

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	CABINET MEMBERS FOR TRANSPORT AND ENVIRONMENT AND FINANCE AND RESOURCES JOINTLY WITH THE CORPORATE DIRECTOR, ECONOMY HEAD OF LANDSCAPE & DEVELOPMENT
Report of:	27 June 2018
Date of Decision:	CONTRACT AWARD – BOURNBROOK WALKWAY LINK TO HARBORNE LANE – 80257B
SUBJECT:	Relevant Forward Plan Ref: n/a
Key Decision: No	Chief Executive approved <input type="checkbox"/>
If not in the Forward Plan:	O&S Chair approved <input type="checkbox"/>
(please "X" box)	CLLR WASEEM ZAFFAR, TRANSPORT AND ENVIRONMENT
Relevant Executive Member:	CLLR BRETT O'REILLY, FINANCE AND RESOURCES CLLR LIZ CLEMENTS, SUSTAINABILITY AND TRANSPORT, CLLR ALBERT BORE, RESOURCES
Relevant O&S Chair:	WEOLEY AND SELLY OAK
Wards affected:	

1. Purpose of report:

- 1.1 This report provides details of the outcome of the procurement process undertaken for the construction of 2.5m wide walking and cycling route linking the existing Bournbrook Walkway to Harborne Lane including a new bridge over Bournbrook.
- 1.2 The proposed contract will commence on 15 August 2018. The accompanying private report contains the commercially confidential details of the results of the evaluation process.

2. Decision(s) recommended:

That the Cabinet Members for Transport and Environment and for Finance and Resources jointly with the Corporate Director, Economy:-

- 2.1 Note the contents of the report.

Lead Contact Officer(s):	Robert Churn, Head of Landscape and Development Place Directorate
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3. Consultation

3.1 Internal

3.2.1 Officers from City Finance, Corporate Procurement, Legal and Governance and The Landscape Practice Group (Place Directorate) have been involved in the preparation of this report.

3.2.2 Birmingham Cycle Revolution – Phase 2 and 3 Green Routes Full Business Case has been approved with the Cabinet Member for Transport and Roads and Cabinet Member for Commercialism, Commissioning and Contract Management Jointly with the Corporate Director of Economy and the Assistant Director of Transportation and Connectivity on 20th March 2018.

3.2 External None.

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

4.1.1. The recommendations are consistent with the priorities in Council Plan and Budget 2018+;

- Health: through the visible investment and physical improvement of the site increased numbers of residents will be encouraged to participate in physical activities

4.1.2 Birmingham Business Charter for Social Responsibility (BBC4SR)

The value of this contract is below the threshold for the BBC4SR. However, the requirement to pay the Birmingham Living Wage has been included in the contract documentation.

4.2 Financial Implications (How will decisions be carried out within existing finances and Resources?)

4.2.1 The expenditure will be funded through a combination of the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) Local Growth Fund and Section 106 funding from Bournbrook Account, Queen Elizabeth Medical Centre, Edgbaston Ward, S/04585/03/OUT which combined has made available £385,000 for the project as shown in the table below.

Funding Source	Amount Available
Section 106 funding (Bournbrook Account, Queen Elizabeth Medical Centre, Edgbaston Ward, S/04585/03/OUT)	£98,700
GBSLEP Local Growth Fund	£286,300

4.3 Legal Implications

4.3.1 The Council may use its powers under Section 19 Local Government (Miscellaneous Provisions) Act 1976 and Section 10 and 12 Open Spaces Act 1906 to undertake the path improvements over public open space.

4.3.2 Other legislation is also relevant to the introduction of cycling facilities including: Health and Social Care Act 2012 and Equality Act 2010. Construction works will be designed and implemented in accordance with the Construction Design and Management Regulations 2015.

4.4 Public Sector Equality Duty

4.4.1 The requirements of Standing Order 9 in respect of the Council's Equality Policy and the Equality Act 2010 have been specifically included in the contract documentation.

4.4.2 Details of the Equalities Assessment were included in the Full Business Case – Birmingham Cycle Revolution: Phase 2 and 3 Green Routes on the 20th March 2018 and the same continues to apply.

