

**KING'S DYKE LEVEL CROSSING CLOSURE - PROPOSED PROJECT
GOVERNANCE ARRANGEMENTS**

To: Environment and Economy
Meeting Date: 5th March 2020
From: Steve Cox, Executive Director, Place & Economy
Electoral division(s): Whittlesey North & Whittlesey South
Forward Plan ref: Not applicable **Key decision:** No

Purpose: To update the Committee on project risks and request approval of the introduction of revised project governance arrangements.

Recommendation: The Committee is recommended to;

- a) approve the proposed project governance arrangements and membership of the Member Advisory Group and its Terms of Reference in Appendix A.
- b) note the key project risks and full risk register in Appendix B.

<i>Officer contact:</i>	<i>Member contacts:</i>
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1. BACKGROUND

- 1.1 The A605 between Whittlesey and Peterborough carries over 14,000 vehicles per day and there are some 120 daily train movements across the level crossing. Closing the level crossing barrier causes significant delay to traffic. Plans by the rail industry to increase the number of trains along the route will increase this.
- 1.2 The situation is exacerbated during winter, when flooding can close the North Bank; an alternative route between Whittlesey and Peterborough, for long periods of time. Some additional 5,000 vehicles a day therefore use the level crossing instead, doubling the average delay per vehicle. The delays impact local businesses and commuters.
- 1.3 This Committee decided at its meeting held in Whittlesey on 15th August 2019, to invite tenders from the open market to construct the scheme, following the removal of the previous contractor from the project. Formal tendering therefore began on the 30th September 2019, using the existing completed detailed design. This meant that tenderers can elect either to use it in full or refine it with their own innovations as a means of speeding up the design and delivery process.
- 1.4 The scheme currently remains on track to start construction work on site by December 2020, as set out in the table below.

2. MAIN ISSUES

Forward programme

- 2.1 A restricted Official Journal of the European Union (OJEU) process is under way as follows;

15 th August 2019	Committee approved using a restricted OJEU process for the completion of the project
30 th September 2019	Advertise contract opportunity via OJEU Notice
15 th November 2019	Selection Questionnaire (SQ) responses evaluated and moderated by Officers, Invitation to Tender (ITT) period started
19 th November 2019	SQ outcomes notified to tenderers
March 2020	Detailed ITT returns due
March/April 2020	Tender evaluation and moderation completed
April/May 2020	E&E agenda report, seeking Members' approval to award the construction contract
By December 2020	Construction commences
By December 2022	Construction complete

- 2.2 A total of nine submissions were received from Contractors to the initial contract opportunity and evaluation of these was completed on 15th November 2019, resulting in six tenderers successfully passing the Selection Questionnaire (SQ) stage. Two have since opted out, leaving four remaining tenderers bidding for the construction contract.

- 2.3 Invitation to Tender (ITT) returns are due from tenderers in March 2020 with evaluation starting immediately thereafter. The tender returns will be evaluated based on a 60% price, 40% quality split.
- 2.4 Upon completion of tender evaluation and moderation, the scheme will come before this Committee for a decision to award the Contract and to make any further recommendation to General Purposes Committee, should additional funding be required.
- 2.5 The following statutory process will then be triggered, subject to this Committee's final decision to award the Contract and any referral to GPC:
- i. Procurement Team issue formal Intention to Award a Contract
 - ii. Statutory "Alcatel" standstill period begins (10 calendar days), to allow any legal challenge from tenderers. Alcatel must not end on a weekend or Bank Holiday – noting Easter.
 - iii. Collate final contract documents (conducted in parallel with Alcatel)
 - iv. Issue outcome letters to tenderers and invite feedback once preferred bidder is confirmed
 - v. Issue the contract to the winning contractor
 - vi. Legal process of Signing and Sealing the contract
 - vii. Confirm award of contract in the Pro-Contract system
- 2.6 An estimated timescale for (i) to (vii) has been stated in the tender documents as two weeks after Alcatel standstill period completes and reiterated as a general tender note. Tenderers have also been reminded that no extensions will be granted.

Project governance

- 2.7 It is proposed that the Governance framework consist of an officer Project Board which reports to E&E Committee and a Member Advisory Group which receives information from, and gives recommendations to, both the Committee and the Project Board.
- 2.8 It is proposed that this structure and the members of the Member Advisory Group be agreed through E&E Committee. Attendance of the Group is proposed to include the Leader and Deputy Leader of the Council owing to the strategic importance of the scheme. Proposed project governance and Terms of Reference are presented for this Committee's approval in Appendix A, detailing the nature of the Project Board's responsibilities and its general relationship with the Member Advisory Group.
- 2.9 The Project Board takes its mandate from Economy & Environment Committee. A monthly cycle of meetings has been set up. It will be directed by Senior Council Officers and will take information to, and from, the Member Advisory Group.
- 2.10 A monthly Member Advisory Group is already in session, in which Cambridgeshire County Council (CCC) Officers provide an update upon a range of topics including programme, budget, risk, procurement and technical issues. The Member Advisory Group is not decision-making.
- 2.11 This governance process will therefore be used to uphold this Committee's decisions and bring any project issues back before this Committee if required to do so.
- 2.12 In addition to this Committee, Project Board and Member Advisory Group, CCC Officers will also provide progress updates and hear local feedback through a Local Liaison Meeting

with the Town and District Council Members and Officers at key stages of the project. The first meeting was held on 19th February 2020.

- 2.13 A dedicated progress meeting will also be chaired by CCC Officers with the Contractor once appointed. This will address technical details of site safety, programme, cost, risk, design and quality.
- 2.14 An update will also be provided to the Cambridgeshire & Peterborough Combined Authority (CPCA) colleague Officers via the monthly highlight report already in use, and CPCA's delegate on the Project Board.

