

North Yorkshire County Council
Business and Environmental Services

Executive Members

27 November 2020

Supply of Winter Road Surface Treatments 2021-2025 Contract

Report of the Assistant Director – Highways & Transportation

1.0 Purpose of report

- 1.1 To seek approval from the Corporate Director of Business and Environmental Services (BES) in consultation with BES Executive Members to procure a Framework Agreement for the Supply of Winter Road Surface Treatments 2021-2025 with an estimated spend of £3.75m per year or £15m over the life of the four-year Framework.

2.0 Background

- 2.1 North Yorkshire County Council as the highway authority provides a winter maintenance service to salt roads across the county as part of our maintenance responsibilities which primarily stems from the duty under the Highways Act 1980 section 41 (duty to maintain highways maintainable at public expense). The County Council treats over 4600 km of roads on a priority basis, with 61 priority 1 routes, and 62 priority 2 routes. The network to be treated is reviewed at the end of each winter season.
- 2.2 In April 2019 the Council took a decision to establish a Highway Teckal company (NY Highways Limited) to take over the delivery of its operational highways maintenance services once the existing Highways Maintenance Contract terminates on 31 May 2021. NY Highways has now been established as a Teckal company, and will become operational on 1 June 2021. A key element of preparing the company to take up its responsibilities is developing a robust supply chain across its various activities. As part of this, a procurement exercise to establish a resilient supply of road salt and associated winter treatment products is now required.
- 2.3 Given the importance and value of this element of the supply chain, the project team has decided that North Yorkshire County Council would be best placed to procure and manage this Framework. The proposal is to establish a four-year framework agreement which other contracting authorities will be able to access: NY Highways and City of York Council.
- 2.4 The preferred option is to carry out an open OJEU compliant procurement process. The Framework will have just a single lot, with the intention of this being a multi supplier lot.
- 2.5 The Framework will be for four years, with a commencement date of 1 June 2021.

3.0 Financial implications

- 3.1 The anticipated annual expenditure by all contracting authorities using the Framework is £3.75m or £15m over the life of the proposed four-year Framework. It is anticipated that for the area of North Yorkshire, NY Highways will be calling off the Framework for the supply of salt.

3.2 There is no additional funding required for the proposed contracts.

4.0 Equalities implications

4.1 An Equalities Impact Assessment screening form is attached as Appendix 1. It is the view of Officers that the proposal will have no adverse equality impact on any of the protected characteristic groupings.

5.0 Legal implications

5.1 The proposal is to carry out an OJEU compliant procurement process in accordance with the Public Contracts Regulations 2015.

5.2 The Council as highway authority also has a legal duty under Section 41 (1A) of the Highways Act 1980 to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice. This procurement would assist the Council in fulfilling its duties

6.0 Climate Change implications

6.1 The proposals are not expected to have an impact on climate change. A Climate Change Impact Assessment Form is included as Appendix 2.

7.0 Recommendation

7.1 That the Corporate Director, BES, in consultation with the BES Executive Members, approves that the Council procures a Framework for the Supply of Winter Road Surface Treatments 2021-2025 with an estimated spend of £3.75m per year or £15m over the life of the Framework.

BARRIE MASON
Assistant Director - Highways and Transportation

Author of Report: Mike Douglas

Background documents: None

| Initial equality impact assessment screening form | | | |
|--|--|----|------------------------------|
| <p>This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.</p> | | | |
| Directorate | Business and Environmental Services | | |
| Service area | Highways & Transportation | | |
| Proposal being screened | Supply of Winter Road Surface Treatments 2021-2025 Contract | | |
| Officer(s) carrying out screening | Mike Douglas | | |
| What are you proposing to do? | Report is asking for approval to undertake a procurement exercise to put in place a supply arrangement for road salt and associated goods. | | |
| Why are you proposing this? What are the desired outcomes? | Proposing this to ensure that the Council's new Highway Teckal company 'NY Highways' can access road salt and associated goods in order to satisfy its requirements under its Highways Maintenance contract to undertake winter maintenance operations. The desired outcome is a stable and resilient supply chain. | | |
| Does the proposal involve a significant commitment or removal of resources? Please give details. | Estimated value of spend under the contract is £15m over the 4-year period. | | |
| <p>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics</p> <p>As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? <p>If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.</p> | | | |
| Protected characteristic | Potential for adverse impact | | Don't know/No info available |
| | Yes | No | |
| Age | | No | |
| Disability | | No | |
| Sex | | No | |
| Race | | No | |
| Sexual orientation | | No | |
| Gender reassignment | | No | |
| Religion or belief | | No | |
| Pregnancy or maternity | | No | |
| Marriage or civil partnership | | No | |

Appendix 1

| NYCC additional characteristics | | | |
|--|--|----|-----------------------|
| People in rural areas | | No | |
| People on a low income | | No | |
| Carer (unpaid family or friend) | | No | |
| Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details. | No. The proposal will allow the Council's Highways Teckal company NY Highways to procure supplies in order undertake winter maintenance operations. | | |
| Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion. | No. The proposal will allow the Council's Highways Teckal company NY Highways to procure supplies in order undertake winter maintenance operations. | | |
| Decision (Please tick one option) | EIA not relevant or proportionate: | √ | Continue to full EIA: |
| Reason for decision | The decision to undertake a procurement exercise will have no adverse impact on any of the protected characteristic groups. | | |
| Signed (Assistant Director or equivalent) | <i>Barrie Mason</i> | | |
| Date | <i>18/11/20</i> | | |

Climate change impact assessment



The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

| | |
|---|--|
| Title of proposal | Supply of Winter Road Surface Treatments 2021-2025 Contract |
| Brief description of proposal | Report is asking for approval to undertake a procurement exercise to put in place a supply arrangement for road salt and associated goods. |
| Directorate | Business and Environmental Services |
| Service area | Highways & Transportation |
| Lead officer | Mike Douglas, Project Manager (Highways Teckal) |
| Names and roles of other people involved in carrying out the impact assessment | Richard Marr, Area Highways Manager |
| Date impact assessment started | 2 nd November 2020 |

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

No other options were considered. The Council has a continuing legal duty under the Highways Act 1980 S41(1A) to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice. Therefore the Council, and it's Highways Teckal company 'NY Highways' will need to be able to procure a supply of road salt and associated products. At present there are no viable alternative approaches for any Highway Authority to use for winter treatment of road surfaces.

