

KENT COUNTY COUNCIL – URGENT RECORD OF DECISION

DECISION TO BE TAKEN BY:

Michael Payne

Cabinet Member for Highways and Transport

DECISION NO:

20/00092

For Publication: Highway Tern Maintenance Contract Extension

Key decision: YES

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

Approve the award of a 20-month extension with Amey until 30th April 2023.

Reason(s) for decision:

Kent County Council is the statutory Authority responsible for the delivery of highway services for the residents of Kent (excluding Medway). Under the Highways Act 1980, as the local Highway Authority, the Council has a legal duty to maintain its respective sections of the highway network under section 41. This includes responsibility for maintaining, managing and, where necessary, improving their section of the network.

The Highway Term Maintenance Contract (HTMC) delivers a large number of services which are currently provided by Amey which is due to terminate on the 31 August 2021.

To procure a replacement contract is complex and time consuming. The original programme was extremely tight with minimal time to deal with unforeseen circumstances. The COVID-19 pandemic impact has meant that that programme can no longer be delivered as expected. It is proposed to mitigate against this risk that the contract is extended until 30 April 2023.

Financial Implications:

This will defer a forecasted £2.4m MTFP increase for two years.

Legal Implications

Legal advice has been commissioned and considered for this decision. It is proposed to enact regulation 32/72 of the PCR 15 to extend the contract. Full extent of this detail has been presented in the decision paper.

Equalities implications

An Equalities Impact Assessment has been carried out and no adverse impacts have identified at this stage. This has been attached in Appendix B.

Reason for Urgency:

Due to the lead times to procure a replacement contract, a decision for the extension needs to be taken to ensure KCC is able to meet its statutory obligation and secure stability for the forthcoming year.

Procurement Policy Note (PPN) 01/20 provided advice and guidance for central and local government authorities to consider when evaluating the effects of the COVID-19 pandemic on its contracts with any decision subject to this legislation being shared with the wider market through a modification notice. It is expected that central and local government implement a return to business as normal by October 2020 and thus all decisions will be required to be taken by this date.

Member and other consultation:

No Cabinet Committee consultation possible due to urgency process.

The Chair of the Scrutiny Committee, in addition to agreeing that the decision could not be reasonably deferred provided the following comments:

No additional comments.

The Group Spokespeople of the Scrutiny Committee providing the following comments:

No additional comments.

The Chair and Group Spokespeople of the Environment and Transport Cabinet Committee provided the following comments:

Mr Lewis indicated agreement.

Local Affected Members provided the following comments:

N/A

Longer-term Member engagement:

Members will be updated in due course as to progress with the programme for the commissioning of the replacement contract.

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

None



14 August 2020

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Signed

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date