

**CAMBRIDGESHIRE GUIDED BUSWAY**

**To:** Cabinet

**Date:** 26<sup>th</sup> October 2010

**From:** Acting Executive Director: Environment Services

**Electoral divisions:** The Hemingfords and Fenstanton, St Ives, Papworth and Swavesey, Willingham, Cottenham, Histon and Impington, Waterbeach, East Chesterton, King's Hedges, Petersfield, Trumpington, Gamlingay.

**Forward Plan ref:** Not applicable      *Key decision:* No

**Purpose:** This report sets down for consideration by Cabinet the progress being made towards opening of the Cambridgeshire Guided Busway.

**Recommendation:** Cabinet is asked to:

1. note that the Contractor has made no meaningful progress towards rectifying the defects on the busway between Cambridge and St Ives, contrary to commitments given in April, and as a result the opportunity to open this section in advance of completion of the whole project has now passed.
2. note that although the Contractor's programme shows that the delay to the southern section of the Busway reported to the last Cabinet meeting has been recovered this is considered unlikely to be achieved in practice.
3. note that contingency plans are being made to rectify defects post completion should BNL not meet their obligations to do so under the contract.

<b><i>Officer contact:</i></b>		<b><i>Member contact:</i></b>	
Name:	Bob Menzies	Name:	Councillor Roy Pegram
Post:	Head of Delivery Cambridgeshire Guided Busway	Portfolio:	Growth and Infrastructure and Strategic Planning
Email:	<a href="mailto:Bob.menzies@cambridgeshire.gov.uk">Bob.menzies@cambridgeshire.gov.uk</a>	Email:	<a href="mailto:roy.pegram@cambridgeshire.gov.uk">roy.pegram@cambridgeshire.gov.uk</a>
Tel:	01223 717866	Tel:	699173

## **1 BACKGROUND**

- 1.1 The Cambridgeshire Guided Busway construction contract was let in July 2006 on the basis of the entire project being completed at the same time, in February 2009.
- 1.2 When it became apparent in 2008 that construction was running late, it was agreed between the Council and the contractor BAM Nuttall (BNL) that the contractor would work towards completing the northern section first which would require a separate agreement to deal with sectional completion. Had this been achieved, then the Council would have been able to open the northern section of the Busway in 2009 and BAM Nuttall would have received a substantial reduction in the liquidated damages which have been deducted from all payments since February 2009.
- 1.3 Unfortunately Sectional Completion was not achieved as the contractor would not commit to rectifying six key areas of work which had been notified as defects under the Contract. These issues were set out in detail to Cabinet on 16<sup>th</sup> March 2010.
- 1.4 At each of the subsequent Cabinet meetings members have received reports setting out the progress by BAM Nuttall on resolving these issues and have expressed their concern and frustration at the slow progress achieved.
- 1.5 The point has now been passed where even if BAM Nuttall were to act on the key defects, they would not be resolved before BAM Nuttall plan to complete works on the southern section. The opportunity for sectional completion has therefore been lost through BAM Nuttall's reluctance to address the defects.

## **2 PROGRESS**

- 2.1 The six key defects which have prevented sectional completion are:
  - 1 River Great Ouse Viaduct Expansion Joints;
  - 2 St Ives Park and Ride (P&R) surface ponding;
  - 3 Maintenance track flooding;
  - 4 Guideway shallow foundations;
  - 5 Thermal expansion gaps between the guideway beams;
  - 6 Rubber tyre infill between the guideway beams.
- 2.2 Although officers continue to press BAM Nuttall to meet their contractual obligations there has been little meaningful progress for some considerable time. The point has now been reached where even if BAM Nuttall were to act on the defects the work would not be

complete before BAM Nuttall expect to complete work on the southern section.

- 2.3 The position in respect of the defects is as reported to Cabinet on 28<sup>th</sup> September, with the exception of the shredded rubber tyre infill which BNL have used to fill the space between the guideway tracks instead of gravel.
- 2.4 The Council needs to be satisfied that BNL have properly considered the potential fire risk of the tyres. BNL committed in April to concluding the risk assessment by 23<sup>rd</sup> April, more than 5 months ago. The Designer's Risk Assessment has been through a number of iterations without fully addressing the issues. A revised Risk Assessment was received on 11<sup>th</sup> October, which was being reviewed at the time of writing.

### **3 Southern Section**

- 3.1 Two significant milestones have been achieved. Hills Road Bridge is complete and the final section of guideway has been laid. Work is now focusing on the bus only road through Hills Road bridge to connect with the guideway, the similar connection from Trumpington Park and Ride, and the maintenance track. The bus stops at Trumpington are nearing completion and a large number of smaller finishing tasks are underway. Other work to be undertaken includes traffic signals, CCTV, topsoiling and landscaping.
- 3.2 The latest BAM Nuttall programme was received on 4<sup>th</sup> October. This shows that the completion date for the southern section works, which had slipped back to 14<sup>th</sup> January in their previous programme has returned to 17<sup>th</sup> December.
- 3.3 Members will recall that the slippage to January was the result of BAM Nuttall's previous failure to programme testing and assessment of Shelford Road Bridge. The recovery in the completion date is all the more remarkable given that the testing work on the bridge, shown in the previous programme as being undertaken between 6<sup>th</sup> and 10<sup>th</sup> September has not been completed at the time of writing. Closer inspection of the programme reveals that the improvement in the completion date has been achieved by removing the link between the design and approval of the remedial works such that the design is being undertaken at the same time as the works and is not in fact submitted for review until after the works are complete. The relevant dates are as follows:

Shelford Bridge Additional Design 15<sup>th</sup> October -11<sup>th</sup> November

Repairs/ Remedial works 18<sup>th</sup> October – 12<sup>th</sup> November

Shelford Bridge Complete 12<sup>th</sup> November

On this basis the probability of Shelford Road Bridge works actually being completed in accordance with the programme must be small as there is a risk that the assessment will identify additional works, over and above those being implemented now, that will be needed.

