

## **NORTH SOMERSET COUNCIL DECISION**

**DECISION OF: COUNCILLOR JAMES TONKIN. THE EXECUTIVE MEMBER FOR  
PLANNING, BUILDING CONTROL, HIGHWAYS AND TRANSPORT  
WITH ADVICE FROM: DIRECTOR OF DEVELOPMENT & ENVIRONMENT**



**AND HEAD OF STRATEGIC PROCUREMENT**

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**DECISION NO: 19/20 DE 257**

**SUBJECT:** Procurement Plan: Design and Build of Winterstoke Road Bridge and adjacent highway in Weston-super-Mare.

**KEY DECISION: NO**

**REASON:** Contract Standing Orders do not deem procurement plans as key decisions.

### **1.0 BACKGROUND:**

1.1 Further to Council report COU 104 dated 12 November 2019.

1.2 The report noted that Winterstoke Road bridge in Weston-super-Mare is in poor condition and has been weight restricted to 7.5tonnes. The bridge whilst carrying the highway is in the ownership of the MOD. The MOD have recognised the liability the bridge presents to them and would wish the council to take ownership and adopt the new bridge as part of the highway, with the bridge and the highway to be maintained at the public expense. A commuted sum paid by the MOD would cover 120years ongoing inspection and maintenance.

1.3 The report also noted the challenge fund bid to the Department for Transport (DfT) to resurface both Winterstoke Road and Broadway; this bid is currently being assessed by the DfT.

1.4 Additionally, the report approved the commissioning plan which noted the requirement to appoint a Civil Engineering contractor to design and deliver the physical works including the removal of the existing structure and installation of the new bridge and all associated highway works including;

- Network Rail engagement and management including entering into any necessary agreements as required to facilitate the design, development and delivery of the new bridge;
- Utility engagement and management to ensure continuity of services;
- Stakeholder management and engagement;
- Planning permissions;
- Full highway and structural design services from preliminary to detail design including securing any and all necessary approvals;

1.5 The current working programme headlines are detailed below.

- Council Approval November 2019
- Procurement December 2019-July 2020
- Design/Development August 2020-August 2021
- Works commence Autumn 2022
- Works complete Autumn 2023

1.6 The proposal supports Core Strategy policies, including:

CS10 Transportation and movement  
CS15 Mixed and balanced communities  
CS20 Supporting a successful economy

**2.0 DECISION:** To approve the procurement plan.

**3.0 REASONS:** Winterstoke Road Bridge and the adjacent highway constitutes critical infrastructure that is at the end of its design life and must be replaced in a timely manner, whilst still representing value for money and the appropriate apportionment of risk between parties. It is considered that the recommendations of this procurement plan meet these requirements.

#### **4.0 INTRODUCTION**

4.1 The bridge at Winterstoke Road carries a Class C highway across the main London-Exeter railway line and enables vehicle access to industrial and residential areas from Weston-super-Mare town centre. The bridge is now at the end of its design life and, without extensive structural strengthening and repair works, would need to be closed as unsafe. It currently has a 7.5t weight limit imposed.

4.2 The bridge is owned and maintained by the Ministry of Defence (MOD). A whole life cost analysis completed by the MOD concluded that the preferred option is the complete replacement of the bridge. The MOD are responsible for funding the replacement. The bridge will upon completion be adopted by the council and form part of the public highway. The MOD will pay a commuted sum to cover maintenance and inspection costs.

4.3 The project team will procure design and construction services for the replacement of the bridge, with a view to the bridge becoming a council highway asset following replacement.

#### **5.0 Commissioning Plan**

5.1 The Winterstoke Road Bridge Commissioning Plan which also incorporated acceptance of MOD funding and agreement to enter Heads of Terms was approved at the Full Council meeting on 12 November 2019 reference COU 104.

