

Oversight and Governance

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## **Delegated Decisions**

#### **Delegated Executive/Officer Decisions**

Delegated Executive and Officer decisions are available at the following link - <a href="https://tinyurl.com/ms6umor">https://tinyurl.com/ms6umor</a>

Cabinet decisions subject to call-in are published at the following link -http://tinyurl.com/yddrqll6

Notice of call-in for non-urgent decisions must be given to the Democratic Support Unit by 4.30 pm on Thursday 14 September 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.I. COD 12 23/24 Contract Award Appointment of Contractor to undertake continued public realm works at Old Town Street and New George Street (Short Form Delivery Agreement 4)

## **EXECUTIVE DECISION**

## made by a Council Officer



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

Executive Decision Reference Number - COD 12 23/24

Deci	sion
I	<b>Title of decision:</b> Contract Award - Appointment of Contractor to undertake continued public realm works at Old Town Street and New George Street (Short Form Delivery Agreement 4)
2	Decision Maker: Paul Barnard, Service Director for Strategic Planning and Infrastructure
3	Report author and contact details: Catherine Arthurs, Project Delivery Officer.
	Tel: 01752 305440 catherine.arthurs@plymouth.gov.uk
4a	Decision to be taken:
	To award a contract to Morgan Sindall Construction and Infrastructure Ltd at a value of £1,663,120.32, to undertake public realm works in Old Town Street and New George Street as part of the Council's Better Places Programme of public realm improvements. The specified works are due for completion by 30th September 2023. A separate £500k project contingency is held within the project budget for any such events.
	It is intended to award the contract using a Short Form Delivery Agreement using the SCAPE Framework.
4b	Reference number of original executive decision where delegation was made:
	Executive Decision L43 19/20 'Tranche 2: Transforming Cities Fund' (03 July 2020).
5	Reasons for decision:
	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.
	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.
	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.
	These public realm works follow on from three earlier phases of enabling works by the same contractor.

#### 6 Alternative options considered and rejected:

**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, the majority of which has been received and cannot be returned.

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.

Option 3: Do Minimum – Focus only on the completion of phase I (outside of House of Fraser) – This option would result in an overall delay to the whole programme and therefore increase the cost of the remainder of the project.

#### 7 Financial implications:

The contract award value is £1,663,120.32 and relates to works planned for completion by 30 September 2023. The works are funded from the existing project budget for Old Town Street and New George Street funded through multiple funding sources including external grant funding from Transforming Cities Fund, Local Economic Partnership, and Heritage Action Zone. As with all construction contracts 'compensation events' are likely to occur due to project risk meaning the final sum due to the contractor may exceed this figure for the specified scope of works. A separate £500k project contingency is held within the project budget for any such events.

8	Is the decision a Key Decision?  (please contact <u>Democratic</u>	Yes	No	Per the Constitution, a key decision is one which:			
	Support for further advice)		X	in the case of <b>capital</b> projects and contract awards, results in a new commitment to spend and/or save in excess of <b>£3million</b> in total			
			X	in the case of <b>revenue</b> projects when the decision involves entering into new commitments and/or making new savings in excess of <b>£1 million</b>			
			X	is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.			
8b	If yes, date of publication of the notice in the Forward Plan of Key Decisions	n/a					
9	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:	Green investment, jobs, skills and better education 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.					
		street evenir	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 spend, more				

viable businesses and a more competitive city centre further establishing Plymouth's positon as a premier retail and shopping destination for the South West. This project will directly support the growth of the city by encouraging visitors and enabling increased investment from the community and private sector. Cleaner, greener streets and transport A high quality, safe and pedestrian friendly environment for all with improved connections between the city's established destinations such as Plymouth's West End, Drake Circus, the Barcode, the Barbican and the Box. An avenue of new street trees underplanted with drought tolerant plants resilient to climate change will be provided along with an innovative Sustainable Urban Drainage System, which uses water wisely, directing rainfall towards new rain gardens, irrigating new plants and trees, helping to protect this locality from flooding. Improved access to health 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. 10 Please specify any direct The project aims to deliver significant environmental environmental implications of the improvements to the city centre including a net increase in decision (carbon impact) 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. **Urgent decisions** П No Is the decision urgent and to be Yes (If yes, please contact Democratic implemented immediately in the Support for advice) interests of the Council or the X (If no, go to section 13a) public? I2a Reason for urgency: n/a I<sub>2b</sub> **Scrutiny Chair Date** signature: **Scrutiny Committee** name:

	Print N	Name:							
Cons	ultation	1							
13a		ny other Cabine		Yes	No				
	portfolios affected by the decision?		X			(If no go to section	on 14)		
I3b	Which other Cabinet member's portfolio is affected by the decision?		Counc	illor Ma	ark Lo	wry (Cabinet Mem	nber for Finance)		
				illor Mang and		oker (Cabinet memort)	nber for Strategic		
I3c	Date	Cabinet membe	r consulted	29 <sup>th</sup> Au	ugust 20	023			
14	a conf	ny Cabinet mem flict of interest in		Yes	No		If yes, please disco		
	the de	ecision?			x				
15		h Corporate Mar		Name	•		Anthony Payne		
	Team member has been consulted?		Job tit	tle		Strategic Director	r for Place		
				Date	consul	ted	5 <sup>th</sup> September 20	)23	
Sign-	off								
16	Sign off codes from the relevant departments consulted:			Democratic Support (mandatory)			DS 22 23/24		
			Finance (mandatory)			DJN.23.24.99			
			Legal (mandatory)			LS/02253/JP/060 923			
				Human Resources (if applicable)			N/A		
				Corporate property (if applicable)			N/A		
					Procurement (if applicable)			SN/PS/695/ED/0823	
Арре	endices								
17	Ref.	Title of append	ix						
	Α	Contract Award	Report Part I						
	B Contract Award Report Part II (Con				Confidential)				
	С	Equalities Impact	Assessment						
Confi	dential/	exempt informa	tion						
18a	Do you need to include any confidential/exempt information?			Yes	No	briefir public	ng report and indic ation by virtue of	, confidential ('Part II') tate why it is not for Part Tof Schedule T2A nt Act 1972 by ticking	

				th	ne releva	nt box in	18b belov	w.	
				Ex	emption	Paragra	ıph Nun	nber	
			1	2	3	4	5	6	7
18b	Confidentitle:	tial/exempt briefing report			X				
	Contract	: Award Report Part II							
Backg	ground Pap	pers							
19	Please list	all unpublished, background pap	ers releva	ant to t	he decisi	on in the t	able belo	w.	
	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.								
	Title of	background paper(s)		Ex	emptio	n Paragr	aph <b>N</b> ur	nber	
			ı	2	3	4	5	6	7
Coun	cil Officer	Signature							
20	Corporate promote e between p	e decision and confirm that it is repeted on Budget. In taking this deequality of opportunity, eliminate beople who share protected chains details please see the EIA attacks.	ecision I h unlawful racteristic	nave giv discrin	en due r	egard to the	he Cound ote good	cil's duty relations	to
Signature		Jan	Date of	Date of decision		29.08.2023			
Print		Paul Barnard Service Director							



**OFFICIAL** 

# PROCUREMENT GATEWAY 3 - CONTRACT AWARD REPORT - PART I

23186a - Old Town Street and New George Street



- I. 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 public realm works in Old Town Street and New George Street (OTS/NGS).

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

#### 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) 4 follows on from three 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 4 is to complete the groundworks for high priority gardens on the projects critical path including the sub-surface drainage, services and tree pit installations.

**Contract Duration:** Until 30 September 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 and New George Street are identified as a priority projects which along with the other project forming the Councils Better Places programme, 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 and New George Street (OTS/NGS).

#### 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, three 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 4 works is £1,663,120.32 Further details of the contractual pricing are contained within the Part II paper.

