

# KENT COUNTY COUNCIL –PROPOSED RECORD OF DECISION

**DECISION TO BE TAKEN BY:**

Neil Baker, Cabinet Member for Highways and Transport

**DECISION NO:**

For publication

Key decision: YES / NO

**Subject Matter /** Highways Term Maintenance Contract (HTMC) 2026

**Decision:**

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

- (i) APPROVE the procurement and contract award of a zero value Highway Term Maintenance Contract;
- (ii) DELEGATE authority to the Corporate Director of Growth Environment & Transport, to take relevant actions to facilitate the required procurement activity;
- (iii) DELEGATE authority to the Corporate Director of Growth Environment & 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
- (iv) DELEGATE authority to the Corporate Director of Growth Environment & Transport in consultation with the Cabinet Member for Highways and Transport, to award any extensions of the contract in accordance with the extension clauses within the contract, part of which includes undertaking market testing to ensure any extension(s) continue to provide best value to the authority.

**Reason(s) for decision:**

Contract award of a zero value Highway Term Maintenance Contract; Under Section 41 of the Highways Act 1980 the council has the legal duty to maintain its highways and all highway assets (e.g. bridges, tunnels, drainage etc). This duty includes responsibility for maintaining, managing and where necessary improving sections of the network and to keep the highways safe for the travelling public. These contractor services need to be commissioned externally to ensure the Council meets its statutory obligations and that service continuity is maintained.

**Cabinet Committee recommendations and other consultation:**

Members of the Environment and Transport Cabinet Committee will considered the proposal at their meeting on 19 September.

**Any alternatives considered and rejected:**

**Deliver in-house:** There is no internal resource to deliver a contract of this size and complexity.

**Do nothing.** The current HTMC contract cannot be extended any further. New contractual arrangements must be in place from 1st November 2025 to allow time for implementation and mobilisation and to ensure service continuity from the 1st May 2026. Failure to commission services beyond this date will put KCC at risk in failing to deliver its statutory obligations to maintain the Highway, as the Highway Authority.

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

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signed

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Date