

WEST NORTHAMPTONSHIRE COUNCIL CABINET

13TH SEPTEMBER 2022

CABINET MEMBER RESPONSIBLE FOR ENVIRONMENT, HIGHWAYS TRANSPORT & WASTE SERVICES: COUNCILLOR PHIL LARRATT

Report Title Award of Transitional Contract for Highway Professional Services

Report Author Nick Henstock; Head of Highways and Transport
nick.henstock@westnorthants.gov.uk

Contributors/Checkers/Approvers

| | | |
|---|---------------------|--------------------------------|
| Monitoring Officer | Catherine Whitehead | 1 st September 2022 |
| Chief Finance Officer/S.151 | Martin Henry | 25 August 2022 |
| Chief Executive | Anna Earnshaw | 31 August 2022 |
| Communications Lead/Head of Communications | Becky Hutson | 30 August 2022 |

List of Appendices

None

1. Purpose of Report

- 1.1. As the current contract with KierWSP for the provision of highway services ends there are a number of in-flight projects and activities that WSP are best placed to continue (for a fixed period or until a natural break) in order to protect the Council from reputation and financial risks and delays while Kier mobilise the new service.

- 1.2. This report seeks Cabinet approval to award a transition contract to WSP Ltd to bridge this gap and deliver these projects and activities until they reach a suitable stage to transition either to another specialist provider (either through a procurement process or as part of the new Highways Services contract with Kier).

2. Executive Summary

- 2.1 In order to reduce the risk and cost to the Council of delays or stopping in-flight projects, it is proposed that WSP continue to provide some technical support for some specific on-going highways work and projects until there is a natural break point. As the WSP staff involved in the work will not TUPE to the new Kier Highways contract this will provide continuity and avoid delays in the work that could otherwise create additional cost and risk to the council.
- 2.2 Therefore, it is proposed to award a contract to WSP via a Crown Commercial Services framework contract. The work awarded will be limited to specific projects and will reduce with time as each natural break point is reached.

3. Recommendations

- 3.1 It is recommended that the Cabinet/Committee:
 - a) Agree to award a transition contract to WSP via an appropriate framework to mitigate the financial and reputational risks to the Council and potential delays. The value of the proposed contract will be above £500,000.

4. Reason for Recommendations

- 4.1 To mitigate the financial and reputational risks to the Council and potential delays associated with ongoing activity and projects that are currently being delivered by KierWSP utilising WSP resources that will not TUPE to Kier at the end of the current contract.

5. Report Background

- 5.1 KierWSP have been delivering the Highways Services contract in Northamptonshire since 2008.
- 5.2 KierWSP is a joint venture consisting of Kier Integrated Services Ltd and WSP UK Ltd. In general, Kier employees deliver the highways maintenance work and WSP employees deliver the professional services required under the contract.
- 5.3 In order to deliver many of the more complex projects and activities, WSP utilise resources on a project-by-project basis who are based in other offices (mainly around the UK). Examples of projects and activities that WSP would continue to deliver through this arrangement are A43 Phase 3, Northampton North West relief Road, Northamptonshire Strategic Transport Model, Development Management advice concerning Northampton Gateway, Northampton Growth Management Strategy projects and Long Buckby Flood Alleviation scheme. Each project or activity will have its own natural break point and therefore, the work with WSP will reduce over the period of this contract.

5.4 A list of projects and work which will be undertaken under the proposed contract will be specified within the contract documents, including an agreed value for the work.

6. Issues and Choices

6.1 As is normal at the point of one contract ending and another beginning there are a number of significant projects and activities that WSP are engaged in delivering that will not be completed or at the end of a design stage.

6.2 The Council has a number of options regarding how to manage these projects namely:

- Passing them onto the new Highways Services supplier, Kier, to pick up the remaining work and continue it until it is completed.
- Procuring a new supplier to pick up the remaining work and continue it until it is completed.
- Procuring a contract with WSP Ltd to continue with the work until it is completed or at a suitable stage to hand over to another supplier.

6.3 Either of the first two options would result in additional risks and cost to the Council. This is because a new supplier who had not previously worked on the project would need to satisfy themselves as to the adequacy of any previous work undertaken by others prior to taking on liability for that design – if indeed they were willing to do so.

6.4 They would also result in delays to projects while this process took place and furthermore whilst the new supplier became acquainted with the project.

6.5 The third option awarding a contract to WSP to continue the projects and activities would not result in these risks.

7. Implications (including financial implications)

7.1 Resources and Financial

7.1.1 There are no significant financial implications of awarding a contract to WSP Ltd as the projects and activities that they would be carrying out are already in train with budgets assigned to them.

7.1.2 There are minor resourcing implications in terms of agreeing and putting in place the necessary contract under which WSP Ltd would be employed. These are manageable within the current Highways Teams.

7.2 Legal

7.2.1 There is a need to procure the contract in a way that is compliant with The Public Contracts Regulations 2015 and the Council Constitution.

7.2.2 It is proposed to award the contract to WSP Ltd via the Crown Commercial Services (CCS) Framework for Professional Services Lot 1 through a direct award process. This is compliant with

both the PCR 2015 and the Constitution and to ensure this is the case, advice has been sought from Procurement colleagues. The use of the CCS ensures that the rates used by WSP have been provided in a competitive environment.

7.3 Risk

7.3.1 There are no significant risks arising from the proposed recommendations in this report. The recommendations are based on mitigating risks associated with any other course of action.

7.4 Consultation

7.4.1 There is no requirement to consult on this decision.

7.5 Consideration by Overview and Scrutiny

7.5.1 This proposal has not been discussed by Overview and Scrutiny.

7.6 Climate Impact

7.6.1 There are no significant climate change impacts arising from the proposed recommendations in this report.

7.7 Community Impact

7.7.1 The proposed recommendations do not have any impact on distinct communities or areas.

7.8 Communications

7.8.1 There will continue to be project specific updates for projects and schemes that are progressed under these arrangements.

8. Background Papers

8.1 None