



Oversight and Governance

Chief Executive's Department

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Delegated Decisions

Delegated Executive/Officer Decisions

Delegated Executive and Officer decisions are available at the following link -

<https://tinyurl.com/ms6umor>

Cabinet decisions subject to call-in are published at the following link - <http://tinyurl.com/yddrql6>

Notice of call-in for non-urgent decisions must be given to the Democratic Support Unit by 4.30 pm on Wednesday 05 April 2023. Please note – urgent decisions and non-key Council Officer decisions cannot be called in. Copies of the decisions together with background reports are available for viewing as follows:

- on the Council's Intranet Site at <https://modgov/mgDelegatedDecisions.aspx>
- on the Council's website at <https://tinyurl.com/jhnax4e>

The non-key Council Officer decision detailed below may be implemented immediately.

Delegated Decisions

I. Council Officer Decision - Paul Barnard (Service Director for Strategic Planning and Infrastructure):

- I.1. Contract Award - Appointment of Contractor to undertake continued public realm works at Old Town Street, New George Street and Civic Square. **(Pages 1 - 26)**

EXECUTIVE DECISION

made by a Council Officer



REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL COUNCIL OFFICER

Executive Decision Reference Number – COD49 22/23

Decision	
1	Title of decision: Contract Award - Appointment of Contractor to undertake continued public realm works at Old Town Street, New George Street and Civic Square.
2	Decision Maker: Paul Barnard, Service Director SP&I
3	Report author and contact details: Catherine Arthurs, Design and Delivery Co-ordinator, Tel: 01752 305440 catherine.arthurs@plymouth.gov.uk
4a	<p>Decision to be taken:</p> <p>To award a contract to undertake continued public realm works in Old Town Street, New George Street and Civic Square in respect of the Council's Better Places Programme of public realm improvements to Morgan Sindall Construction and Infrastructure Ltd.</p> <p>It is intended to award the contract using a Short Form Delivery Agreement using the SCAPE Framework.</p>
4b	<p>Reference number of original executive decision or date of original committee meeting where delegation was made:</p> <p>Executive Decision L43 19/20 (03.07.20)</p>
5	<p>Reasons for decision:</p> <p>The Better Places Programme seeks to address years of under-investment in city centre streets and spaces; to transform the look and feel of the city centre; to support and lever in further inward investment in retail, leisure, employment and housing.</p> <p>Undertaking the public realm works is necessary for the Council to maintain its commitment to expend central government grant money that is time restricted; and to progress the construction of its extensive programme of public realm improvements within Plymouth City Centre in a timely fashion, minimising disruption to the public and its retail partners.</p> <p>Old Town Street, New George Street and Civic Square are identified as a priority projects which reinforce the Council's actions to regenerate key areas of Plymouth's city centre.</p> <p>The public realm works follow on from earlier phases of enabling works. There will be no reduction to the number of existing trees resulting from these works.</p>

