

Birmingham City Council

Report to Cabinet

26th April 2022



Subject: HS2 CURZON STATION ENHANCED PUBLIC REALM SCHEME - FULL BUSINESS CASE

Report of: DIRECTOR OF PLANNING, TRANSPORT AND SUSTAINABILITY

Relevant Cabinet Member: Councillor Ian Ward, Leader of the Council
Councillor Waseem Zaffar – Transport and Environment
Councillor Tristan Chatfield, Finance and Resources

Relevant O &S Chair(s): Councillor Saima Suleman, Economy and Skills
Councillor Mohammed Aikhlaq, Resources

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Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Nechells,		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 009716/2022		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

1 Executive Summary

- 1.1 The arrival of HS2 into Birmingham city centre in 2029 is a once in a generation opportunity to drive growth in the city. In order to maximise the economic benefits the City Council launched the Curzon Masterplan in 2015, which included a number of 'Big Moves' to ensure the new HS2 Curzon Station delivered a world

class design that maximises the connectivity for pedestrians and public transport in and around the station within a high-quality public realm environment.

- 1.2 On 18th July 2019 the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) approved an Outline Business Case (OBC), conditionally allocating the City Council £26.172m of Enterprise Zone (EZ) funding to deliver the preferred option for enhancing public realm surrounding the new HS2 station, subject to the approval of a compliant Green Book Full Business Case (FBC). This budget was approved by Cabinet on the 29th October 2019.
- 1.3 Following the subsequent submission and independent appraisal of a Green Book Compliant FBC, on the 24th March 2022, the GBSLEP approved the Curzon Station Enhanced Public Realm FBC at a total estimated cost of £32.539m, at Appendix 2. This includes £2.219m of previously approved development funding and £3.751m of maintenance costs required over a 30-year period from 2029 following scheme completion. The increase in costs from OBC to FBC is primarily due to the impact of HS2 being delayed and associated inflation.
- 1.4 The design and construction of the HS2 scheme is incorporated into the wider Curzon Station works and will be delivered by HS2 Ltd. The City Council will enter into single contractor negotiations with HS2 Ltd to deliver the public realm improvements. The scope and specification of the works will be set out in an agreement between both parties before works commence.

2 Recommendations

- 2.1 Approves the Full Business Case for the HS2 Enhanced Public Realm Scheme (attached at Appendix 1) at a total estimated cost of £32.539m funded from Greater Birmingham and Solihull Local Enterprise Partnership Enterprise Zone (EZ) grant and Community Infrastructure Levy (CIL)/Section 106 contributions.
- 2.2 Accepts total capital grant from the GBSLEP for up to £28.788m to deliver the HS2 Enhanced Public Realm Scheme and delegates authority to the Director of Planning, Transport and Sustainability to enter into a Funding Agreement, subject to the terms and conditions set out in the offer letter being acceptable to the Council.
- 2.3 In its role as Accountable Body for the GBSLEP, approves City Council Prudential Borrowing of an additional £26.569m to fund the delivery of the HS2 Enhanced Public Realm Scheme. £2.219m having been approved previously for development work.
- 2.4 Under Standing Order Part D2.5, approves the commencement of single contractor negotiations by the Head of Curzon and Enterprise Zone with HS2 Ltd. who are responsible for the delivery of the HS2 Curzon works, for the value of up to £26.569m to undertake the full design and delivery of public realm enhancements, subject to the following conditions;
 - 2.4.1 produce detailed design to discharge the Schedule 17 and the Town and Country Planning Application landscape conditions;

2.4.2 construct the agreed design within the capped grant as per the GBSLEP FBC and Funding Agreement.

