

# EXECUTIVE DECISION

made by a Council Officer



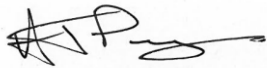
## REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL COUNCIL OFFICER

Executive Decision Reference Number – *COD21 24/25*

Decision	
1	<b>Title of decision:</b> Agreement to go to tender for the Provision of Painting, Paint Inspection & Maintenance Support Services Contract at Tamar Crossings.
2	<b>Decision maker:</b> Anthony Payne, Strategic Director for Place
3	<b>Report author and contact details:</b> Adrian Trim – 307729 <a href="mailto:adrian.trim@plymouth.gov.uk">adrian.trim@plymouth.gov.uk</a>
4a	<b>Decision to be taken:</b> To approve the joint procurement with Cornwall Council for the Provision of Painting, Paint Inspection & Maintenance Support Services at Tamar Crossings as outlined in the Cornwall Council OBC report.
4b	<b>Reference number of original executive decision or date of original committee meeting where delegation was made:</b> L50 21/22
5	<p><b>Reasons for decision:</b> The Tamar Bridge Act 1957 and subsequent revised Acts require the Joint Authorities to operate, maintain and improve the crossings.</p> <p>There are a wide range of essential and industrial painting related and associated maintenance support requirements across both operations and these services have been provided by a local contractor under contract since 2020. That contract expires in 2025.</p> <p>The current Painting, Paint Inspection &amp; Maintenance Support Services Contract remains in line with the requirements of Tamar Crossings, and it provides the essential technical support that enables Tamar Crossings to deliver its organisational goals to safely operate, maintain and improve the crossings. Tamar Bridge operates on a 'User pays' basis, procuring this support contract will enable the continued safe operation of the Tamar Bridge for the next 4 + 4 + 2 years, funding the maintenance and operation of the undertaking.</p>
6	<p><b>Alternative options considered and rejected:</b></p> <p><b>OPTION 1 – Do Nothing – let the current contract lapse</b> This option is not considered realistic or viable. The organisation requires the services set out above.</p> <p><b>OPTION 2 – Develop an in-house maintenance team to cover both sites</b> This option has been considered on several occasions. However, it is currently not considered desirable or practical. TBTF have sought advice and TUPE regulations may be a relevant significant factor. There would be a significant timeframe to negotiate TUPE arrangements, engage with Unions and undertake any recruitment processes. The on-costs associated with local government employment, including leave entitlement, holiday and sick pay and pension contributions are significant and it could be a significant additional financial burden to the organisation. The skills and experience required by the client are varied and the construction industry as a whole is lacking numbers and appropriately trained personnel across the board. Recruitment, retention and training is likely to be a significant barrier to developing an in-house team.</p>
7	<b>Financial implications and risks:</b> Tamar Bridge is funded on a 'user pays' basis, where the tolls are

	used for both operational, support and maintenance requirements. There are limited impacts on the Council MTFP regarding funding, other than financing Member and Officer involvement.			
8	Is the decision a Key Decision? (please contact <a href="#">Democratic Support</a> for further advice)	Yes	No	<b>Per the Constitution, a key decision is one which:</b>
			x	in the case of <b>capital</b> projects and contract awards, results in a new commitment to spend and/or save in excess of <b>£3million</b> in total
			x	in the case of <b>revenue</b> projects when the decision involves entering into new commitments and/or making new savings in excess of <b>£1million</b>
			x	is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.
8b	If yes, date of publication of the notice in the <a href="#">Forward Plan of Key Decisions</a>			
9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:		As a regional centre, Plymouth plays a major role economically, culturally and industrially, providing a focus for the innovation, technology and for the quality of life that it offer. The Tamar Bridge crossing is a vital strategic and local link that plays a key role in the City's ambitions to become a world class City.	
10	Please specify any direct environmental implications of the decision (carbon impact)		No Direct Environmental Impact.	
<b>Urgent decisions</b>				
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?	Yes		(If yes, please contact <a href="#">Democratic Support</a> for advice)
		No	x	(If no, go to section 13a)
12a	Reason for urgency:			
12b	Scrutiny Chair signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
<b>Consultation</b>				
13a	Which Cabinet Member's portfolio		Councillor Mark Coker, Cabinet Member for Transport	