#### **5.2 Requirement**

### 5.3 Project Brief

The outcome of the project is to create a safer environment and improved accessibility for the community through the development of the Winterstoke Road Bridge and adjacent highway. The project shall achieve the following:

- Be satisfactory in design and construction to all stakeholders including Network Rail,
- Have a 120-year lifespan and meet North Somerset Council standards where applicable,
- Satisfy all statutory processes,
- Demonstrate provision for multi-modal access including car, bus, pedestrian and cyclist,
- Minimise disruption and disturbance to the local community during construction,
- Not introduce unnecessary operational and maintenance constraints,
- Deliver quantifiable Social Value through the scheme,
- Implement carbon management in construction with ambition to get as close to net zero carbon as possible,
- Consider Sustainability classification of CEEQUAL Excellent.

The project will also endeavour to:

- Satisfy the reasonable requirements of local community groups,
- Enhance local environment through sensitive design and construction activities,
- Carbon offset including remote planting through engagement with both NSC green infrastructure colleagues and wildlife organisations.

### 5.4 Key Stakeholders

The council will interface with several different stakeholders which may have input into the design and construction phase of the project. Key stakeholders include:

- **Ministry of Defence (MOD)** - Winterstoke Road Bridge is currently a MOD owned asset and the Project is part funded by the MOD. The MOD main representative will have a place on the Project Board; the responsibilities of the Project Board are highlighted in the Project Delivery Manual.
- **Network Rail** – The railway line from Weston-super-Mare to London runs beneath Winterstoke Road Bridge. The governance of the project shall consider Network Rail requirements in addition to the operational requirements of the railway, in design and replacement of the bridge. Due to the critical nature of design and construction, the Network Rail main representatives will have an advisory role to the Project Delivery Team.

## 5.5 Specification

The council have prepared a Project Delivery Manual outlining the management structure and delivery model for the Project. The council's Project Manager will be supported by an Employer's Agent in the preparation of the tender specification.

## 5.6 Assumptions

This procurement plan considers the procurement of design and construction only and does not consider professional services.

## 6.0 Option Appraisal

6.1 As shown below, six procurement options have been identified to form a long-list of procurement options. Out of the six potential procurement routes in the long-list three were shortlisted in a workshop with the council, MOD and Network Rail facilitated by Faithful+Gould on 7th August 2019.

Option	Procurement Type	Description	Short list	Explanation
A	ECI 1	> Procurement of an ECI contractor (including their designer) to undertake the preliminary design, manage through statutory processes, undertake the detailed design and construct.	Yes	Maximise innovation through early contractor involvement and minimise commercial risk through reducing number of contracts.
B	ECI 2	> Procurement of an ECI Contractor to provide advice to the Employer/Designer in undertaking the preliminary design and through statutory processes > Procurement of a Designer to undertake the preliminary design and manage through statutory processes and support preparing the tender documentation for the construction contract > Employ a D&B Contractor to undertake the detailed design and construction	Yes	Maximise innovation through early contractor involvement and minimise commercial risk through reducing number of contracts, whilst keeping some control of initial design development through separate contract for preliminary design.

<b>Option</b>	<b>Procurement Type</b>	<b>Description</b>	<b>Short list</b>	<b>Explanation</b>
C	ECI 3	> Procurement of multiple ECI Contractors to provide advice to the Employer/Designer in undertaking the preliminary design and through statutory processes > Procurement of a Designer to undertake the preliminary design and manage through statutory processes and support preparing the tender documentation for the construction contract > Employ a D&B Contractor to undertake the detailed design and construction	No	Introduces additional risk to NSC through managing interfaces.
D	Design and Build	> Procurement of a Designer to undertake the preliminary design and manage through statutory processes and support preparing the tender documentation for the construction contract > Employ a D&B Contractor to undertake the detailed design and construction	Yes	More control and direction, but lack of early contractor involvement not as conducive to innovation in construction.
E	Traditional	> Procurement of a Designer to undertake the preliminary design and manage through statutory processes, support preparing the tender documentation for the construction contract and undertake detailed design > Employ a Contractor to undertake the construction	No	Requires relatively large client management team and delivery managers hold and control more design risk.
F	Alliancing	> Setup an alliance between the council, Contractor and Designer to undertake the works	No	Given timescales the benefits of setting up an alliance would unlikely to be realised.