- 2.5 Delegates the authority to award the contract for the full design and delivery of the public realm enhancements following the successful completion of the negotiations to the Director, Planning, Transport and Sustainability, the Interim Assistant Director, Procurement (or their delegate), the Chief Finance Officer (or their delegate) and the Acting City Solicitor & Monitoring Officer (or their delegate).
- 2.6 Notes that following implementation of the scheme, the City Council will be responsible for the ongoing maintenance of the public realm and new areas of planting at a cost of £3.751m over a 30-year period funded from CIL/Section 106 contributions.
- 2.7 Authorises the Acting City Solicitor & Monitoring Officer to negotiate, execute seal and complete all necessary documents in connection with the above recommendations.

3 Background

- 3.1 In February 2014, the City Council launched the Curzon Masterplan as part of the wider HS2 Midlands Growth Strategy to maximise the economic impact of HS2. The Masterplan sets out how the arrival of HS2 will unlock growth and regeneration opportunities around the terminus station. Covering 141 hectares centred around the HS2 Curzon Station, the strategy of the Masterplan is to deliver a fully integrated and connected world class station which will support growth and regeneration for the city centre and wider area. This will be achieved through the delivery of five 'Big Moves'.
- Station design to create a landmark building and arrival experience;
 - Paternoster Place;
 - Curzon Promenade and Curzon Square;
 - Station Square and Moor Street Queensway;
 - Curzon Station Metro Stop;
- 3.2 On 20th September 2016 the City Council approved the Curzon Investment Plan, which sets out a £724m programme of local infrastructure over and above the investment by HS2, included the allocation of additional EZ funding to assist with the delivery of the Big Moves and maximise the impact of HS2 arrived in the region.
- 3.3 Following the launch of the Curzon Masterplan, the Department for Transport (DfT) agreed a number of assurances with the City Council to address concerns that the design of the station, as proposed in the HS2 Hybrid Bill, did not meet the Council's objectives around connectivity and integration. Since then, the City Council and HS2 Ltd have been working collaboratively to develop the design and ensure the station and associated public realm meet the objectives for the Masterplan.

- 3.4 The Big Moves for the public realm at Curzon Promenade and Square and Paternoster Place are not included within the HS2 Act and therefore additional funding is required to meet the extra costs incurred by HS2 Ltd over and above the cost of the scheme set out in the HS2 Act. The Curzon Investment Plan identified an overall indicative funding requirement of £60m to deliver these projects, which was based on high level cost estimates commissioned as part of the baseline studies for the Curzon Masterplan. Of that figure, £40m was identified for the HS2 Curzon Station Enhanced Public Realm.
- 3.5 On the 13th September 2017, the City Council approved £0.550m to deliver 'Phase One' of the design of Paternoster Place, Curzon Promenade, Curzon Square and the Curzon Canalside, which included concept design to RIBA 2 to select a single option for each project. Subsequent approval was gained for £0.895m in June 2019, for the 'Phase 2' design of the HS2 Birmingham Curzon Station Public Realm which included full scheme design to RIBA 3. Phase 1 and 2 have been completed and Schedule 17 and Town and County Planning Act consents have been granted for Curzon Public Realm and Paternoster Place.
- 3.6 The Enhanced Public Realm Outline Business Case (OBC), was approved by GBSLEP on 18th July 2019, conditionally allocating the City Council £26.172m of EZ funding to undertake the delivery of the preferred option for the public realm, which included funding already approved for the design work, planning and procurement. To support the preparation of the FBC the GBSLEP EZ OBC approval included the award of £0.222m of development funding for BCC legal, project management and planning and design costs. Cabinet accepted the OBC award of funding on the 29th October 2019. The funding required a compliant full business case (FBC) to be developed in line with HM Treasury's best practice 'Five Case Model'.
- 3.7 In 2019, HS2 commenced a single stage procurement process to appoint their main works contractor. Following a period of market testing, a decision was made to adopt a revised procurement approach which consists of a two-stage contract model with the aim of reducing Tenderer pricing risk and facilitating a collaborative approach to setting the target price. In July 2020 HS2 launched a competitive, Invitation to Tender (ITT) to appoint a main works contractor for Curzon Station and the surrounding public realm. In May 2021 HS2 confirmed the appointment of Mace Dragados Joint Venture (MDJV) as the single successful contractor to enter into Stage 1. This initial stage has included further work to support the FBC including; design validation, identification of construction risks and opportunities, the development of the construction programme, the identification of key supply chain partners and the development of an agreed target price. In February 2022, the GBSLEP and City Council approved an additional development budget of £0.551m to support this additional stage of work.
- 3.8 Following the submission and independent appraisal of a Green Book Compliant FBC, on the 24th March 2022 the GBSLEP Board approved the Curzon Station Enhanced Public Realm FBC at a total estimated cost of £28.788m, as detailed within the GBSLEP grant offer letter at Appendix 2. The increase of £2.616m