#### 7. RECOMMENDATIONS

It is recommended that a fourth 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:	Project Delivery Officer						
Additional Comments (Optional):							
Signature:	C Arthurs	Date:	25.08.23				
Service Director  [Signature provides authorisation to this award report and award of Contract]							
[Signature pro	vides authorisation to th	is award repo	ort and award of Contract]				
Name:	Paul Barnard	is award repo	ort and award of Contract]				
		is award repo	ort and award of Contract]				
Name:	Paul Barnard	is award repo	ort and award of Contract]				



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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



## **EQUALITY IMPACT ASSESSMENT – SFDA 4 CONTRACT AWARD – OLD TOWN STREET AND NEW GEORGE STREET**

#### **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:	14.08.23		
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:	14.08.23		
Overview:  Decision required:	Continuation of public realm works in Old Town Street, New George Street and Civic Square.  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:	Yes	No	x	
Does the proposal have the potential to negatively impact service users, communities or residents with protected characteristics?				
Potential internal impacts:	Yes	No	X	
Does the proposal have the potential to negatively impact Plymouth City Council employees?				

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
justification for why not.	Not required as project will not negatively impact service users, communities or residents with protected characteristics nor on Plymouth City Council employees		with	

## 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	<ul> <li>Plymouth</li> <li>16.4 per cent of people in Plymouth are children aged under 15.</li> <li>65.1 per cent are adults aged 15 to 64.</li> <li>18.5 percent are adults aged 65 and over.</li> <li>2.4 percent of the resident population are 85 and over.</li> <li>South West</li> <li>15.9 per cent of people are aged 0 to 14, 61.8 per cent are aged 15 to 64.</li> <li>22.3 per cent are aged 65 and over.</li> </ul>	No adverse impact anticipated		

	<ul> <li>17.4 per cent of people are aged 0 to 14.</li> <li>64.2 per cent of people are aged 15 to 64.</li> <li>18.4 per cent of people are aged 65 and over.</li> <li>(2021 Census)</li> </ul>		
Care experienced individuals  (Note that as per the Independent Review of Children's Social Care recommendations, Plymouth City Council is treating care experience as though it is a protected characteristic).	It is estimated that 26 per cent of the homeless population in the UK have care experience. In Plymouth there are currently 7 per cent of care leavers open to the service (6 per cent aged 18-20 and 12 per cent of those aged 21+) who are in unsuitable accommodation.  The Care Review reported that 41 per cent of 19-21 year old care leavers are not in education, employment or training (NEET) compared to 12 per cent of all other young people in the same age group.  In Plymouth there are currently 50 per cent of care leavers aged 18-21 Not in Education Training or Employment (54 per cent of all those care leavers aged 18-24 who are open to the service).  There are currently 195 care leavers aged 18 to 20 (statutory service) and 58 aged 21 to 24 (extended offer). There are more care leavers aged 21 to 24 who could return for support from services if they wished to.	No adverse impact anticipated	
Disability	9.4 per cent of residents in Plymouth have their activities limited 'a lot' because of a physical or mental health problem.	No adverse impact anticipated	

	12.2 per cent of residents in Plymouth have their activities limited 'a little' because of a physical or mental health problem (2021 Census)	
Gender reassignment	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).	No adverse impact anticipated
Marriage and civil partnership	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.	No adverse impact anticipated
	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).	
Pregnancy and maternity	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.	No adverse impact anticipated
Race	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)	No adverse impact anticipated
	People with a mixed ethnic background comprised 1.8 per cent of the population. I per cent of the population use a different term to describe their ethnicity (2021 Census)	

	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).		
Religion or belief	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).	No adverse impact anticipated	
	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).		
Sex	51 per cent of our population are women and 49 per cent are men (2021 Census).	No adverse impact anticipated	
Sexual orientation	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).	No adverse impact anticipated	

#### **SECTION FOUR: HUMAN RIGHTS IMPLICATIONS**

Human Rights	Implications	 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.			