

12th August 2009

Your ref: Email dated 27th July 2009
Our ref: R00152

Freedom of Information Request – New Traffic Lights – A259 Hastings

Thank you for your Freedom of Information Request, dated 27th July 2009, concerning the new traffic lights and pedestrian crossing at the Royal Sussex Arms Junction on the A259 in Hastings.

Your request to SEEDA is:

"I should be most grateful to receive a copy of the contract between Seeda, East Sussex County Council, Walkers of Folkestone and Siemens, who carried out the above installation."

Information Requested

SEEDA is not a party to any of the Royal Sussex Arms Junction Improvement Works contracts and therefore we are not in a position to disclose any contractual details. Furthermore we do not consider it would be helpful, or in the public interest, to disclose the commercially confidential details of these contracts. However it may be helpful to explain the contractual relationships between the various parties involved.

Contractual Relationships

The Royal Sussex Arms Junction Improvement works are the responsibility of Sea Space (Hastings and Bexhill Renaissance Limited) which is a development company set up by SEEDA and local authorities in the area with support from European funds, the Homes and Communities Agency and the Government Office of the South East.

Siemens is the Term Road Traffic Signal contractor to East Sussex County Council.

Sea Space invited competitive tenders from four contractors for the Royal Sussex Arms Junction Improvement Works, which was awarded to Walker Construction Limited using an Institution of Civil Engineers Form of Contract, Measurement Version, 7th Edition, January 2003 reprint incorporating the ICE July 2004 and March 2007 amendments.

The works were designed by Sea Space's engineers and carried out by Walker Construction Limited under a Section 278 Agreement (defined in Section 278 of the Highways Act 1980), dated 26th January 2009, which was approved and issued by the East Sussex County Council and which was entered into and signed by both them and Sea Space.

Where a development requires works to be carried out on the existing adopted highway, an agreement must be completed between the developer and the County Council. Examples of such works could be the construction of new access/junction improvement of the highway/junctions, or safety related works such as traffic calming or improved facilities for pedestrians and cyclists.

Under Clause 3.1.1 of the Agreement the Director of the East Sussex County Council (on behalf of the Director of Transport and Environment) gave written approval to the detailed proposals and drawings in respect of both the temporary works and the improvement works.

At the outset of the Royal Sussex Arms Junction contract the County Council requested that Walkers engage Siemens as the specialist signals subcontractor (quasi nomination) but instead Siemens was engaged by Walker Construction Limited as a domestic subcontractor, without any contractual tie to either Sea Space or the County.

The works were executed to programme and within the contracted cost.

In summary:

- Sea Space is in contract with Walker Construction Ltd.
- Walker Construction Ltd was in a separate contract with Siemens.
- East Sussex County Council is separately in a Term Contract with Siemens.
- SEEDA is not in contract with any of the above.

Disclosure Log

This information will also be made available on SEEDA's Freedom of Information Disclosure Log on the SEEDA website (www.seeda.co.uk/About_SEEDA/Freedom_of_Information_disclosure_log/). Personal details and other information that could identify requesters is redacted (removed) from the disclosure log version.

Conclusion

If you are not satisfied with the way we have handled your request, or if you are unhappy with our response, you can appeal using our Complaints Procedure as follows:

A request for a review should be addressed to Robert Crawford, Chief Operating Officer, and sent by email to: robertcrawford@seeda.co.uk or by post to SEEDA, Cross Lanes, Guildford, GU1 1YA. You will be notified of the outcome within 20 working days.

If you are still dissatisfied after pursuing our Complaints Procedure, then under Section 50 of the Act, you are entitled to appeal to the Information Commissioner (Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF, telephone: 01625 545700, fax: 01625 524510).

Please contact me if you have any other queries.

Yours sincerely

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