

	Officer Key Decision
	Report to the Corporate Director, Resident Services
Authority to award contract for Highway Spray Injection Patching	
Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Appendix 1 is exempt from publication in that it contains exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information"
List of Appendices:	Two Appendix 1: Name of Tenderers Appendix 2: Tender Evaluation
Background Papers:	None
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1.0 Executive Summary

- 1.1. This report concerns the proposal to carry out a borough wide programme for the repair of potholes and carriageway defects across Brent's highway network using a specialist injection-patching contractor. This report requests approval to award a contract to Velocity UK Ltd in respect of Highway Injection Patching Works following the conclusion of a competitive tender process.

2.0 Recommendation(s)

- 2.1 That the Corporate Director, Resident Services:

Approves the award of a contract for a period of four (4) years to Velocity UK Ltd to carry out Highway Spray Injection Patching Works within the London Borough of Brent.

3.0 Detail

3.1 Contribution to Borough Plan Priorities & Strategic Context

3.1.1 This work aligns well with the Borough Plan, particularly “Prosperity & Stability in Brent“ and “A Cleaner Greener Future”. Efforts to reduce the carbon footprint of council highways works help the “Climate and Ecological Emergency Strategy”. The proposed injection patching contract will be procured in accordance with the “Procurement Strategy”. Overall, highway maintenance allows highway assets their continued availability to contribute towards the “Transportation Strategy”.

3.1.2 The recommendation being made in this report contributes to the priority area of a Cleaner, Greener Future in the Council’s Borough Plan (2023-27). Part of the evaluation criteria for this tender focused on the ability of tenderers to provide a low emission fleet in contract delivery as well as how the products used in contract delivery would be repaired, re-used, recycled or upcycled as opposed to simply disposed of.

3.2 Background

3.2.1 The Council requires the provision of works to repair potholes and carriageway defects across Brent’s highway network. It was decided that this work is to be delivered through a specialist contractor using specialist machinery and trained operatives. Due to the required capital and ongoing revenue investment it is not considered practical, at the present time, to purchase the necessary equipment and recruit and train staff to enable this service to be delivered in-house.

3.2.2 The estimated cost of purchasing an injection patching machine by itself is in the region of £200,000 with the life expectancy of a vehicle believed to be around 10 years, subject to usage and servicing. Regular maintenance is essential to ensure the vehicle operates to its optimum. Storage facilities for the machine and materials would also need to be identified, however this is seasonal work taking place through the summer period and to resource staff throughout the year and store the machines does not appear to be viable at this time.

3.2.3 However, the delivery of the required works is using new technology for patching work on Highways. The benefits of this are:

- with this process a large number of potholes can be treated quickly. A pothole repair can be done in about two minutes. The normal time it usually takes a conventional repair gang to do the job would be 10-15 minutes;
- there is also minimal disruption. The works are mobile so minimal traffic management is required, with minimal disruption to road user;
- it requires no saw cutting and jack hammering so it is quieter;

- it is cheaper than conventional methods. An average injection patching repair may be up to 50% cheaper when compared to traditional pothole repair methods.
- It is very low on carbon emissions. As there is no need to cut out repairs, there is less waste and therefore fewer trips to landfill, while the process is 100% cold applied.

3.3 The Tender Process

- 3.3.1 As the requirement is being met through new technology, there is a limited market of organisations who can meet the Council’s requirements. As a consequence the Highways Management Team identified three suitably experienced and capable organisations to tender for this contract as opposed to conducting an openly advertised tender.
- 3.3.2 The tender was launched on the 01/11/2023 with bids required to be submitted by 12:00 on the 29/11/2023. Of the three organisations invited to tender submissions were received from two of these (see Appendix 1).
- 3.3.3 There was no shortlisting of suppliers, but all suppliers were required to complete a Selection Questionnaire demonstrating that they meet the Council’s financial standing requirements as well as regulatory compliance.
- 3.3.4 The tender instructions stated that the contract would be awarded on the basis of the most economically advantageous tender to the Council and that in evaluating tenders, the Council would have regard to the following evaluation criteria:

Evaluation Criteria	Weighting (%)
Price	55
Quality	45
Quality Sub-Criteria	
Contract Delivery	10
Social Value	10
Resources	9
Traffic Management	7
Sustainability and Circular Economy	5
Quality / Monitoring	4

3.4 The Evaluation Process

- 3.4.1 Tender evaluations were carried out by a panel of officers from the Council’s Highways Management Team with support from the Council’s Procurement Team.
- 3.4.2 Each member of the evaluation panel independently reviewed the tender responses and carried out an initial evaluation of how well they considered each of the evaluation criteria was addressed in the tender responses. Following this the evaluation panel and Procurement met on the 11/12/2023 to conduct

consensus scoring with each supplier being awarded an agreed evaluation score for each quality evaluation criterion (see Appendix 2).

