

Report to Cabinet

8 June 2023

By the Cabinet Member for Local Economy and Place

DECISION REQUIRED



**Horsham
District
Council**

Part Exempt under (Exempt Appendix 1)

Bishopric/Worthing Road and Carfax Public Realm Improvements – Appointment of Consultant and Contractor

Executive Summary

Cabinet, on 26 January 2023, made overall capital provision of £2.638m to enable the design and delivery of public realm schemes in Horsham Town Centre. The Bishopric and Worthing Road scheme will be designed and delivered across 2023 to 2025. The Carfax scheme is for detailed designs to pre-construction level. Future delivery of Carfax scheme will be dependent on securing appropriate funding. Having a 'Shovel Ready' scheme will assist this process.

Officers have progressed the proposals and have considered with the Council's professional advisors, the most appropriate procurement methodology for the schemes.

It is proposed to utilise SCAPE Framework agreements. The frameworks provide a direct award route which is compliant with the Public Contracts Regulations 2015. With the SCAPE Frameworks, consultancy and 'Civils' infrastructure providers will be collaboratively engaged to undertake the work on a design and build basis. SCAPE's primary objectives when procuring its frameworks have always been to drive value for money, whilst securing best practice delivery, via partners who share SCAPE's ethos of collaborative working and supporting local communities.

This report seeks Cabinet's support to award the necessary contracts.

Recommendations

Cabinet is recommended to:

- i) Approve the call-off from the SCAPE Framework agreement to facilitate the delivery of the public realm improvements; and
- ii) Award the contracts to the relevant suppliers named in the SCAPE Framework, and, delegate authority to the Director of Place, in consultation with the Cabinet Member for Horsham Town, to approve the final terms including the contract sums

Reasons for Recommendations

- i) To ensure that the procurement methodology is compliant and to deliver the projects within budget.

Background Papers: Public Realm Strategy 2021

Wards affected: All Wards

Contact: Clive Burley, Corporate Project Manager, 01403 215236

Background Information

1 Introduction and Background

- 1.1 The purpose of this report is to secure Cabinet approval to procuring contracts under the SCAPE Consultancy and Civil Engineering Frameworks to allow for the design and delivery of public realm improvements for the Bishopric / Worthing Road area and to develop detailed designs for the Carfax.
- 1.2 The Bishopric public realm area, including extensions northwards up Springfield Road and southwards down Worthing Road, has deteriorated over the years with pavement areas dug up and being replaced with non-matching materials due to their unavailability and unsuitability to carry sufficient vehicle loadings. Soft landscaping features either in ground or in containers have also degraded over time resulting in a poor public realm environment which does not sufficiently support public and business use.
- 1.3 The Public Realm Strategy was adopted by Cabinet in March 2021 following extensive consultation with the Horsham Town PDAG, Neighbourhood Councils and other local groups. The Strategy identified key intervention areas including Bishopric and Carfax.
- 1.4 Bishopric is the main entrance and arrival space from the west side of town and is the key route to the extended town centre south-west towards John Lewis. The connections between Bishopric via Albion Way and Worthing Road, the west and south-west are poor and need improving. The Bishopric is important for the function of both small- and large-scale activities. However, its current layout is missing structure that allows flexibility of use and ease of movement, particularly on activity days such as the Saturday market.
- 1.5 Cabinet, on 26 January 2023, made overall capital provision of £2.638m to enable the design and delivery of a public realm scheme. The future delivery of the Carfax scheme following detailed design will be dependent on securing future funding provision.

2 Relevant Council policy

- 2.1 Corporate Plan – A Great Place to Live: Both our built and natural environments are highly valued and will be well managed to keep our District an attractive place to live.
- 2.2 Corporate Plan - A Thriving Economy: Towns and villages are lively and welcoming. Implement the Town Centre Vision as supported by the adopted Public Realm Strategy 2021.

3 Details

- 3.1 There is a requirement for the Council to comply with statutory rules on procurement, demonstrate value for money and maintain control over the contract throughout the duration of the project.

- 3.2 The simplest and quickest way to meet these objectives is the early collaborative appointment of Consultants to provide Multi-Disciplinary Services and an Infrastructure Contractor through a recognised, pre-tendered, complaint procurement framework. The benefits of this arrangement are:
- Early establishment of a realistic market informed budget
 - Early contractor design and buildability input
 - Extensive framework legal agreements, including performance management, are in place
 - Over-arching continuous assessment of the contractor by the Framework Management to ensure that service levels are maintained
 - Demonstration of market competitiveness of Preliminaries and Overheads and Profit rates, with a fixed price derived from competitive quotes from trade sub-contractors (unless agreed otherwise)
- 3.3 The SCAPE Framework was utilised for the delivery of Piries Place car park so the Council has good experience from this arrangement. Over 335 public bodies are actively using the SCAPE frameworks at the moment.
- 3.4 Initial pre-engagement meetings have been held with the recommended framework providers and we have established a joint collaborative approach.
- 3.5 The recommended providers who qualify in the Framework are set out in Appendix 1 (Exempt).

4 Next Steps

- 4.1 Proceed with the pre-engagement process to obtain a fixed price and then to enter into contract with the Consultancy and Infrastructure provider.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 As the proposed SCAPE contracts would exceed £250,000 there is a requirement under the Council's Procurement Code to notify the relevant PDAG.
- 5.2 The proposal has been considered by the Horsham Town PDAG on 15 March 2023 which raised no objections.
- 5.3 The comments of the Monitoring Officer, the Director of Resources and the Head of Procurement are incorporated in this report.

6 Other Courses of Action Considered but Rejected

- 6.1 The alternative option would be an open tender exercise which would take much longer to deliver and is not considered to be more beneficial in financial or quality terms.

7 Resource Consequences

- 7.1 The contract will only be entered into if the contract sum is within the approved capital budget.

8 Legal Considerations and Implications

- 8.1 Horsham District Council can call-off from the SCAPE Framework agreement and this call-off will be managed to ensure compliance with the Framework, the Council's Procurement Code and the Public Contract Regulations 2015, where applicable.

9 Risk Assessment

- 9.1 The major risks identified are that the overall contract sum may be higher than the approved budget, in which case the scheme will be value engineered to fit the budget. If that is not possible, without unduly compromising the project schemes, then Cabinet would be asked to consider whether additional funding would be merited. It should be noted that materials costs are volatile and subject to strong inflationary pressures.
- 9.2 To achieve programme, design development would take place alongside the planning and Council approval process, which means that the Council is at risk of abortive design fees if the project fails as a whole or in part, for example, if planning permission is refused.

10 Procurement implications

- 10.1 Under the framework a direct award can be made to a delivery partner based on previous or current experience of successful project delivery and track record in the location or sector in question.
- 10.2 The frameworks have been competitively tendered and are compliant with the Public Contract Regulations 2015 and the Council's Procurement Code.
- 10.3 The Council's Shared Procurement Service have been consulted on the use of the SCAPE framework agreements and are supportive of the approach.

11. Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 There is no adverse impact on human rights or disability access in relation to these proposals and these proposals are considered to be consistent with the Human Rights Act 1998, the Equalities Act 2010 and the relevant Council policies related to them.

12 Environmental Implications

- 12.1 The schemes will be developed in a way that is consistent with the Council's policies on sustainability and biodiversity net gain.