

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

<b>Reference Number:</b>	<b>4024</b>
<b>Author:</b>	<b>Peter Wells</b>
<b>Department:</b>	<b>Commercial and Operations</b>
<b>Contact:</b>	<b>Peter Wells</b> <b>(Job Title: Infrastructure Asset Manager, Email: peter.wells@nottinghamcity.gov.uk, Phone: 01158761351)</b>
<b>Subject:</b>	<b>Purchasing of De-Icing Salts</b>
<b>Total Value:</b>	<b>£280,000.00 (Type: Capital)</b>
<b>Decision Being Taken:</b>	<b>To allow NCC Highways Services to call off and raise orders from an ESPO (East Midlands Purchasing Organisation) Framework specialising in the supply of De-Icing Salts, that are essential to provide a winter service programme, and provide gritting across the Highway Network over the winter season, for a 4 year period.</b>
<b>Reasons for the Decision(s)</b>	<p>The reason for this decision is to allow NCC to call off and raise orders from an approved ESPO framework that has the benefits of being set-up by a purchasing organisation which other local authorities, allowing all member authorities to benefit from combined purchasing.</p> <p>This is a specialist product that only has two suppliers nationwide, therefore there isn't a opportunity to procure locally and seek independent savings.</p> <p>The De-Icing Salts are essential to ensure the successful running of a winter service program. With the De-icing salts there would be no other methods of keeping the Nottingham Road Network free from ice and snow conditions during the winter months.</p> <p>ESPO charge the supplier at a rate of 1% of all invoices made against the Framework, so this does not have any additional funding charges to NCC</p> <p>The estimated total spend is based on a 4 years spend period, with a maximum spend of £70,000.00 per annum.</p>
<b>Other Options Considered:</b>	<ol style="list-style-type: none"><li><b>1. Do nothing - this would leave the authority with no compliant method to procure De-icing salts</b></li><li><b>2. Go out to tender for our own De-Icing Salts framework - this could be an option, but lead to the same suppliers offering products due to the specialist nature, and without the purchasing organisations support, including the volume included with other authorities the price would be more expensive.</b></li></ol>

**Background Papers:**

**Published Works:**

**Affected Wards:** Citywide

**Colleague / Councillor Interests:**

**Consultations:** Those not consulted are not directly affected by the decision.

**Crime and Disorder Implications:** None

**Equality:** EIA not required. Reasons: EIA not required. Reasons; This decision does not relate to a new or changing policy, service or function.

**Decision Type:** Portfolio Holder

**Subject to Call In:** Yes

**Call In Expiry date:** 22/10/2020

**Advice Sought:** Legal, Finance, Procurement

**Legal Advice:** 

By virtue of s.41(1A) Highways Act 1980 the local authority is under a duty to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice. The 'gritting' and use of de-icing salts contributes to the discharge of that duty. The decision to enter into an arrangement whereby salts can be readily purchased over the next 4 years, and the procurement process for such purchases raises no legal issues and is supported by Legal Services.

Advice provided by Naomi Vass (Senior Solicitor) on 07/10/2020.

**Finance Advice:**

**This expenditure is essential to the safe running of the local road network managed by Highway Operations. There is sufficient base budget within the Winter Maintenance area to cover the estimated annual spend on De-icing Salts. Advice provided by Tania Clayton Perez (Commercial Business Partner) on 07/10/2020.**

**Procurement Advice:**

**There are no procurement issues with the decision being sought. Buying goods from a central purchasing body, such as ESPO, is compliant with regulation 37 of the Public Contracts Regulations 2015, and is expressly allowed under clause 3.3.1.3 of Contract Procedure Rules. In addition, tapping into the purchasing power of these arrangements is likely to offer better value than sourcing bulk goods independently. Advice provided by Jonathan Whitmarsh (Lead Procurement Officer) on 02/10/2020.**

**Signatures**

**Rebecca Langton (PH Communities, Highways, Strategic Transport)**

**SIGNED and Dated: 15/10/2020**

**Dave Halstead (Strategic Director of Neighbourhood Services)**

**SIGNED and Dated: 15/10/2020**