6.2 The following three procurement types were shortlisted for further appraisal:

1. Early Contractor Involvement 1
2. Early Contractor Involvement 2

### 3. Design and Build

6.3 The three shortlisted routes were then scrutinised and ranked via a scoring system. In summary, the outputs were:

1. Early Contractor Involvement 2 – 65
2. Early Contractor Involvement 1 - 62
3. Design and Build - 43.

6.4 The Design and Build option in the shortlist is discounted due to the comparatively low score. Due to the outputs of ECI 1 and ECI 2 being relatively similar, further assessment was undertaken.

6.5 Following the workshop, the decision was made by the project team to identify ECI 1 as the recommended option. The decision was made on the principle of:

- a. Increased opportunity for collaboration and value engineering with a single ECI Contractor engaged throughout the process
- b. Reduced management time needed to engage with multiple ECI Contractors and a designer through the design development stage
- c. Opportunity for increased market interest avoiding two-stages of competition which would be unattractive in the current market.
- d. Transfer risk and liability relating to Network Rail works to the contractor at the earliest opportunity.

6.6 This was ratified by both MOD and Network Rail following the procurement workshop.

## 7.0 Recommendation

7.1 The recommendation is to proceed with the ECI 1 option which encompasses the procurement of a single ECI Contractor (including their designer) to undertake the preliminary design, manage through all regulatory and statutory processes, undertake the detailed design and construct, with break clauses at the preliminary design and detailed design stages. The recommended procurement is estimated at £10.7m.

## 8.0 Route to market

8.1 Following a review of existing frameworks that would be applicable to this opportunity, no appropriate existing frameworks were identified. In summary the following options were identified and reviewed:

- Generation 3-3 Civil Engineering, Highways and Transportation Infrastructure Works Framework; whilst this provides a valid option, there are only two suppliers on the framework which was considered an unnecessary restriction and may not promote innovation.
- SCAPE Civil Engineering; whilst this provides a valid option, there is one supplier on the framework which was considered an unnecessary restriction and may not promote innovation.

8.2 With no appropriate framework identified for this project, the council are afforded four options for the scale of this project;

- restricted procedure
- open procedure
- competitive dialogue or
- competitive with negotiation.

8.3 After assessment by the project team and procurement colleagues and with advice from the consultant advisor and through market engagement, the restricted procedure is deemed the most appropriate. The specification will be clear and specific to the requirement. This option gives greater confidence to tenderers of their chances of success thus increasing market interest. Whilst this procurement option takes longer, given the integral nature of the ECI Contractor to the project, the options provide benefit in terms of further critique and short-listing of the tenderers.

8.4 Estimated Duration

The services and works are anticipated to take approximately 40 months.

Task Name	Duration	Start	Finish
Contractor procurement (Stage 1a)	28 weeks	January 2020	July 2020
Employers Agent (EA) and Cost Consultant Procurement (Stage 1b)	16 weeks	January 2020	May 2020
Preliminary Design (Stage 2)	52 weeks	August 2020	August 2021
Planning Application (Stage 3)	22 weeks	February 2021	June 2021
Construction Phase (Stage 4)	70 weeks	2022	2023

8.5 Contract

- Propose NEC 4 Professional Services Contract Option C Target Cost for Preliminary Design and Planning and negotiation and then
- NEC 4 Engineering & Construction Contract (ECC) Option C Target Cost for Detailed Design and Construction, subject to Target Cost negotiation.

9.0 Timescales

The following timescales and actions have been created for the procurement of these services:

Task Name	Duration	Start	Finish
Preparation of tender documentation for ECI Contractor tender	8 weeks	December 2019	February 2020
Prepare SQ	4 weeks	January 2020	February 2020
Publish OJEU notice		February 2020	

Issue PQQ	0 days	February 2020	
PQQ return period	5 weeks	February 2020	March 2020
PQQ review and select tenderers	2 weeks	March 2020	
Issue tender documentation to shortlisted tenderers	0 weeks	April 2020	
Tender period	6 weeks	April 2020	May 2020
Tender review and recommendation	3 weeks	June 2020	
Draft contract award report ready for circulation		June 2020	
Executive approval for contract award	10 days	June 2020	
Award of ECI contract	4 weeks	July 2020	

## 10.0 Governance

10.1 A Winterstoke Road Project Board will be formulated to steer, direct, co-ordinate and oversee the delivery of the project in line with the council's approved major projects delivery team structure and delivery framework. The Project Board authorises a Project Plan to be delivered by the Project Manager and authorises strategic decisions or seeks authority for key strategic decisions from the council and the MOD. The Project Board considers Highlight and Exception Reports, changes to the project Risk Register, key deliverables as defined in the Project Plan and the contractor's social value and environmental commitments.

