

REPORT OF
The Strategic Director for Place
TO
Procurement Board
ON
11th March 2020

TITLE: Approval for an Exception to Contractual Standing Orders to award a contract for Pendleton Roundabout Road Traffic Accident (RTA) Repair Scheme.

RECOMMENDATION:

That the Procurement Board approves an exception to Contractual Standing Orders as permitted within the City Council Constitution for the reasons highlighted in the table below and the award of the Contract for Pendleton Roundabout Traffic Accident Repair Scheme as detailed in the table below:

Detail required	Answers
Title/Description of Contracted Service/Supply/Project	Pendleton Roundabout RTA Scheme.
Name of Successful Contractor	Eurovia Contracting
Supplier Registration Number <i>(to be supplied by Corporate Procurement)</i>	5292634
Type of organisation <i>(to be supplied by Corporate Procurement)</i>	Limited Liability Partnership
Status of Organisation <i>(to be supplied by Corporate Procurement)</i>	SME
Contract Value	£191,330.28 Full Project
Contract Duration	9 Weeks
Contract Start Date	06/04/2020
Contract End Date	05/06/2020
SCC Structure & Bridges Design Fees	£10,140.50

SCC Structure & Bridges Supervision Fees	£9,757.84
SCC Principal Designer	£825.00
How the contract was procured? <i>(to be supplied by Corporate Procurement)</i>	Direct Award/ NEC3 Option A
Who will approve each Extension Period?	Procurement Board (extension > £150k)
Contact Officer (Name & number)	Michael Jolley (Ext 4909)
Lead Service Group	Place
Reason for CSO Exception <i>(select all that apply)</i>	<p>The goods / services / works are only obtainable from one provider and there is no other provider available to allow genuine competition <input type="checkbox"/></p> <p>The execution of works or the supply of goods or services is controlled by a statutory body <input type="checkbox"/></p> <p>Delivers Best Value to the Council <input checked="" type="checkbox"/></p> <p>Special education, health or social care contracts, if it is considered in the Council's best interests and to meet the Council's obligations under relevant legislation <input type="checkbox"/></p> <p>The execution of works or the supply of goods and services is required so urgently as not to permit compliance with the requirements of competition <input checked="" type="checkbox"/></p> <p>Security works where the publication of documents or details in the tendering process could prejudice the security of SCC and Salford residents <input type="checkbox"/></p> <p>Procurements made through, or on behalf of, any consortium, local authority, statutory or similar body, provided that tenders or quotations are invited and contracts placed in accordance with national or EU legislation. <input type="checkbox"/></p>
Funding Source	2019/20 Block 3 Local Transport Capital Budget underspend

EXECUTIVE SUMMARY:

The purpose of this report is to request an exception to Contractual Standing Orders to approve the award of a contract to Eurovia Contracting, to deliver the Civil and Highway Engineering repairs to Pendleton Roundabout (RTA).

BACKGROUND DOCUMENTS:

1. Work file held in the councils Bridges and Structures Department.
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KEY DECISION: Yes

DETAILS:

1. Introduction and Background

- 1.1 At 12:40pm 27th October 2019 there was a road traffic accident (RTA) involving a single car striking the south parapet and portal wall of Broad Street Roundabout North West Subway on Pendleton Roundabout.
- 1.2 The RTA left the vehicular containment system non-functional and a temporary vehicle containment barrier (TVCB) was installed to protect road users until the replacement system was designed, procured and installed.
- 1.3 Pedestrian movement through the damaged subway was reviewed and identified as acceptable by the Road Safety Group Team.
- 1.4 The approval for the installed temporary vehicle containment barriers (TVCB) is within separate approvals.
- 1.5 The proposed funding for the scheme is from the under spend of 2019/20 Block 3 Local Transport Capital Budget, it is intended that the scheme costs will be reimbursed by the insurance company of the driver involved in the RTA
- 1.6 Eurovia were the only contractor requested to tender and it is proposed that the works are to be awarded to Eurovia due to the following rationale;
 - Eurovia Contracting are currently undertaking the works for SBNI 4 Delivery Package 4, which includes a refurbishment of Broad Street Roundabout North West Subway, therefore; the proposed repairs are currently within Eurovia's work site (until October 2020), which makes it difficult for other contractors to undertake the works with regards to a health and safety aspect.
 - Eurovia have been successful in winning the tender for the SBNI Delivery Package 4 works through a competitive tendering process through the Manchester Framework and are currently in contract with the City Council on this project.
 - It is not ideal to wait for Eurovia to finish their works and award an alternative contractor as there is a need for the proposed works to be undertaken as soon as possible due to health and safety issue with the TVCB's.
 - Eurovia already have an established work site for the SBNI project, which can be utilised for the parapet repair works. This has reduced the potential costs for preliminaries for the repair works.

