

**Wiltshire and Swindon Borough Council Highways Contract  
Summary of main features**

There will be separate contracts between each of the Councils and the contractor, with a partnering agreement between the parties.

The contract uses the NEC3 form of contract.

The contract will be for five years, and can be extended for a further two years subject to performance.

There is a Price List of items, which will be the basis of payment to the contractor. It includes items for measured work paid for by item, linear or square metre etc. There are also items paid for on a time basis where work may not be specified by particular work, such as for Parish Stewards.

The prices will be adjusted annually based on price indices applied to a representative basket of goods.

There is a description of the works to be carried out by the contractor, including specifications and methods of measurement, generally based on nationally accepted standards, including Department for Transport, British Standards and other industry guidance.

In some cases, bespoke items and specifications have been developed, for example for Parish Stewards.

The operation of the contract will be managed by Contract Management Meetings, which will take place monthly and involve senior representatives of the Council, consultant and contractor.

Service Delivery Teams are established for individual service areas such as major maintenance, local highways, structures, integrated transport and street lighting. These teams comprising representatives of the Council, consultant and contractor will manage the day to day operations.

The Council issues task orders to the contractor on the basis of the Price List. On completion of the works, or on a monthly basis, the contractor submits a payment application.

The payment application is reviewed by the Council and an approved sum paid to the contractor.

Either party can issue Early Warning Notices (EWNs) in connection with the works to give advance notice of changes or potential issues.

Where appropriate a Change Event Notification (CEN) is issued, particularly if there are financial implications in connection with the event, and additional or changes to payments are made accordingly.

In the event of any disagreement the matter would be initially be considered by the Service Delivery Team, and if necessary referred to the Contract Management Meeting.

If it is still not resolved it may be referred to an independent adjudicator appointed by the Institution of Civil Engineers.

Where there are no appropriate items in the Price List the contractor will be requested to provide a price for consideration.

The contractor's performance will be monitored on a month by month basis so that prompt action can be taken to address any issues.

The contractor's performance is assessed against the contract objectives annually in accordance with the procedure set out in the contract. The responses to the quality questions at tender stage and agreed key performance indicators will be taken into account in considering the contractors performance.

Good performance will be rewarded by the award of an extension of up to six months each year, up to a total of 2 years. Poor performance could result in removal of awarded extensions or other action.

The assessment of contractor's performance will be reported annually to the Environment Select Committee or as necessary.