Risk Register

- 2.15 The risk register for the project is contained in Appendix B. This is reviewed by the Project Board at each of its meetings and exceptions will periodically be reported to this Committee for awareness and a steer. Committee is asked to note and comment on the risk register.

Finance & funding

- 2.16 The approved scheme budget totals £29.98 million, comprising £5.6m from CCC and £24.4m from the CA:

Contributor	Description	Budget contribution
Cambridgeshire County Council	Capital budget	£5.6m
Combined Authority	Transforming Cities	£16.4m
Combined Authority	Growth Deal	£8.0m

- 2.17 A breakdown of total expenditure to date is shown in the table overleaf:

Description	Expenditure and commitments to date	Details
Stage 1 contract detailed design costs	£1.51m	Detailed design costs. Plus vegetation clearance (carried out before bird nesting season) and ecological works (Great Crested Newt monitoring, trapping etc; Badger monitoring and sett removal).
Land and all legal fees	£4.10m	Land acquisition fees and all associated legal fees. Side Roads Order fees.
Land and all legal fees	£0.10m	Bring forward costs associated with extending land access longstop dates to match scheme delivery programme to Dec 2022
Statutory undertaker costs	£0.90m	75% of all utility diversions quotations have to be paid in advance. However, CCC will only be charged for completed work and currently only the 33KV and 11KV UKPN cables have been diverted and so the final cost here may be lower.
Network Rail	£0.88m	Costs from Network Rail Asset Protection and Optimisation team, associated with legal and technical approvals to work in proximity of the railway.
Management & Supervision fees	£1.50m	CCC staff costs, Skanska and White Young Green consultant costs to date
Asbestos removal	£0.06m	Removal of asbestos from site.
Cost of re-tendering	£0.20m	Officer costs in LGSS Legal and Procurement, support from consultancies in writing and evaluating the tender
TOTAL	£9.25m	

3. ALIGNMENT WITH CORPORATE PRIORITIES

The King's Dyke project has been evaluated with respect to the following four Corporate Priorities:

3.1 A good quality of life for everyone

The scheme will ease congestion in Whittlesey significantly and so will significantly improve the lives of people in and beyond the town.

3.2 Thriving places for people to live

The following bullet points set out details of implications identified by officers:

- Eliminating the delays at the level crossing will help to promote growth in the local area. This will help to promote jobs, business and housing.

- Both roundabouts have been sized to allow the 4th arm to be constructed which will open up development potential to the south.

3.3 The best start for Cambridgeshire's children

There are no significant implications for this priority.

3.4 Net zero carbon emissions for Cambridgeshire by 2050

The scheme impacts the following priority areas:

3.4.1 For the climate change mitigation theme (reducing our carbon footprint):

- The scheme provides walking, cycling and public transport access, and supports uptake of electric vehicles.

3.4.2 For the climate change adaptation theme:

- The scheme provides drainage infrastructure to help manage flood risk
- The reduced queuing time aids vulnerable people in severe weather or temperatures by improving access to health or care facilities.

3.4.3 For the natural capital theme:

- The scheme will provide measures to retain natural habitats
- Trees will be planted to aid air quality, natural habitats and visual amenity.

3.4.4 In accordance with the 2025 Action Plan, tender evaluation will be used to help identify mechanisms to improve data collection for carbon footprinting in construction.

4. SIGNIFICANT IMPLICATIONS

4.1 Resource Implications

The resource implications are detailed within the body of the report. Resources are allocated to the procurement process and are being closely-managed to ensure the programme remains on track.

4.2 Procurement/Contractual/Council Contract Procedure Rules Implications

The following bullet points set out details of significant implications identified by officers:

- A restricted OJEU process is under way in accordance with contract procedure rules.

4.3 Statutory, Legal and Risk Implications

Risks are detailed in the Risk Register presented in Appendix B.

The register will be monitored throughout the project and mitigation agreed with relevant parties.

4.4 Equality and Diversity Implications

There are no significant implications within this category.

An Equalities Impact Assessment screening and full assessment has been undertaken and will be reviewed upon start of works.

4.5 Engagement and Communications Implications

The following sets out significant implications identified by Officers:

- A public engagement event 12th August 2019 reaffirmed the preferred scheme option and was successfully followed up 30th October 2019 with a more detailed discussion from a group of residents around 250-260 Peterborough Road.
- A scheme notice has been erected onsite.
- Facebook and Twitter feeds have been set up.
- The CCC webpage has been updated.
- Further engagement will be undertaken in-line with the Communications Plan.

4.6 Localism and Local Member Involvement

The following sets out significant implications identified by Officers:

- As set out above, local County, Town and District members will be engaged in the project via a Local Liaison Forum, starting 19th February 2020.
- This group may refer any concerns it may have to the King's Dyke Project Board or to the Member Advisory Group.

4.7 Public Health Implications

There are no significant implications within this category.

Implications	Officer Clearance
Have the resource implications been cleared by Finance?	Yes Name of Financial Officer: Sarah Heywood
Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the LGSS Head of Procurement?	Yes Name of Officer: Gus de Silva
Has the impact on statutory, legal and risk implications been cleared by the Council's Monitoring Officer or LGSS Law?	Yes Name of Legal Officer: Nicola Molloy
Have the equality and diversity implications been cleared by your Service Contact?	Yes Name of Officer: Beatrice Brown
Have any engagement and communication implications been cleared by Communications?	Yes Name of Officer: Sarah Silk
Have any localism and Local Member involvement issues been cleared by your	Yes Name of Officer: Andrew Preston

Service Contact?	
Have any Public Health implications been cleared by Public Health	Yes Name of Officer: Iain Green

Source Documents	Location
Kings Dyke E&E Committee Report 15th August 2019	CCC Website