

**Forward Plan reference number:** FP/474/07/19

**Report title:** Chelmsford City Growth Package - Hybrid Cycleway procurement for construction (Broomfield Road)

**Report to:** Councillor Kevin Bentley, Deputy Leader and Cabinet Member for Infrastructure

**Report author:** Paul Crick, Director, Director for Capital Investment and Delivery

**Date:** 21<sup>st</sup> October 2019

**For:** Decision

**Enquiries to:** Ian Turner, Project Sponsor, Tel: 03330 136890, [ian.turner@essex.gov.uk](mailto:ian.turner@essex.gov.uk)

**County Divisions affected:** Chelmsford North and West

### **Confidential Appendices**

This report has a confidential appendix or confidential appendices which are not for publication as they include exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

## **1. Purpose of Report**

- 1.1 This report seeks a decision in order to proceed with the delivery of the hybrid cycleway improvements along the B1008 Broomfield Road corridor, between the junctions of Parkway and Patching Hall Lane (Chelmsford), under the overall transport improvement measures being delivered as part of the Chelmsford City Growth Package.

## **2. Recommendations**

- 2.1 To approve the procurement of the Principal Contractor to construct a hybrid cycleway, through a mini competition under the Eastern Highways Alliance Framework 2 ("the Framework") using the evaluation criteria of a price: quality split of 60:40.
- 2.2 To authorise the Director for Capital Investment and Delivery to award the contract and subsequent appointment of the Principal Contractor to the successful bidder, providing that he is satisfied that:
- the total project costs are within the approved budget within the capital programme and
  - Proposed Traffic Regulation Orders in accordance with the scheme being advertised and no objections being received (or subsequently addressed accordingly through the highway authorities processes and procedures).

### **3. Summary of Issue**

- 3.1 The hybrid cycleway is part of the overall growth package for Chelmsford City (as set out in the successful SELEP business case developed to support Chelmsford's ongoing economic growth within a constrained transportation network, promoting an improved infrastructure network for sustainable modes of travel ("the Chelmsford City Growth Package"). As part of this package of measures ECC as the Highway Authority is looking to improve the B1008 Bromfield Road corridor from the junction with Parkway through to Patching Hall Lane by constructing a new hybrid cycleway provision and associated improvement works ("the Scheme"). This scheme forms part of an overall £15.067m South East Local Enterprise Partnership (SELEP) funded package of works which will, collectively, deliver a range of initiatives to encourage and improve access for all modes of travel.
- 3.2 Traffic flows in the area during peak periods have increased over the past few years and with the continued planned growth in the north of Chelmsford (Beaulieu Park, Channels and the new 2021-2036 Local Plan), it is likely that future traffic levels will add further pressure on the city network. This provision offers a new visible cycle route to encourage local cycling trips to key transport hubs, schools, hospital, residential areas, shopping areas and the city centre as an alternative to car trips. As an alternative to using the car, it also has benefits to improve health and wellbeing by encouraging a switch to cycling and walking as a transport choice.
- 3.3 The Scheme involves the creation of a new cycleway on both sides of Broomfield Road through the utilisation and reallocation of existing highway space. The cycle route will match similar high-quality provisions being delivered across cities throughout the country (Oxford, Cambridge and London) and improve the existing infrastructure by linking up to the existing cycle network across the city and complimenting the wider cycleway network improvements included under the Chelmsford City Growth Package.
- 3.4 An effective transport system is integral to peoples' daily lives; it underpins business and commerce; provides access to work, education and training, essential services and leisure activities; and enables people to make the most of opportunities as they arise.
- 3.5 The scheme is strongly aligned with the delivery of the new Vision for Essex.
- Enable inclusive economic growth
  - Help people get the best start and age well
  - Help create great places to grow up, live and work
- 3.6 Investment in the transport network aimed at ensuring the efficient and effective movement of people and goods to boost economic growth create great places to live, work and visit, enable people to live independently, and improve the lives of people using the transport network throughout Essex.

- 3.7 Specifically, the Chelmsford City Growth Package enables inclusive economic growth within Chelmsford, identified as a major economic engine within the Essex Organisational Strategy and supports the following strategic priorities;
- Enable Essex to attract and grow large firms in high growth industries. The scheme supports trade, by better connecting key economic centres, especially along major transport corridors, and helping people to travel by public transport, bike and on foot.
  - Help secure sustainable development and protect the environment. The scheme ensures that growth can be sustainable and accommodated in a way that enhances Essex.
  - Facilitate growing communities and new homes; the project enhances transport access to employment, education and training, and essential services including healthcare, retail and leisure facilities to enable participation in everyday life
- 3.8 The proposal supports the delivery of the Essex Local Transport Plan vision for a transport system that supports sustainable economic growth and helps deliver the best quality of life for the residents of Essex by providing connectivity for Essex communities and international gateways to support sustainable economic growth and regeneration.
- 3.9 Public consultation events were held throughout Chelmsford both in the spring and summer of 2017. These were attended by residents and local interest groups. The results of the consultation were used to select the schemes taken forward for SELEP funding. The Scheme was selected to be taken forward for delivery as part of the Chelmsford City Growth Package. A specific concern was raised in relation to the proposal to amend the junction with Corporation Road and make this one-way only. In response to the consultation, changes were made to the layout of the Corporation Road junction, restricting some movements but not progressing the one-way proposal.
- 3.10 Further consultation will be undertaken by advertising proposals for the Traffic Regulation Orders (TROs) and Statutory Notices required for the Scheme; this will be undertaken through the formal governance process at the appropriate time and is outside the scope of this decision since they cannot be finalised until the final design of the Scheme has been completed. The contract to deliver the works will not be awarded until the TROs have been resolved.

