

PROCUREMENT BUSINESS CASE	CATEGORY:	Places – Construction
	INITIATIVE NUMBER & TITLE:	20-197 Design and Build of Rotherham Town Centre Public Realm College Street
	YORtender REF:	DN505896
	CATEGORY MANAGER:	Joanne Kirk
	SERVICE LEAD:	Rory Battye

1. PURPOSE

The purpose of this procurement business case is to seek approval from Simon Moss (Assistant Director, Planning, Regeneration and Transport) to undertake a design and build works procurement tender in relation to the design and construction of the Rotherham Town Centre Public Realm on College Street as detailed within this report.

2. BACKGROUND INFORMATION

2.1 Project Background

This is a key project in the adopted Rotherham Town Centre Masterplan (TCM). The Masterplan highlighted the critical importance of public realm enhancements to help encourage and improve movement and connectivity, particularly between Forge Island and the wider town centre, and to improve the physical environment and experience within the town centre.

At the Cabinet meeting held on 23 December 2019, the decision was made to agree the outline 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 which includes College Street.

The development of this project, and others contained within the Town Centre Masterplan, is overseen and guided by the Town Centre Masterplan Project Board.

A decision has been made by Members to bring forward the delivery of the College Street scheme. Its design, incorporating 11 new car parking spaces close to the core shopping area, is seen as a priority leading up to the elections in 2021. A Traffic

Regulation Order TRO is now in place for the additional parking spaces, this requires all works to be completed by July 2022.

To accelerate the scheme, designs to RIBA3 are being produced. At the Town Centre Masterplan Board 18 June 2020 authority was given by Paul Woodcock (SD Regeneration and Environment) and Councillor Lelliott (Cabinet Member for Local Economy and Jobs) to go externally to market and procure a contractor on a design and build basis.

Significant stakeholder engagement has been ongoing throughout this design development process to ensure that stakeholders are aware of and involved in the development process and their input is captured and considered accordingly. More detail is provided in section 4.1.

2.2 Contractual Background

This is a new requirement and therefore there is no previous contract to refer to.

A new contract is required for a specific Design and Build contractor to take outline designs forward and to deliver the scheme on site in Jan/ Feb 2021 (purpose of this procurement exercise).

2.3 Financial Background

Previous Budget Source	Revenue	<input type="checkbox"/>	Capital	<input type="checkbox"/>	HRA	<input type="checkbox"/>			
	Grant*	<input type="checkbox"/>	Other*	<input type="checkbox"/>	N/A**	<input checked="" type="checkbox"/>			
Previous Costs	On Contract	£0			Off Contract	£0		N/A	<input checked="" type="checkbox"/>

3. PROPOSED NEW CONTRACT

3.1 Strategic Context

This contract will contribute to the following key [Council Plan](#) priorities.

Every child making the best start in life	<input type="checkbox"/>	Every adult secure, responsible & empowered	<input type="checkbox"/>	A strong community in a clean, safe environment	<input checked="" type="checkbox"/>	Extending opportunity, prosperity and planning for the future	<input type="checkbox"/>	A modern & efficient Council	<input type="checkbox"/>
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3.2 Scope

The contract will be to take the RIBA3 designs for College Street through to RIBA 5 and implementing those designs on site including a complete resurfacing of the Street providing additional parking, and the replacement of all existing street furniture and lighting in line with other public realm improvements being undertaken and planned for the town centre.

Following discussions with the contractor there will be a need to secure the order for the paving materials in the pre-construction phase due to long lead times.

3.3 Contract Term

Initial contract period (months)	c.8 months (includes design and delivery)
Extension Options (months) (if applicable)	N/A

3.4 Contract Value

4. KEY CONSIDERATIONS

4.1 Stakeholder Consultation and Communications Strategy

Significant stakeholder engagement and public consultation took place to develop the Town Centre Masterplan in 2017. Stakeholder engagement is documented within the FHSF business case and numerous other reports so not to repeat information this business case will focus only on the stakeholders involved in this procurement project.

For a full copy of the stakeholder and communications plan relating to the design and build procurement process only please refer to Appendix A.

4.2 Risk Management

Risks have been established and identified by the Senior Category Manager within Procurement and the Lead Council Officer. There are no risks currently rated as high following mitigation action.

For a full copy of the project risk register, please refer to Appendix B.

4.3 Roles and Responsibilities

Please refer to Appendix C, which identifies the individuals that will be involved in this procurement process, along with the roles and responsibilities they will undertake.

4.4 Governance

This is an approved project in the Councils Capital Programme approved at Cabinet on 23 December 2019

The project has been approved by Finance with a capital cost code approved and in use.

The Town Centre Masterplan Project Board has been established to oversee delivery of the Town Centre Masterplan and is responsible for the management and delivery of all projects included within the town centre.

