



REPORT TITLE: A435 Cheltenham to Bishops Cleeve Cycle Track – Contract Procurement

Cabinet Date	29 March 2023
Cabinet Member	Cllr David Gray, Environment and Planning
Key Decision	Yes
Purpose of Report	To seek Cabinet approval to undertake a competitive procurement process for the supply of highway construction works and to award such contracts to the preferred tenderers.
Recommendations	<p>That Cabinet delegates authority to the Assistant Director for Highways and Infrastructure (in consultation with the Cabinet Member for Environment and Planning) to:</p> <ol style="list-style-type: none">1. Conduct a competitive procurement process in respect of one or more contracts for the supply of highway works in relation to the A435 Cheltenham to Bishops Cleeve Cycle Track2. Award such contracts to the preferred tenderer(s);
Reasons for recommendations	<p>The proposed decision will enable the Council to engage one or more suppliers for the purpose of securing highways construction contracts in respect of the A435 Cheltenham to Bishops Cleeve Cycle Track, which will provide the best opportunity to meet the timescales set out in the Department for Transport Active Travel Fund agreements described in the resource implications section of this report.</p> <p>To maintain momentum on the Scheme programme and ensure delivery can commence in the 2023/24 financial year we need to ensure that governance arrangements are in place to minimise the impact on the overall Scheme programme with delivery expected in a series of separate phases.</p> <p>The procurement process is a lengthy process and therefore we are seeking cabinet authorisation to procure the works ahead of consultation and completion of the detailed design phase of the Scheme in order that the procurement process does not slow down delivery.</p> <p>By running the stages of the delivery programme in parallel where possible rather than sequentially we aim to be on-site constructing in the coming 2023/24 financial year. Construction of the Scheme will not begin until GCC has considered the outcome of the Scheme consultation.</p>

Resource Implications	<p><u>Secured Funds</u> Funding for the Scheme’s design and delivery are included in the approved Capital Programme. The Scheme is funded from the Department for Transport (DfT) Active Travel Fund (ATF) Tranche 3 of £9.907m, S106 contributions of £0.166m, DfT Block Grant Funding of up to £3.035m and internal borrowing of £1.661m.</p> <p>Gloucestershire County Council is in the process of commissioning the preliminary and detailed design of the Scheme.</p> <p>The costs estimate for the Scheme cost at feasibility stage suggest adequate budget is in place to deliver the Scheme.</p> <p><u>Additional Funds</u> Should the Scheme cost estimate increase at future phases of design, Gloucestershire County Council will secure additional funds to allow for full construction of the Scheme. Should this not be possible, the Scheme will undertake a value engineering exercise and / or de-scope elements of the Scheme in order to deliver within the confirmed budget.</p> <p>Procurement of the highway works described in the above Recommendations will only take place once all necessary funding is confirmed and allocated to Gloucestershire County Council.</p> <p>As Scheme promoter, the County Council will be liable for any future cost overruns associated with the delivery of the Scheme. This will be funded from within the Scheme funding envelope or alternative funding, such as the highways capital programme, Section 106 developer contributions, Community Infrastructure Levy, etc.</p> <p>As stated in the County Council’s Constitution, ‘Directors are responsible for ensuring that variations in capital project estimates that occur during the course of a contract are contained within the resources allocated to that service’. The Scheme’s costs will be monitored and managed accordingly.</p> <p>The proposed contracts for highway works in relation to the Scheme will be procured under the NEC4 Engineering and Construction Contract, standard conditions of contract determine that the project will be subject to 14-day payment terms and as a result vendor details will be amended to reflect these terms specifically on this project.</p>
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Background Documents	Gloucestershire's adopted Local Transport Plan LTN 1/20 Cycle infrastructure design Joint Core Strategy Gloucester and Cheltenham (Central Severn Vale) Local Cycling and Walking Infrastructure Plan
Statutory Authority	Highways Act 1980 Traffic Management Act 2004 Local Transport Act 2008 Growth and Infrastructure Act 2013 Infrastructure Act 2015
Divisional Councillor(s)	While the Scheme will bring benefits in terms of sustainable transport across a wider geographic area, the Scheme itself runs through the following divisions: Cllr Stephen Fifield (Pittville and Prestbury) Cllr Bernard Fisher (St Pauls and Swindon) Cllr Alex Hegenbarth (Bishops Cleeve)
Officer	Kath Haworth – Assistant Director for Highways and Infrastructure Kathryn.Haworth@gloucestershire.gov.uk 01452 328792
Timeline	GCC Cabinet approval – March 2023 Issue tender documents – Autumn 2023 Tender assessment and award – Winter 2023/2024 Construction Start – Winter 2023/2024 Construction End – Spring 2025

