



ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT COMMITTEE

Monday, 15 November 2021

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| REPORT TITLE: | WEST KIRBY FLOOD ALLEVIATION - AWARD OF CONTRACT FOR CONSTRUCTION PHASE |
| REPORT OF: | DIRECTOR OF NEIGHBOURHOOD SERVICES |

REPORT SUMMARY

The West Kirby Flood Alleviation Scheme received Planning Approval on 2 November 2021. Planning and grant funding conditions require the main construction activity to be undertaken between April and October 2022. So that the challenging procurement timelines necessary to deliver the scheme within these conditions can be met, this report seeks approval to delegate authority to the Director of Neighbourhood Services to award the advanced and construction phase works contracts.

Reducing flood risk at West Kirby aligns with both the Sustainable Environment and Safe and Pleasant Communities themes of the Wirral Plan 2021-26.

The West Kirby Flood Alleviation Scheme is situated within both Hoylake & Meols and West Kirby & Thurstaston wards.

This matter is a Key Decision

RECOMMENDATION/S

The Environment, Climate Emergency and Transport Committee is recommended to:

- 1) Approve the proposed procurement process and strategy for the construction of the West Kirby Flood Alleviation Scheme set out at paragraph 3.7 of this report; and
- 2) Delegate authority to the Director of Neighbourhood Services to award the advanced Engineering Construction Contract and also the main construction phase Engineering Construction Contract.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

- 1.1 Planning conditions for the West Kirby Flood Alleviation scheme require the main construction activity to be undertaken between April and September in any year in order to minimise disturbance to the natural environment of the Dee Estuary. Some other activities can be undertaken outside this period to facilitate the programme which allows for March to October working. Environment Agency grant funding conditions require construction phase spending commitments commencing by March 2022. The current scheme delivery programme requires the successful contractor to mobilise in February 2022.
- 1.2 By delegating the authority to award an advanced Engineering and Construction Contract, for pre-ordered supplies, and the main Engineering and Construction Contract, for the construction activities, to the Director of Neighbourhood Services, sufficient time can be included in the programme to allow the successful contractor to mobilise in February 2022.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The next available Environment, Climate Emergency and Transport Committee is on 17 January 2022 and the contract award decision could be deferred until then. However, the effective date for any decision made at that Committee would not allow sufficient time to mobilise a contractor in February 2022, and the planning and funding conditions would not be met.

3.0 BACKGROUND INFORMATION

- 3.1 On 2 November 2021 the Council's Strategic Applications Sub Committee, under application reference DPP4/20/01627, granted planning consent for proposed development consisting of the construction of a new linear secondary defence wall, set back along the edge of the South Parade promenade in West Kirby which will offer a high standard of protection to local residential and commercial properties.
- 3.2 The Environment Agency has procured a Collaborative Delivery Framework for the delivery of its own and of Risk Management Authorities' flood and coastal risk management schemes. Wirral Council was named as a Risk Management Authority during the Office of the Journal of the European Union advertising and procurement of the Collaborative Delivery Framework.
- 3.3 The Collaborative Delivery Framework comprises two elements; Early Supplier Engagement and the Engineering and Construction Contract. The purpose of utilising Early Supplier Engagement is for the supplier to work with the Council and their designers to identify engineering and construction efficiencies which can reduce costs on the main Engineering and Construction Contract
- 3.4 The work on the Early Supplier Engagement has now completed and has resulted in reduced construction estimates due to efficiencies identified in pre-cast concrete unit design and placement, as well as foundation construction.

- 3.5 Planning approval on 2 November 2021 now allows the scheme to progress to the construction phase. Use of the Environment Agency's Collaborative Delivery Framework provides the most efficient and cost-effective method of delivery of the construction works.
- 3.6 In order to achieve the programme constrained by the planning condition of construction works only between April and October it is essential that certain items, including: steel piles; site cabins and pre-cast unit moulds are ordered now, due to their lead-in time, so that they are available at the start of the construction period. These items can be procured through the use of an Advanced Engineering and Construction Contract through the Environment Agency's Collaborative Delivery Framework.
- 3.7 The remaining elements of the construction phase will be scoped within the main Engineering and Construction Contract. It is also proposed that the Environment Agency's Collaborative Delivery Framework is used as a means to procure this contract. The Council will use the Environment Agency's Carbon Cost Estimating Unit to produce a Target Cost for the delivery of the Works based on the detailed design produced by the Council's design consultants for the scheme, AECOM. There will be input from the Framework Contractor to ensure best value during this process based on their continual contract management of market testing of suppliers. The main contract will be based on this Target Cost, agreed prior to contract execution, so that the Council as client retains control and budget assurance.

4.0 FINANCIAL IMPLICATIONS

4.1 Funding for the West Kirby Flood Alleviation scheme comes from three sources:

- Environment Agency's Flood Defence Grant Aid £2,164,000
- Environment Agency's Other Government Department Grant £ 984,000
- Wirral Council Capital £2,410,000

4.2 The total scheme budget of £5,558,000 has been reported in the Council's capital programme and spend will be monitored against this.