6	<p>Alternative options considered and rejected:</p> <p>Option 1: Do Nothing – This is not an option since the project is already committed to as a result of earlier enabling works and an order has been placed to purchase granite.</p> <p>Option 2: Do Nothing and await the award of the main contract- If the Council doesn't continue these works, serious delays will result to the construction programme for the project. Doing nothing and not completing the works will lead to the loss of external funding for the project and will seriously damage the Councils reputation for the delivery of high quality public realm schemes.</p> <p>Option 3: Contract separately for Old Town Street/New George Street and Civic Square. It is the most cost effective approach to deliver the projects through a single contract to reduce overhead costs</p>																
7	<p>Financial implications and risks:</p> <p>The contract award value is £2,733,988.79 but as with all construction contracts "compensation events" are likely to occur due to project risk meaning the final sum due to the contractor will likely exceed this figure for the specified scope of works.</p>																
8	<table border="1"> <thead> <tr> <th data-bbox="245 909 759 1010">Is the decision a Key Decision? (please contact Democratic Support for further advice)</th> <th data-bbox="759 909 852 1010">Yes</th> <th data-bbox="852 909 1007 1010">No</th> <th data-bbox="1007 909 1495 1010">Per the Constitution, a key decision is one which:</th> </tr> </thead> <tbody> <tr> <td data-bbox="245 1010 759 1173"></td> <td data-bbox="759 1010 852 1173"></td> <td data-bbox="852 1010 1007 1173">X</td> <td data-bbox="1007 1010 1495 1173">in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total</td> </tr> <tr> <td data-bbox="245 1173 759 1359"></td> <td data-bbox="759 1173 852 1359"></td> <td data-bbox="852 1173 1007 1359">X</td> <td data-bbox="1007 1173 1495 1359">in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1 million</td> </tr> <tr> <td data-bbox="245 1359 759 1547"></td> <td data-bbox="759 1359 852 1547"></td> <td data-bbox="852 1359 1007 1547">X</td> <td data-bbox="1007 1359 1495 1547">is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.</td> </tr> </tbody> </table>	Is the decision a Key Decision? (please contact Democratic Support for further advice)	Yes	No	Per the Constitution, a key decision is one which:			X	in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total			X	in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1 million			X	is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.
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		X	is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.														
8b	<p>If yes, date of publication of the notice in the Forward Plan of Key Decisions</p>	n/a															
9	<p>Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:</p>	<p>Growing Plymouth - The outcomes of this project will help support a growing city by encouraging inward investment in the retail, leisure and cultural offer of Plymouth city centre and supporting the diversification of uses including residential and office.</p> <p>Providing aesthetically attractive and inviting city centre streets and spaces that function better through day and into evening will attract increased visitors to the city centre for prolonged periods of time resulting in higher</p>															

		<p>spend, more viable businesses and a more competitive city centre further establishing Plymouth's position as a premier retail and shopping destination for the South West.</p> <p>Caring Plymouth - The project will support the creation of positive spaces for residents from across the city, supporting the achievement of health and wellbeing outcomes and promoting social inclusion.</p> <p>This project will directly support the growth of the city by encouraging visitors and enabling increased investment from the community and private sector.</p>
I0	Please specify any direct environmental implications of the decision (carbon impact)	<p>The project aims to deliver significant environmental improvements to the city centre including a net increase in trees and tree canopy cover, biodiversity net gain through the introduction of new species including those that support pollinating insects. The scheme will deliver a new Sustainable Urban Drainage (SUDs) system that will form part of a wider strategic network in the city centre. The SUDs systems includes 'rain gardens' which integrate the drainage system with the cities green infrastructure to make the best use of surface water. Construction materials have been selected for long-term robustness and durability to reduce lifecycle carbon footprint.</p>

Urgent decisions

I1	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?	Yes	No	(If yes, please contact Democratic Support for advice)
			X	(If no, go to section I3a)


I2a Reason for urgency: n/a

I2b	Scrutiny Chair signature:		Date	
	Scrutiny Committee name:			
	Print Name:			

Consultation

I3a	Are any other Cabinet members' portfolios affected by the decision?	Yes	No	
		X		(If no go to section I4)
I3b	Which other Cabinet member's	Councillor Jonathan Drear (Cabinet member for transport)		

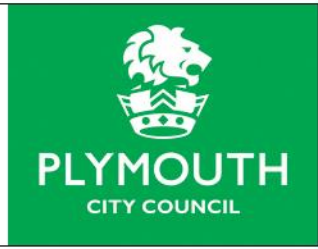
	portfolio is affected by the decision?							
I3c	Date Cabinet member consulted	16.03.23						
I4	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes	No	If yes, please discuss with the Monitoring Officer				
			X					
I5	Which Corporate Management Team member has been consulted?	Name	Anthony Payne					
		Job title	Strategic Director for Place					
		Date consulted	27.03.23					
Sign-off								
I6	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DSI36 22/23					
		Finance (mandatory)	pl.22.23.346.					
		Legal (mandatory)	MS/39682/ 22.03.23					
		Human Resources (if applicable)	N/A					
		Corporate property (if applicable)	N/A					
		Procurement (if applicable)	SN/PS/672/ED/0323					
Appendices								
I7	Ref.	Title of appendix						
	A	Contract Award Report Part I						
	B	Equalities Impact Assessment						
Confidential/exempt information								
I8a	Do you need to include any confidential/exempt information?	Yes	If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in I8b below.					
		Exemption Paragraph Number						
		1	2	3	4	5	6	7