	<b>does this decision relate to?</b>								
<b>I3b</b>	<b>Date Cabinet Member consulted</b>		12 August 2024						
<b>I3c</b>	<b>Are any other Cabinet members' portfolios affected by the decision?</b>		<b>Yes</b>						
			<b>No</b>	x		(If no go to section 14)			
<b>I3d</b>	<b>Which other Cabinet member's portfolio is affected by the decision?</b>								
<b>I3e</b>	<b>Date other Cabinet member(s) consulted</b>								
<b>I4</b>	<b>Has any Cabinet member declared a conflict of interest in relation to the decision?</b>		<b>Yes</b>	If yes, please discuss with the Monitoring Officer					
			<b>No</b>	x					
<b>I5</b>	<b>Which Corporate Management Team member has been consulted?</b>		<b>Name</b>		Anthony Payne				
			<b>Job title</b>		Strategic Director for Place				
			<b>Date consulted</b>		19 August 2024				
<b>Sign-off</b>									
<b>I6</b>	<b>Sign off codes from the relevant departments consulted:</b>		<b>Democratic Support (mandatory)</b>				DS39 24/25		
			<b>Finance (mandatory)</b>				HS.24.25.17		
			<b>Legal (mandatory)</b>				LS/2391/KT/130824		
			<b>Human Resources (if applicable)</b>						
			<b>Corporate property (if applicable)</b>						
			<b>Procurement (if applicable)</b>						
<b>Appendices</b>									
<b>I7</b>	<b>Ref.</b>	<b>Title of appendix</b>							
<b>Confidential/exempt information</b>									
<b>I8a</b>	<b>Do you need to include any confidential/exempt information?</b>		<b>Yes</b>	If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in <b>I8b</b> below.					
			<b>No</b>	x					
			<b>Exemption Paragraph Number</b>						
			<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>

18b	<b>Confidential/exempt briefing report title:</b> CC Business Case							
<b>Background Papers</b>								
19	<p>Please list all unpublished, background papers relevant to the decision in the table below.</p> <p>Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</p>							
<b>Title of background paper(s)</b>		<b>Exemption Paragraph Number</b>						
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>Council Officer Signature</b>								
20	<p>I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.</p>							
<b>Signature</b>				<b>Date of decision</b>	30 August 2024			
<b>Print Name</b>	Anthony Payne, Strategic Director for Place							

## Appendix A

### Briefing Report

#### 1.0 Introduction

- 1.1 The Tamar Bridge crossing forms part of a 'joint undertaking' provided by Plymouth City Council and Cornwall Council, operating under statute since 1953.
- 1.2 The bridge was opened in 1961 and is owned by the joint Authorities of Cornwall Council and Plymouth City Council and is operated and maintained by the Tamar Bridge & Torpoint Ferry Joint Committee (TBTF) formed by the two Authorities. The TBTF mission is to provide safe, reliable and efficient crossings of the Tamar, now and into the future.
- 1.3 The bridge carries approximately fifty thousand vehicles per day and has seen significant capital investment over the last 20 years. Ongoing investment is required to ensure that the bridge continues to be inspected, maintained and improved in line with contemporary standards in order that it can continue to meet the key strategic objectives of the organisations.
- 1.4 The crossing is operated on a 'user pays' basis, with the tolls covering operational and maintenance costs, (hence no cost to the Council for this procurement) delivering public crossings at the Bridge 24/7.
- 1.5 The procurement of industrial painting related and associated maintenance support services are a regular occurrence, as would be expected, as the bridge and ferries are bespoke structures that provides key road links on the Devon / Cornwall border, crossing the river Tamar, with the A38 forming part of the Strategic Road Network (SRN) nationally.
- 1.6 Significant investment in maintenance to the bridge, ferry infrastructure and operations have continued over recent years to ensure that the organisation can meet its key strategic aims and objectives. As well as the larger capital projects there are many routine and ad-hoc maintenance requirements. These routine maintenance and support tasks are equally as important on a day to day or week to week basis, as the larger, long-term projects.
- 1.7 Compromising some of the routine maintenance activities or lack of availability of operatives may have a more immediate impact on users of the crossings, particularly where a quick response or reaction time is required – i.e. mechanical defect on the ferry requiring an immediate resolution or other intervention.
- 1.8 This procurement is for the re-tender of Painting, Paint Inspection & Maintenance Support Services Contract from September 2025 – August 2035, subject to meeting extension criteria.
- 1.9 In recent years there has been significant investment in the bridge, infrastructure and operations to ensure that the organisation can meet its key strategic aims and objectives. Continual investment is necessary to ensure that the bridge is operated, maintained and improved according to contemporary standards and to meet future service demands.

- 1.10 The current Painting, Paint Inspection & Maintenance Support Services Contract remains in line with the requirements of Tamar Crossings, and it provides the essential support that enables Tamar Crossings to deliver its organisational goals to safely operate, maintain and improve the crossings.
- 1.11 This contract will also assist the joint authorities in fulfilling their Statutory obligations under The Tamar Bridge Act 1957 and subsequent revised Acts to maintain and improve the crossing.

## **2.0 Improving resilience and efficiency in procurement and Contract Award**

2.1 Currently the process to procure and award a contract is the responsibility of both Councils, however the policy and process of both Councils differ, giving rise to anomalies and additional administration regarding timing, procurement decisions, application and contract award. Work is currently underway to simplify the procurement and contract award process in respect of the Tamar Bridge and Torpoint Ferry.