



**Highways England Company Limited**

## **Area 3**

# **Maintenance and Response**

## **Form of Agreement**

relating to the provision of maintenance and response  
services in relation to the motorway and trunk  
road network in Highways England Area 3

**THIS AGREEMENT BY DEED is made the**

**7th Day of June 2021**

**PARTIES:**

1. **HIGHWAYS ENGLAND COMPANY LIMITED** (company number 09346363) who's registered address is at Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ ("the *Employer*"); and
2. **Kier Highways Limited** a company incorporated in and in accordance with the laws of England and Wales having as its registered number 05606089 and its registered office at 81 Fountain Street, Manchester M2 2EE ("the *Contractor*").

**RECITALS**

- (A) The *Client* wishes to appoint a contractor to undertake the provision of maintenance and response services in relation to the Affected Property during the *service period* and for that purpose has issued invitations to tender (including the Scope and the Network Information) to, amongst others, the *Contractor*.
- (B) In response to the *Client's* invitation to tender, the *Contractor* has submitted a tender for the provision of maintenance and response services in relation to the Affected Property in accordance with the Scope and the Network Information.
- (C) The *Client* has accepted the *Contractor's* tender by letter dated 21<sup>st</sup> May 2021 and now wishes to appoint the *Contractor* on the terms of this Agreement

**OPERATIVE PROVISIONS**

**1. Definitions and Interpretation**

- 1.1 In this Agreement (including the Recitals) words and expressions have the same meaning given to them in the Conditions referred to below.
- 1.2 The Conditions are the core clauses and the clauses for main Options A (for Lump Sum Duties and the duties in Sections B and C of the Price List) and E (for Cost Reimbursable Duties), dispute resolution Option W2 and secondary Options X1, X2, X11, X18, X24, Y(UK)1, Y(UK)2, Y(UK)3 and Z1-Z18, Z30, Z39-Z40, Z42-Z43, Z50-Z53, Z56-Z59, Z60, Z61, Z105, Z107, Z108 of the NEC4 Term Service Contract (June 2017 with amendments January 2019).

**2. Agreement by Deed**

- 2.1 In consideration of the *Client* making payment in accordance with the Conditions, the *Contractor* hereby agrees to Providing the Service in accordance with this Agreement by Deed.

**3. Documents**

- 3.1 The documents forming part of this Agreement are:
  1. the Conditions

2. the Contract Data Part One and Part Two
  3. the Scope
  4. the Network Information
  5. the Price List
  6. the Service Plan
  7. the Quality Statement
  8. Tender Amendments 1 - 6
  9. the *Contractor's* tender
  10. Commitments Register (Annex A)
- 3.2. The several documents forming part of this Agreement are to be taken as mutually explanatory of one another.

**Delivered** as a deed on the date of this document.

Executed as a deed by  
**HIGHWAYS ENGLAND COMPANY LIMITED**  
by affixing his common seal 2021 no 994  
in the presence of









