run for the remaining route for which we managed to secure a bid during the second run. Due to the relative short notice for these contracts and that they would be starting part way through a term these are only being let until the 21st July. These contracts will be awarded to the lowest bidders as follows;

Route Company being awarded
10/70 BPH coaches
10/84 Cranberry Coaches
10/95 Moving People
10/975 Red Rose Travel

3. BACKGROUND

Due to one of the Councils current operators being at risk of losing some operator licences it was mutually agreed that four of the existing contracts would be handed back to the Council on the 30th January 2023.

4. KEY ISSUES AND RISKS

A continuation of service is required in order to meet the required statutory obligation of providing Home to School Transport and Special Educational Needs and Disability Transport.

5. FINANCIAL IMPLICATIONS

The retendering of the 4 routes saw an increase in price compared to what is currently paid. The additional cost implication of these contracts for the period 30th January to 21st July is £39,828. A budget variation is therefore required as below;

2022/23 - £15,619

2023/24 - £24,209

As previously mentioned it is likely that when these contracts are let for the period up until Easter 2025 a further budget increase will be required.

6. LEGAL IMPLICATIONS

The procurement process used to tender these contracts and the creation of the new DPS framework complies with the requirements of the Council's Contract and Procurement rules and the Public Contracts Regulations 2015.

This item is not for call in accordance with rule 15 of the Overview & Scrutiny Procedure Rules in the constitution as the delay is likely to prejudice the Councils and public's interest by not being able to provide a statutory service to the schools until the call-in period is over. The requirements stated in Rule 15 have been complied with.

7. RESOURCE IMPLICATIONS

There are no resource implications associated with this decision.

8. OPTIONS CONSIDERED AND REJECTED

The department could have waited to see if the existing company could have managed to source alternative arrangements themselves, due to the risk to the authority of not being able to provide a statutory service this was rejected.

Further information is available from the report author

9. DECLARATION OF INTEREST

All Declarations of Interest of the officer with delegation and the any Member who has been consulted, and note of any dispensation granted should be recorded below:

VERSION:	
CONTACT OFFICER:	Peter Hughes, peter.hughes@blackburn.gov.uk,
DATE:	25/01/2023
BACKGROUND DOCUMENTS:	None

Signed:

**Director Acting Director Children's Services
and Education**

Date:

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

None with this report.

11. DECLARATION OF INTEREST

All Declarations of Interest of the officer with delegation and the any Member who has been consulted, and note of any dispensation granted should be recorded below:

VERSION: 1

CONTACT OFFICER: Peter Hughes

DATE: 25/01/2023

BACKGROUND DOCUMENTS: None

DIRECTORS - has legal and finance advice been considered ?

YES

NO