

Mechanical Dredging Contract

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| Cabinet | 26 September 2024 |
| By | Tony Marmo, Head of Coastal and Public Realm |
| Cabinet Portfolio Member | Cllr Rick Everitt, Leader of the Council |
| Key Decision | Yes |
| Decision classification | Unrestricted |
| Call in status | Yes |
| Ward: | Central Harbour |

Purpose of the Report

The council is a Statutory Harbour Authority and has a duty to maintain the Port of Ramsgate and Ramsgate Harbour. The report proposes that a key decision be approved to award a term contract for mechanical dredging at the Port of Ramsgate and Ramsgate Royal Harbour. This routine maintenance dredging will be funded via an existing recurring revenue budget of £145,500. The estimated value of the contract will be £72,750 per year over a maximum contract term of 5 years (core term of 3 years with potential for a 2 year extension), making a total estimated contract value of £363,750.

Recommendation(s):

It is recommended that Cabinet:

1. Approve the key decision to award a contract with a value in excess of £250,000 for mechanical dredging at the Port of Ramsgate and Ramsgate Royal Harbour, following a procurement exercise.
2. Agree that the Director of Environment, having sought advice from legal services, agree the final terms of any contract award and sign the contract with the successful bidder.

1. Summary of Reasons

- 1.1 The council is the Statutory Harbour Authority for the Port of Ramsgate and Ramsgate Royal Harbour. Harbour Authorities have a duty to conserve (maintain) the port/harbour so that it is fit for use, this includes a duty to undertake dredging to maintain safe navigation.
- 1.2 The Port of Ramsgate and Ramsgate Royal Harbour require regular dredging to ensure the safe navigation of vessels. The recurring nature of the dredging requirement means that a multi-year term contract is the most appropriate procurement method.

2. Background

- 2.1 The waters in both the Port of Ramsgate and the Ramsgate Royal Harbour are influenced by tidal currents, like many other ports and harbours in the UK. These tidal currents transport sand and silt from the sea. This material (or sediment) falls out of suspension when the current velocity is reduced, such as when the suspended material enters a harbour. This has the effect of reducing the depth of the water. In particular, coarser sandy sediment builds up at the entrance to the Ramsgate Royal Harbour under the East Pier. If this sediment is not removed the sand bank would grow to the point that the harbour can no longer be safely accessed from the sea.
- 2.2 The majority of sediment at Ramsgate (circa 75%) can be classified as silt. The origin of this clay like material is largely from estuaries including the River Stour and is also generated by the process of coastal erosion. Fine silt particles can travel long distances in the sea via tidal currents. The remaining sediment at Ramsgate (circa 25%) is classified as sand. This material is far coarser and moves less readily via tidal currents, however the long shore drift process and strong currents during storm conditions mean that sand is still deposited in the port and the entrance of the harbour.
- 2.3 A variety of dredging methods are available to remove sediment depending upon its density, particle size and location.
- 2.4 In Ramsgate the two principal sediment types (silt and sand) are removed via two entirely different methods. A method of mechanical dredging known as grab dredging is used to remove sand at Ramsgate. The proposed term contract (the subject of this report) will be based on the grab dredging method which uses a large 360 degree long reach excavator mounted on the deck of the dredger to dig (or grab) the sand from the sea bed.
- 2.5 The silt is removed via a hydrodynamic dredging method known as Water Injection Dredging (WID). This method of dredging is outside the scope of the proposed contract and is the subject of a separate and current term contract which does not expire until 2026.
- 2.6 Mechanical dredging has been used as the core method of sediment removal at Ramsgate for many decades. The previous mechanical dredging contract was terminated in 2023 due to the sudden increase of fuel prices which made it unviable for the existing contractor to continue to undertake the works in accordance with the contract.
- 2.7 In 2024 a mechanical dredge campaign was not carried out at the Port of Ramsgate and the Ramsgate Royal Harbour. Instead, two water injection dredging campaigns were undertaken using two different classes of water injection dredger via the existing 4+1 year term contract.

3. Relevant Issues

- 3.1 The Ramsgate Royal Harbour has over 600 berths. These berths are a mixture of commercial and leisure vessels. During the summer season a large number of

visitors from around the UK and Europe visit the Royal Harbour. In order to safely facilitate these vessels the council must invest in maintenance dredging to maintain safe access for vessels. Without this vessels are likely to choose alternative neighbouring harbours to visit and berth in. This could result in a significant loss in revenue.