2. Details of the works for the Schemes are outlined below

- 2.1 The Structures & Bridges Team attended site on the 28th October 2019 to inspect RTA, which damaged Broad Street Roundabout North West Subway and identified that the parapets railings and portal wall were unsafe and required repair/ replacement. It was agreed that TVCB's were to be installed until the design/ procurement was in place to commence repair of the damaged sections.
- 2.2 The proposed works planned will include the following items;
- Replace full parapets system on inside of roundabout (155m) – These are to meet current standards.
 - Repair damaged reinforced concrete portal wall – The damaged section will require hydro demolition or careful breaking out to protect the existing reinforcement.
 - Traffic Management during works – Extensive TVCB's will be required to protect the work force during the works with the possibility of lane closure.
- 2.4 Initially the Structures & Bridges Design Team reviewed whether we could repair the damaged section of the parapet in isolation (20m) rather than the full system replacement (155m), but after discussion with approved Design Manual for Road and Bridges (DMRB), parapet suppliers/ installers it was apparent that this was not acceptable due to the following non-compliances;
- It was identified that the current system underperforming all over the network, this type of parapet is struggling to contain and redirect modern day errant vehicles. They are being breached more often (existing parapet was installed in 2004 to the correct standards for the time).
 - The 76mm x 50mm horizontal rail section is no longer commercially available therefore it would be required to cut in 90mm x 50mm rail sections to replace the damaged rails. At present this is not a standard or tested detail, resulting in a hybrid system, which will require a departure from the design standards.
 - There are hazards directly behind the existing parapets (reinforced concrete upstand); the current parapets are unable protect from these upstands. Therefore, any impact on the existing parapet will result in deflection on to the walls behind.

3. **Budget**

- 3.1 The proposed funding for the scheme is from the under spend of 2019/20 Block 3 Local Transport Capital Budget, it is intended that the scheme costs will be reimbursed by the insurance company of the driver involved in the RTA.
- 3.2 The approval for the installed temporary vehicle containment barriers (TVCB) is identified within a separate approval.
- 3.3 Eurovia Contracting provided an original cost for the works of £205,201.63. This was reviewed/ evaluated taking into account the savings that could be made from using shared resource from the SBNI DP4 works, resulting in a reduced cost of £191,330.28, which is in line with the expected cost of the scheme in terms of value for money.
- 3.4 The Structure & Bridges Department Design, Supervision fee (including Principal Designer fee's) for Pendleton Roundabout RTA Scheme are £20,723.34.
- 3.5 The expenditure profile for the scheme is as follows;

Pendleton Roundabout Road Traffic Accident Repair Scheme	Cost
Target Cost (Eurovia Contracting)	£191,330.28
S&B Design Fee (Subway Repairs 5.3%)	£10,140.50
S&B Supervision Fee (5.1%)	£9,757.84
Principal Designer	£825.00
Total	£212,053.62

- 3.6 The process to recover costs through the insurance process has begun and a loss adjuster has made contact with the 3rd party insurers on behalf of the City Council.

KEY COUNCIL POLICIES:

Enhancing Life in Salford, Think Efficiency, Improving the Environment.

EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS:-

There are no adverse implications relating to equality issues. The scheme ensures the continued safe movement of the travelling public.

ASSESSMENT OF RISK:

Low – (Parapet Replacements) Funding is available from the Block 3 Local Transport Capital Budget 2019/20 underspend. Urban Vision is experienced in undertaking similar refurbishment schemes. The parapets in their current condition are sub-standard. The proposed works would ensure the safety of the public using the carriageway/ subway.

Replacement with galvanised steel parapets would ensure a minimum of 30 years' service life. Painting of the parapets would introduce a 15 to 20 years repainting cycle

SOURCE OF FUNDING:

The cost of the works will be funded from the approved Highways Block 3 Capital Allocation, for the 2019/20 financial year

LEGAL IMPLICATIONS: Supplied by Tony Hatton, Principal Solicitor, tel. 0161 219 6323.

Ordinarily, when commissioning contracts for the provision of goods, services or the execution of works, the Council must comply with the provisions of the Public Contracts Regulations 2015 (PCR), which require that contracting authorities treat candidates equally and in a non-discriminatory way and act in a transparent manner. In addition, the Council is required to comply with the requirements of its own Contractual Standing Orders (CSO's), and for contracts of this value the Council would usually undertake a compliant process by obtaining three quotations from suitably qualified contractors.

The report asks the Procurement Board to grant an exception to CSO's and directly appoint Eurovia to undertake the works at Broad Street roundabout as set out in the report. The proposed appointment will ensure the works can be commenced urgently whilst Eurovia carry out existing work at Broad Street as part of the SBNI project, with them being currently on site, with a site office which will assist in ensuring savings are made.

Whilst exceptions to CSO's may be authorised by a decision notice from the Procurement Board, as detailed in Part 5, there is still a risk of challenge from aggrieved providers if a compliant procurement process has not been followed on the basis that the works or services should have been put out to competition. The risk of challenge naturally increases in tandem with the value of the contract (and/or proposed length of any extension to a contract).

In accordance with CSO's, there are valid reasons set out in the report for the approval of the direct appointment, such as the fact that there is a certain urgency required in appointing a contractor, the nature of the works, the fact that Eurovia are already on site and can show a saving to be made.

Accordingly, the risk of challenge to the award of the contract may be regarded as extremely low in the circumstances.

FINANCIAL IMPLICATIONS: Supplied by Alison Woods, Finance Officer (Capital),
Tel. 925 1135.

The cost of the aforementioned works will be funded from the approved Highways
Block 3 Capital Allocation, for the 2019/20 financial year.

Recovery of the scheme costs relating to the repair of the damaged section of the
parapet, will be pursued via insurance processes.

Expenditure code: D20031

PROCUREMENT IMPLICATIONS: Supplied by: The Corporate Procurement Team

There is always a risk of challenge when a project has not been competitively
tendered. The requirement outlined within the report is an urgent repair as a result of
an accident and is located within the area of works that have been competitively
tendered through a fully compliant competitive process through the Manchester
Highways framework. The recommendation to award to Eurovia Ltd demonstrates
best value for money and to expedite the repair quickly. Procurement board is allowed
to approve exceptions for the reasons set out in the report in compliance with
contractual standing orders.

CONTACT OFFICER: Mike Jolley - 4909

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WARDS TO WHICH REPORT RELATES:

Irwell Riverside and Langworthy.