18b	Confidential/exempt briefing report title: Contract Award Report Part 2			X				
Background Papers								
19	<p>Please list all unpublished, background papers relevant to the decision in the table below.</p> <p>Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</p>							
Title of background paper(s)		Exemption Paragraph Number						
		1	2	3	4	5	6	7
Council Officer Signature								
20	<p>I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.</p>							
Signature				Date of decision	27.03.23			
Print Name	Paul Barnard, Service Director SP&I							

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**PROCUREMENT GATEWAY 3 -
CONTRACT AWARD REPORT - PART I**

23186a - Old Town Street, New George Street and Civic Square
Public Realm



1. INTRODUCTION

2. BACKGROUND

3. PROCUREMENT PROCESS

4. TENDER EVALUATION CRITERIA

5. SUMMARY OF EVALUATION

6. FINANCIAL IMPLICATIONS

7. RECOMMENDATIONS

8. APPROVAL

I. INTRODUCTION

This contract award report is in relation to the procurement of Old Town Street, New George Street (OTS/NGS) and Civic Square public realm works.

The overall OTS/NGS project will deliver the public realm scheme objectives:

- Improved pedestrian and cycling connections between the city centre, Drake Circus and the Barcode
- Improved public realm that promotes pedestrian priority provides for cyclists
- High quality natural stone paving and green infrastructure
- New modern seating and street furniture
- Restoration of historic features

And will comprise:

- The removal of existing surfacing, street furniture & soft landscaping, replaced with new hard and soft landscaping, new street furniture, lighting and public interest items.
- The removal of contaminated material, underground obstructions, pre-war historical city features and old/existing services and utilities systems.
- Construction of new utilities and drainage systems incorporating attenuation and storage of storm water within the scheme.

The work included in this Short Form Delivery Agreement (SFDA) 3 follows on from two earlier phases of enabling works at OTS/NGS which were undertaken in order to understand the unforeseen risks contained within the ground and to progress the works while the main contract scope and price are negotiated.

The scope of this SFDA 3 is to complete the groundworks for the 14 gardens including the sub-surface drainage, services and tree pit installations.

Works to Civic Square have also been included within the scope of the SFDA 3 which include substructures and 'bow tie' paving on the southern side of the site. These works have been priced and agreed with a view to undertaking the works utilising the existing prelims priced within the Old Town Street Tender.

Contract Duration: Until 19th May 2023.

2. BACKGROUND

The Better Places Programme seeks to address years of under-investment in city centre streets and spaces; to transform the look and feel of the city centre; to support and lever in further inward investment in retail, leisure, employment and housing.

Old Town Street, New George Street and Civic Square are identified as a priority projects which along with the other Better Places project Armada Way, reinforce the Council's actions to regenerate key areas of Plymouth's city centre.

The contractor is being procured via the SCAPE framework. This contract award report is to undertake further enabling works in Old Town Street, New George Street (OTS/NGS) and Civic Square. Previously, it was envisaged that there would be separate construction contracts for OTS/NGS and Civic Square but they will now be considered as one project to deliver them in the most cost effective way.

3. PROCUREMENT PROCESS

The SCAPE Construction Framework is being utilised to procure this requirement, which is specifically for public sector bodies' use. The chosen framework delivery partner is Morgan Sindall, via a direct award appointment. Morgan Sindall is a delivery partner on the construction framework for projects valued up to £75 million.

This framework route has been chosen, following a thorough review of the procurement options available for this project. This review concluded that the best option is to utilise the SCAPE Construction framework. This is necessary in order for the Council to maintain its commitments to expended central government grant money that is time restricted; and to progress the construction of its extensive programme of public realm improvements within Plymouth City Centre in a timely fashion, minimising disruption to the public and its retail partners.

SCAPE is a public-sector partnership. This framework enables construction works suited to the requirement of this project.

Under the SCAPE Framework, two Short Form Delivery Agreements have previously been awarded to the Contractor for enabling works in Old Town Street and New George Street.

