

**Kings Dyke Level Crossing Closure – Award Of Construction Management Consultancy Contract**

**To: Highways and Transport**

**Meeting Date: 7<sup>th</sup> July 2020**

**From: Steve Cox, Executive Director - Place & Economy**

**Electoral division(s): Whittlesey North & Whittlesey South**

**Forward Plan ref: 2020/043 Key decision: Yes**

**Outcome: Approval of the award of a contract to provide construction contract management professional services**

**Recommendation: The Committee is recommended to;**  
**a) award the contract to WYG Consultants following a competitive process under the Eastern Shires Purchasing Organisation (ESPO) Pro 5 consultancy framework**

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## **1.0 BACKGROUND**

1.1 A contract to construct the Kings Dyke crossing scheme was signed with Jones Bros on 22<sup>nd</sup> May 2020 and work is due to commence soon onsite.

## **2.0 MAIN ISSUES**

- 2.1 The King's Dyke scheme is large, highly-complex major highway infrastructure project. Its success relies upon the Council having the specialist skills and suitable staffing capacity for the duration of works. Continuity and sustainability are paramount.
- 2.2 The scheme has been let on a New Engineering Contract (NEC) basis. Use of this form of contract helps manage the Council's risks but requires additional contract-specific skills, which do not exist in-house to the level required for a scheme of such complexity.
- 2.3 The Eastern Shires Purchasing Organisation (ESPO) Pro5 Consultancy Framework is a competitively-tendered Framework that the Council is eligible to use in order to call off professional service contracts. It has two facilities, direct award and mini-competition. Direct award allows Client organisations to call off services directly with a supplier. Mini-competition offers the facility for suppliers on the framework to tender against a Client's specification.
- 2.4 White Young Green (WYG) were appointed by the Council under this framework to assist with the preparation of contract documents and take the process through to award of contract.
- 2.5 Now the contract has been awarded to Jones Bros, ongoing support for the Council is needed. This will include specialist skills to operate the NEC contract. This helps manage the Council's corporate risks in terms of project management onsite and contract devices such as Early Warning Notices, Compensation Events and resolving disputes for example on cost, programme or quality. This will also deliver independent assurance, best practise from the marketplace and rigorous cost control/review.
- 2.6 To secure this support, the Council undertook a mini competition under the ESPO framework to provide these Professional Services for the NEC Project Management and commercial roles during construction. White Young Green were successful in this competition and the scope of their work is to provide three staff for the duration of the scheme, namely NEC Project Manager, NEC Supervisor and a Senior Commercial Manager. There is also some oversight to be provided by a Senior Director within WYG.
- 2.7 The value of the proposed contract with WYG is £645,230.00 and an appropriate allowance for this specialist staffing fee has already been included in the scheme budget.
- 2.8 WYG's performance in professional support and preparation of the substantial construction contract tender documentation has been excellent. As Members are aware, the tender process is now complete, and it is necessary to formally conclude the first commission and begin the NEC role to oversee the construction of the project.

2.9 WYG's NEC role was included in all scheme financial forecasts that have already been presented to the former E&E Committee. In order to appoint them however for this second stage of work, it is now necessary to seek this Committee's approval to sign the proposed contract due to its value.

### **3. ALIGNMENT WITH CORPORATE PRIORITIES**

The report author has evaluated the alignment of this proposal with the following four Corporate Priorities:

#### **3.1 A good quality of life for everyone**

There are no significant implications for this priority.

#### **3.2 Thriving places for people to live**

There are no significant implications for this priority.

#### **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**

There are no significant implications for this priority.

### **4. SIGNIFICANT IMPLICATIONS**

#### **4.1 Resource Implications**

Budget has been approved to cover these costs, as mentioned in body text above.

#### **4.2 Procurement/Contractual/Council Contract Procedure Rules Implications**

WYG have been called off from an OJEU-procured Framework in accordance with contract procedure rules and the requirements of the ESPO Pro5 Framework

#### **4.3 Statutory, Legal and Risk Implications**

There are no significant implications for this priority.

#### **4.4 Equality and Diversity Implications**

This element of the scheme does not require EqIA.

#### **4.5 Engagement and Communications Implications**

There are no significant implications for this priority.

#### 4.6 Localism and Local Member Involvement

There are no significant implications for this priority. The scheme has a full governance system in place, as approved by Economy and Environment Committee on 5<sup>th</sup> March 2020, which includes a Member Advisory Group (MAG) to track all elements of finance, risk and performance including that of supply chain partners such as WYG. MAG is in full support of this proposal.

#### 4.7 Public Health Implications

There are no significant implications for this priority.

<b>Implications</b>	<b>Officer Clearance</b>
<b>Have the resource implications been cleared by Finance?</b>	Yes Name of Financial Officer: Sarah Heywood
<b>Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the LGSS Head of Procurement?</b>	Yes Name of Officer: Gus de Silva
<b>Has the impact on statutory, legal and risk implications been cleared by the Council's Monitoring Officer or LGSS Law?</b>	Yes Name of Legal Officer: Fiona McMillan
<b>Have the equality and diversity implications been cleared by your Service Contact?</b>	No Name of Officer: Elsa Evans
<b>Have any engagement and communication implications been cleared by Communications?</b>	Yes Name of Officer: Sarah Silk
<b>Have any localism and Local Member involvement issues been cleared by your Service Contact?</b>	Yes Name of Officer: Andy Preston
<b>Have any Public Health implications been cleared by Public Health</b>	Yes Name of Officer: Kate Parker

Source Documents	Location
<ul style="list-style-type: none"><li data-bbox="245 304 834 376">• <b>Kings Dyke E&amp;E Committee Report 15<sup>th</sup> August 2019</b></li><li data-bbox="245 394 834 465">• <b>Kings Dyke E&amp;E Committee Report 5<sup>th</sup> March 2020</b></li><li data-bbox="245 483 834 555">• <b>Kings Dyke E&amp;E Committee Report 23<sup>rd</sup> April 2020</b></li><li data-bbox="245 573 743 645">• <b>General Purposes Committee 23<sup>rd</sup> April 2020</b></li></ul>	<a href="https://cambridgeshire.cmis.uk.com/ccclive/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/5/Default.aspx">https://cambridgeshire.cmis.uk.com/ccclive/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/5/Default.aspx</a>