

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

Decision	
1	Title of decision: 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 30 th 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	<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, the majority of which has been received and cannot be returned.</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: Do Minimum – Focus only on the completion of phase 1 (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.</p>																
7	<p>Financial implications:</p> <p>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.</p>																
8	<table border="1"> <thead> <tr> <th data-bbox="245 974 758 1563">Is the decision a Key Decision? (please contact Democratic Support for further advice)</th> <th data-bbox="758 974 853 1563">Yes</th> <th data-bbox="853 974 1005 1563">No</th> <th data-bbox="1005 974 1495 1563">Per the Constitution, a key decision is one which:</th> </tr> </thead> <tbody> <tr> <td data-bbox="245 1064 758 1232"></td> <td data-bbox="758 1064 853 1232"></td> <td data-bbox="853 1064 1005 1232">X</td> <td data-bbox="1005 1064 1495 1232">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 1232 758 1422"></td> <td data-bbox="758 1232 853 1422"></td> <td data-bbox="853 1232 1005 1422">X</td> <td data-bbox="1005 1232 1495 1422">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 1422 758 1563"></td> <td data-bbox="758 1422 853 1563"></td> <td data-bbox="853 1422 1005 1563">X</td> <td data-bbox="1005 1422 1495 1563">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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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>Green investment, jobs, skills and better education</p> <p>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 spend, more</p>															


		<p>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>This project will directly support the growth of the city by encouraging visitors and enabling increased investment from the community and private sector.</p> <p>Cleaner, greener streets and transport</p> <p>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.</p> <p>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.</p> <p>Improved access to health</p> <p>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>
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10	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>
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Urgent decisions

11	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 13a)
12a	Reason for urgency: n/a			
12b	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 14)
I3b	Which other Cabinet member's portfolio is affected by the decision?	Councillor Mark Lowry (Cabinet Member for Finance) Councillor Mark Coker (Cabinet member for Strategic Planning and Transport)		
I3c	Date Cabinet member consulted	29 th August 2023		
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	5 th September 2023	
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	
Appendices				
I7	Ref.	Title of appendix		
	A	Contract Award Report Part I		
	B	Contract Award Report Part II (Confidential)		
	C	Equalities Impact Assessment		
Confidential/exempt information				
I8a	Do you need to include any confidential/exempt information?	Yes	No	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
		X		

				the relevant box in 18b below.				
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title: Contract Award Report Part II			X				
Background Papers								
19	Please list all unpublished, background papers relevant to the decision in the table below. 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)		Exemption Paragraph Number						
		1	2	3	4	5	6	7
Council Officer Signature								
20	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.							
Signature				Date of decision	29.08.2023			
Print Name	Paul Barnard, Service Director SP&I							