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

The proposal will be cost neutral as the procurement exercise seeks to replace an existing supply chain with a new supply chain.

| <p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p> | <p>Positive impact (Place a X in the box below where relevant)</p> | <p>No impact (Place a X in the box below where relevant)</p> | <p>Negative impact (Place a X in the box below where relevant)</p> | <p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents | <p>Explain how you plan to mitigate any negative impacts.</p> | <p>Explain how you plan to improve any positive outcomes as far as possible.</p> |
|--|---|---|---|---|--|---|
| <p>Minimise greenhouse gas emissions e.g. reducing emissions from</p> | <p>Emissions from travel</p> | <p>X</p> | | <p>The proposal is to undertake a procurement exercise to secure a supply of road salt and associated products. Once completed the</p> | <p>No plans to mitigate.</p> | <p>No plans to mitigate.</p> |

| <p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p> | <p>Positive impact (Place a X in the box below where relevant)</p> | <p>No impact (Place a X in the box below where relevant)</p> | <p>Negative impact (Place a X in the box below where relevant)</p> | <p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents | <p>Explain how you plan to mitigate any negative impacts.</p> | <p>Explain how you plan to improve any positive outcomes as far as possible.</p> |
|--|---|---|---|---|--|---|
| <p>travel, increasing energy efficiencies etc.</p> | | | | <p>procurement would replace an existing supply chain arrangement with a new arrangement.</p> <p>Greenhouse gas emissions from this activity will come from (1) mining activity, and (2) transport (lorry movements, shipping).</p> <p>We assume similar emissions from mining operations for different suppliers.</p> <p>Emissions from the transport component would vary – potentially significantly - depending on which supplier is successfully appointed as the primary ranked supplier under the proposed contract.</p> | | |

| <p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p> | <p>Positive impact (Place a X in the box below where relevant)</p> | <p>No impact (Place a X in the box below where relevant)</p> | <p>Negative impact (Place a X in the box below where relevant)</p> | <p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents | <p>Explain how you plan to mitigate any negative impacts.</p> | <p>Explain how you plan to improve any positive outcomes as far as possible.</p> |
|--|---|---|---|---|--|---|
| | | | | <p>Our understanding of the market for supply of road salt is that there are a very limited number of UK suppliers, but that there are European based suppliers.</p> <p>We cannot seek to place any geographical limits on bidders. Under the Public Contract Regulations (2015) (PCR 18(3)) competition shall be considered to be artificially narrowed where the design of the procurement is made with the intention of unduly favouring or disadvantaging certain economic operators.</p> | | |
| Emissions from construction | | X | | Not relevant | | |
| Emissions from | | X | | Not relevant | | |

| <p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p> | <p>Positive impact (Place a X in the box below where relevant)</p> | <p>No impact (Place a X in the box below where relevant)</p> | <p>Negative impact (Place a X in the box below where relevant)</p> | <p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> Changes over and above business as usual Evidence or measurement of effect Figures for CO₂e Links to relevant documents | <p>Explain how you plan to mitigate any negative impacts.</p> | <p>Explain how you plan to improve any positive outcomes as far as possible.</p> | |
|--|---|---|---|---|--|---|--|
| | running of buildings | | | | | | |
| | Other | | | | | | |
| Minimise waste : Reduce, reuse, recycle and compost e.g. reducing use of single use plastic | | X | | Not relevant | | | |
| Reduce water consumption | | X | | Not relevant | | | |
| Minimise pollution (including air, land, water, light and noise) | | X | | Not relevant | | | |
| Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers | | X | | Not relevant | | | |
| Enhance conservation and wildlife | | X | | Not relevant | | | |

| <p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p> | <p>Positive impact (Place a X in the box below where relevant)</p> | <p>No impact (Place a X in the box below where relevant)</p> | <p>Negative impact (Place a X in the box below where relevant)</p> | <p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> Changes over and above business as usual Evidence or measurement of effect Figures for CO₂e Links to relevant documents | <p>Explain how you plan to mitigate any negative impacts.</p> | <p>Explain how you plan to improve any positive outcomes as far as possible.</p> |
|--|---|---|---|---|--|---|
| Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape | | X | | Not relevant | | |
| Other (please state below) | | | | | | |

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.

At present, the use of road salt is the only viable option available for Highway Authorities to meet their statutory duty to clear roads of snow and ice.

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

Appendix 2

The proposal seeks approval to undertake a procurement exercise to replace an existing supply chain arrangement with a new arrangement. Therefore it will have a neutral impact on the issues addressed within this assessment. There are no viable alternatives to the use of road salt in winter maintenance operations. NYCC cannot place any geographical restriction on the procurement process, so emissions from transporting goods from a successful bidder cannot be controlled or mitigated.

Sign off section

This climate change impact assessment was completed by:

| | |
|------------------------|--|
| Name | Mike Douglas |
| Job title | Project Manager (Highways Teckal) |
| Service area | Highways & Transportation |
| Directorate | Business & Environmental Services |
| Signature | M Douglas |
| Completion date | 4 November 2020 |

Authorised by relevant Assistant Director (signature): Barrie Mason

Date: 19/11/20