

Report to Cabinet

18 May 2022

Subject:	Award a Contract for the provision of Highway Electrical Connections
Cabinet Member:	Cllr Bob Piper Cabinet Member for Environment
Director:	Alice Davey Director Borough Economy
Key Decision:	Yes Affects all wards in the Borough
Contact Officer:	Robin Weare Service Manager- Highway Services

1 Recommendations

- 1.1 That the Director of Borough Economy be authorised to award a contract for the provision of Highway Electrical Connections, following a compliant procurement process.
- 1.2 That Cabinet authorise the Director of Law and Governance – Monitoring Officer to execute any documentation necessary to enable the recommended course of action.
- 1.3 That any necessary exemptions be made to the Council’s Procurement and Contract Procedure Rules to enable the recommended course of action referred to in 1.1 above to proceed.

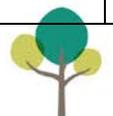


2 Reasons for Recommendations

- 2.1 Road users and the wider community place a high value on street lighting. Failure to adequately maintain lighting on Sandwell’s highway network can result in accidents, incidents, avoidable congestion, consequent adverse economic and social impacts, public dissatisfaction, claims and significant reputational damage.
- 2.2 Sandwell MBC use a wide range of contractors to help us deliver our highway maintenance programmes to maintain the highway network in a safe and useable condition for all road users. One of these contracts is the Highway Electrical Connections Contract which allows us to carry out essential repairs to street lighting as well as other illuminated street furniture.
- 2.3 As the Local Highway Authority; the Council has a statutory duty to ensure street lighting is maintained in a safe and useable manner.

3. How does this deliver objectives of the Corporate Plan?

	<p>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.</p>	
	<p>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.</p>	
	<p>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.</p>	
	<p>Well maintained highways will help maintain economic and physical activity, minimise delays to journey time and contribute to reduced accidents and accident damage.</p>	
	<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 and are vital in ensuring good health outcomes.</p>	



4 Context and Key Issues

- 4.1 The current contract for the supply of Highway Electrical Connections expires on 31st August 2022.
- 4.2 The new contract is proposed to take effect from 1st September 2022 to ensure continuity of service.
- 4.3 A procurement exercise has been carried out by Sandwell MBC as a stand-alone authority using an ESPO Framework to support their own Highway Maintenance Operations.
- 4.4 A price analysis has been undertaken between all the suppliers on Lot 2 of the ESPO Framework (see Appendix One), which covers the West Midlands area, using estimated quantities against the rates on the framework.
- 4.5 The price analysis concluded that a direct award to EON Energy Services Limited was the most cost effective option.
- 4.6 The Procurement Business Partner has been consulted and confirmed that is framework offers a compliant route to market, that direct award is possible under the framework and that it adheres to the Council's Procurement & Contract Procedure Rules.
- 4.7 Legal Services have been consulted and confirmed that under clause 9.1 of the Council's Procurement & Contract Procedure Rules, as the Council is intending to procure from the Framework by call-off without competition, the Council is not required to advertise the opportunity and can proceed with the direct award without prior advertisement.
- 4.8 The direct award under the Framework Agreement is compliant with the requirements set out in Regulation 33 of the Public Contracts Regulations 2015 (PCR 2015).
- 4.9 The ESPO Framework 256 for Highway Electrical Connections commenced on 1/11/2020 and will be in place until 31/10/2022 (with an option to extend the arrangement for a further two years subject to supplier performance).



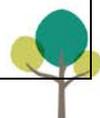
The Framework is therefore currently in force and call-offs/individual contracts can be awarded under the Framework whilst the Framework is in operation.

5 Alternative Options

5.1 There are no recommended affordable alternatives to obtain Highway Electrical Connections.

6 Implications

<p>Resources:</p>	<p>This contract will enable the Council to commission EON Energy Services to make safe and restore the main electrical connections to over 400 items of street furniture that are damaged each year.</p> <p>The contract will be awarded following an analysis of the prices submitted in Lot 2 of the ESPO Framework Contract.</p> <p>No guarantee of expenditure will be given to EON Energy Services, only an estimated value that the services to be procured by the Council over the life of the agreement will be approximately £720,000.</p>
<p>Legal and Governance:</p>	<p>The principal statutory duty imposed on local highway authorities to maintain the highway at public expense is set out in Section 41 of the Highways Act 1980. This duty includes ensuring that street lighting and illuminated signs and bollards are maintained and illuminated.</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>



	The proposed call-off will be compliant with the PCR 2015 and the Council's Procurement & Contract Procedure Rules.
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. 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>
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	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

7. Appendices

7.1 Appendix One – Price Analysis between Lot 2 Suppliers on the ESPO Framework

8. Background Papers

8.1 Tender documentation

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

