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MEETING:	Cabinet
DATE:	Wednesday, 7 October 2020
TIME:	10.00 am
VENUE:	THIS MEETING WILL BE HELD VIRTUALLY
PUBLIC WEB LINK:	https://barnsley.public-i.tv/core/portal/webcasts

SUPPLEMENTARY AGENDA

Items for Decision/Recommendation to Council

Regeneration and Culture Spokesperson

11. Award of A628 Dodworth Road/Broadway Junction Main Civil Works Contract (Cab.7.10.2020/11) (Pages 3 - 12)
Redacted report provided for information only

To: Chair and Members of Cabinet:-

Councillors Houghton CBE (Chair), Andrews BEM, Bruff, Cheetham, Frost, Gardiner, Howard, Lamb and Platts

Cabinet Support Members:

Councillors Charlesworth, Franklin, Saunders, Sumner and Tattersall

Chair of Overview and Scrutiny Committee
Chair of Audit Committee

Sarah Norman, Chief Executive
Matt Gladstone, Executive Director Place
Melanie John-Ross, Executive Director Children's Services
Wendy Lowder, Executive Director Adults and Communities
Shokat Lal, Executive Director Core Services
Julia Burrows, Director Public Health
Neil Copley, Service Director Finance (Section 151 Officer)
Martin McCarthy, Service Director Governance, Member and Business Support
Garry Kirk, Service Director Legal Services
Michael Potter, Service Director Business Improvement and Communications
Katie Rogers, Head of Communications and Marketing
Anna Marshall, Scrutiny Officer

Corporate Communications and Marketing

Please contact Martin McCarthy on email governance@barnsley.gov.uk

7th October, 2020

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REDACTED VERSION FOR PUBLICATION

BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan

**REPORT OF THE
EXECUTIVE DIRECTOR PLACE**

Award of the A628 Dodworth Road / Broadway Junction Main Civil Works Contract

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is:
- 1.2 to provide cabinet with an update of the progress of the delivery of the approved A628 Dodworth Road / Broadway Junction Improvement scheme (Cab.25.07.2018/15)
- 1.3 to seek approval to award the main civils works contract as outlined in section 4
- 1.4 to seeking additional funding required to support the delivery of the contract and cost increases arising since the inception of the contract

2. RECOMMENDATIONS

- 2.1 It is recommended that Cabinet:
- 2.2 Notes the progress of the delivery of the approved A628 Dodworth Road / Broadway Junction Improvement scheme (Cab.25.07.2018/15)
- 2.3 Approves the award of the main civil works contract outlined in section 4, noting the financial implications (as detailed in Section 7, Financial Implications)
- 2.4 Approves the release of additional monies from the Council's capital reserves (as detailed in Section 7, Financial Implications) to support the delivery of the civil works contract and also accommodate wider project cost increases arising since project approval was granted in 2018.
- 2.5 The Executive Director of Place be authorised to undertake all necessary steps to ensure continued delivery of the scheme.

3. INTRODUCTION

- 3.1 In July 2018, Barnsley Council approved the A628 Dodworth Road / Broadway Junction Improvement scheme (Cab.25.07.2018/15) to address congestion on the

A628 Dodworth Road / Broadway Junction, between the town centre and M1 Junction 37.

- 3.2 On Tuesday, 18th December 2018, the Council's Planning Regulatory Board (PRB) resolved to grant the planning application (Ref - 2018/0965) to make improvements to the A628 Dodworth Road, Broadway junction. Prior to the application being considered by PRB, a request was made to the Secretary of State, to ask him to "call in" the application, meaning that he would become the decision maker. In light of this request, the Council agreed not to issue the decision, pending confirmation from the Ministry of Housing, Communities and Local Government, as to whether or not the Secretary of State has decided to call in the application. Following the Secretary of State's decision not to call in the planning application, the planning decision notice was made public on 18th February 2019.
- 3.3 The approved planning permission for the A628 Dodworth Road / Broadway Junction Improvement scheme include a number the following environmental mitigations including;
- (i) Enhanced Children's Play Area,
 - (ii) New Multi Use Games Area,
 - (iii) Relocation of Outdoor Gym,
 - (iv) Improvements to Pogmoor Recreation Ground and Stock's Lane / Sugden's Recreation Ground
- 3.4 In addition, the noise impact on residential amenity was outlined in the planning Regulatory Board report. The Noise Assessment showed that in the vast majority of cases the increase in noise levels predicted by the scheme was generally considered to be negligible or minor in terms of impact. However there are 56 properties, on Dodworth Road/ Pogmoor Road that are already adversely affected by noise levels, so even a minor increase in noise levels could be considered as significant. It was therefore agreed that for these 56 properties a noise insulation scheme would be provided to the affected facades in line with the Noise Insulation Regulation package of measures (supplementary to any duty or power afforded to BMBC to provide noise insulation to eligible buildings under the Noise Insulation Regulations).