10.2 The Senior Responsible Owner (SRO) acts as the lead for the overall project representing the various stakeholders and Project Board. The Head of Major Projects is responsible for chairing Project Board meetings. The Project Manager is responsible for preparing project highlight reports. The SRO will ensure that the project progresses in-line with the Project Plan and that the outputs agreed by the Project Board are achieved.

10.3 The Project Board comprises the following membership:

- **Head of Major Projects (chair)**
- **Senior Responsible Officer (NSC)**
- **Board members (decision making)**

Project Sponsor	NSC
Head of Major Projects	NSC
MOD Representative	MOD

- **Board members (advisor)**

Finance	NSC
Senior User	Network Rail
Project Manager	NSC
Procurement Manager	NSC

10.4 At the first formal meeting of the Project Board the following will be submitted for approval by the Board:



- Project Board Terms of Reference, making consideration of the Memorandum of Understanding and Heads of Terms between the council and MOD;
- Project delivery manual, risk register, programme, cost estimate;
- Delegated powers for change approval;
- Environmental and Social Strategy.

## **11.0 Market & Suppliers**

11.1 The project team have held several informal engagement sessions with potential suppliers to gauge market appetite for the proposal and to offer views as to the nature and opportunities afforded by the proposal.

11.2 The scope and nature of the proposal is very attractive to prospective suppliers with very positive feedback on the willingness of the market to pro-actively engage with the offer. They have also confirmed they have the capacity and capability to deliver, this will be formally tested during the procurement process, but does provide comfort that the offer is market appropriate and effective in securing the requirements of the specification

11.3 Given the specialist nature of this work, including a requirement to be on the Network Rail approved suppliers list, it is anticipated that there will be a few select contractors most suitable and interested in delivering the Project.

## **12.0 Social Value, Sustainability & VCSE**

12.1 The tender will include a question on social value (10% of the quality weighting) in accordance with the council's social value policy. The social value question will seek bidders' tangible and specific commitments in relation to the social value outcomes:

- Increased employment to local people
- Increased use of local supply chain
- Reducing negative and promoting positive environmental impacts
- Supporting schools and life-long learning

12.2 The tender will include a question on carbon management (15%) approach and innovation to demonstrate key understanding, commitment and tangible deliverables to reduce and offset carbon during both construction and to help deliver carbon reduction targets during operation.

12.3 The contractor will report on the progress of its social value and carbon commitments alongside all other KPIs.

## **13.0 Evaluation**

13.1 A higher quality criterion will be used, this will help ensure demonstrable evidence of experience of the specialisms needed, including, bridge design and

construction, network rail engagement and possession working, constrained site working, land owner engagement, community engagement, social value and environmental delivery. A weighting of 60% price and 40% quality will ensure the correct and appropriate balance of quality versus price.

13.2 A standard format of pre-qualification questionnaire will be used, such as the national PAS91 standard.

13.3 The project team will provide clear specification with set deliverables and expected durations for the supplier to tender against.

13.4 The evaluation panel will consist of project manager, external support and be moderated by procurement.

13.5 The quality criteria will consist of; business capability and resource, professional expertise, commercial offering, project team, track record, carbon benefits and social value.

### 13.6 ITT

13.7 It is proposed that the received tenders are assessed and scored by 60% Price and 40% Quality. Price and quality assessment will score the following.