5. **Relevant background/chronology of key events:**

5.1 Background

5.1.1 Cabinet approved the construction of a new 2.5m wide walking and cycling route linking the existing Bournbrook Walkway to Harborne Lane including a new bridge over Bournbrook. in the report titled Birmingham Cycle Revolution Phase 2 & 3 Green Routes – Full Business Case Dated 20th March 2018.

5.1.2 This scheme will provide a better access between the existing Bournbrook Walkway and Harborne Lane. The proposals include construction of 2.5m wide tar, spray and chip surfaced path, construction of retaining walls, supply and installing a metal bridge and major regrading works.

5.2 Invitation to Tender (ITT) Stage

The contract was advertised on 12 April 2018 on Contracts Finder and on www.finditinbirmingham.com and the Council's In-tend Portal seeking expressions of interest from organisations who wished to tender for the opportunity described in the advertisement. In response to the advertisement, 15 companies expressed an interest and downloaded the ITT documentation to complete. 3 companies responded as requested by the deadline and 12 effectively withdrew themselves at this stage by not returning an ITT.

5.2.1 Evaluation and Selection Criteria

The quality / price balances below were established having due regard for the corporate document 'Advice and Guidance on Evaluating Tenders' which considers the complexity of the services to be provided. Social Value was excluded from the criteria for the reason set out in paragraph 4.1.2. The tender documents included the form of contract, specification and standard details.

The evaluation of tenders was assessed as detailed below:

Stage 1 Assessment

The criteria below, based on the PAS91:2013 Construction Prequalification Standard, was assessed on a pass / fail basis:

- Supplier Information

- Economic / Financial Standing
- Experience / Capability
- Health and Safety
- Business and Professional Standing
- Equality Legislation
- Environmental and Sustainability Management
- Statement of Good Standing
- Compliance with the Birmingham Living Wage Policy

Those organisations that passed all sections of Stage 1 Assessment proceeded to the next stage.

Stage 2 Assessment - Quality (30% Weighting)

Criteria	Overall Weighting	Sub-Weighting
Quality - Written Proposals		
Project Management	100%	50%
Project Resources		30%
Quality Management		20%

Pricing Assessment – Pricing (Weighting 70%)

Tenderers were requested to submit a fixed price tender for the construction of the work.

Overall Evaluation

The evaluation process resulted in comparative quality, and price scores for each tenderer. The maximum score was awarded to the tender that demonstrated the highest for quality. Similarly the maximum price score was awarded to the lowest acceptable price. Other tenderers were scored in proportion to the maximum scores in order to ensure value for money.

5.2.2 Evaluation of Tenders

The evaluation was undertaken by officers from The Landscape Practice Group - Senior Landscape Architect and Head of Landscape and Development and the Structural Engineer from Shire Consulting, supported by Corporate Procurement Services.

5.2.3 Further details of the evaluation process are included in the accompanying Private Report.

5.3 Contract Management

The contract will be managed by a Senior Landscape Architect from The Landscape Practice Group.

6. Evaluation of alternative option(s):

6.1 Not to award the contract – this was not the preferred option as it would prevent the construction of the new bridge.

7. Reasons for Decision(s):

7.1 To inform Cabinet Members of the process followed for the procurement and to enable the contract to be awarded for the Bournbrook Walkway Link to Harborne Lane.

Signatures	<u>Date</u>
Councillor Waseem Zaffar Cabinet Member for Transport and Environment
Councillor Brett O'Reilly Cabinet Member for Finance and Resources
Waheed Nazir Corporate Director, Economy

List of Background Documents used to compile this Report: Cabinet Report: Birmingham Cycle Revolution Phase 2 & 3 Green Routes – Full Business Case

List of Appendices accompanying this Report (if any): None

Report Version	Dated
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PROTOCOL PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in section 4.4 of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost – and if not –
 - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - the equality duty (as an appendix).

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

- 1 The Council must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 2 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 4 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - (a) tackle prejudice, and
 - (b) promote understanding.
- 5 The relevant protected characteristics are:
 - (a) marriage & civil partnership
 - (b) age
 - (c) disability
 - (d) gender reassignment
 - (e) pregnancy and maternity
 - (f) race
 - (g) religion or belief
 - (h) sex
 - (i) sexual orientation