compared to the OBC estimate of £26.172m is primarily due to the impact of HS2 being delayed and associated inflation. However, despite the increased cost, the GBSLEP still consider that represents good value for money in terms of the benefits of this project. In addition, the works will generate a number of benefits including 1,717 of net additional attributable jobs and £452.25m of net additional attributable cumulative GVA. The scheme is also expected to generate additional Business Rates income by enabling key commercialisation investments; improving the values of development located around and in proximity to the scheme whilst also increasing the occupancy rates of these developments. Based on these assumptions, it is estimated that an uplift of £54.42m of additional business rates income would be attributable to the Curzon Station Enhanced Public Realm scheme.

3.9 The Department of Transport (DfT) requires that HS2 Ltd do not incur additional maintenance costs for areas of Council owned land which are located outside of the HS2 Curzon Station boundary or enhanced materials beyond HS2's base scope. Therefore, it will be the responsibility of the City Council to undertake a full range of services necessary to maintain the enhanced assets to appropriate standards. A revenue cost of £3.751m for ongoing maintenance over a 30-year period has been estimated based on HS2 Ltd's life cycle cost analysis for City Council public realm enhancements commencing 2029 when construction is completed. This will be funded from future CIL or S106 monies, and/or a potential master development partner secured through HS2's Commercialisation Strategy which is currently being prepared.

3.10 The GBSLEP EZ capital grant will enhance HS2's base scheme, ensuring the benefits of the station are fully realised. Proposals are detailed in the FBC (Appendix 1), and are summarised below:

- **Paternoster Place** – Improvements will see the creation of a gateway into Digbeth to open-up the regeneration potential of this area, bringing activity and investment to Enterprise Zone sites and helping to realise the potential of the underutilised land and buildings.

The proposals for Paternoster Place seek to provide a partial bridging of the West Coast Mainline adjacent to the existing Park Street bridge. Creating a wide, attractive and improved pedestrian link between Curzon Station and Digbeth, with increased dedicated cycle facilities, additional seating and planted areas.

- **Curzon Promenade and Curzon Square** - celebrating the view of the former Curzon Street Station, Curzon Promenade will become an extension of Eastside City Park as a pedestrian plaza enlivened with new shops and cafes built into the façade of Birmingham Curzon station. The project will include works outside of the red lined HS2 base scheme, as well as enhancements to the HS2 proposed base scheme including a material uplift, enlarged rain garden areas, additional low-level accent lighting integrated within the urban realm furniture, rain gardens, along the bus route and secondary paths.

It is intended to extend the new urban realm up to the kerb line of the future bus-way, incorporating connections to the new bus and SPRINT stops north of Curzon Promenade and the proposed Midland Metro BEE route. These

connections will allow for a transformation of public transport links into Eastside, Digbeth and ultimately to regeneration opportunities in the east of the City.

Curzon Square also brings an extension of the base scheme proposals across the interface area between Eastside City Park and New Canal Street Square; Introducing a series of planted wet/dry rain garden spaces, seating areas, footpath connections and tree planting in an area that is to be retained as open lawn in the base scheme. Plans also extend the existing event space within the Eastside City Park.