The TCMPB has representation from several Council services. Including the Director for Regeneration & Environment, the portfolio holder for Jobs & Local Economy as well as a representative of the s151 officer.

Final procurement business case approval prior to the formal issuing of tender documentation is the only remaining requirement.

5. ANALYSIS AND RESEARCH

5.1 Financial Analysis

An *indicative* cost plan has been prepared based on a standard m2 rate across the headings below.

Further analysis will be required over the coming months to ensure the costs remain accurate given current uncertainties in the economy and risks of potential recession which could impact on expected costs.

5.2 Transaction Analysis / eProcurement

As a works contract this will be a standard payment by certificate or order/invoice procedure in line with the selected terms and conditions. No e-procurement benefit is identified for these minimal transactions.

5.3 Supply Market Analysis

5.4

The supply market is vast for Public Realm construction and it is reasonable to consider that any major procurement of this nature would generate significant competition if opened up to the full marketplace. There are a number of compliant frameworks the Council can access which are examined in appendix D.

The number of local suppliers (within Rotherham Borough) with the capacity and capability to undertake a build of this nature is limited so it would be more prudent to ensure the specification and evaluation methodology incorporates social value expectations to support the local economy (see section 5.6) as well as ensuring delivery as per Member expectations with a Jan/ Feb 2021 start on site.

The impact of the current Covid-19 pandemic must also be taken into consideration as there is significant disruption in many supply chains. As part of the procurement options paper (Appendix D) account has been given to the known status of suppliers in this area of work and whether the suppliers are in a position to tender, provide accurate pricing and commit to required timescales.

5.5 Collaboration and Commercial Opportunities

A joint procurement would not be an option as this project is specific to the Rotherham development; however, there are various opportunities to collaborate within the region through the framework agreements detailed in the procurement options paper.

5.6 Cost / Pricing Considerations

Rates used assume a competitively tendered 'fixed price' form of procurement and the estimate assumes a first quarter 2021 start on site with completion by the 3rd quarter of 2021.

Specification allowances and any abnormal allowances are included only as identified in section 5.1.

5.7 Ethical Procurement

Given that the value of the contract is >£100k the application of the Council's Social Value policy will apply. Before committing to the stage 2 award of contract nmcn will be asked to make Social Value commitments against the key priority measures within the Social Value framework and to enter into contract with the Social Value Portal for the ongoing management of delivery against these commitments. The stage 1 design services are well below £100K and only for a short number of weeks which wouldn't yield much opportunity for a meaningful social value offer therefore it makes sense practically to request the offer at stage 2. (It should be noted that the stage 1 award will exceed £100K but this is purely due to the requirement to order the paving materials early to secure on-time delivery and nmcn will be asked to include this value in their stage 2 offer).

A safeguarding assessment and relevant statement will be included within the specification and modern slavery considerations will be managed by the framework managers.

5.8 Data and Information Management

There are no specific GDPR issues related to the construction procurement; however, as part of the overall project plan for dealing with stakeholders (which includes personal information held for local businesses and market traders) the relevant privacy impact assessments will be completed.

5.9 Health and Safety

Methods of working will be agreed for any activity linked to the proposed design process. There are a number of regulations and guidance documents that will be

called upon during the project lifecycle such as CDM, Chapter 8, H&SAWA 74. COSHH & Risk Assessment, Design standards. Compliance with these is controlled via Method Statements and HSE guidance for safe working practices during construction operations.

5.10 Disaster Recovery and Business Continuity

There are elements of business continuity which need to be documented within the specification and design to allow trade access whilst work is undertaken.

The current Covid-19 situation has been identified as a potential risk to business continuity and has been included within the risk register with mitigating actions.

Other considerations will be included with relevant clauses in the chosen contract terms.

5.11 TUPE

There are no TUPE implications within this project.

5.12 Certification and Accreditation

Not applicable, at this stage nothing additional to what was required as part of the framework tender.

5.13 Innovation and Future Proofing

The design could incorporate bespoke furniture elements including USB ports, Wi-Fi points and concealed power points to allow for future outdoor events. It will provide 11 additional town centre parking spaces, some with EV charging point(s), including extra blue badge places at the heart of the retail quarter seen as a priority by the Council. The design will take into consideration future maintenance and street cleaning with its choice of materials and furniture without detracting from the overall design.

6. PROCUREMENT OPTIONS

6.1 Procurement Strategy

Please refer to Appendix D for the full analysis of the different procurement routes considered.

For this procurement, it is recommended that a direct award (on rotation) is progressed via YORCivil2 lot 3.

The next supplier on rotation (nmcn) have confirmed interest in the project and early contractor involvement discussions have commenced with this contractor and the RiDO team supported by the YORCivil Framework Managers. The project will be a two stage award for preconstruction and construction phases.

