

From: Peter Osborne Cabinet Member for Highways and Transport
Simon Jones, Corporate Director of Growth, Environment and Transport

To: Environment & Transport Cabinet Committee Meeting – 4 November 2025.

Subject: Procurement and award of contract/s for Highway Emergency Tree Works Contract

Key decision: Yes 25/00089

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: Cabinet Member Decision

Electoral Division: All Districts.

Summary: The Highway Emergency Tree Works Contract is currently delivered by two Contractors, one serving the West of the County and the second the East. These Contracts expire on 31st March 2026. There are no further extension options, and a new contract is therefore required to be in place for 1st April 2026. A Key Decision is required to award the contract/s for this service as the value exceeds £1m.

Recommendation(s):

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Highways and Transport on the proposed decision to give:

1. **APPROVAL** to **procure** and **award** a new Emergency Tree Works contract for up to five years with an opportunity to extend this for up to three further years,
2. **DELEGATE** authority to the Director of Highways and Transport to take relevant actions to facilitate the required procurement activity,
3. **DELEGATE** authority to the Corporate Director of Growth, Economy and Transport, in consultation with the Cabinet Member for Highways and Transport to take relevant actions including but not limited to awarding, finalising the terms of and entering into the relevant contracts or other legal agreements, as necessary, to implement the decision and
4. **DELEGATE** authority to the Corporate Director of Growth, Economy and Transport, in consultation with the Cabinet Member for Highways and Transport, to award extensions of the contract in accordance with the relevant clauses within the contract as shown at Appendix A.

1. Introduction

- 1.1 The existing contract (SC21010) is currently operating under an 18-month extension period, which commenced in November 2024 and will conclude on the 31st of March 2026.
- 1.2 While the contract includes an option to extend for a further 18 months, the projected spend during this period would exceed the originally advertised and approved contract value, rendering further extension commercially and procedurally unviable.
- 1.3 There are therefore no further extension options, and a new contract is required to be in place for 1st April 2026.
- 1.4 The current contract delivery model is for two lots, East and West. This has worked well for the duration of the contract and provided the necessary resilience for major storm events.
- 1.5 The Council has a legal duty to keep roads and pavements clear of vegetation for safe passage of highway users. The service is principally concerned with the clearance of felled trees from the highway network, most notable in adverse weather conditions. To ensure the Council meets its statutory obligations the service will need to be re-commissioned.
- 1.6 The requirement is for the provision of emergency response specialist tree surgery teams to attend at short notice on a 24/7 basis 365 days of the year. Emergency type response times will include 2-hour and 24-hour requirement. The service is used by all operational staff but also supports the highways out of hours emergency response service.
- 1.7 There is no programmed works and work volumes are dictated by the weather and when emergency situations occur. This varies from year to year and is largely dependent on the prevailing weather and storm events.
- 1.8 The number of callouts and the associated annual spend fluctuate significantly. However, data from the past four years indicates a slow but consistent upward trend in both callouts and expenditure, as illustrated in the graphs below:

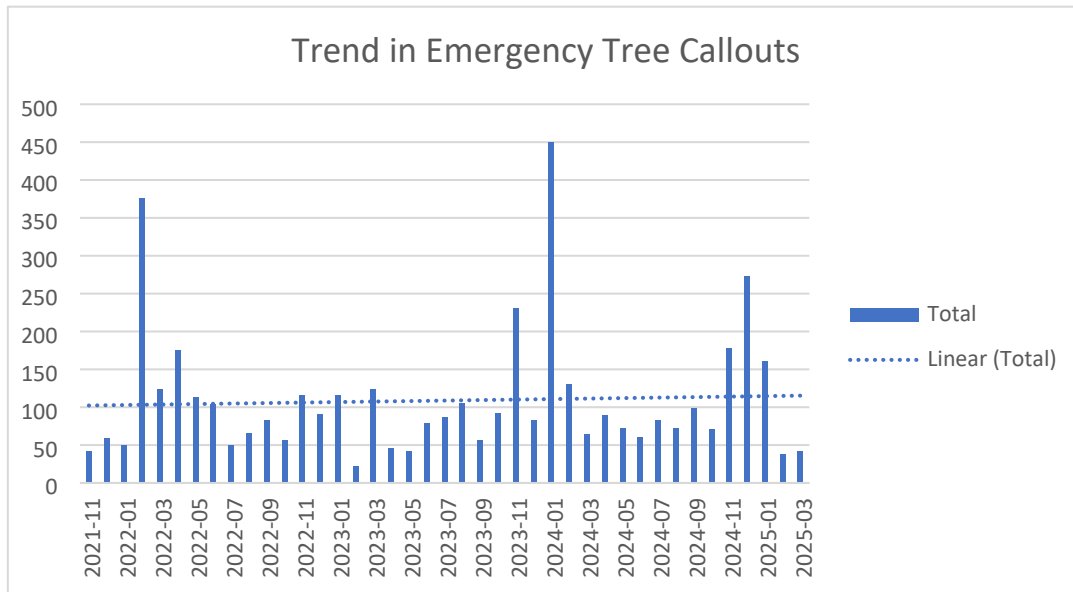


Figure1: Historic Call out data

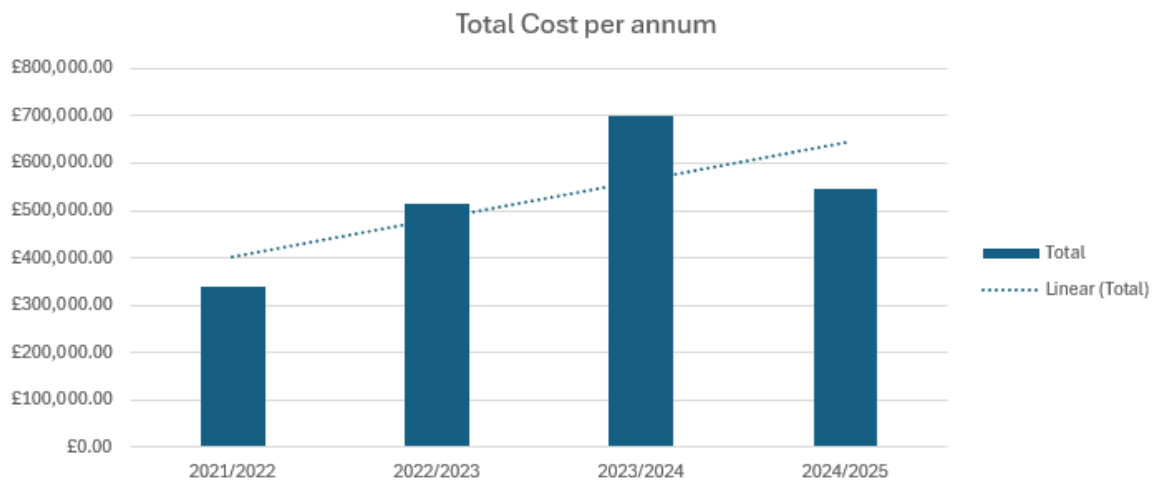


Figure 2: Historic Annual spend data

2. Procurement Strategy Options Appraisal

2.1 Market engagement was conducted during early 2025 and identified several risks to be considered:

- Contract structure
- Productivity
- Performance management
- Supply chain

2.2 There are three options to deliver this service:

1. Split the contract into three lots (West, Mid and East)
 2. Split the contract into two lots (current provision – preferred option)
 3. Countywide delivery
- 2.3 Option 3 is discounted due to the high-risk nature of this model. Due to the distances involved in servicing the whole of Kent (attendance within two hours) and with demand fluctuated by weather events, there is no competition within the local market to demonstrate best value. As detailed within the market analysis the size of organisations is smaller. Furthermore, this option would not offer resilience to storm events.
- 2.4 Two contractors (Option 2) give good resilience to storm events due to the number of staff available and has worked well over the last four years and has incorporated the trend of increasing severe weather events that has been seen since 2016 when the Contract was initially awarded.
- 2.5 Splitting the contract into three, by no means guarantees three contractors. There is also a risk in the market that best value may not be achieved by splitting the arrangement into three with either two scenarios happening:
- One contractor bidding for two lots (they cover 8 districts)
 - One lot not being serviced due to a lack of a third competent contractor.
- 2.6 A two-lot delivery model has been pursued. This represents an efficient model for improving opportunities to smaller SME's within Kent and reduces the contract management burden to the Council. This split also aligns with highway operations teams. The following lots are being sought:
- **Lot 1 (West)** - Maidstone, Dartford, Gravesham, Sevenoaks, Tonbridge & Malling and Tunbridge Wells
 - **Lot 2 (East)** - Ashford, Swale, Canterbury, Thanet, Dover and Folkestone and Hythe
- There will be provision in the Contract to allow Medway to be added subject to future Local Government Reorganisation (LGR) to provide contract resilience.
- 2.7 The contract period is proposed to be five years with an opportunity to extend this for up to three further years. Any decision to extend the contract will be linked to performance and contract compliance.
- 2.8 The Procurement Specific Questionnaire (PSQ) stage has been completed and those companies that passed the minimum threshold have been sent the invitation to tender (ITT).
- 2.9 The procurement timetable is as follows:

Tender Notice and Tender Documents published	6th October 2025
ITT Deadline	17th November 2025
Evaluation of Tenders against Award Criteria (End)	Late December 2025
Negotiation Meetings	Early January 2026
ISFT Issued	Early/Mid-January 2026
ISFT Deadline	Late January 2026

Evaluation of Final Tenders against Award Criteria (End)	Early February 2026
Contract Award Letters and Assessment Summaries Issued	Mid-February 2026
Mobilisation	Late February – 1st April 2026
Contract Start Date	1st April 2026

3. Financial Implications

- 3.1 Contracts have been linked to the GM87 indices over the course of the contract, so prices have been maintained in line with prevailing inflation. A competitive procurement process will appoint the best value contractor from the tenders submitted.
- 3.2 The overall spend for this contract appear to be increasing with the rise in severe weather events and diseases such as Ash Die back becoming more prevalent. It is not known whether this is a long-term trend.
- 3.3 The new contract includes provision for the contractors to record information on tree failures whilst on site. This information will then be used to develop a Tree Failure Database and allow a process to be implemented to recharge private owners where their trees fail. The amount that this could recharge and how successful this could be is unknown.
- 3.4 The budget for this work is contained within the highways emergency budget with major named storm events being funded through one off corporate reserves. Until such time as tender prices are returned it is unknown if there will be any pressure on budgets which will also be demand led due to weather incidents. The current average spend for this work is £544k/pa.

4. Legal implications

- 4.1 The Council has a legal duty to keep roads and pavements clear of vegetation for safe passage of highway users.
- 4.2 This contract allows the Council to minimise its liabilities in relation to claims.
- 4.3 The award of any contracts will be in full compliance with all relevant procurement regulation.

5. Equalities implications

- 5.1 An Equalities Impact Assessment has been carried out and no implications have been identified at this early stage. This will be continually reviewed as the programme continues and has been attached in Appendix B.
- 5.2 The initial screening identified that a Data Projection Impact Assessment will not be necessary as no personal data is collected for this commission.

6. Policy Framework

- 6.1 This proposed decision is aligned with the strategic direction set out in the current Strategic Statement and remains consistent with the planned new

Strategic Statement. Decision-making will continue to progress in line with the new Strategic Statement once enacted.

- 6.2 This commission is detailed within Highways and Transportation Operational Delivery Plan 25/26

7. Other corporate implications

- 7.1 The decision to award contracts for Emergency Tree Works has no significant impact in other areas of the Council's work.

8. Conclusions

- 8.1 This service forms part of the Council's statutory duty to maintain the highway in a safe condition.
- 8.2 The existing contract arrangements have been performing well over their term and have provided a reactive emergency response that is reliable and efficient for use by operational highway staff and out of hours officers.
- 8.3 This contract ensures that the highway service has adequate and efficient resources to address tree emergencies during storm events.

9. Recommendation

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Highways and Transport on the proposed decision to give:

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2. **DELEGATE** authority to the Director of Highways and Transport to take relevant actions to facilitate the required procurement activity,
3. **DELEGATE** authority to the Corporate Director of Growth, Economy and Transport, in consultation with the Cabinet Member for Highways and Transport to take relevant actions including but not limited to awarding, finalising the terms of and entering into the relevant contracts or other legal agreements, as necessary, to implement the decision and
4. **DELEGATE** authority to the Corporate Director of Growth, Economy and Transport, in consultation with the Cabinet Member for Highways and Transport, to award extensions of the contract in accordance with the relevant clauses within the contract as shown at Appendix A.

10. Appendices

Appendix A – Record of Decision
Appendix B – Equalities Impact Assessment

11. Contact details

<p>Report Authors:</p> <p>Andrew Loosemore Head of Highways Asset Management 03000 4116532 andrew.loosemore@kent.gov.uk</p> <p>Robin Hadley Soft Landscape Asset Manager 03000 413647 robin.hadley@kent.gov.uk</p>	<p>Relevant Director:</p> <p>Simon Jones Corporate Director of Growth, Environment and Transport 03000 411683 simon.jones@kent.gov.uk</p>
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