



## WIRRAL COUNCIL

### GENERAL EXCEPTION NOTICE

12 January 2024

#### EXPLANATORY NOTES

(1) The Council publishes a Forward Plan of key decisions it expects to take over the next four months giving at least 28 days' notice of decisions. The Forward Plan is available to view on the Council's website under the heading, 'Council and Democracy' and 'Minutes, Agendas and Reports'.

(2) Sometimes the Council has to take a key decision which has not been included in the Forward Plan, or for which the requisite notice has not been able to be given, the decision will be treated as a 'General Exception' under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and as set out in section 13 of the Council's 'Access to Information Procedure Rules' in Part 4 of the Council's Constitution.

(3) The Decision will be treated as a General Exception on the grounds that in relation to the Active Travel Tranche 3, funding elements on the town centre schemes contract must be entered into before the end of the current financial year.

Likewise on Waterfront the Levelling Up funding must be dispersed by 31 March 2026 and the programme is extremely tight. It is necessary for the Council to proceed with the above recommendations so as to not jeopardise the continued availability of the above funding and minimise the risk of clawback

## **CHAIRS OF POLICY AND SERVICE COMMITTEES**

- Councillor Paul Stuart Policy and Resources (Leader of the Council)
- Councillor Janette Williamson Adult Social Care and Public Health
- Councillor Sue Powell-Wilde Children, Young People and Education
- Councillor Tony Jones Economy, Regeneration and Housing
- Councillor Elizabeth Grey Environment, Climate Emergency and Transport
- Councillor Helen Cameron Tourism, Communities, Culture and Leisure

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12 January 2024

<b>Proposed decision</b>	<b>Description</b>	<b>Expected date of decision</b>	<b>Details of exempt information</b>
<p><b>GENERAL EXCEPTION NOTICE - UTILISATION OF PROCURE PARTNERSHIPS AND PAGOBA FRAMEWORKS –</b></p> <p>Economy Regeneration &amp; Housing Committee <b>Key</b></p>	<p>UTILISATION OF PROCURE PARTNERSHIPS AND PAGOBA FRAMEWORKS –</p> <p>BIRKENHEAD WATERFRONT PROGRAMME, CONWAY STREET / EUROPA BOULEVARD AND GRANGE ROAD / CHARING CROSS / GRANGE ROAD WEST MOVEMENT PROJECTS</p> <p>Having a single contractor to deliver the Waterfront and town centre Birkenhead projects was historically considered the preferred option as this should enable significant benefits from a cost and efficiency perspective to be realised. It would also help to facilitate improved network management, continuity and co-ordination which could minimise disruption as much as possible and therefore on 26 January 2023 the Economy Regeneration and Housing Committee resolved that:</p> <p>(1) The Director of Regeneration and</p>	<p>January 2024</p>	<p><b>Part Exempt</b></p>

Place be authorised to commence a procurement exercise by way of a mini tendering process via the Procure Partnerships Framework for the appointment of a main contractor to develop the design and carry out the construction works in relation to the highways, public realm and active travel schemes across the Birkenhead Waterfront Programme and in Birkenhead Town Centre via the Conway Street / Europa Boulevard and Grange Road / Charing Cross / Grange Road West Movement Projects; and

(2) the appointment of a main contractor under a pre-construction services agreement following completion of a tender submission be approved.

Two main contractors are required to utilise Levelling Up Fund, Active Traver Fund Tranche 3 , Future High Street Fund and Town Deal funding and implement extensive public realm, active travel and highway infrastructure projects to bring significant regeneration benefits to the Birkenhead Waterfront and as part of the Birkenhead Town Centre programme highway, active travel and public improvements at Conway Street / Europa Boulevard and Grange Road / Charing Cross / Grange Road West.

A previous procurement exercise

was carried out in 2023 following a report to Economy, Regeneration and Housing Committee on 23 January 2023. The approach taken under that exercise looked to award a single contract covering all elements of the work packages for Birkenhead Town Centre and the Waterfront project. The returned submissions did not provide the best financial outcome for the Council and under the terms of the Procure Partnerships Framework the Council is not obliged to award either contract, nor face financial penalties for not making any award. In the interests of seeking best value the Council now wishes to make two separate direct awards, one covering the Birkenhead Waterfront Programme and the other covering the Birkenhead Town Centre project.

A financially more appropriate scenario would be achieved if the Council appointed different contractors to the different elements splitting them between the Town Centre schemes and the Waterfront project. The quality scoring was very close as one would expect from skilled, tier one contractors of national scale.

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