For Civic Square, a Project Order under the SCAPE framework has enabled construction work to be planned with input from the contractor.

The conditions of contract are the NEC4 Engineering and Construction Short Contract June 2017 (with January 2019 and October 2020 amendments).

There is a likelihood in construction contracts for there to be unforeseen changes to the scope and/or site information, or other circumstances, which could lead to a variation. Under the NEC, these variations are known as Compensation Events which are usually not the fault of the contractor and change the cost of the work, or the time needed to complete it. As a result, the prices or programme may be reassessed.

4. TENDER EVALUATION CRITERIA

This procurement path will ensure value for money as the SCAPE framework is an OJEU compliant procurement process, which was subject to EU wide competition when it was set up.

Framework delivery partners have already been suitability pre-qualified and are performance monitored on a regular basis.

Morgan Sindall is able to demonstrate value for money by competitively tendering the sub-contracted work packages through its extensive supply chain. This means that all of the project spend under this framework will have been subject to competition.

All Compensation Events will be assessed for value for money by the project Quantity Surveyor before instruction.

SCAPE have a project process map which outlines all the necessary steps and documentation that need to be completed throughout the procurement process, to ensure compliance.

5. SUMMARY OF EVALUATION

The outcome of this review is contained within the confidential Part II paper.

6. FINANCIAL IMPLICATIONS


The awarded contract value for the Short Form Delivery Agreement 3 works is £2,733,988.79. Further details of the contractual pricing are contained within the Part II paper.

7. RECOMMENDATIONS

It is recommended that a third tranche of enabling works for this project be awarded to Morgan Sindall Construction Ltd.

8. APPROVAL

Authorisation of Contract Award Report

Author (Responsible Officer / Project Lead)	
Name:	Catherine Arthurs
Job Title:	Design and Delivery Coordinator
Additional Comments (Optional):	
Signature:	<i>C Arthurs</i>
Date:	22.03.23
Service Director [Signature provides authorisation to this award report and award of Contract]	
Name:	Paul Barnard
Job Title:	Service Director SP&I
Additional Comments (Optional):	
Signature:	
Date:	27.03.23

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The following relates to exempt or confidential matters (Para(s) 3 of Part 1, Schedule 12A of the Local Govt Act 1972). Any breach of confidentiality could prejudice the Council/person/body concerned & might amount to a breach of the councillors /employees codes of conduct.

Document is Restricted

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EQUALITY IMPACT ASSESSMENT – SFDA 3 CONTRACT AWARD – OLD TOWN STREET, NEW GEORGE STREET AND CIVIC SQUARE

SECTION ONE: INFORMATION ABOUT THE PROPOSAL

Author(s): This is the person completing the EIA template.	Catherine Arthurs	Department and service:	Place SP&I	Date of assessment:	24.03.23
Lead Officer: Please note that a Head of Service, Service Director, or Strategic Director must approve the EIA.	Nick Carter	Signature: N J Carter		Approval date:	27.03.23
Overview:	Continuation of public realm works in Old Town Street, New George Street and Civic Square				
Decision required:	Contract Award - Appointment of Contractor to undertake continued public realm works at Old Town Street, New George Street and Civic Square.				

SECTION TWO: EQUALITY IMPACT ASSESSMENT SCREENING TOOL

Potential external impacts: Does the proposal have the potential to negatively impact service users, communities or residents with protected characteristics?	Yes		No	x
Potential internal impacts: Does the proposal have the potential to negatively impact Plymouth City Council employees?	Yes		No	x
Is a full Equality Impact Assessment required? (if you have answered yes to either of the questions above then a full impact assessment is required and you must complete section three)	Yes		No	x

If you do not agree that a full equality impact assessment is required, please set out your justification for why not.	Not required as project will not negatively impact on service users, communities or residents with protected characteristics nor on Plymouth City Council employees
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SECTION THREE: FULL EQUALITY IMPACT ASSESSMENT

