

Officer Key Decision

Title of Report: **AWARD OF A ROAD MARKING APPROVED LIST 2023-2026
(WITHIN THE BARROW, EDEN AND SOUTH LAKELAND
DISTRICT AREAS)**

Decision of: **Executive Director, Corporate, Customer and Community
Services**

Cabinet Member: **Cllr Keith Little, Cabinet Member for Highways and
Transport**

What is the decision about? (Brief Summary)

1. This report seeks authorisation to award a new approved list for external contractors to carry out highway road marking works in the Westmorland Council area for a period of four years, with an overall spend not exceeding £1.00m over its term. The approved list will be used primarily to deliver road markings for traffic regulation orders, road safety schemes or to renew worn out markings.

Recommendation(s) to the Executive Director?

2. It is recommended that the Executive Director approves the appointment of the following two suppliers initially on to the road marking approved list for use by the highways delivery team in carrying out road marking works to the network:
 - InfrSAFE UK Limited
 - Tim Doody & Co Limited

The approved list has a term of four years commencing on, or as soon after 01 March 2023 with an anticipated overall spend through the approved list of up to £1.00m over the term of the list.

Background to the proposals

3. The current approved list for road marking works reached the end of its term in January 2023 and needs to be renewed. There was no provision to extend the existing list.
4. The Council's in-house operations team do not have the spare capacity to carry out road marking works. The approved list will provide the flexibility and resources required to allow the Council to carry out its duties as the highway authority in an efficient manner.
5. The proposed new approved list will include the following:

- All Suppliers must meet the National Highways Sector Scheme 7 (NHSS7) which covers the Quality Management of the Application of Road Marking Materials and Road Studs to Paved surfaces.
 - Percentage price adjustments for working in each of the three districts. Price adjustments will be included for emergency work and working outside of normal working hours.
 - An award of work process by mini competition between all the suppliers on the approved list.
 - Key Performance Indicators to incentivise positive performance.
6. The estimated expenditure through the approved list is £0.250m per year subject to funding availability. The approved list was advertised with a value of £1.00m.
 7. The invitation to tender was published on the Chest on 06 January 2023 and tenders were returned on 27 January 2023. Eight bids were received, of which two were deemed to be non-compliant. One Supplier did not meet the required quality threshold and one supplier did not fully complete the price list as required. The remaining six bids have been assessed for both quality and price.
 8. Price scores were a determined using model of quantities against submitted priced schedules of rates. Quality scores were determined against submitted responses to five questions covering: relevant experience, health & safety, quality management, testing and staff training.
 9. A detailed breakdown of the tender analysis is included in Appendix 1.
 10. The ITT stated that up to four contractors could be included on the approved list. To be considered for inclusion the second, third and fourth placed bidders had to score over 200 marks for quality **and** have a total score within 20% of the highest scoring bidders overall score. Only two of the six contractors submitting compliant bids met the criteria.
 11. Both contractors are experienced and competent in the work tendered for, and both were included on the previous approved list.
 12. All future work packages are assigned by mini completion between all suppliers.
 13. Additional contractors can become eligible to be added to the approved list throughout its duration. A log of interested contractors will be kept between the inception of the approved list and the annual anniversary of the list (and annually thereafter). On the annual anniversary contractors on the log will be invited to submit quality and price responses. If quality and price thresholds are met (in accordance with the original tender), the contractor will be permitted onto the list.
 14. This approved list will cover Barrow, Eden and South Lakeland district areas, with a separate approved list covering Allerdale, Carlisle and Copeland district areas. This

approach will futureproof the approved list for Local Government Reorganisation (LGR) in Cumbria.

15. The estimated spend values are based on current funding. Instructions to tenderers make clear that there will be no guaranteed spend against any the agreement.
16. An authorisation to procure the approved list was given on 04 January 2023.

Reasons for the recommendation(s)?

17. The approved list is required to provide additional capacity and capability in the delivery of road marking schemes within the highway service for Westmorland and Furness Council.
18. The recommended suppliers met the criteria set out in the invitation to tender and provided the most economically advantageous tenders.

What options have been considered?

19. Option 1: Award places on the approved list to the recommended contractors as set out above. **(This is the recommended option).**
20. Option 2: Do not award places on the approved list to the recommended contractors and procure road markings services on ad-hoc basis. This would require additional officer resources to carry out multiple procurement exercises. In addition, single small scheme procurements attract less competition and do not allow accurate forecasting of scheme costs in advance of the tender process.
21. Option 3: Do not establish a new select list and carry out all the works in-house. The operations team do not currently have the capacity to carry out all of the required works. As the approved list does not commit the council to delivering any specific works, should the in-house have capability and capacity increases, the use of the select list suppliers can decrease appropriately.

What risks have been identified?

22. There is a risk that the Council will be unable to deliver its programme of highway road marking works if a suitable approved list is not procured. This risk is mitigated by awarding the approved list.
23. Only two contractors have scored highly enough to gain a place on the approved list. This is less than previous years where four contractors gained places and could lead to capacity issues. This risk can be mitigated by awarding additional places on the approved list as set out in paragraph 13 above

What resources will be needed/how will the proposal be funded?

- 24. This Officer Key Decision is seeking recommendation from the Executive Director, Economy & Infrastructure to approve the appointment of InfrSAFE UK Limited and Tim Doody & Co Limited on to the road marking approved list for use by the highways delivery team in carrying out road marking works to the network.
- 25. There are budgets within the Capital Programme and Highways and Transport Revenue budgets approved by Council on 10th February 2022 that would support these contracts. These budgets will be disaggregated to Westmorland and Furness Council from 1.4.23.

What Legal considerations are relevant to the decision?

- 26. Under paragraphs 5.7 to 5.11 of the Contract Procedure Rules Approved List may be established provided they are open to other suppliers to join during their term.
- 27. Due to the value of the proposed contract the decision to award is a Key Decision. The value of the contract means it is covered by the general consent of Cumberland Shadow Authority so does not need to be referred to it. Under paragraph 5.8 of the Contract Procedure Rules the **Executive Director Corporate, Customer and Community Services** can take the decision to award this contract establish an approved list.
- 28. Due to the estimated spend under the proposed agreement the decision to award is a Key Decision.

Executive member Consultation

Name: Keith Little Cabinet Member for Highways and Transport

Details of any registrable interest relevant to the decision: None

Details of any dispensation granted: N/A

Key Decisions

Notice on Forward Plan? Yes

Rule 15 Notice? No

Rule 16 Approval by Chair of Scrutiny Board? NA

Exempt from Call in? No

Decision

Signature of the decision record authorises the implementation (following expiry of the Call-In period where applicable) of the recommendations in Section 2.



Signature of decision maker:

Name: Simon Higgins

Post title: Executive Director, Executive Director - Corporate, Customer and Community Services

Date: 21st March 2023

Delegated authority to make the decision: Paragraph 5.8 of the Contract Procedure Rules

Appendix 1 -Tender Assessment Summary

Total Score	
Contractor	Score (1000)
Gordon Graham Road Marking Ltd	675
Infrasafe Limited	891
Jack Coupe and Sons	580
Kiely Bros Ltd	561
Supplier 5	Non Compliant
Supplier 6	Non Compliant
Tim Doody and Co	741
WJ Roadmarkings Ltd	590

Target Score for inclusion
on Framework

713