

Public Report with Exempt Appendices

**OFFICER DELEGATED DECISION**

**Report Title**

**COLLEGE STREET PUBLIC REALM DESIGN AND BUILD**

**Is this a Key Decision and has it been included on the Forward Plan?**

No, but it has been included on the Forward Plan

**Assistant Director Approving Submission of the Report**

Simon Moss, Assistant Director, Planning, Regeneration & Transport

**Report Author(s)**

Rory Battye, Economic Initiative Officer  
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**Ward(s) Affected**

Borough-Wide or Name of Ward  
Boston Castle

**Report Summary**

This report seeks authority to appoint North Midland Construction via direct award from the YORcivil2 Framework for a design and build works contract for public realm works on College Street.

**Recommendations**

1. It is recommended to appoint a contractor via direct award from the YORcivil2 Framework approved in the attached Procurement Business Case for a design and build works contract for public realm works on College Street.

**List of Appendices Included**

None

**Background Papers**

Cabinet Report 23 December 2019  
Procurement Business Case

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

**Council Approval Required**

No

**Exempt from the Press and Public**

Yes or No? If yes, use text below.

An exemption is sought under paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972 is requested, as this report contains sensitive commercial information with regards to contracts with Service Providers.

It is considered that the public interest in maintaining the exemption would outweigh the public interest in disclosing the information, as the parties' commercial interests could be prejudiced by disclosure of commercial information.

**College Street Public Realm Design and Build**  
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<b>1.</b>	<b>Background</b>
1.1	At the Cabinet meeting held on 23 December 2019, the decision was made to agree the design proposals and to release funding in the approved capital programme to implement phase one of the public realm improvements detailed in the Town Centre Masterplan.
1.2	As part of Phase 1 College Street was identified as a priority due to it providing 11 additional car parking spaces in the heart of the town centre. To accelerate the scheme designs to RIBA3 were requested and produced. At the Town Centre Masterplan Board, authority was given to go externally to market and procure a contractor on a design and build basis should the Councils HDT not have the capacity and resources to undertake the works as part of the accelerated schedule.
<b>2.</b>	<b>Key Issues</b>
2.1	This report documents the decision to appoint North Midland Construction via direct award from the YORcivil2 Framework for a design and build works contract for public realm works on College Street.
2.2	The project is working to a tight timescale with a start on site programmed for January 2021, HDT have been unable to commit to delivering the scheme within this timeframe.
2.2	A Traffic Regulation Order TRO is now in place for the additional 11 parking spaces, this requires all works to be completed by July 2022.
<b>3.</b>	<b>Options considered and recommended proposal</b>
3.1	HDT to deliver, unable to commit to the required timescales.
3.2	Open competitive tender exercise using the YORcivil2 Framework or similar, this would not allow the project to be delivered within the required timescales.
3.3	External contractor to be appointed via direct award from the YORcivil2 Framework for a design and build works contract.
<b>4.</b>	<b>Consultation on proposal</b>
4.1	Public consultation on the Town Centre Masterplan and initial design work for the planned public realm works has been undertaken, with further information and notifications to be provided as the schemes progress.
4.2	The Town Centre Masterplan Board recommended that to ensure the project was delivered within the required timescales going externally to market to procure a contractor on a design and build basis was the most suitable

	approach, this position is also supported by the approved Procurement Business Case.
4.3	Further advice was sought from Procurement and a Procurement Business Case approved, that recommended a direct award on rotation using the YORcivil2 Framework would be the best approach for project delivery.
5.	<b>Timetable and Accountability for Implementing this Decision</b>
5.1	Subject to approval and subsequent appointment of a contractor detailed designs will be completed by December 2020 with a start on site programmed for January 2021 with completion in Q2 2021.
6.	<b>Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)</b>
6.1	This project is part of the approved Phase 1 of the Town Centre Public Realm, funded from the Council's approved Capital Programme TCIF
6.2	All procurement options have been explored within the procurement business case. The recommended approach ensures a route to market that is compliant with the Council's own Financial and Procurement Procedure Rules and the Public Contracts Regulations 2015.
7.	<b>Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)</b>
7.1	This procurement route appears compliant. In using the YORcivil2 Framework, the Council would be required to follow the procedures and use the documentation as supplied by the operators of that framework.

<b>8.</b>	<b>Human Resources Advice and Implications</b>
8.1	There are no human resources implications arising from this report.
<b>9.</b>	<b>Implications for Children and Young People and Vulnerable Adults</b>
9.1	There are no children and young people and vulnerable adults implications arising from this report.
<b>10.</b>	<b>Equalities and Human Rights Advice and Implications</b>
10.1	There are no known negative impacts identified as a consequence of taking forward the recommendations identified within this report.
<b>11.</b>	<b>Implications for Ward Priorities</b>
11.1	There are no known implications.
<b>12.</b>	<b>Implications for Partners</b>
12.1	There are no known implications.
<b>13.</b>	<b>Risks and Mitigation</b>
13.1.	A contingency sum for risk of 10% of the contract sum has been included, which is considered adequate for a scheme of this nature.
<b>14.</b>	<b>Accountable Officers</b>
	Daniel Watson, Investment & Economic Initiatives Manager
	Rory Battye, Economic Initiative Officer

Approvals obtained on behalf of Statutory Officers: -

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Sharon Kemp	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Named officer	Click here to enter a date.
Head of Legal Services (Monitoring Officer)	Named officer	Click here to enter a date.

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