- 3.2 In addition, without regular dredging to maintain safe access to the Port of Ramsgate and the Ramsgate Royal Harbour the council risks breaching the open port duty. This is defined in the Port Marine Safety Code as: 'Taking reasonable care, so long as the harbour or facility is open for public use, that all who may choose to navigate in it may do so without danger to their lives or property.'

4. Recommendations from the Overview and Scrutiny Panel

- 4.1 The Overview Scrutiny Panel noted the report and made no recommendations to Cabinet.

5. Alternative Options

- 5.1 The council could have decided to undertake a reduced volume of dredging in the Port of Ramsgate and the Ramsgate Royal Harbour but this would overtime limit the size of craft able to access the port and harbour. It would also substantially reduce revenue and increase operational risk and liability in the event of vessel groundings. This option would also increase the risk of a breach of the Open Port duty which would expose the council to legal risk and potential claims and litigation. For this reason this option was not taken forward as a recommendation.

6. Consultation

- 6.1 There is no public law or statutory duty to consult in relation to the decisions sought in this report.

7. Corporate Implications

7.1 Finance and Resources

- 7.1.1 The Base budget for Dredging is £145.5k per annum, with 50% of this currently allocated to Mechanical Dredging - £72.75k per annum. The recently completed Procurement Initiation Form (PIF) is for 3+2 years, with an estimated contract value of £363.75k, as a result, this proposed procurement is within agreed budgets.

7.2 Legal and Constitutional

- 7.2.1 This decision sought in this report seeks Cabinet's authority for the award of a contract with a value, estimated to be approximately £363.75k over a five year period. It is proposed that the contract be awarded following a procurement exercise in accordance with the provisions of the Public Contract Regulations and the Council's contract standing orders. The procurement will support the Council to satisfy its best value duty.

7.2.2 Legal and procurement advice should be sought in relation to both this procurement and the contract award. Depending on when the procurement is commenced, it is possible that it will be caught by the provisions of the new Procurement Act.

7.2.3 In accordance with the provisions of Part 3 of the Council's constitution, as with all key decisions, this is a decision that must be taken by Cabinet.

7.3 Council Policies and Priorities

7.3.1 This report relates to the following corporate priorities:

- To create a thriving place
- To work efficiently for you

7.4 Risk

7.4.1 The Quality questions which form part of the procurement exercise will seek information on the bidder's operational procedures and risk mitigations. All vessels carrying out work must be appropriately certified for the works they are carrying out and meet all legal requirements as laid out by the Maritime Coastguard Agency (MCA) and International Maritime Organisation (IMO). All crew operating on the vessels would need to be suitably qualified as laid out in the relevant IMO publications in particular the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW). The quality assessment will ensure that the successful bidder can demonstrate competency and compliance in this key area.

7.4.2 Work carried out within the Port of Ramsgate and the Ramsgate Royal Harbour will require a company to provide a full set of risk assessments and method statements for review by relevant and qualified personnel (Harbour Master or delegate).

7.4.3 All operations will be monitored by the Local Port Service (LPS) operated at the Port of Ramsgate and the Ramsgate Royal Harbour. This service is 24 hours a day, 7 days a week. The service helps to maintain safe navigation in and around the port and harbour.

7.5 Climate Change and Biodiversity

7.5.1 Environmental and climate change implications have been reviewed and mitigated as far as practicably possible. The tender for the contract will include a need for the contractors to describe their climate change and net zero commitments which will be a scored element during tender evaluation.

7.5.2 A marine licence administered by the Marine Management Organisation (MMO) is in place for the maintenance dredging to be undertaken via the proposed mechanical dredging contract. Routine sediment sampling and analysis is undertaken to ensure material being dredged is not negatively impacting the marine ecosystem. In accordance with the relevant MMO licences the Ramsgate Port and Ramsgate Royal harbour have two designated spoil grounds for dredge material which have limitations

on the total quantity that can be disposed of in these sites. This is regularly monitored and reports produced for statutory returns to the MMO.

8. Equality, Equity and Diversity Implications

8.1 An Equality Impact screening tool has been completed (see Appendix 1). This demonstrates that there are no particular equalities implications arising from the decision sought in this report.

9. Crime and Disorder Implications and Community impact

9.1 Crime and disorder implications have been reviewed and no implications have been identified.

10. Subject History

10.1 Information regarding the history of this issue including decisions on funding has been set out in the body of the report.

Appendices

Appendix 1 - Equality Impact Assessment

Background Papers

None

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Report Sign Off

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