3.11 Timescales

Key milestones for the Curzon Station Enhanced Public Realm scheme are summarised below:

Task	Start Date	Completion Date
Stage 1: Target Cost for FBC completed	June 2021	January 2022
Stage 1: GBSLEP / BCC approvals and legal agreement with HS2 for the enhanced public realm scheme	January 2022	May 2022
Stage 2: Main station design (including public realm)	June 2022	May 2024
Stage 2: Main station construction	January 2025	February 2029
Stage 2: Curzon Square Enhanced Urban Realm landscaping	January 2027	May 2027
Stage 2: Paternoster Place design and construction	April 2022	May 2027
Stage 2: Curzon Promenade Enhanced Urban Realm landscaping	January 2027	August 2027
Stage 2: Curzon Street Station operational		2029

4 Options Considered and Recommended Proposal

- 4.1 Option 1 Business as Usual (Do Nothing) – under this option, only the HS2 baseline scheme would be delivered. While this would create a high-quality environment, opportunities to maximise the strategic impact of the HS2 station would not be realised. In particular, it would fail to secure high quality links to strategically important developments sites within Digbeth. In addition, the integration with existing public realm and key institutions to the north of the station would be of a lower quality.
- 4.2 Option 2 Curzon Promenade and Curzon Square – this option includes works to extend the baseline public realm scheme beyond the HS2 land to enhance integration and linkages along the corridor to the north of the station. Under this option, no enhancement works would be progressed at Paternoster.

- 4.3 Option 3 Paternoster (medium corner chamfer), Curzon Promenade and Curzon Square – in addition to the works proposed under Option 2, this option would support the creation of enhanced linkages to Digbeth. The delivery of a medium chamfer would further support HS2's commercialisation opportunities, with emerging proposals for a 40,000sqm office scheme fronting onto Station Square.
- 4.4 Option 4 Paternoster (large corner chamfer), Curzon Promenade and Curzon Square – this option would enhance linkages with the Digbeth area. However, the chamfer would not be expected to promote the HS2 commercialisation opportunity.
- 4.5 As part of the FBC development, a detailed cost benefit analysis has been undertaken for each of the options (see 2.3.1 within Appendix 1). The methodology used is consistent with the HM Treasury's Green Book (April 2018) and MHCLG's Appraisal Guide (December 2016) which sets out that projects should be appraised on the basis of a benefit cost ratio (BCR) reflecting the private benefit associated with the change in land use (land value uplift) and the external benefits (and costs) of the scheme, compared to the net public sector cost. Option 3 was chosen as the preferred option as provides the greatest scheme benefits and the highest BCR and is therefore deemed to be best value for money.

5 Consultation

- 5.1 The objectives and priorities for the public realm projects at the HS2 Curzon Station were set out in the Curzon Masterplan which was developed based upon extensive public consultation and was approved by Cabinet on 27th July 2015.
- 5.2 Throughout the development of the FBC, two-weekly Enhanced Urban Realm Working Group meetings have taken place with HS2 Ltd and their contractor MDJV. This forum will continue to meet on a regular basis throughout the life of the project.
- 5.3 Additionally, consultation takes places with wider stakeholders on a monthly basis through the Curzon Station Working Group, membership of which includes HS2 Ltd, Historic England, Canal and River Trust, Birmingham City University and the West Midlands Combined Authority.
- 5.4 Detailed engagement is ongoing with Network Rail to work through their Consents process.
- 5.5 Members of the GBSLEP support the recommendations of this report and provided approval of the FBC at the GBSLEP Board on the 24 March 2022.
- 5.6 Additionally, consultation on the Curzon Station scheme has been undertaken through the formal planning process as part of the approval of the Schedule 17 application and the Town and County Planning Act application for Paternoster Place.
- 5.7 Consultation and engagement is ongoing with the public and will continue throughout the construction of the station.

