

26 January 2022

Report of	Assistant Director of Place & Client	Author	Matthew Brown ☎ 507348
Title	St Nicholas Square Contractor Appointment		
Wards affected	Castle Ward		

1. Executive Summary

- 1.1 In August 2020, Colchester Borough Council was awarded £1m Accelerated Town Deal funding to create new Public Spaces at St Nicholas Square and Balkerne Gate. Following extensive design work, we want to appoint a contractor to undertake the construction and groundworks at St Nicholas Square as the project moves forward.

2. Recommended Decision

- 2.1 To award a contract to Brooks & Wood to undertake the works for a contract period to the end of 2022.
- 2.2 If the recommended bidder cannot fulfil their obligations under the contract, to award a contract to the next highest ranked bidder.

3. Reason for Recommended Decision

- 3.1 Following evaluation of submitted bids against the criteria and process detailed in the Invitation to Tender, the recommended bidder submitted a bid that met the essential requirements and scored the highest overall marks to offer the best combination of technical merit, social value benefits and pricing compared to other bidders.

4. Alternative Options

- 4.1 The project cannot be completed without appointment of a contractor and as the preferred contractor scored the highest on value and was also the cheapest bid there is no other alternative.

5. Background Information

- 5.1 In August 2020, CBC was awarded £1m 'accelerated' funding by the Department for Leveling Up, Homes and Communities (DLUHC) under its 'Town Deal' programme, to create a new public space at St Nicholas Square and bring forward part of the enhanced public realm scheme at Balkerne Gate. Together, these schemes stimulate wider regeneration through significantly improving Colchester town centre public realm at two strategically important 'gateway' locations, better linking local assets (car parks, retail,

leisure, historical and cultural / economic) thus making Colchester safer and more attractive, leading to increased visitor footfall, improved experience and consumer spend.

- 5.2 St Nicholas Square will be regenerated and as a gateway location it will significantly improve the wider town centre character and offer, complementing recent public and private sector investment including £35m iconic Fenwick department store anchor development, new Curzon Cinema, £28m Firstsite visual arts facility and the £10m Greyfriars boutique hotel, along with recent £10m refurbishment and expansion of the nearby George Hotel. Plans to capitalise on this momentum of investment was strengthened in summer 2018 with the formation of a business consortium led Business Improvement District that will generate further investment in the town. Furthermore, the area immediately surrounding the square itself has seen significant recent private sector investment, which this scheme will support along with economic recovery from Covid in the town centre.
- 5.3 This infrastructure and activity will provide a positive and planned response to the evident wider national decline in town centre retail, and will support wider inward investment into Colchester as a place to live, work and do business. Colchester has a fast growing population, with significant further housing and population growth anticipated and planned including the Tendring Colchester Borders Garden Community development three miles to the east of the town centre, attracting thousands of new homes. St Nicholas Square will provide an important asset to help accommodate and support this wider population and economic growth.
- 5.4 As funder, DLUHC require the money allocated to the project to be spent within a short timescale; however they are being lenient, recognising the challenges brought about by the pandemic and cost inflation pressures in the supply chain. Appointing a contractor is a lengthy procurement process and St Nicholas Square is a small but complex project.
- 5.5. In line with the proposed programme, Colchester Borough Council originally advertised the tender in the summer of 2021, however only one bid was received. This was for £1.2m against a scheme costed by quantity surveyors as having a value of £500k. Given the price and lack of comparative bids, the tender was readvertised in September 2021 with prices as outlined in the attached tender report (Confidential Appendix A). The project is being managed by Colchester Amphora on the council's behalf.
- 5.6 Due to price rises for materials and supply chain issues affecting the construction industry across the country, all tenders were significantly higher during the second tender process as well. The preferred contractor was the lowest of the submissions received but the price remains significantly higher than originally costed.
- 5.7 Following discussion at the Colchester Town Deal Board on 16th December 2021 it was agreed that outstanding monies from other Town Deal town centre public realm schemes could be reallocated to St Nicholas Square to cover the shortfall and enable the scheme to go ahead in line with funding requirements. Through altering the detailed execution of the suite of public realm schemes we have been able to maintain investment in the Town Centre, meeting as far as possible the outcomes and outputs specified in our Town Investment Plan. DLUHC have also been contacted and have formally confirmed they support this approach. Details are provided in the not for publication appendix to this report, Appendix A.

6. Equality, Diversity and Human Rights implications

- 6.1 The designs for the space have involved consultation with a number of disability groups and a wider community consultation took place in early 2021.
- 6.2 CBC will ensure that all remaining work required to bring this scheme to final delivery including all contracts for management & operation and final design include further and more detailed Equality Impact Assessment, including ensuring engagement and consultation with key user groups and representatives.

7. Standard References

- 7.1 There are no particular consultation or publicity considerations or financial; community safety; health and safety or risk management implications from this action. References to the 2020-2023 Strategic Plan for this and other town centre public realm schemes are as follows;

Growing a fair economy so everyone benefits:

- Ensure our borough becomes stronger post Covid-19 by supporting businesses to recover, adapt and build resilience.
- Work with partners to facilitate a high skill, high wage, low carbon workforce.
- Work with our partners to enable Colchester town centre to be more vibrant, resilient, and adaptable to future change.

Work with partners to deliver a shared vision for a vibrant town:

- Work with partners to deliver a shared vision for a vibrant town.
- Continue to regenerate Colchester Town Centre using Council assets, aligned private investment, the Town Deal and Town Investment Plan.

Create an environment that attracts inward investment to Colchester and help businesses to flourish:

- Ensure our strategy for inclusive economic growth supports the ambitions outlined in the North Essex Growth Strategy, the Local Industrial Strategy, and our Town Deal.
- Ensure the Council's assets continue to contribute to economic growth and opportunity.

Furthermore the scheme also supports two further strategic plan priorities;

Creating safe, health and active communities

The scheme develops an accessible, inclusive and attractive public space to encourage people into the town centre and promote walking and cycling.

Celebrating our heritage and culture

The scheme will create a new public space which celebrates the history of the area, with spaces for local market stalls and performance/event areas to encourage further cultural activity.

8. Consultation

- 8.1 Local businesses and stakeholders have been consulted with alongside Colchester's Business Improvement District, Historic England and Planning. A wider public consultation took place in February 2021.
- 8.3 Wider engagement and consultation has been undertaken and is ongoing. Further consultation will be undertaken throughout the remaining stages of finalising the detailed design and scope of the facility including the project delivery plan and as part of the wider Town Deal programme.

9. Publicity Considerations

- 9.1 The tender was advertised through Contracts Finder in the usual way.

10. Financial implications

- 10.1 Please see attached tender report (confidential Appendix A)
- 10.2 The scheme, which is wholly grant funded will provide an attractive new asset which will support the renewal of our town centre in line with the Council's strategic priorities as set out above.
- 10.3 This specific action (award contract for construction) forms part of the established budget for the project and thus does not create any new, additional, or unknown costs to the authority.

11. Health, Wellbeing and Community Safety Implications

- 11.1 No Community Safety concerns identified.

12. Health and Safety Implications

- 12.1 All health and safety compliance and regulations will be strongly adhered to during both design and construction.

13. Risk Management Implications

- 13.1 The risks of not implementing this decision are that time will be lost due to impending Accelerated Town Deal monies needing to be spent. Should the project be delayed there is a danger this funding could be required to be returned.

14. Environmental and Sustainability Implications

- 14.1 Procurement will consider both the Council's Social Value and sustainability policies.
- 14.2 The design of the scheme intends to create a sustainable environment and include new trees.

Appendices

Appendix A – Tender Report – Not for Publication