- **Price:** Based on the submission of Key Stage 1, NEC Contract Data Part 2 (e.g. dummy CEs) and Initial Target Cost. The tender with the lowest total price will receive the maximum score of 100% and the prices of all other tenders will be expressed as a percentage of the maximum score.
- **Quality:** Quality will be assessed against the project outputs, behaviours and contract management including assessment on the following topics.
  1. Organisation and key people
  2. Developing a design and programme compliant with Network Rail and local highway authority
  3. Minimise or eliminate disruption on the local community
  4. Minimise carbon during design and construction
  5. Provide environmental net gain for the region
  6. Achieves the most Social Value contribution possible

Quality will have a weighted score of 40% and will be evaluated in accordance with the following scoring guidelines:

Score	Classification	Award Criteria
5	Excellent	A response that inspires confidence; specification is fully met and is robustly and clearly demonstrated and evidenced. Full evidence as to how the contract will be fulfilled either by demonstrating past experience or through a clear process of implementation.

<b>Score</b>	<b>Classification</b>	<b>Award Criteria</b>
4	Good	A response supported by good evidence/examples of the Bidders' relevant ability and/or gives the council a good level of confidence in the Bidders' ability. All requirements are met and evidence is provided to support the answers demonstrating sufficiency, compliance and either actual experience or a process of implementation.
3	Satisfactory	A response that is acceptable and meets the minimum requirement but remains limited and could have been expanded upon.
2	Weak	A response only partially satisfying the requirement with deficiencies apparent. Not supported by sufficient breadth or sufficient quality of evidence/examples and provides the council a limited level of confidence in the Bidders' ability to deliver the specification.
1	Inadequate	A response that has material omissions not supported by sufficient breadth and sufficient quality of evidence/examples. Overall the response provides the council with a very low level of confidence in the Bidders' ability to deliver the specification.
0	Unsatisfactory	No response or response does not provide any relevant information and does not answer the question.

13.8 The evaluation panel will be formed of 3 representatives from Major Projects and Transport and Infrastructure and the MOD. Network Rail will also form part of the evaluation panel. The evaluation scores will be moderated to provide an agreed scoring for each bidder.

Any bidder scoring 0 will be excluded from the evaluation.

The evaluation panel may wish to hold clarification interviews if it assists in their decision making.

#### **14.0 Contract Management**

14.1 The Project Delivery Team will represent NSC, comprising of the project manager, Employers agent and where appropriate, external consultant support. Formal monthly meetings will be held to monitor progress and review risks and issues to the project. The monthly progress of the project will also be summarised in a highlight report and presented to the Project Board. The project and contract management approach will be formalised in a project delivery manual.

#### **15.0 FINANCIAL IMPLICATIONS:**

##### **15.1 Costs**

The total cost estimate for the bridge and highway design and construction work is £10.7M.

## **15.2 Funding**

An initial £10.8m has been secured from the MOD for the bridge replacement, subject to the agreement of the memorandum of understanding (MOU) being agreed, and £0.05m from NSC's LTP programme towards enhanced pedestrian and cycling provision.

Once confirmation of funding drawdown has been approved with the MOD, via the MOU, £10.85m will be added to the capital programme. An initial budget allocation of £400k has been awarded to progress the design of the bridge funded from the LTP programme and at the Councils risk.

Additional DfT funding via the maintenance challenge fund bid may also be available in the event of a successful bid announcement.

## **16.0 LEGAL POWERS AND IMPLICATIONS**

16.1 The MOD is responsible for the repair and maintenance of Winterstoke Road Bridge. The highway crossing the bridge however, is the responsibility of the Highway Authority. Once the bridge is replaced to an adoptable standard and through a commuted sum it will form part of the public highway maintained at the public expense and be part of the council's highway asset.

16.2 Heads of Terms have been agreed between the Council and MOD which details the responsibilities of each in delivery of this project and maintenance of the asset both before, during and post-construction.

16.3 The Council will also enter an Asset Protection Agreement with Network Rail to ensure Network Rail are able to be involved in the project development. Subsequent asset agreements relating to site investigation, design, development and construction will be entered into between the appointed contractor through the contract and Network Rail.

16.4 The Contract will use standard NEC ECC terms and conditions where possible, to provide a familiar commercial platform for the project and ensure efficiency in delivery.

16.5 The council will ensure compliance with the Public Contract Regulations 2015.

## **17.0 CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

17.1 The procurement process will ensure that carbon management lies at the heart of the assessment criteria. We will require bidders to detail and demonstrate robust and demonstrable metrics for carbon management, measurement and reduction in line with the requirements of PAS2080 specification.