6 Risk Management

- 6.1 An extensive risk register is included within Annex E5 of the attached FBC (see Appendix 1) which highlights the scheme's strategic risks. Risks have been collaboratively developed and agreed by HS2, their contractor MDJV and the City Council. The risk register is supported by a Quantitative Cost Risk Analysis (QCRA) which has been used to estimate an appropriate level of cost contingency to supplement the project estimate, providing confidence that the budgetary allowance will not be surpassed. The City Council have allowed costs in the overall budget to appoint a dedicated risk manager to ensure that any requests to use the funding from the project's risk allowance are deemed appropriate.
- 6.2 The top three risks and mitigations are set out in Table 1 below.

Table 1

Risk	Mitigation
Costs exceed the GBSLEP grant amount	<p>A robust process is in place to ensure no cost overruns.</p> <p>Target costs have been developed by HS2's main works contractor and estimating team and subsequently assured by the HS2 Curzon Street team, including commercial and project management reviews.</p> <p>The probability of this risk has been assessed and a robust and costed risk allowance is in place to mitigate any cost increases.</p>
Bridge decking which will be constructed as part of the Paternoster Place element including Network Rail approval, ownership, possessions, and OLE and signalling being more complex than envisaged.	<p>As part of the scheme development engagement with Network Rail is ongoing. HS2 are working through Network Rail's Consents process.</p> <p>Following OBC approval, Network Rail has provided in principle approval for the works.</p> <p>The probability of this risk has been assessed and a robust and costed risk allowance is in place to mitigate any cost increases.</p>
Unidentified ground constraints - There is a risk that the ground conditions/utilities encountered are not as anticipated	Detailed surveys have been undertaken and the site has been fully prepared, including utility diversions, for construction by HS2's early works contractor.

	The probability of this risk has been assessed and a robust and costed risk allowance is in place to mitigate any cost increases.
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7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.1.1 The proposals set out in this report will support the City Council's key policies and priorities as set out in the City Council Plan and Budget 2021 – 25 (as updated in February 2021):

- *An entrepreneurial city to learn, work and invest in.*
 - *An aspirational city to grow up in.*
 - *Birmingham is a fulfilling city to age well in.*
 - *A great city to live in.*
 - *A city that takes a leading role in tackling climate change.*
- **Birmingham Transport Plan 2031 (2020)** – The Curzon Station Enhanced Public Realm proposals align with the “Transforming the city centre” ‘Big Move’ as they will encourage the use of public and active transport modes when accessing and egressing Curzon Station, as opposed to vehicle use, by creating pedestrian and cycle friendly spaces outside the station which are integrated with the public transport network.
- The plan also highlights that a complementary package of connectivity improvements to HS2 will be needed to ensure that the benefits of HS2 are spread wide driving further economic growth and generating more employment opportunities. The Curzon Station Enhanced Public Realm proposals form part of this package of complementary HS2 connectivity proposals.
- **Birmingham Development Plan (BDP) 2031** – The project will help to deliver the following objectives:
 - To provide high quality connections throughout the city and with other places including encouraging the increased use of public transport, walking and cycling;
 - To create a more sustainable city that minimises its carbon footprint and waste, and promotes brownfield regeneration while allowing the city to grow;
 - To encourage better health and well-being through the provision of new and existing recreation, sport and leisure facilities linked to good quality public open space;
 - To protect and enhance the city's heritage assets and historic environment;
- **Big City Plan (BCP) (2011)** – The project will help to deliver upon the aspirations set out within the BCP by creating sustainable connections to

key growth areas in the city core and encouraging further investment and subsequent footfall to new and existing sites within the vicinity of Curzon Street Station.

- **Route to Zero Commitment** - The scheme supports the additional Climate Change Commitments agreed by Cabinet on 30th July 2019 following the motion on Climate Emergency passed at the full City Council meeting of 11th June 2019, including the aspiration for the City Council to be net zero-carbon by 2030.
- In January 2022, HS2 confirmed their commitment for HS2 trains to be zero-carbon from the outset, driving the government's goal to make HS2 net zero from 2035. As part of the drive to net zero, HS2 construction sites are also planned to be diesel-free by 2029, and emissions from steel and concrete used in building the railway cut by half by 2030.