6.2 Evaluation Criteria

Standard selection and award criteria is not applicable to the direct award process however an assessment of the selected suppliers will take place in regard to capacity and capability along with the social value offer during the early contractor involvement stage.

6.3 Procurement Timeline

Detailed below is the indicative high-level timetable for this procurement

Early Contractor Involvement	10/09/2020 To 22/10/2020
Tender Brief Produced including contract terms	23/10/2020
Initial Proposal Submitted	29/10/2020
Notification of Award	30/10/2020
Contract Commencement	02/11/2020
Stage one Designs complete (7weeks)	21/12/2020
Works Proposal Submitted	15/01/2021
Notification of Award	18/01/2021
Works Contract Commencement	25/01/2021

7. CONTRACT MANAGEMENT

7.1 Contract Ownership

The Contract owner will be a representative from the RiDO Team.

7.2 Contract Management Process

The Contract Management Process will be documented in line with the agreed NEC or JCT contract terms developed as part of the tender documents. Support will be available from the relevant framework managers.

7.3 Performance Measures, Key Performance Indicators

The YORCivils2 Framework contract will be used as the overarching contract controls. The NEC agreements will be used to manage delivery and performance of the project. YORCivils incorporates advice and support mechanisms where performance and dispute resolution issues occur. Contractors on the frameworks

are obligated to ensure high quality delivery to ensure their continued membership of the framework.

Providers have confirmed their commitment to provide Social Value measures and enter into contract with the Social Value Portal for the ongoing measurement and management.

7.4 Management Information

Performance reports, budgets, construction progress meetings as per above sections. For example, progress reports for YORCivils require the following:

Progress Reports

- The progress report shall report on the following as a minimum
 - Safety
 - number of reportable accidents
 - number of first aid incidents
 - report on any internal safety inspections carried out
 - report on any Council safety inspections carried out
 - report on any inspections carried out by the HSE
 - Information
 - information required
 - information required affecting progress
 - information critical for next 4 weeks
 - Progress
 - issue of updated programme in accordance with the requirements of the contract
 - report on progress against the programme
 - matters affecting progress
 - potential issues that may affect progress
 - progress photographs
 - Financial
 - sub-contract package details including contracted amount
 - compensation event schedule – update on quotations etc
 - cost to complete assessment (final account)
 - Sub-contractor
 - updated sub-contractor list
 - sub-contractor performance
- The report shall be presented in a hard copy format to the meeting and sent electronically to the *Project Manager* 2 days prior to the meeting.

7.5 Exit Strategy

The contract would end shortly after the completion of the construction process, once all handover information to operational staff has been provided, and any identified

defects have been remediated (after a defined period agreed within the contract data).

Documentation to be provided by the Contractor to RMBC will include a 'Health and Safety File' and an 'Inspection, Maintenance and Operation Plan'.

8. IMPLICATIONS

8.1 Financial

The scheme is part of the overall Town Centre Master plan within the Capital Programme approved at Cabinet on 23 December 2019. Within the Town Centre Master Plan funding there is an allocation for Public Realm. There is therefore sufficient funding for this work.

Finance Implications signed off by:

Name: Clare Rosser/Richard Young

Date: 16/10/2020

8.2 Legal

The procurement process set out within the report is a compliant process. An appropriate contract will need to be concluded with the chosen provider.

There are no further legal implications.

Legal Implications signed off by:

Name: Stuart Fletcher

Date: 21/10/2020

8.3 ICT / Customer Services

There are no specific ICT issues associated with this procurement business case. However, given there will be networking requirements for public wi-fi, then timely consultation must take place with relevant IT staff as part of the delivery of the scheme, which will include (at the appropriate time) submitting project requirements for consideration by the IT Gateway Board

ICT / Customer Services Implications signed off by:

Name: Steve Langrick

Date: 13/10/2020

8.4 Communications

There are significant communications required for this project and the communications and markets team are working with the service area to create a relevant plan.

Communication Implications signed off by:

Name: Rachael Ellis

Date: 20/10/2020

8.5 HR

There are no HR implications within this business case.

HR Implications signed off by:

Name: John Crutchley

Date: 16/10/2020

9. RECOMMENDATIONS AND APPROVALS

9.1 Recommendation

The recommendation of this business case is to procure a Contractor via YorCivil2, Lot 2, for the design and build of the Town Centre Public Realm, College Street. The next supplier on rotation is nmcn (formally North Midlands Construction).

9.2 Report Author(s)

Name: Rory Battye / Joanne Kirk

Date: 04/10/2020

9.3 Approval (to be provided by email return)

Name of Approving Manager: Click here to enter text.

Date approval received: Click here to enter a date.

Name of Approving Manager: Click here to enter text.

Date approval received: Click here to enter a date.