3.4.3 The organisation / supplier identified in sections 1.1 and 2.1 of this report was the highest scoring tenderer. Officers therefore recommend contract award to this organisation.

3.4.4 It is proposed that the contract commences on the 15/04/2024 to enable a suitable mobilisation period to take place.

4.0 Stakeholder and ward member consultation and engagement

4.1 No specific consultation has been undertaken. Both the Leader of the Council and the Lead Cabinet Member for Environment are advocates of the injection patching method.

5.0 Financial Considerations

5.1 This paper is requesting a contract to be awarded to Velocity UK Ltd for an annual sum of £235,120. There is an approved capital budget in FY24/25 for injection patching of £385,000. Therefore, the budget for this contract award is available. A financial assessment on Velocity was carried out at the time of the tender pricing.

6.0 Legal Considerations

6.1 The value of this contract over its lifetime is below the threshold for Works and the award of the contract is therefore governed in part only by the Public Contracts Regulations 2015 (the "Procurement Regulations"). The award is subject to the Council's own Standing Orders in respect of Medium Value Contracts and Financial Regulations.

6.2 Section 41 of the Highways Act 1980 places a duty on the council as highways authority to maintain the public highway. Both planned and reactive maintenance programmes must make sufficient provision for the Council to comply with this duty. Breach of this duty can render the council liable to pay compensation if anyone is injured as a result of failure to maintain the highway. There is also a general power under section 62 of the Highways Act 1980 to improve highways.

6.3 As indicated in paragraph 6.1, the award of the contract is subject to the Council's own Standing Orders in respect of Medium Value Contracts. Chief Officers have delegated to them power to award Medium Value Contracts in accordance with paragraph 9.5, of Part 3 of the Constitution.

6.4 In respect of the grant of Lease for Depot referred to in paragraph 9.2 below, under Part 3, paragraph 11 of the Constitution, the Corporate Director, Finance and Resources or the Director of Property and Assets may acquire or dispose of an interest in land or buildings. The restrictions placed upon such acquisitions

or disposals are set out in Part 3 paragraphs 11.2, 11.3 and 11.6 of the Constitution.

6.5 The Corporate Director, Finance and Resources may acquire or dispose of leases, licences, and easements in respect of land or buildings except where:

- i) the annual rental value (excluding other outgoings) exceeds £250k
- ii) if acquired or disposed of at a premium the value would, in his or her view, exceed £1m in value or
- iii) where the leasehold term exceeds 125 years.

6.6 The Corporate Director, Finance and Resource should be advised of any disposal or acquisition undertaken by this delegated authority within three months of any transaction.

6.7 The Corporate Director, Finance and Resources may not sell or grant any lease or easement, licence or otherwise dispose of any land or buildings unless the consideration received, as confirmed by them is the best that can reasonably be obtained, whether or not the grant, sale or disposal is covered by a general or specific consent from the relevant Secretary of State.

6.8 In acquiring, selling or disposing of any land or buildings or granting any lease, licence or easement in respect thereof regard shall be had to any relevant Corporate Standards on property acquisitions, management and disposals.

7.0 Equality, Diversity & Inclusion (EDI) Considerations

7.1 The Council must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment and victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,

pursuant to s149 Equality Act 2010. This is known as the Public Sector Equality Duty.

7.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.3 The purpose of the duty is to enquire into whether a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision. Due regard is the regard that is appropriate in all the circumstances.

7.4 The proposals in this report have been subject to screening and Officers consider that there are no adverse equality implications.

8.0 Climate Change and Environmental Considerations

8.1 Injection Patching is an innovative approach for quickly tackling thousands of defects, delivering permanent repairs that cost a fraction of traditional patching techniques. There's no excavation, no waste, no need for road closures, and because there's no heat involved, it's also exceptionally low on carbon emissions.

8.2 Well-maintained roads can help to reduce the carbon emissions of road traffic. With transport now accounting for the majority of UK emissions – 26% of all emissions – the contribution that a well-maintained road network can make towards their reduction should be recognised and pursued. Analysis of the relationship between road pavement maintenance condition, fuel consumption and vehicle emissions by Smart Transport Alliance found that good road surface conditions result in reductions of fuel consumption and CO2 emissions of up to 3.5% for light vehicles and 4% for heavy vehicles.

8.3 Furthermore the evaluation criteria for the tender has given consideration to the emission levels of the tenderers fleets as well as how they will support the Circular Economy (reduce, re-use, repair, up-cycle and recycle).

9.0 Human Resources/Property Considerations

9.1 There are no Human resources implications for Council staff associated with this contract.

9.2 To help keep costs down and in accordance with past practice with previous injection contracts, the successful tenderer will be allowed to use a small area within an existing Council depot to operate out of. This will include the storage of materials and overnight parking for the injection patching vehicle. Use of the Council depot will be on a lease/licence basis.

10.0 Communication Considerations

10.1 None

Report sign off:

Peter Gadsdon
Corporate Director, Resident Services