

Requisitioning of Newly published decision: Approval to Extend the Reactive & Planned Maintenance and Construction Improvement Schemes Contract

Councillor John Tyler, Councillor Ray Morgon, Councillor Linda Hawthorn, Councillor Graham Williamson, Councillor Gillian Ford and Councillor Linda Van den Hende, are requisitioning the KEY Executive Decision by the Director of Neighbourhoods, made on 22 April 2021, for the 'Approval to extend the Reactive & Planned Highway Maintenance and Construction of Improvement Schemes contract' with Marlborough Surfacing Limited (MSL), on the following grounds:

1) In the Executive Decision's (ED) 'Statement of the reasons for the decision' it states that *'The contract performance has been monitored through KPI's and contract meetings, and the Contractor has met the expected standards as set out in the contract. During the last 12 months there have been no issues raised with regard to the a service delivery or performance.....'*

This statement is clearly incorrect. In Upminster and Cranham wards alone, there have been a number of performance failings since the contract started, including -

- a) Pike Lane, Upminster - Roadway broke up in numerous places soon after resurfacing, leading to significant remedial works.
- b) St. Mary's Lane, Upminster (within last 12 months) - Following resurfacing and installation of replacement speed humps, it was found that the speed humps were of the wrong shape, causing vibration and noise to local residents. Remedial work was subsequently undertaken to re-shape these.
- c) Winchester Avenue/Litchfield Terrace, Upminster (within last 12 months) - Following highway repairs and resurfacing, the replacement yellow lines were of such poor quality in places that they broke up within days and had to be replaced.

Could we have clarification as to why it is believed this statement is correct, contrary to the evidence?

2) What are the Key Performance Indicators (KPI's) for this contract and why has past performance not been shown as evidence in the ED?

3) What are the standards expected within the contract and what data/evidence is collected to demonstrate that standards have been met? As detailed above, members are aware of various defects outstanding as far back as 2020.

4) Absence of information and/or failing in the recording of incidents of remedial work that have actually been required. What are the true number of incidents where remedial work has been required across Havering since the contract started?

5) What contract monitoring measures are in place?

- 6) There are no details on the timescales set for delivery of schemes. Are these being met?
- 7) The contract includes carriageway repair (patching). A recent set of dangerous pothole repairs in Hall Lane, Cranham, declared as urgent by officers, took three weeks from the urgent notice being sent, to completion of work. Is this acceptable as part of the contract criteria and, if so, why? If not, would this be recorded as an 'issue' under the 'service delivery'?
- 8) What is the ratio of reactive repairs work carried out (split between the contractor and the council's directly employed operations service (DSO)) and why have so many DSO staff left Havering Council?
- 9) There are no details on how the contractor was able to carry out reactive repairs work, when the Council was unable to do so last year.
- 10) There are no details or evidence provided about the work the contractor has undertaken within the Regeneration Schemes.
- 11) Is the criteria of 70% price, 30% quality, used as part of the evaluation in the procurement process, still applicable? Due to the number of problems identified, is the contractor actually providing the service that is required under the contract?
- 12) What are the Schedule of Rates for each category of road and pavements defects, together with any additional add-on charges that may be levied?
- 13) There are no benchmarking details on how competitive the Schedule of Rates are compared to other contractors.
- 14) Should the contract with MSL not be extended past 31 March 2022 and a new tendering process take place for 'Reactive & Planned Highway Maintenance and Construction of Improvement Schemes', from that date forwards?
- 15) Are the stated reasons for not undertaking a new tender process, i.e. Brexit and COVID-19, applicable for a contract that would not start until 2022?
- 16) Bearing in mind that *'The Contract requires the Council to notify the Contractor of any extension at least 12 months in advance of the end of the initial term'*, and the contract is due to expire on 31 March 2022, why has the ED for an extension to the contract not been published well in advance of the cut-off date, which presumably expired on 31 March this year?
- 17) With reference to point 16), has the contract extension already been signed and, if so, when?