4. PROPOSAL AND JUSTIFICATION

- 4.1 The proposal is for the council, to release the required capital reserves required to enable the award of the main civils works contract and to ensure delivery of the additional approved enhancements to complement the approved scheme A628 Dodworth Broadway Junction Improvement Scheme.
- 4.2 The following timeline provides a brief provide a recap to cabinet on the approval and delivery of the scheme:

January 2018	The M1 Junction 37 Phase1 business case seeking a contribution of £1.171m SCRIF from Sheffield City Region was approved.
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July 2018	Barnsley Council's Cabinet approved the A628 Dodworth Road / Broadway Junction Improvement Scheme
February 2019	Following due process, the Planning determination notice was published.
July 2019	Following due process, Appropriation of the land was approved (Cab.10.7.2019/6).
24th July 2019	Special Scrutiny Committee held, where it was resolved that the scrutiny supports the Cabinet's original decision, and this decision can be implemented from the date of the Scrutiny Committee.
Dec 2019	The Council temporarily closed Penny Pie Park to the general public for the duration of the construction works to facilitate and construction the A628 Dodworth Road/ Broadway Junction Improvement scheme. Due to the potential threat of disruption and health and safety concerns for workforce and general public, it was necessary to erect Hoard-It perimeter fencing, CCTV and to appoint a specialist security firm.
Dec 2019 Jan / Feb 2020	Works to remove and relocate affected trees were carried out.
February 2020	Following a procurement exercise, GDC were awarded the Ground Stabilisation Works contract and in line with corporate procurement rules Abbeydale were appointed to manage the works contract.

4.3 Cabinet are reminded that cost estimates for the scheme were carried out in 2017/2018 to inform the Sheffield City Region Business Case and Barnsley Council approvals in 2018. This estimate included a 15% contingency. Since the approval of the initial scheme in 2018, the scope of the scheme has expanded to include;

- (i) An enhanced landscaping brief along with additional off-site mitigations (including play area enhancements to Stocks Lane play area and improvements to Pogmoor Recreation ground) cost estimate approx. £700k. A progress update is provided in section 4.4 to 4.12 of this report.
- (ii) A noise insulation scheme for the 56 properties identified as part of the planning condition which is required to be approved by planning prior to works commencing on the existing highway. Costs estimates in the region of [REDACTED] for a noise insulation scheme for 56 properties as per planning condition. A progress update is provided in section 4.13 to 4.15 of this report.
- (iii) Ground Stabilisation works, which were required following the detailed ground investigation work (bore hole testing) undertaken. The ground stabilisation works contract is now complete with an expected outturn cost circa [REDACTED] based on the amount of actual grouting materials having to be pumped into the cavities underground.

- (iv) Extensive security measures required to take possession of, and secure the site until completion of the scheme, costing in the region of £290k.