4.3 Detailed estimates of scheme costs prior to the award of the Early Supplier Engagement, including a risk allowance, identify an estimated construction cost of £5,420,000. Efficiencies have been identified during the Early Supplier Engagement process and will be incorporated into the scheme estimate when the Target Cost is derived as part of the pricing and acceptance process during procurement. Any additional budget between the Target Cost and the scheme budget of £5,558,000 can be used to offset revenue staff costs.

5.0 LEGAL IMPLICATIONS

5.1 A User Agreement with the Environment Agency for use of the Collaborative Delivery Framework has already been signed and is in place. The Council's corporate

Procurement team in Resources directorate has advised on the proposed procurement route and use of the Collaborative Delivery Framework for procurement of the advanced and main construction contracts.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no direct resource implications associated with delegating authority to the Director of Neighbourhood Services to award the West Kirby Flood Alleviation contracts.

7.0 RELEVANT RISKS

7.1 Use of the Environment Agency's Collaborative Delivery Framework is proposed as an efficient and cost-effective method of procuring the construction phase of the works. The risks associated with alternative procurement processes are linked to the delay in programme and inability to meet the planning conditions imposed to protect the natural environment.

7.2 If the programme is delayed then the West Kirby Flood Alleviation scheme would be put at risk because:

- Funding provided by the Environment Agency is time limited and may be allocated to other regional or national projects if the scheme is not delivered in 2022/23;
- Scheme costs will rise and existing budgets will be insufficient to deliver the scheme; and
- Failure to deliver the scheme would mean that flood risk at West Kirby would not be reduced.

7.3 The same consequences also apply if delegated authority is not given to the Director of Neighbourhood Services as the construction phase of the scheme could not be delivered in 2022/23.

7.4 The scheme delivery and construction contract will be monitored using the Council's robust governance procedures via a Project Board chaired by an Assistant Director within Neighbourhoods directorate as Senior Responsible Owner.

8.0 ENGAGEMENT/CONSULTATION

8.1 Wirral Council has engaged with the Environment Agency over the use of the Collaborative Delivery Framework.

8.2 There have been 2 consultations on the West Kirby Flood Alleviation Proposals. Public opinion was specifically gauged at the public consultation at the inception of the flood alleviation scheme in October 2015. A second consultation took place in March 2019 in order to obtain design preferences for the scheme as a result of the favourable consultation in 2015. Over 500 consultation responses were received which have taken forward the design choices around wall colour and profile and also promenade colour. The design has taken on board the opinions raised in the 2019

consultation to make the flood wall more interesting and less obtrusive. In addition, the public realm elements of the scheme aim to refresh a tired promenade that was last reconstructed in the 1980s. The scheme will also bring back into re-use the derelict area at the Old Baths Site which was demolished in the 1970s.

- 8.3 The Planning Application under application reference DPP4/20/01627 for the flood wall was subject to the prescribed consultation and notification process.

9.0 EQUALITY IMPLICATIONS

- 9.1 The public sector equality duty applies to all council decisions including planning decisions. The duty requires due regard to the need to:
- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share one. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, marriage and civil partnership and sexual orientation
- 9.3 The Sea Wall has been design has taken into the account of the needs of people with disabilities. There will be 13 pedestrian access points provided that are 2m wide, which will be sufficient space for all including vulnerable users to enter onto the promenade. The pavement behind the flood wall directly adjacent to the road will have a minimum space of 1.2m and, due to its curved design, at its maximum it will be approximately 1.7m. This will allow vulnerable users to pass behind the wall and allow other users/vulnerable users to pass each other. The main promenade itself is very wide and open with a minimum width of 3.3m. The uneven flagged surface will be replaced with a new smoother surface (resin tarmac). This will have minimum joints and will provide a better surface with less vibration and jolting for prams, wheelchairs etc. This will be installed along the entire promenade and the east side footpath. In addition to the surface improvements along the promenade, the road surface will also be improved will have crossing points which will be clearly indicated and have tactile pavement for vulnerable users. The disabled access parking bays along the promenade road will remain and there will be no reduction in these parking bays along the promenade. At the Old Baths Site, the area will be opened up all the way to the edge of the marine lake. There will be improved disabled access via a ramp access to the edge of the marine lake allowing good visibility for vulnerable users and those who are using prams/wheelchairs.
- 9.4 Equalities implications will be embedded into the procurement process up to and including the selection of the contractor.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 Use of the Environment Agency's CDF requires the ECC to be delivered in accordance with the EA's Minimum Technical Requirements (MTR). The MTR are imposed to minimise the carbon budget of flood and coastal risk management schemes.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 The scheme to reduce flood risk at West Kirby brings in over £3m in external grant aid. Once constructed the scheme, through its public realm attributes, will increase tourism and the visitor economy to the area.

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APPENDICES

None

BACKGROUND PAPERS

CDF Risk Management Authority User Agreement and associated guidance
Planning consent and conditions.

SUBJECT HISTORY (last 3 years)

| Council Meeting | Date |
|--------------------------------------|------------------|
| Strategic Applications Sub Committee | 02 November 2021 |