Background

1. The Scheme will deliver the infrastructure required to provide improved sustainable travel access from Cheltenham to Bishop's Cleeve via Pittville and Prestbury. It will connect to the Honeybourne cycleway in the South with direct links to Cheltenham train station through Quietways in St Pauls, a predominantly residential area, through Pittville Park alongside the A435, travelling adjacent to Cheltenham Racecourse and North into Bishop's Cleeve, an area with multiple large employers in aerospace and insurance.
2. The Scheme will improve facilities for cyclists, pedestrians and non-motorised users in the area and make a further contribution to CO₂ reductions. The project will provide access directly to public transport hubs such as Cheltenham train station and major employment, leisure, and sites such as the GE Aviation, Prince of Wales Stadium, Pittville Park and the multiple University of Gloucestershire campuses within the area.
3. The delivery of the Scheme will be in line with Gloucestershire's ambition to deliver a change in policy approach to meet cycle design guidance LTN 1/20. This will ensure that the improved facilities for cyclists, pedestrians and non-motorised users are of high quality, ensuring that the ambitions for a long-term modal shift and CO₂ reductions can be achieved.
4. The Scheme also aligns with the Cheltenham Plan whereby it encourages comprehensive cycling initiatives in-line with the county council's Local Transport Plan (LTP). Furthermore, the overarching Joint Core Strategy outlines cycling as a key component of its Strategic Objectives, "Strategic Objective 7 – Promoting sustainable transport." Strategic Objective 9 - "promoting healthy communities" also identifies the importance that the Gloucestershire Sustainable Travel Corridor (GSTC) provision has to the population.

Options

5. The options for Cabinet are as follows:

Option A: To authorise the Assistant Director for Highways and Infrastructure to progress the Scheme as set out in this report's recommendations; or

Option B: To decline to authorise such recommendation. The Active Travel Fund is secured on the basis that the Scheme in its entirety must be committed to delivery in March 2023 by virtue of this cabinet paper. The ATF funding allocation must be spent as soon as possible in 2023, with approval of this paper acting as GCC commitment to the Scheme. If the highway construction works cannot be competitively tendered then the funding of the project in its entirety would be at risk.

Risk and assumptions

6. An up-to-date risk register for the Project exists and has been regularly updated in line with the GCC Risk Management process, in order to investigate, manage and mitigate key risks.

The key risks include: -

7. Delay to construction start date:

The preliminary and detailed design stages must be completed in line with the timescales set out in this report for the construction dates to be met. Any difficulties or delays experienced during the design process would impact on the planned construction start date. A robust design programme has been developed with time allocated for consultation and to review feedback to minimise the risk.

8. Cost estimate increase:

The current Scheme cost estimates are based on feasibility designs. There is a risk that as more detailed designs are developed, further detail, changes in scope and inflationary pressures could lead to increased Scheme cost estimates. In the worst case this would result in a Scheme cost in excess of the current funding that is available. The cost estimate will be reviewed at the end of each stage of design to allow any changes to be managed and risk mitigated where possible. This could be through potentially amending the scope or value engineering the Scheme, or (subject to additional approvals) contributions from the wider highway's capital programme.

9. Traffic Regulation Order Approval:

It is likely the Scheme will require approval of traffic regulation orders, including changes to waiting restrictions for the removal of on-street parking in some areas. Early consultation with affected parties and local members will take place. Significant objections during the consultation would represent a risk to the delivery of the Scheme in its current form.

10. Funding Expiry:

The Scheme must be delivered in line with the funding requirements set out by the Department for Transport. Any delay to the agreed dates would represent a risk to funding should a formal extension not be able to be agreed with DfT. A robust design programme has been developed to minimise this risk.

11. Land acquisition is required:

The Scheme to date has been progressed on the basis that all works should be delivered within the extents of the public highway. The project team are fully aware of the risks of extending the scope onto third party land. A review of all Scheme extents and highway boundaries is part of the design process following agreement of the preliminary design.

12. Key Stakeholders or public not supportive:

The public consultation and key stakeholder engagement for the Scheme will be completed during subsequent design phases. There is a risk that changes are required to the Scheme which could lead to delays completing the design and increased costs. Significant objections would represent a risk to the delivery of the Scheme. Following agreement of the preliminary design, consultation will take place on the proposals as quickly as possible to allow sufficient time for a review of the feedback and amendments to be made. Once the works commence key stakeholders will be encouraged to sign up to a regular Scheme progress update (newsletter).

13. Delays from works by third parties:

A Scheme of this nature which covers a long length, is likely that 3rd party developer or utility works take place prior to starting on site that could affect the Scheme. Any such

works present a risk of design changes and delay. Close liaison with planning and development control teams to take place during design and construction phases.

14. Delays on key components to the project:

Gloucestershire Warwickshire Steam Railway's (GWSR) bridge within the centre of the Scheme requires significant repair work. Any work undertaken on the structure as part of our works could shift repair costs to the County. An agreement needs to be in place ahead of our improvement works so that we can work on the structure without the risk of additional future maintenance costs. Discussions are currently underway with GWSR to agree a mutual working partnership.