7.1.2 Birmingham Business Charter for Social Responsibility (BBC4SR):

HS2 Ltd is an accredited signatory to the BBC4SR and will be required to produce commitments from their supply chain proportionate to the value of this contract agreed prior to the award approval. The final actions will be negotiated to support disadvantaged groups in the locality of the works which will be monitored and managed throughout the contract period.

7.2 Legal Implications

- 7.2.1 The City Council carries out transportation, highways and infrastructure Works under the relevant primary legislation including the Town and Country Planning Act 1990, Highways Act 1980, Road Traffic Regulation Act 1984, Traffic Management Act 2004, Transport Act 2000, and other related regulations, instructions, directives, and general guidance.
- 7.2.2 The Local Government Finance Act 2012 supports the development of Enterprise Zones by enabling Local Authorities to borrow for capital schemes against projected growth in business rates income. The Act allows the City Council, on behalf of the GBSLEP, to retain 100% of business rates income from within the Enterprise Zone.
- 7.2.3 The City Council has under Section 1 Localism Act 2011, a general power of competence under which it can procure services from third parties which will or are likely to benefit the authority, its area or persons resident or present in its area.

7.3 Financial Implications

Capital Costs

- 7.3.1 The FBC estimates a total cost of £32.539m, comprising £28.788m of capital costs and £3.751m of revenue costs over a 30year period for ongoing maintenance. The GBSLEP Board have approved a capital grant

of £28.788m to fund the capital expenditure and the ongoing revenue cost will be funded through future CIL and S106 funds. In its Accountable Body role, the City Council has previously approved prudential borrowing of £2.219m to fund the GBSLEP capital grant and now requires approval for additional prudential borrowing of £26.569m to bring the total up to £28.788m.

7.3.2 The table below summarises the costs.

Capital Costs	£'m
Development costs to date	2.408
Total public realm works costs (20/21 prices) including contingency	18.112
Inflation (up to 2027)	4.671
Design	0.438
HS2 fees (covers legal, core project team pre-construction and during construction)	2.559
BCC Project Management (including legal, cost and risk management)	0.600
Total Capital Expenditure	£28.788

7.3.3 Within the GBSLEP EZ all business rates are collected by the City Council and any net uplift is allocated to the GBSLEP for a period to 31 March 2046. The GBSLEP decide how and where these funds are deployed, making the investment decisions in line with the EZ Investment Plan, subject to the City Council in its Accountable Body role ensuring compliance with the financial governance principles. This project is included with the current approved EZ Investment Plan and therefore falls within the existing approved budget, with EZ financial modelling indicating the cost is considered affordable based on the expected income levels that the EZ will generate.

7.3.4 In its Accountable Body role, the City Council will undertake additional prudential borrowing of £26.569m (£2.219m approved to date) to support the delivery of the HS2 Enhanced Public Realm Scheme generated through the uplift in business rates within the EZ. There are financial risks associated with the Accountable Body role, the main one being failure of the EZ to deliver sufficient business rates uplift to cover the level of borrowing and up-front revenue expenditure incurred by the City Council. These risks have and will continue to be managed primarily through detailed financial modelling and by receiving, for independent examination/approval, detailed individual business cases for project expenditure. In addition it should be noted that the scheme is expected to generate additional Business Rates income by enabling key commercialisation investments; improving the values of development

located around and in proximity to the scheme whilst also increasing the occupancy rates of these developments.

Revenue Costs

- 7.3.5 The Department of Transport (DfT) requires that HS2 Ltd do not incur additional maintenance costs for areas of Council owned land which are located outside of the HS2 Curzon Station boundary or enhanced materials beyond HS2's base scope. Therefore, it will be the responsibility of the City Council to undertake a full range of services necessary to maintain the enhanced assets to appropriate standards. A revenue cost of £3.751m for ongoing maintenance over a 30-year period has been estimated based on HS2 Ltd's life cycle cost analysis for City Council public realm enhancements commencing in 2029 when construction is completed. This will be funded from future CIL or S106 monies, and/or a potential master development partner secured through HS2's Commercialisation Strategy which is currently being prepared.

