

# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

**DECISION TO BE TAKEN BY:**

Peter Osborne, Cabinet Member for Highways and Transport

**DECISION NUMBER:**

**26/00038**

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**Executive Decision – Key****26/00038- Procurement and award of contract/s for Soft Landscape Urban Grass, Shrubs & Hedges**

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**Decision:**

As Cabinet Member for Highways & Transport, I agree to:

1. **APPROVAL** to procure and award a new Highways Urban Grass, Shrubs and Hedges Maintenance 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, Environment 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, Environment 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.
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**Reasons for decision:**

The Council has a statutory duty to maintain a safe highway for all users, which includes ensuring highway vegetation does not cause a hazard or obstruction for motorists and pedestrians.

To ensure this duty is met, the Soft Landscape Highways Team have in place the Highways Urban Grass, Shrubs & Hedges Maintenance Contract. The service is currently split across the county into 2 lots: Lot 1 – West & Lot 2 – East.

At present, these services are covered under existing contractual arrangements, which expire in February 2027. The services will need to be commissioned externally to ensure the Council meets its statutory obligations.

**Financial implications:**

The proposed contract term is 5 years with the option to extend for up to a further 3 years.

The overall spend for this contract for programmed works is estimated at £15.23 million over the contracts full term, equating to £1.91 million per year. This spend is currently funded through the highway's soft landscape revenue budget which allowing for future inflation, will be sufficient.

Due to uncertainty around inflationary pressures, ad hoc works, potential service transfers from District Councils, and possible increases in contract throughput, the published contract value will be set at £22.5 million over the life of the contract, including optional extensions.

**Legal implications:**

The Council has a legal duty to keep roads and pavements clear of vegetation for safe passage of highway users. The award of any contracts will be in full compliance with all relevant procurement regulation.

**Equalities implications:**

An Equalities Impact Assessment has been carried out, and no implications have been identified at this early stage.

**Data Protection implications:**

There is no processing of personal data carried out as part of this contract therefore no DPIA has been carried out.

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**Cabinet Committee recommendations and other consultation:**

The proposed decision was considered and endorsed by Members of the Growth, Environment and Transport Cabinet Committee at their meeting on 7<sup>th</sup> July.

**Any alternatives considered and rejected:**

- **Further extension of current contract.** Agreeing a contract extension would exceed the previously approved contract value, rendering further extension commercially and procedurally unviable.
- **Allow contracts to elapse and not procure and award new contracts.** This would mean KCC would not be meeting its legal duty to keep roads and pavements clear of vegetation to maintain safe passage for highways users.
- **Procure on a countywide basis.** This would discriminate against SME's and reduce resilience.
- **Procure on multiple lots.** This approach has a higher risk of best value not being achieved.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

None

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Signed

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Date