- 3.4 The programme also omits the lighting of the junction where the guideway goes from double track to single track at Trumpington, which members will recall BAM Nuttall had previously sought to omit. A design has now been submitted for the lighting, which proposes the use of 7 lighting columns. This is not in itself a large piece of work; the programme risk lies in the need to discharge the relevant planning condition. The City Council have generally dealt with such discharges fairly speedily, but if any significant objections are received then this could take until January.
- 3.5 The programme also shows for the first time the issuing of final construction certificates on 17<sup>th</sup> December i.e. the same day as BNL are proposing completion. The Contractor is required to provide a construction certificate to show that the works have been properly constructed in accordance with the design and specifications. As reported to Cabinet on 28<sup>th</sup> September BAM Nuttall have produced a plan but have so far not provided certificates in accordance with this plan. The latest programme appears to confirm the concerns raised in the previous report to Cabinet that BAM Nuttall intend to leave construction certificates until very late in the process. Although we are already working to mitigate the impact of this by carrying out inspections in advance, the process of reconciling the inspections to the certificates will take a period of time, even if everything is in order. The impact of this on the completion date will depend on the number of certificates that BNL leave until the last day and the actual completeness of the works. The actions being taken by BNL are against all good industry practice of providing certificates as individual items of work are completed.
- 3.6 Given the above it is considered that BAM Nuttall's programmed completion on 17<sup>th</sup> December is unrealistic and that the most likely date remains around mid-January as previously reported.

#### **4 Post – Completion Actions**

- 4.1 Under the terms of the contract BAM Nuttall have four weeks post contract to rectify defects. At the end of this period the Council can step in and rectify defects and recharge the cost to the Contractor. As reported to the 28<sup>th</sup> September Cabinet, plans are being prepared to rectify both the River Great Ouse Bridge joint and the St Ives car park ponding, as it is considered that these both need to be addressed prior to opening to the public.

- 4.2 Resolving the flooding on the maintenance track between Swavesey and St Ives, can be done with buses running and in any eventuality is unlikely to be possible until after the flooding season. It is therefore proposed to develop proposals in the new year.
- 4.3 The shallow foundations, narrow guideway joints and rubber tyre infill defects are all issues of potential long term risk and therefore it is not essential to rectify them in advance of opening the Busway. If no action is taken the liability remains with BAM Nuttall. Work has been commissioned to evaluate the risks of this approach in order to inform decisions on each of these defects, which it is anticipated will be brought to the December Cabinet meeting.
- 4.4 Other works, which are not defect related, such as surfacing the maintenance track and constructing the new junction for Clay Farm are planned to start immediately after completion.
- 4.5 Members will recall that proposals for an eco town exhibition building at Longstanton were considered at the meeting on 15<sup>th</sup> June. Funding has now been secured from DCLG for this building. Construction is likely to commence in the spring. The location of the building has been selected so that its construction will not interfere with the operation of the Park and Ride site.

## **5 Summary**

- 5.1 BAM Nuttall are continuing to resist resolving the defects contrary to the commitments given in April.
- 5.2 The opportunity to achieve sectional completion between Cambridge and St Ives in advance of completion of the whole scheme has now passed.
- 5.3 BAM Nuttall have revised their programme to show completion in December 2010 rather than January 2011, however, this has only been achieved by breaking the linkage between the design and works at Shelford Road Bridge. For this and other reasons it is considered that completion is unlikely to be achieved before January.
- 5.4 Preparations are being made for rectifying defects and carrying out other works post-completion.

## **6 IMPLICATIONS**

### **Resources and Performance**

- 6.1 Finance and risk management – the report sets out the latest progress towards resolving the issues that have prevented the opening of the busway. The busway is a high profile project and whilst the Council is keen to secure beneficial use as soon as possible, this should not be at any cost, particularly in terms of future maintenance liabilities.

## **Statutory Requirements and Partnership Working**

- 6.2 There are no significant implications for any of the headings within this category.

## **Climate Change**

- 6.3 The busway will provide a good alternative to use of the car for travel into Cambridge, St Ives, Huntingdon and other villages along the route. When operational, it is expected to significantly increase the bus patronage in this corridor and as such assist in our objectives to reduce the emission of greenhouse gasses from vehicles.
- 6.4 The busway should also have a high quality track alongside that is available for pedestrians and cyclists and this again will increase its environmental benefits. This is already being used unofficially and usage will increase when the scheme is formally open.

## **Access and Inclusion**

- 6.5 The busway will provide good public transport and cycle/foot links between St Ives, the intervening villages and Cambridge. This will open up travel opportunities by increasing the quality of bus services in those communities and benefit particularly those without use of a car.

## **Engagement and Consultation**

- 6.6 There are no significant implications for any of the headings within this category.

<b>Source Documents</b>	<b>Location</b>
Agenda and Minutes, Cabinet 1/3/2005, 7/2/06, 13/6/06, 11/7/06, 16/10/07, 22/1/08 (Clay Farm) 16/12/08, 29/9/09, 16/3/10, 27/4/10, 25/5/10, 15/6/10, 5/7/10, 7/9/10, 28/9/10	CGB Team Office, Old Police House, Shire Hall, Cambridge
Cambridgeshire Guided Busway Order	