

From: **Barbara Cooper, Corporate Director of Growth Environment and Transport**

To: **Mike Hill, Cabinet Member for Community and Regulatory Services**

Decision No: **17/00081**

Subject: **Asset Maintenance and Vegetation Clearance for PRow Contract Awards**

Classification: **Unrestricted**

Electoral Division: County-wide Service

Summary: The Public Rights of Way (PRow) Commissioning and Procurement Plans for PRow asset maintenance and PRow vegetation clearance were approved at the Strategic Commissioning Board on the 23 January and 21 June 2017. The likely expenditure will exceed £1m. A key decision is therefore required to enable the procurement to proceed to market and subject to successful procurement to award contracts for the delivery of PRow asset maintenance and vegetation clearance work.

Recommendation(s):

The Cabinet Member for Community and Regulatory Services is asked to delegate authority to the Public Rights of Way and Access Service Manager to award contracts for the delivery of Public Rights of Way asset maintenance and vegetation clearance work, as set out in the attached record of decision.

1. Introduction

- 1.1 The Public Rights of Way network extends to 4,375 miles (7,000Km) and with a small number of exceptions is publically maintainable highway. Works to maintain the network are identified through a mixture of planned and ad-hoc inspections by officers and volunteers and in response to reports from the public. Work programmes are established using a simple cost benefit analysis ensuring that works carried out are those that most closely reflect the County Council's policies and strategic objectives.
- 1.2 Maintenance of the PRow network requires a wide variety of suppliers with the capacity and capability to deal with a variety of requirements. These can range from installation of new gates, resurfacing a pathway through to bridge installation and repair. The PRow and Access Service wishes to establish contract arrangements providing access to an appropriate mix of suitably skilled small and medium enterprises and is working with Startegic Sourcing and Procurment Team to achieve this.

2. Financial Implications

- 2.1 Current spending on PRow asset maintenance and vegetation clearance is around £1.02 m per annum comprising £620k capital & £400k revenue. This figure varies reflecting income from grants and external funding and fluctuations to base budget. Capital funding has reduced from the £835k in

the Medium Term Financial Plan (MTFP) to £620k in the last and current financial year. A capital bid for £900k per annum from 2018-19 has been submitted.

a) Asset Maintenance

- 2.2 The proposed arrangement for asset maintenance is a framework contract. Under this arrangement the PROW and Access Service would have access to the range of suppliers it requires but there is no guarantee of work. Therefore the arrangement reflects the flexibility required should there be any significant fluctuation to budget.

b) Vegetation Clearance

- 2.3 The proposed arrangement for vegetation clearance is term service contracts. The value of individual contracts may be relatively low but given the contract duration of 5 years and the opportunity to extend for a further 2 there is an ongoing commitment to vegetation clearance. Should the County Council not be in a position to fund the work in future years it may be liable for compensation payments.

3. Policy Framework

- 3.1 The commission accords with the County Council's Strategic Statement "Increasing Opportunities – Improving Outcomes" that communities benefit from economic growth by being in work, healthy and enjoying a good quality of life.
- 3.2 The commission supports a number of identified policies within the Public Rights of Way Improvement Plan for Kent – The Countryside and Coast Access Improvement Plan 2013-17, most specifically those policies relating to well maintained access. The production of a Rights of Way Improvement Plan is a statutory obligation. The plan was produced following wide ranging public consultation and engagement. The importance of having well maintained rights of way was raised consistently by the public and stakeholders, if the positive outcomes for health, well being, the rural economy and active travel are to be delivered.

4. Procurement Proposals

- 4.1 To help inform the procurement of the PROW asset maintenance and vegetation clearance arrangements we have engaged with the market and particularly existing specialist Kent and East Sussex based small and medium enterprises carrying out PROW maintenance works.
- 4.2 Commissioning and Procurement Reports have been considered and approved by the Strategic Commissioning Board on the 23 January and 21 June 2017. The procurement plan reports are included at Appendix B.
- 4.3 The outcome of the market engagement work undertaken by the Procurement Team is that framework contracts have been recommended for asset maintenance work. The framework contracts are split into six lots:

- Lot 1 – North West Kent.

- Lot 2 – North East Kent.
- Lot 3 – South West Kent.
- Lot 4 – South East Kent.
- Lot 5 – Pathway Surfacing East Kent (Surfacing including bound aggregate, un-bound aggregate & tarmac).
- Lot 6 – Pathway Surfacing West Kent (Surfacing including bound aggregate, un-bound aggregate & tarmac).

The framework contracts are of a scale that should ensure regular opportunities for contractors to tender for work, and that provide sufficient access to suppliers for the PRow and Access Service.

- 4.4 The outcome of market engagement for vegetation clearance was a recommendation that the work be split into 10 lots, with no individual supplier being awarded more than 3 lots. The recommended contract duration of 5-7 years allows the service providers sufficient certainty to invest in specialist equipment. It is expected that this will encourage more local SMEs to bid.
- 4.5 An Equalities Impact Assessment (EqIA) has been completed for the commission; Appendix C. The EqIA , identified a number of potential positive impacts from the commissioning and procurement exercise relating to accessibility of the PRow network.
- 4.6 Given the potential aggregated spend over the duration of the contracts delegated authority is sought by the Public Rights of Way and Access Service Manager to sign the contracts on conclusion of the procurement.

5. Legal Implications

- 5.1 Maintenance of the Public Rights of Way network is an obligation under the Highways Act 1980 section 41.

6. Conclusions

- 6.1 The County Council is under a statutory obligation to maintain the PRow network. In order to maintain the network the PRow and Access Service needs appropriate arrangements in place that provide access to a range of skilled and well equipped suppliers.
- 6.2. The proposed arrangements have been shaped following engagement with the market.

7. Recommendation(s)

- 7.1 The Cabinet Member for Community and Regulatory Services is asked to delegate authority to the Public Rights of Way and Access Service Manager to award contracts for the delivery of Public Rights of Way asset maintenance and vegetation clearance work, as set out in the attached record of decision.

8. Background Documents

8.1 Appendix A: Record of Decision

Appendix B:

- PROW Vegetation Clearance Procurement Plan Report to the Startegic Commissioning Board, June 2017 - <https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD5230&ID=5230&RPID=16991794>
- PROW Asset Management Procurement Plan Report to the Startegic Commissioning Board, June 2017 - <https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD5229&ID=5229&RPID=16991800>

Appendix C: Equalities Impact Assessment -

<https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD5231&ID=5231&RPID=16991805>

9. Contact details

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