Climate change implications

15. Carbon Emissions Implications? Positive / ~~Neutral~~ / Negative

16. Vulnerable to climate change? ~~Yes~~ / No / Maybe

Equality implications

Has an Equalities Impact Assessment (EIA) been completed? Yes / ~~No~~

17. The proposed A435 Cheltenham to Bishops Cleeve Cycle Track promotes equality of opportunity for all protected characteristics and will impact particularly positively on people with a disability and in specific age groups:

18. The improvements have the potential to impact on a wide age range with primary education, further education facilities and residential properties being in proximity to the Scheme.

19. The ongoing Scheme design will also ensure it accommodates users with disabilities including appropriate footway widths, lighting, signposting, crossings and tactile paving, ultimately aiding accessibility once complete. Groups representing people with disabilities will continue to be key stakeholders in the consultation process. During construction due regard must be given to diversionary routes to maintain access for disabled users.

20. The EIA (Appendix A) will be reviewed and updated on completion of work packages (i.e., on completion of design, procurement, on completion of construction, after opening, etc.) to ensure a continuing duty of regard for equality impacts on groups with protected characteristics. The strengthening actions identified in the Due Regard Statement include:

- Monitoring Scheme to ensure protected groups are well served. Monitoring of service users once in operation to identify if groups with protected characteristics are being discriminated against or if this Scheme is advancing opportunities for these groups. This could be done through user surveys.
- Prevent Scheme construction from impacting the movement protected groups. Appropriate traffic management plan and information provision during construction stage to consider severance and obstruction issues for those with protected characteristics.

- Providing access to relevant information to all protected groups. Supply of equality and diversity policy details from external contractors involved in the provision of construction and operation services.

21. The EIA demonstrates that 'due regard' has been shown to the three aims of the public sector equality duty (section 149 of the Equality Act 2010) during the development of the 'policy'.

22. Cabinet Member should read and consider the Equalities Impact Assessment in order to satisfy themselves as decision makers that due regard has been given.

Data Protection Impact Assessment (DPIA) implications

A Data Protection Impact Assessment is not required.

23. During stages of the Scheme (such as the public engagement survey), where data has been collected it will be anonymous and any personal data will be treated as confidential and in accordance with UK GDPR laws and Gloucestershire County Council's data protection policy.

Social value implications

24. The Council will be using a new performance and evidence-based approach to Social Value, based on the National TOMs (Themes, Outcomes and Measures) which has been developed for the Council by the Social Value Portal. Tenderers will be required to propose credible targets against which performance (for the successful Tenderer) will be monitored. Tenderers are free to choose those measures that are proportional and relevant to their business and this specific contract. However, a key success factor for Tenderers will be to demonstrate the ability to deliver against the commitments made.

25. Tenderers will be required to provide the following as part of their tender:

- a. A quantified Quantitative Social Value Proposal; and
- b. A Qualitative Social Value Proposal providing evidence describing how the social value being proposed will be delivered against each of the measures offered.

26. The Council will make provision for these commitments in its contract with the winning Tenderer which will then be monitored and reported on periodically throughout the term of the contract.

27. The Council recognises that the process of measuring and delivering Social Value requires flexibility and a collaborative approach. Agreed Social Value commitments may require a certain amount of refinement as a result. A key requirement is the willingness of the provider to work openly and transparently with the Authority whilst bearing in mind that the overall value of Social Value commitments made must be delivered.

28. Full details on the Social Value Portal and the National TOMs framework are available here <https://socialvalueportal.com/national-toms/>

Consultation feedback

29. All elements of the cycle spine are reflected in Gloucestershire's recently adopted Local Transport Plan (LTP) 2020-2040 and were therefore included in the 2020 LTP public consultation.
30. The cycle related infrastructure improvements are also reflected in the Cheltenham Local Cycling and Walking Infrastructure Plan (LCWIP) which was consulted on in public before its adoption. Again, the LCWIP received generally positive feedback with widespread support for improving walking and cycling infrastructure.
31. Further consultation will be completed upon completion of the preliminary design. This will be in the form of community engagement share events and online information and surveys. Briefings will be completed with key stakeholders including property owners, MP's, elected members and the local press. All other statutory consultees will be invited to comment on the proposals.
32. The local community and local members will continue to be well informed and consulted / engaged with, we will monitor any feedback and continue to encourage them to be part of the mailing group for updates on the project (newsletter).

Officer recommendations

33. That Cabinet approve the recommendations (Option A above) as set out in this report

Performance Management/Follow-up

34. GCC have set up a clear and robust structure to provide accountability and an effectual decision-making process for the management of the GFirst LEP funded transport Schemes. Each Scheme will have a designated project manager who will be an appropriately trained and experienced member of GCC staff.
35. Scheme costs and delivery will continue to be managed in accordance with business case objectives and the monthly meetings of the LTP Management Board, attended by the relevant Lead Commissioner. Updates will also be provided to the strategic transport and infrastructure board.