

KENT COUNTY COUNCIL – RECORD OF DECISION

DECISION TO BE TAKEN BY:

Clair Bell, Cabinet Member for Community and Regulatory Services

DECISION NO:

24/00034

For publication

Key decision: YES

Subject Matter / Title of Decision: To award contracts for Public Rights of Way (PRoW) Vegetation Clearance

Decision:

As Cabinet Member for Community and Regulatory Services, I agree to:

- AGREE the re-procurement and the award of new contracts for PRoW vegetation clearance, in consultation with the Cabinet Member for Community and Regulatory Services, for a further period of five years and an allowable extension of two years subject to performance; and,
- DELEGATE authority to the Director of Growth and Communities to take other relevant actions, including , but not limited to finalising the terms of and entering into required contracts or other legal agreements, as necessary to implement the decision.

Reason(s) for decision:

The vegetation clearance contracts for Public Rights of Way (PRoW) conclude at the end of the 2024 -5 financial year and new contracts need to be put in place. The likely expenditure will exceed £1m. A key decision is therefore required to enable the procurement to proceed and subject to a successful outcome to award contracts for the delivery of PRoW vegetation clearance work.

Cabinet Committee recommendations and other consultation:

The proposed decision was considered and endorsed by members of the Growth, Economic Development and Communities Cabinet Committee at their meeting on 14 May.

Any alternatives considered and rejected:

Do nothing: This is not an option. The County Council would not be delivering a minimum level of service to meet its statutory obligations. It would be at risk of third-party action to compel it to undertake the work and at risk of increased numbers of third-party injury claims. The long terms costs of maintenance would be increased appreciably.

Single supplier contract: Previous procurement rounds have failed to identify any single supplier that can deliver the levels of clearance required or compete on price other than through sub-contracting with significant implications for quality and reliability. Previous rounds of procurement have not identified a single supplier with the capacity to deliver the programme without sub-contracting much of the work, adding significant risk to the County Council in terms of performance and delivery.

Multi supplier framework: The County Council would not be able to enter contracts of sufficient length that it would be financially and logistically fitting for suppliers. The use of similar frameworks for small works in the past has seen a rapid diminution in the contractors available through the framework.

In house: There are significant barriers to entry in terms of purchasing/ leasing the machinery

required and recruiting, retaining and managing the scale of workforce required for what would be short term seasonal contracts.

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

None.

Clair Bell

3 June 2024

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signed

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date