17.2 As part of the aim to encourage innovative solutions to carbon reduction, it is proposed that a sustainability toolkit be developed to identify sustainability outcomes to be achieved. This is to be developed in collaboration with the Contractor and

Employers Agent specified to put tangible metrics against sustainability into the project goals.

## 18.0 CONSULTATION

18.1 Consultation and assessment on procurement options was been carried out by a procurement workshop on the 07 August 2019. The workshop included key NSC attendees across major projects, highways and procurement, the workshop also included key external representation from MOD, Network Rail and Faithful and Gould as facilitators.

18.2 Two specific soft market engagement sessions have been undertaken with the market to gauge capacity and capability for design and delivery, to test the proposed procurement approach and proposed methodology which has helped inform this procurement plan.

18.3 The introduction of the 7.5t weight limit required widespread engagement with colleagues in North Somerset waste and transport teams and more widely in the business and local communities including letter drops and on-site signing.

18.4 It is proposed that a bespoke communication strategy will be developed and implemented to ensure there is co-ordinated pro-active communication plan where the whole community can have visibility, understanding and provide feedback on both the nature of the works and programme. Regular updates will also be provided.

## 19.0 RISK MANAGEMENT

19.1 The following key procurement risks have been identified and mitigating actions proposed, as summarised below

Description	Impact	Mitigation
Lack of market appetite	Limited returns and reduce value for money	Employ restricted tendering procedure to improve appetite through increased likelihood of contractor successful tender.
Lack of OJEU compliance	Rejected tender	Procurement procedure and contract independently checked by the council.
Lack of cost certainty for two stage ECI	Budget overrun	Employ cost consultant to improve estimate certainty and Employers Agent to negotiate Target Cost.
ECI Model is new to NSC	Preparation of untested contracts	Appoint Employers Agent and legal advisor with experience of ECI to support procurement.
Lack of alignment with project outcomes	Benefits not achieved and/or needs not met	Specify contract and performance metrics aligned with agreed Project Brief and critical success factors.
MOD involvement delays procurement	Delay to award of contract increases risk of further	Early involvement of MOD and approval of procurement and delivery strategy.

Description	Impact	Mitigation
	degradation of structure and risk of closure.	
Network Rail requirements	Procurement is constrained / delayed by Network Rail requirements	Early engagement and continuing relationship with NR including having NR on the evaluation panel.

## 20.0 EQUALITY IMPLICATIONS

Have you undertaken an Equality Impact Assessment? In Part

20.1 Assessment has been undertaken as part of scheme development however a full EQIA will be undertaken as part of the project design and development phase. The scheme proposed enhanced pedestrian and cycle facilities and linkages across and adjacent to the new bridge.

## 21.0 CORPORATE IMPLICATIONS

21.1 The provision of key enabling infrastructure and the improvement of the transport network widely support the Corporate Plan objectives in all areas of Prosperity and Opportunity, Health and Wellbeing and Quality Places and Sustainability by improving opportunities for walking and cycling whilst replacing a key piece of locally strategic infrastructure.

## APPENDICES

None

## BACKGROUND PAPERS

COU19 12/11/19

Executive Member Briefing 23/07/18

EXE67 05/02/19

COU16 19/02/19

19/20 DE84;

PAS 2080:2016 Carbon Management in Infrastructure

Winterstoke Road Procurement Option Appraisal

Winterstoke Road Risk Register

DfT Challenge Fund

<https://www.gov.uk/government/publications/apply-to-the-local-highways-maintenance-challenge-fund/local-highways-maintenance-challenge-fund-guidance-for-applicants-2019>

SIGNATORIES:

DECISION MAKER(S):

Signed:  ..... Executive Member for Planning, Building Control, Highways and Transport

Date: 15th Jan 2020 .....

WITH ADVICE FROM:

Signed: *Shreyashamali* ..... Director of Development and Environment

Date: *14/01/20* .....

Signed: *[Signature]* ..... Head of Strategic Procurement

Date: *15/1/20* .....