7.4 Procurement Implications

- 7.4.1 HS2 Ltd is the company responsible for developing and promoting the UK's new high-speed rail network. The company is obligated to deliver a number of undertakings and assurances to the City Council in support of the delivery of the HS2 Curzon Station. This includes a commitment to provide a station which is permeable and integrated and provides the best solutions for transport interchange.
- 7.4.2 It is proposed that HS2 Ltd's Station Design and Build contractor is used to undertake the delivery of the public realm projects as these are an integral part of the station structure as it is not possible to disaggregate the works from the contract to design the station building. This will provide the most efficient use of resources and mitigate the risks associated with separate contractors delivering works on the same site. This report now seeks approval to utilise GBSLEP EZ funding and enter negotiations with HS2 Ltd to deliver the public realm works.
- 7.4.3 Following a 2-stage procurement process, in May 2021 HS2 confirmed the appointment of Mace Dragados Joint Venture (MDJV) as the single successful contractor to enter into Stage 1, to design and build HS2's Birmingham Curzon Street station. The Contract (and Framework Agreement) between HS2 Ltd and MDJV was procured and awarded in accordance with the UCR 2016 using the negotiated procedure with prior call for competition. The Contract Award was based on the most economically advantageous tender (MEAT) from the point of view of HS2 Ltd, assessed in accordance with the published Evaluation Methodology.
- 7.4.4 The proposed procurement route between the City Council and HS2 Ltd is to commence single contractor negotiations with the HS2 Ltd. It is noted that Cabinet approved entering into single contractor negotiations in the report

dated 29th October 2019. These were not concluded and there is now a requirement to re-commence the negotiations to include the additional value. This arrangement includes robust contract management and assurance arrangements, providing opportunity for the Council to work with the contractor and designer to deliver the expected works at the agreed cost.

7.4.5 Entering into single contractor negotiations is compliant with the Public Contracts Regulations 2015 regulation 32(b)(ii) where competition is absent for technical reasons and there is no reasonable alternative or substitute existing and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement. HS2 Ltd is the sole supplier that deliver the works and realise the benefits. The works will be integral to the wider scheme. Given the scale of works at Curzon Street Station, tendering for a separate contract to deliver the enhanced public realm elements as two separate work packages, but in parallel timeframes, would bring about significant challenges in terms of the co-ordination of works. Therefore, in order to maximise efficient delivery, minimise disruption and ensure that the joint scheme benefits are fully realised, it is proposed that works are designed and implemented by a HS2 Ltd. The proposed contract will include robust contract management and assurance arrangements, providing opportunity for the Council to work with HS2 Ltd for the contractor and designer to deliver the expected works at the agreed cost.

7.4.6 The Chief Finance Officer and the Acting City Solicitor & Monitoring Officer have certified in writing their approval to enter into single contractor negotiations with HS2 Ltd for the works.

7.5 Human Resources Implications

7.5.1 All activity identified within this report will be managed by existing Council employees. The scheme's Project Management sits within the EZ delivery team and is resourced through the project.

7.6 Public Sector Equality Duty

7.6.1 Due regard and consideration has been given to this EIA for the report recommendations and no adverse implications are expected for any of the protected characteristics and groups. Designs will look to incorporate features for the benefit of particular groups where appropriate in compliance with the Equality Act 2010.

8 Appendices

8.1 Appendix 1 –FBC – Approved on 25 March 2022

8.1.1 Annex E5 – Risk Register

8.2 Appendix 2 – GBSLEP Offer Letter

8.3 Appendix 3 – Equality Impact Assessment EQUA878

9 Background Documents

- 9.1 Report to Cabinet, HS2 Curzon Station Enhanced Public Realm Project, 29th October 2019
- 9.2 Curzon Masterplan 2014
- 9.3 Curzon Investment Plan 2016
- 9.4 EZ Investment Plan 2019