Environmental Mitigations Update

- 4.4 **Enhanced Children's Play Area:** The provision and installation of the enhanced children's play area, will be coordinated by Barnsley BMBC Parks Services working alongside the main civils works contract.
- 4.5 **New Multi Use Games Area:** The provision and installation of the new multi-use games area will be coordinated by Barnsley BMBC Parks Services working alongside the main civils works contract.
- 4.6 **Relocation of Outdoor Gym:** The relocation of the outdoor gym is being coordinated by Barnsley BMBC Parks Services. The outdoor gym has been removed from its current location, this has been serviced and is currently in storage. This will be installed in its new location alongside the main civils works contract.
- 4.7 **Relocation of the multi-use games area:** The relocation of the multi-use games area has been coordinated by Barnsley BMBC Parks Services with the equipment being refurbished, resized and relocated to Church View Road, Penistone.
- 4.8 **Relocation of the climbing frame:** The relocation of the climbing frame has been coordinated by Barnsley BMBC Parks Services and has been refurbished and installed at Merrill Road, Thurnscoe.
- 4.9 **Relocation of the double bay swings:** The relocation of the double bay swings has been coordinated by Barnsley BMBC Parks Services and has been relocated to Carrfield Recreation Ground, Goldthorpe.
- 4.10 **Miscellaneous spring / bouncy toddler equipment:** The relocation of the smaller items, has been coordinated by BMBC Parks and has been relocated to Scholars Gate play area, Royston.
- 4.11 **Improvements to Pogmoor Recreation Ground and Stock's Lane / Sugden's Recreation Ground** Improvements to Pogmoor Recreation Ground and Stock's Lane / Sugden's Recreation Ground have been coordinated by BMBC Parks Services. These works include the following:
- i. 30 native species planted at Pogmoor Recreation Ground in February 2020
 - ii. New flexi pave footpath installed on Pogmoor Recreation Ground between St. Owens Drive and Glendale Close which completed in February 2020
 - iii. A new storage unit placed on Pogmoor Recreation Ground for the football team to utilise as well as benches and dog fouling bins installed in Autumn 2019
 - iv. Bulbs (crocus/daffodils) will be planted on Pogmoor Recreation Ground on Stocks Lane along with the new footpath and banking will be completed Autumn 2020.

- v. Sugden's Recreation Ground on Stocks Lane will be upgraded from an EPA (Equipped Play Area) to a NEAP (Neighbourhood Equipped Play Area) which has a wider catchment area of 1000m, as oppose to 400m and has additional 5 new pieces of equipment from 3 to 8 equipment pieces is due to be completed Summer 2021.

4.12 In addition, it is envisaged that BMBC's Neighbourhood Services will also be responsible for coordinating and delivering the soft landscaping enhancements i.e. tree / shrub planting alongside the main civils works contract

Noise Insulation Scheme Update

- 4.13 As referenced in section 3.4, the council are required to develop a noise insulation scheme for 56 properties identified as part of the planning condition which is required to be approved by planning prior to works commencing on the existing highway.
- 4.14 Work has been ongoing with noise consultants to draft a scheme setting out the procedures to be applied in contacting affected residents, identifying eligible rooms, scoping the required noise insulation measures and arranging installation. A draft specification is also being provided to assist BMBC in the procurement of a specialist contractor to implement the scheme. Any mitigation measure would be subject to acceptance by the owner of the property. Where the owner accepts the offer on the basis that they do not already have higher specification noise attenuation, the proposal would result in an improvement in noise levels internally to the properties already adversely affected by high noise levels.
- 4.15 The approximate costings for the delivery of the noise insulation scheme for the 56 properties are included in the revised scheme delivery budget and outlined in the section 7 financial implications. The delivery of the scheme for the 56 properties will be considered under the terms of the Barnsley Contract Procedure rules. Consideration will be given as to whether the works, services or goods can be provided in-house, subject to value for money considerations, or whether it is necessary to seek tenders for any aspect of the project and appoint the successful tender on the basis of most economically advantageous bid.

Main Civils Works Contract Update

- 4.16 A pre-qualification questionnaire (PQQ) for the main civil works was issued on Yortender, 22 companies expressed an interest in the scheme and returned completed PQQ's. These were assessed against shortlisting criteria, and 9 companies were selected to bid for the main civils works contract.
- 4.17 The closing date for tenders to be returned was Friday 7th August 2020. 9 tenders were returned. These were assessed by the tender evaluation panel against a 90%/10% Price / Quality split criteria.
- 4.18 Following the completion of the tender evaluation, the preferred contractor has been identified.

- 4.19 The construction contract is awarded as an NEC option 3 contract. The **NEC Option C** is a target cost contract with activity schedule where the out-turn financial risks are shared between the client and the contractor in an agreed proportion. Defined Costs (or actual costs) are assessed by the Project Manager during the course of the works by auditing the Contractor's accounts. Civil engineering projects are extremely difficult to define in a way to remove 100% of risk and as a result the contract needs to provide the Project Manager with a mechanism to change the works information. This will often result in a Compensation Event. Compensation events are events which are usually not the fault of the contractor and change the cost of the work, or the time needed to complete it. As a result, the prices, key dates or the completion date may be reassessed, and in many cases the contractor will be entitled to more time or money.
- 4.20 The target price submitted by the preferred tenderer has been used to update the overall cost estimate for the delivery of the A628 Dodworth Road / Broadway Junction Improvement scheme.
- 4.21 The financial implications are detailed in Section 7 of this report, which includes a comparison of the 2017/2018 original cost estimate against the revised 2020/2021 forecast expenditure at section 7.5. Cabinet are requested to note the financial implications and to authorise the additional resources required to enable the Main Civils Works contract to be awarded to the preferred bidder.

