

## EXECUTIVE MEMBER DECISION FORM

**DECISION TO BE TAKEN BY: CLLR LIZ GREY**

**KEY DECISION: YES**

**PORTFOLIO AREA: ENVIRONMENT & CLIMATE CHANGE**

**PORTFOLIOS AFFECTED: ENVIRONMENT & CLIMATE CHANGE,  
COMMUNITY SERVICES**

**WARDS AFFECTED: BIRKENHEAD & TRANMERE WARD AND BIDSTON  
& ST JAMES WARD**

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**SUBJECT: ACCEPTANCE OF TENDER AND AWARD OF CONTRACT –  
A554 TOWER ROAD, BIRKENHEAD**

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### **1. RECOMMENDATIONS:**

The Cabinet Member for Environment & Climate Change is requested to:

- (1) Accept the tender for the Tower Road - Civilised Streets, submitted by Cambrianway Ltd to Wirral Council on 27th January 2020;
- (2) Approve the award of contract to Cambrianway Ltd, in the sum of £2,681,658.50, subject to contract.

### **2. REASON/S FOR RECOMMENDATIONS:**

The tender from Cambrianway Ltd represents the most economically advantageous tender received, is fully compliant, and is within allocated budgetary provision.

### **3. STATEMENT OF COMPLIANCE**

*The recommendations are made further to legal advice from the Deputy Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been completed. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.*

#### 4. DECLARATION OF INTEREST

There are no conflicts of interest.

<p><b>Signed:</b> </p> <p><b>Executive Member:</b> Cllr Liz Grey</p> <p><b>Date:</b> 24/2/20</p> <p><b>Also present:</b> SIMON FOX (COMMISSIOING SERVICES MANAGER)</p> 	<p><b>Signed:</b> </p> <p><b>Chief Officer:</b> Nicki Butterworth</p> <p><b>Date:</b> 24-2-20</p>
<p><b>Date of Senior Policy Team Meeting(s):</b></p>	

#### A list of background papers on this issue is held with:

Contact Officer: Mark Redman  
Date: 13 February 2020

**Date of Publication:**

**Date of Expiry of Call-In Period:**

*Form Reference: Executive Member Decision Form May 2012 v 1.0*

17 FEBRUARY 2020

<b>REPORT TITLE</b>	<b>Acceptance of Tender and Award of Contract – A554 Tower Road, Birkenhead</b>
<b>REPORT OF</b>	<b>Nicki Butterworth, Director of Delivery Services</b>

## REPORT SUMMARY

This report recommends acceptance of a tender from Cambrianway Ltd and award of a contract for the construction of a series of major public realm and highway improvements to the A554 Tower Road. With the provision of wider pavements to provide high quality facilities for pedestrians and cyclists and reduced carriageway widths, the objective of the scheme is to lower traffic speeds through the area and to create an improved environment for all road users.

This work supports the Wirral Council Plan 2020-25, underpinning the main drivers of sustainable regeneration and addressing the climate emergency through the promotion of green and healthy living.

<https://democracy.wirral.gov.uk/documents/s50062011/Appendix%201%20Wirral%20Council%20Plan%202025.pdf>

The work will take place within the Birkenhead & Tranmere Ward and Bidston & St James Ward.

This report has been classed as a Key Decision included on the Council's Forward Plan.

## RECOMMENDATIONS

The Cabinet Member for Environment & Climate Change is requested to:

- (1) Accept the tender for the Tower Road - Civilised Streets, submitted by Cambrianway Ltd to Wirral Council on 27th January 2020;
- (2) Approve the award of contract to Cambrianway Ltd, in the sum of £2,681,658.50, subject to contract.

## SUPPORTING INFORMATION

### 1.0 REASON FOR RECOMMENDATIONS

- 1.1 The tender from Cambrianway Ltd represents the most economically advantageous tender received, is fully compliant, and is within allocated budgetary provision.

### 2.0 OTHER OPTIONS CONSIDERED

- 2.1 Tenders for the construction works were invited on 10th December 2019 from five suppliers, selected from the appropriate categories within Constructionline and following a selective questionnaire (SQ) process. Tender return date was 27th January 2020.

