



## Cabinet

Item  
**8(iii)**

11 March 2020

<b>Report of</b>	<b>Assistant Director Place and Client Services</b>	<b>Author</b>	<b>Andrew Tyrrell</b> ☎ 282390
<b>Title</b>	<b>Award of a contract at the Northern Gateway relating to “The Walk” Boulevard, Access Roads and Infrastructure</b>		
<b>Wards affected</b>	Mile End, Highwoods		

### 1. Executive Summary

- 1.1 The vision for the whole of Northern Gateway is to create a highly sustainable and desirable destination for people to live, work and relax. The Council is already well advanced in construction of the £27m Colchester Northern Gateway Sports Park to the north of the A12. Other developments are beginning to take shape to the south of J28, with several planning applications under consideration following on from the previous arrival of David Lloyd and others.
- 1.2 The “Northern Gateway South” includes an area of land, south of Axial Way and north of Mill Road, that will see a mixed-use development including residential development with 30% affordable homes, commercial development to support economic growth, and a healthcare campus together with community facilities. This is being brought forward with significant public realm and infrastructure in the form of an east-west boulevard (now known as “The Walk”), gigabyte broadband network infrastructure, and the Councils innovative £6.7m heat network.
- 1.3 The first phase, to which this contract relates, will see the construction of “The Walk”, access roads and underground infrastructure (for the heat network, broadband, and utilities) which will serve the development. This will be followed by a Cabinet report expected in July to award the contract for the heat networks nearby energy centre. The milestone of construction of these two elements helps meet funding requirements from both Homes England and the Department for Business, Enterprise & Industrial and Strategy. This Report sets out the process being followed and seeks delegated authority to award the contract for “The Walk” shortly, during the pre-election period.

### 2. Recommended Decision

- 2.1 To delegate authority to the Assistant Director Place and Client Services, in consultation with the Portfolio Holder for Commercial Services, to award a contract for the construction of “The Walk”, access roads and associated infrastructure.

### 3. Reason for Recommended Decision

- 3.1 To allow the works to commence in a timely manner, in line with milestone for funding agreements and project delivery objectives previously agreed by the Council. To do so with a contract that follows a framework for consistency in the delivery of this complex

project, and that retains overall control of the process (whilst allowing for specialist contractor input through the use of a design and build contract); maintaining high quality standards at the same time as meeting budgets and timescales.

#### **4. Alternative Options**

- 4.1 Not to agree the request for delegated authority to appoint the contractor, however this would delay an award of a contract until July, which would delay the delivery of the project and fail to meet funding milestones.

## 5. Background Information

- 5.1 The project has been developed by a wide team of specialists in different aspects of development including architecture, planning, construction, ground surveyors, infrastructure, and transport. The proposals were outlined in previous Masterplanning workshops and were included in a current application for the wider “Northern Gateway south” application currently being negotiated. As this application is not expected to be determined until later in the year, a standalone application was made for the works to which this contract also relates. Planning Application reference 200079, which also includes the energy centre, is currently under consideration and is due to be determined by the Planning Committee on 25 March, with an officer recommendation for approval.
- 5.2 In parallel with the planning application, anticipating approval, the project has also been progressed (without prejudice to the planning process) through a procurement process. The first stage of tender consisted of a Standard Questionnaire (SQ) which was issued on 15 November 2019, with a deadline for return set for 16 December 2019.
- 5.3 Five completed SQ’s were received from interested contractors. Evaluation of the five SQ’s was carried out and it was recommended that 3 out of the 5 interested contractors would be taken forward to the second stage of tender (Invitation to Tender - ITT).
- 5.4 The ITT was issued on 23 January 2020. The below shows the milestones in regard to the second stage of tender.