5. CONSIDERATION OF ALTERNATIVE APPROACHES

- 5.1 A number of alternative options to address the congestion issues were detailed in the approved A628 Dodworth Road / Broadway Junction Improvement scheme report (Cab.25.07.2018/15), the preferred option has been agreed.
- 5.2 In order to address budget constraints a number of small non-material amendments have been approved in relation to the landscaping brief but these have not determined the overall scope of the park enhancements.

6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

- 6.1 One of the Council's key priorities is to create a thriving and vibrant economy, create more and better jobs, good business growth, and to connect local people with these opportunities.
- 6.2 The delivery of the proposed scheme ensures the facilitation of employment and housing opportunities identified in the existing Core Strategy, contributing to the provision of employment land to attract new investment and / or allowing existing businesses to stay in the area and expand.
- 6.3 The delivery of any highway improvement scheme will impact on the road users during construction. However, once completed, the scheme will:
- reduce congestion and queue lengths leading to time saving benefits for road users;
 - improve safety in the vicinity of Horizon Community College;
 - improve cycling and walking routes in the vicinity and

7. FINANCIAL IMPLICATIONS

- 7.1 Consultation on the Financial Implications of this report has taken place with representatives of the Service Director (Section 151 Officer) Finance.
- 7.2 Members are asked to note that this project was originally allocated a total budget of £4.395m; comprising £2.181m from BMBC Capital Reserves and £2.214m secured via Sheffield City Region.
- 7.3 To date £2.970m of this budget has either been spent or is fully committed leaving a balance of £1.425m remaining from the original budget allocation.
- 7.4 The residual balance however is insufficient to complete the project due to the cost of the civils contract and also project costs increases (paragraph 4.3 above referring to the latter). Cabinet approval is therefore being sought to release capital reserves with a total value of £3.053m for the following purposes:
- [REDACTED] required to support the 'contract price' bid from preferred contractor for delivery of civil works.
 - [REDACTED] to cover off those costs increases arising since scheme approval in 2018 that cannot be contained within the existing budgetary approvals.
- 7.5 Approval of this funding will increase the total budget required to complete the project from £4.395m to £7.448m with spend falling across the following key areas:

Cost Breakdown	2017 Estimate	2020 Costings	Variance
Civil Works	[REDACTED]	[REDACTED]	[REDACTED]
Signals	£ 430,000.00	£ 368,745.52	- £ 61,254.48
Security		£ 297,000.00	£ 297,000.00
Fencing	£ 45,000.00	£ 150,000.00	£ 105,000.00
Landscaping	£ 200,000.00	£ 704,014.46	£ 504,014.46
Stats	£ 350,000.00	£ 623,954.01	£ 273,954.01
Contingency	£ 571,185.00		- £ 571,185.00
Ground Stabilisation	[REDACTED]	[REDACTED]	[REDACTED]
AQMA Station Relocation	£ 5,000.00	£ 8,000.00	£ 3,000.00
Planning Condition for Noise Insulation Scheme (56props)	[REDACTED]	[REDACTED]	[REDACTED]
Fees	£ 303,637.00	£ 396,602.43	£ 92,965.43
Total	£ 4,395,258.00	£ 7,448,258.00	£3,053,000.00

- 7.6 As per above, the preferred bid for the civils work contract has come in with a 'target price' of [REDACTED]
- 7.7 By its nature a 'target price' contract, typically used for engineering works contracts, brings with it an element of uncertainty around costs. This is due to the fact that a mechanism exists within the contract to provide for where a "compensation event" occurs during contract delivery.
- 7.8 This is essentially an event beyond the control of the contractor for example delays caused by a third party engaged by the Council that impact adversely on the contractor's project delivery costs. Under the terms of a 'target price' contract the contractor may be seek compensation from the Council
- 7.9 Similarly, where the Council is able to identify efficiencies within the contract and the contractor agrees to those efficiencies there exists a mechanism/incentive to "share" the savings achieved with the contractor and drive costs down for both parties.
- 7.10 Uncertainties round cost will be mitigated by robust contract management supported by detailed project monitoring & forecasting processes in order to ensure that any issues around cost behaviour are identified and considered as appropriate on an ongoing basis through normal budgetary procedures.
- 7.11 In addition to the funding required to support the civil works contract a further [REDACTED] is being sought to cover off those costs increases arising since scheme approval in 2018 that cannot be contained within the existing budgetary approvals. Examples of these costs are provided at paragraph 4.3.
- 7.12 [REDACTED]

8. EMPLOYEE IMPLICATIONS

- 8.1 There are no issues arising directly from this report.