Two tenders were received by the due date and have been evaluated, with moderation of the process by the Council's Procurement service, as follows:

Tenderer	Price (65%)	Quality (20%)	Social Value (15%)	Total Score
Cambrianway Ltd	£2,681,658.50	86.00%	73.30%	<b>96.00%</b>
Tenderer 2	£2,691,957.24	80.50%	52.80%	<b>90.15%</b>

- 2.2 The other three tenderers responded as follows when asked why they failed to submit a tender:

Tenderer 3 – Dear Sirs, we are unable to offer a quotation, on this occasion, as we have just been awarded a similar sized contract which will run consecutively with the Wirral Waters Project. Not wanting to offer a quotation, then let you down on delivery, we regretfully have to opt out of the tendering process on this occasion. Many thanks for offering us the opportunity to tender for this Project in the first instance.

Tenderer 4 – Unable to be competitive.

Tenderer 5 – No response.

- 2.3 Consequently the tender from Cambrianway Ltd is the most economically advantageous and is recommended for acceptance.

### 3.0 BACKGROUND INFORMATION

- 3.1 The scheme, which forms a key element of the sustainable transport infrastructure to support the regeneration of the Wirral Waters area, consists of major public realm improvements to the A554 Tower Road with the provision of wider pavements to provide high quality facilities for pedestrians and cyclists and reduced carriageway widths. The objective of the scheme is to lower traffic



speeds through the area and to create an improved environment for all road users.

3.2 The Tower Road Civilised Streets project was awarded £2.1 million of Department for Transport (DfT) National Productivity Fund (NPIF) for the years in October 2017. The total scheme budget is £3.2 million with the remaining budget being contributions from Wirral Council, Peel Land and Property, Wirral Waters Investment Fund and the European Structural and Investment Fund.

3.3 This work primarily involves;

- A total of 5 informal 'courtesy' type pedestrian crossing points. They will take the form of bus friendly humps, constructed from contrasting materials and will be 'softly' ramped to footway level. They are not controlled pedestrian crossings but will identify a point at which pedestrians may be crossing and highlight places where drivers can stop safely to allow pedestrians to cross. Similar informal 'courtesy' type crossings have been observed to operate well with good compliance across a number of cutting edge innovative public realm / traffic engineering schemes up and down the Country.
- The currently signalised arrangement at the junction of Tower Road / Tower Wharf will be replaced by a raised informal priority junction arrangement that will incorporate 3 'courtesy' type crossing points. Vehicular priority will be implied by a 'soft' roundabout priority arrangement constructed of contrasting concentric colour / materials as outlined by the attached plan and artists-impression drawings.
- Recognising the difficulties some recent 'shared space' public realm schemes have posed to vulnerable road users, a defined kerb face, meeting or exceeding the recommended requirements set by the Department for Transport, will be provided as standard throughout with the use of colour / material contrast to further aid definition between carriageway and footway areas.
- A suitable palette of high quality, durable materials and specification will be used throughout the scheme that will complement the adjacent existing public realm urban landscaping outside the College.
- Provision for off-road cycle use that will tie-in to adjacent cycling infrastructure north and south of the project and will include for any localised temporary 'linking' measures outside the boundaries of the scheme.
- Entry into the area will incorporate 'feature / gateway' treatment, signing and street artwork.
- A formalised 'Restricted parking zone' (on the highway) will be introduced to reduce signage and road markings, together with consideration for appropriate entry signage advising drivers to give courtesy to pedestrians wishing to cross.

## 4.0 FINANCIAL IMPLICATIONS

- 4.1 Both tenders received came in slightly higher than the pre-tender estimate. Based on the recommended tender received from Cambrianway Ltd, the current scheme budget provides contingency of 2.55% (approximately £68,000) of works costs.
- 4.2 For a scheme of this complexity and size a contingency of 15% would ideally be required. This would require a further £334,000 of budget to be available for contingency purposes.
- 4.3 Efforts will be made to find any alternative funding sources, but this may require a supplementary bid to the Council's Capital Programme. If so, this will be confirmed in the first quarter of the new financial year with an appropriate supplementary bid submitted. Any capital funding from borrowing impacts the Council's revenue budget as borrowing and interest must be repaid through revenue. Every effort will be made to ensure that use of contingency is minimised.'