### **Implementation**

- 3.11 In order to deliver the proposals ECC will need to appoint a contractor. It is proposed that the main construction contractor will be procured via a competitive process using the Framework. This Framework is specifically available for a range of highway improvement schemes up to the cost of £20m per scheme. ECC are one of 11 members of this alliance which was established in 2015.

3.12 Bids will be invited from the contractors appointed under the Framework. These bids will be evaluated on a price/quality ratio of 60/40 and in accordance with the evaluation criteria set out within the Framework.

3.13 All design works, Project Management, Contract Administration, Project Assurance, Site Supervision will be provided via a task order under the Highways Strategic Transformation contract between ECC and Ringway Jacobs).

#### **4. Options**

##### **4.1 Option 1**

Continue with the proposed improvement works as set out above. This will ensure that ECC delivers the Scheme as identified to the SELEP Accountability Board, and achieves the benefits identified above.

##### **4.2 Option 2**

Abandon the scheme. This option (do nothing) would see the current issues and problems of overdependency on car use continue, due to the lack of investment in high quality sustainable infrastructure provisions.

It is therefore recommended to proceed with option 1.

#### **5. Next steps**

5.1 Works will continue to bring the design and tender pack to completion. The tender process will then be completed through mini competition on the Framework.

#### **6. Issues for Consideration**

##### **6.1 Financial implications**

6.1.1 Refer to separate confidential appendix. This paragraph contains commercially confidential information relating to the estimated construction cost of the hybrid cycleway construction which could be used to unduly influence tender submission prices if published.

6.1.2 The hybrid cycleway forms part of the overall growth programme for Chelmsford City. The Chelmsford City Growth strategy programme is valued at £15.065m and is included in the ECC approved capital programme for current and future years.

6.1.4 Once the hybrid cycleway is operational, ongoing maintenance costs will be the responsibility of ECC as the Highway Authority. These costs will be contained within the existing highways maintenance revenue budget set out in the MTRS.

6.1.5 If this scheme doesn't go ahead, the costs incurred to date, will be treated as abortive costs and could create an unfunded revenue pressure of £145,000. This pressure will be contained within the Highways and Transportation budget set out in the MTRS.

6.1.6 SELEP (LGF) approved the funding for Chelmsford City Growth on 23 February 2018, therefore this is ring-fenced against the delivery of specific projects, including this scheme. Should the Scheme not proceed ECC will be required to report the position to the SELEP Accountability Board and return the LGF allocation to SELEP

## **6.2 Legal Implications**

6.2.1 There are TROs required for these works. These will need to be drafted and approved for advertisement under statutory consultation requirements. The contract cannot be awarded until any issues which arise during the traffic regulation order consultation process have been resolved or formally considered by the Cabinet Member.

6.2.3 ECC is a contracting authority for the purposes of the Public Contract Regulations 2015 ("the PCR") and must ensure that it complies with the provisions when procuring services.

6.2.4 Under the PCR ECC is permitted to call off from a framework for services provided ECC is in scope of the framework and that it provides the services required.

6.2.5 ECC is a member of the Eastern Highway Alliance and is therefore able to call-off under the Framework and provided that the call off procedures are followed, ECC are able to procure a principal contractor for the Scheme in this way.

## **7. Equality and Diversity implications**

7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief,

gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

- 7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

## **8. List of Appendices**

- 8.1 Appendix A – Equality Impact Assessment
- 8.2 Appendix B – Location Plan
- 8.3 Confidential Appendix – not for publication

## **9. List of Background papers**

- 9.1 General Arrangement Drawings
- 9.2 SELEP Business Case
- 9.3 Essex CC Local Transport Plan
- 9.4 Chelmsford City Council Local Plan
- 9.5 Chelmsford City Growth Package Consultation

<b>I approve the above recommendations set out above for the reasons set out in the report.</b>	<b>Date</b>
<b>Councillor Kevin Bentley, Cabinet Member for Infrastructure and Deputy Leader</b>	23.10.19

### **In consultation with:**

<b>Role</b>	<b>Date</b>
<b>Paul Crick,</b>	22.10.19
<b>Director for Capital Investment and Delivery</b>	
<b>Executive Director for Corporate and Customer Services (S151 Officer)</b>	21.10.19
<b>Nicole Woods</b>	
<b>Monitoring Officer</b>	

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<b>Laura Edwards on behalf of Paul Turner</b>	25.9.2019
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