9. COMMUNICATIONS IMPLICATIONS

- 9.1 A robust communications plan has been developed with representatives from Executive Director of Core Services. This is reviewed continually throughout the delivery of the project to ensure that timely and accurate information is provided through appropriate press releases via local press, social media/website updates, local member briefings, public information events and engagement with key stakeholders.

10. CONSULTATIONS

- 10.1 Throughout the development of the A628 Dodworth Road/ Broadway Junction Improvement Scheme discussions have been held with local members, the local Member of Parliament and Highways England. The need for the highway improvement scheme is acknowledged and supported.

- 10.2 Public information and stakeholder events have taken place as part of the statutory planning and land appropriation process regarding the Highway improvement scheme.
- 10.3 Consultation has taken place with representatives of Core Services Directorate regarding the financial implications, asset management and risk management issues.
- 10.4 Consultation has taken place with representatives of Communities Directorate, Core Services Directorate and Place Directorate regarding the greenspace implications and potential compensatory measures.

11. THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK

- 11.1 This report contributes to the delivery of the overarching '**Thriving and Vibrant Economy**' priority set out in the Council's Corporate Plan 2015 - 2018.
- 11.2 In the short term the delivery of the proposed scheme will assist with delivering the council's Core Strategy, which forms part of the current development plan for the borough until 2026, and the following outcomes;
- Create more and better jobs and good business growth; and
 - Create more and better housing.
- 11.3 In the longer term, the scheme will be designed to ensure it has the capacity to deal with the proposals contained within the emerging Local Plan which will supersede the Core Strategy if adopted, and will also provide better access to the redeveloped Town Centre from the M1 and western side of the borough, contribute delivering the following outcomes:
- Develop a vibrant Town Centre, and
 - Strengthen our visitor economy.

12. PROMOTING EQUALITY, DIVERSITY AND SOCIAL INCLUSION

- 12.1 Better connectivity, affordable and inclusive travel, a cleaner environment and a healthier population are all key aims of the Barnsley Transport Strategy 2014 – 2033.
- 12.2 The proposed scheme supports the principles of the Barnsley Transport Strategy 2014 – 2033, and once completed will provide better connectivity and opportunities for local people to access work and assisting in addressing social exclusion.

13. RISK MANAGEMENT ISSUES

- 13.1 The project benefits from a detailed risk register which is reviewed on a regular basis by officers and the Council's Risk and Governance Manager .
- 13.2 A project risk register has been developed, and risks relating to funding, consultation and traffic management issues as a result of the development have been identified. It is envisaged that once approval is given to go ahead with a more

detailed scheme design, a detailed project risk register will be produced which will become a valuable governance tool for the Strategic Sites Board.

14. HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES

14.1 Health and Safety issues will be identified during scheme preparation and addresses as part of the Construction (Design and Management) Regulations 2015.

15. COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

15.1 The delivery of the proposed scheme does not require private property rights. The rights of individuals are safeguarded through the statutory planning process of securing planning consent and authority to modify the highway network.

16. CONSERVATION OF BIODIVERSITY

16.1 All relevant ecological, noise and air quality surveys that are required to feed in to the statutory processes have been completed ensuring that any issues that have been identified have been be fully considered.

17. LIST OF APPENDICES



18. BACKGROUND PAPERS

A628 Dodworth Road / Broadway Junction Improvement approved Cabinet report (Cab.25.07.2018/15)

A628 Dodworth Road / Broadway Junction Improvement Planning Application Reference: 2018/0965

Appropriation of Land at Penny Pie Park for Highway Purposes approved Cabinet report (ref Cab.10.07.2019/4) approved at Scrutiny Committee 24.07.2019.

If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made

Financial Implications/Consultation

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*(To be signed by senior Financial Services officer
where no financial implications)*