### Estimated Project Costs

Tender total	£2,681,658
Contract Risk allowance (2.55 %)	£68,342
Consultant (design/contract management)	£295,000
Council client costs (staff time and suppliers)	£155,000
<b>Total project cost estimate</b>	<b><u>£3,200,000</u></b>

### Budget allocated (Highways Capital Programme)

DfT Grant Allocation	£2,100,000
Wirral Waters Investment Fund (WWIF)	£400,000
WBC Capital Allocation	£300,000
Peel Land and Property	£300,000
European Structural Investment Fund (ESIF)	
(£100,000 matched funding via WWIF inc above)	£100,000
<b>Total available budget</b>	<b><u>£3,200,000</u></b>

## 5.0 LEGAL IMPLICATIONS

- 5.1 Grant paid to a local authority under this determination from the DfT may be used only for the purposes that a capital receipt may be used for in accordance with regulations made under section 11 of the Local Government Act 2003.
- 5.2 The Chief Executive and Chief Internal Auditor of each of the recipient authorities are required to sign and return to the team leader of the Local



Transport Funding team in the Department for Transport a declaration, to be received no later than 30 September 2020, in the following terms:

“To the best of our knowledge and belief, and having carried out appropriate investigations and checks, in our opinion, in all significant respects, the conditions attached to Local Transport Capital Block Funding (National Productivity Investment Fund) Specific Grant Determination 2019/20 No 31/3689 have been complied with”.

- 5.3 If an authority fails to comply with any of the conditions and requirements of paragraphs 1 and 2, the Minister may –
- a) reduce, suspend or withhold grant; or
  - b) by notification in writing to the authority, require the repayment of the whole or any part of the grant.
- 5.4 Any sum notified by the Minister under paragraph 5.3(b) shall immediately become repayable to the Minister.

## **6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

- 6.1 There are no additional resource implications. The contract will be managed by existing Council managers, supported by engineering and landscape consultants employed directly by major project stakeholder, Peel Land & Property.

## **7.0 RELEVANT RISKS**

- 7.1 As with any major civil engineering construction project, construction risks will exist, such as unidentified ground conditions or obstructions and inclement weather, although in this case, since much of the work would take place during the summer months, these risks should be minimal. Risks that are realised will potentially have time and cost effects. However, a project risk register will be maintained in accordance with good project management practice and time and cost will be actively monitored and managed within the budget and contingency identified in section 4 above.

## **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 An extensive consultation process has taken place, in accordance with the Communication Plan and has involved consultation meetings with various major businesses and stakeholders including Wirral Met College, Stena Line Ferries, Peel Ports, The Contact Company and others, as well as a two day public consultation / exhibition at Tower Wharf, where members of local interest groups such as the Wirral Active Travel Forum could come along as well as general members of the public.
- 8.2 A Consultation Log is in place to capture all feedback received which has been generally very positive. Project Governance structure is in place and Budget

monitoring / planned spend is captured via quarterly returns to Department for Transport (DfT) Section 31 Grant & Progress Monitoring Form and will also be reported as part of the monthly Dashboard report to Board.

- 8.3 Post contract award, the Project Manager and Contractor will engage with stakeholders and the public affected by the works and provide information and updates on progress as appropriate.

## 9.0 EQUALITY IMPLICATIONS

- 9.1 Whilst there are no direct equality implications arising from this report, it is acknowledged that the associated actions from the delivery of the A554 Tower Road scheme may need to monitor any equality issues and mitigate any negative impact that may emerge.

## 10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 The project delivers significant improvements to the local streetscene and the infrastructure provided promotes sustainable transport alternatives such as walking and cycling in a key economic growth and regeneration location for Wirral Council. The successful supplier has pledged in its social value offer to reduce Green House Gas emissions from its activities (other than by transport) by 7 Tonnes, and to spend £1.3m in the local supply chain, which will significantly reduce the carbon footprint from construction activities that would normally be associated with a comparable contract. This project will therefore deliver qualitative improvements to the environment and help minimise emissions contributing to climate change thereby contributing to the Council's objective to reduce carbon outputs in line with the Climate Emergency declaration and associated strategies.

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## APPENDICES

None

## BACKGROUND PAPERS

Commercial tender information.

## SUBJECT HISTORY (last 3 years)

Council Meeting	Date
None	