Protected characteristics (Equality Act, 2010)	Evidence and information (e.g. data and consultation feedback)	Adverse impact	Mitigation activities	Timescale and responsible department
Age	<p>All data is from the 2011 Census except for age and sex which has been updated with 2021 data. Data will be updated with the 2021 Census data as it becomes available.</p> <p>Plymouth</p> <ul style="list-style-type: none"> • 16.4 per cent of people in Plymouth are children aged under 15. • 65.1 per cent are adults aged 15 to 64. • 18.5 percent are adults aged 65 and over. • 2.4 percent of the resident population are 85 and over. <p>South West</p> <ul style="list-style-type: none"> • 15.9 per cent of people are aged 0 to 14, 61.8 per cent are aged 15 to 64. • 22.3 per cent are aged 65 and over. <p>England</p> <ul style="list-style-type: none"> • 17.4 per cent of people are aged 0 to 14. • 64.2 per cent of people are aged 15 to 64. 			

	<ul style="list-style-type: none"> 18.4 per cent of people are aged 65 and over. <p>(2021 Census)</p>			
Disability	<p>9.4 per cent of residents in Plymouth have their activities limited 'a lot' because of a physical or mental health problem.</p> <p>12.2 per cent of residents in Plymouth have their activities limited 'a little' because of a physical or mental health problem (2021 Census)</p>			
Gender reassignment	<p>0.5 per cent of residents in Plymouth have a gender identity that is different from their sex registered at birth. 0.1 per cent of residents identify as a trans man, 0.1 per cent identify as non-binary and, 0.1 per cent identify as a trans women (2021 Census).</p>			
Marriage and civil partnership	<p>40.1 per cent of residents have never married and never registered a civil partnership. 10 per cent are divorced, 6 percent are widowed, with 2.5 per cent are separated but still married.</p> <p>0.49 per cent of residents are, or were, married or in a civil partnerships of the same sex. 0.06 per cent of residents are in a civil partnerships with the opposite sex (2021 Census).</p>			
Pregnancy and maternity	<p>The total fertility rate (TFR) for England was 1.62 children per woman in 2021. The total fertility rate (TFR) for Plymouth in 2021 was 1.5.</p>			

<p>Race</p>	<p>In 2021, 94.9 per cent of Plymouth’s population identified their ethnicity as White, 2.3 per cent as Asian and 1.1 per cent as Black (2021 Census)</p> <p>People with a mixed ethnic background comprised 1.8 per cent of the population. 1 per cent of the population use a different term to describe their ethnicity (2021 Census)</p> <p>92.7 per cent of residents speak English as their main language. 2021 Census data shows that after English, Polish, Romanian, Chinese, Portuguese, and Arabic are the most spoken languages in Plymouth (2021 Census).</p>			
<p>Religion or belief</p>	<p>48.9 per cent of the Plymouth population stated they had no religion. 42.5 per cent of the population identified as Christian (2021 Census).</p> <p>Those who identified as Muslim account for 1.3 per cent of Plymouth’s population while Hindu, Buddhist, Jewish or Sikh combined totalled less than 1 per cent (2021 Census).</p>			
<p>Sex</p>	<p>51 per cent of our population are women and 49 per cent are men (2021 Census).</p>			
<p>Sexual orientation</p>	<p>88.95 per cent of residents aged 16 years and over in Plymouth describe their sexual orientation as straight or heterosexual. 2.06 per cent describe their sexuality as bisexual, 1.97 per cent of people describe their sexual orientation as gay or lesbian. 0.42 per cent of residents describe their sexual orientation using a different term (2021 Census).</p>			

SECTION FOUR: HUMAN RIGHTS IMPLICATIONS

Human Rights	Implications	Mitigation Actions	Timescale and responsible department

SECTION FIVE: OUR EQUALITY OBJECTIVES

Equality objectives	Implications	Mitigation Actions	Timescale and responsible department
Celebrate diversity and ensure that Plymouth is a welcoming city.			
Pay equality for women, and staff with disabilities in our workforce.			
Supporting our workforce through the implementation of Our People Strategy 2020 – 2024			
Supporting victims of hate crime so they feel confident to report incidents, and working with, and through our partner organisations to achieve positive outcomes.			
Plymouth is a city where people from different backgrounds get along well.			

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