Milestones	Date
Issue of tender pack	23 January 2020
Site Visit **	Tuesday 11 Feb
Deadline for receipt of Bidder Clarification questions	12 noon on Thursday 20 Feb
Deadline for receipt of Tenders from Bidders	12 noon on Monday 2 March
Evaluation of Bids	3-12 March
Interviews (NB - not being scored – but can amend scores from evaluation)	Wednesday 11 March
Approval obtained through appropriate governance route	w/c 16 March
Notification to Preferred Bidder & Unsuccessful Bidders	w/c 23 March
Award of contract	After 3 April

- 5.4 An extension was requested for the second stage “deadline for receipt of tenders from bidders”; and was granted until 5 March to accommodate bidding contractors. This ensures the maximum opportunity to receive competitive bids. With the above table in mind, and with the extension since granted, for good reason; the procurement process has only recently concluded through the bid period and is still in evaluation phase. The Council will still recoup this time and be ready to award a contract at the start of April (regardless of the extension granted).
- 5.5 There are no more Cabinet meetings before the elections, and a pre-election period starts at the end of March. The decision to award the contract can still be taken during that period, but the Cabinet is asked to delegate authority to enter into a contract with the preferred contractor so that this can be concluded at the start of April, and work can start on site without delay.

## **6. Equality, Diversity and Human Rights implications**

- 6.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.2 The recommendations will have no disproportionate impact on any protected group. Further Equality Impact Assessment information can be found [here](#).

## **7. Strategic Plan References**

- 7.1 The activities to be completed under the contract to be awarded will contribute to the following Strategic Plan references:

GROWTH... Ensuring all residents benefit from the growth of the borough

- Help make sure Colchester is a welcoming place for all residents and visitors
- Ensure residents benefit from Colchester's economic growth with skills, jobs and improving infrastructure
- Promote inward investment to the borough

OPPORTUNITY... Promoting and improving Colchester and its environment

- Promote green technologies through initiatives such as SMART Cities
- Promote initiatives to help residents live healthier lives.

WELLBEING... Making Colchester an even better place to live and supporting those who need most help

- Help residents adopt healthier lifestyles by enabling the provision of excellent leisure facilities and beautiful green spaces, countryside and beaches.

## **8. Consultation**

- 8.1 The project itself has developed overtime and public consultations have been held in regard to the development site. Statutory planning consultations have been carried out as per national planning policy guidance and the Council's Statement of Community Involvement (SCI).

## **9. Publicity Considerations**

- 9.1 The procurement process included publicity of the opportunity to tender for this contract. There will be positive publicity opportunities related to the award of a contract and the future commencement on site of this important piece to the Northern Gateway jigsaw being assembled.

## **10. Financial implications**

- 10.1 The Walk (previously known as The Boulevard) project is being funded by the Housing Infrastructure Fund (HIF) which was awarded to Colchester Borough Council by Homes England. The heat network is being funded with the assistance of grant funding from BEIS, of £3.5m awarded to the Council, as well as £3.2m of the Council's own budget allocated to this project previously.
- 10.2 The Walk scheme has been costed by Gleeds and Apex Construction Management under their contracts with the Council. The tender process should conclude with a contractor pricing within this budget. Without being accurate enough to compromising the competitive bid process, it is safe to say that the contract will be over £3m, but less than £4m, as an indication of the contract size and cost estimates undertaken prior to procurement. This figure is purposefully left vague, so as to not prejudice the competitive bid process (although this will also have concluded 6 days prior to this meeting agenda).

## **11. Health, Wellbeing and Community Safety Implications**

- 11.1 The Walk will promote an attractive boulevard and public realm to encourage walking and cycling along a safe and pleasant environment that people will enjoy. It will also provide a link from the "village green" to be provided at Mill Road, towards the new £27m Sports Park, where a host of leisure pursuits can be enjoyed.

## **12. Health and Safety Implications**

- 12.1 All construction works will adhere to The Construction (Design and Management) Regulations 2015 (CDM).

## **13. Risk Management Implications**

- 13.1 A risk register will be created by the winning contractor and actively managed throughout the project, which is being managed by Colchester Amphora Trading Ltd (CATL) the Councils wholly owned company. CATL also have their own risk register that they manage on behalf of CBC as project managers.

## **14. Environmental and Sustainability Implications**

- 14.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. This project will help promote sustainable travel and renewable energy that will contribute towards the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the meeting three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.
- 14.2 The projects contribute towards sustainable communities. Projects such as the Heat Network, an innovative low-carbon energy network, make positive contributions to reducing the impact of growth. The award of the contract, and subsequent development delivered, will promote the Climate Emergency and the sustainable development objectives set out in the NPPF.

**Appendices**

None.

**Background Papers**

None.