

## North Somerset Council Decision

**Decision Of: The Director of Place**  
**With Advice From: Section 151 Officer and the Head of Strategic Procurement**  
**Directorate: Place**



**Decision No:** 20/21 DP 264

**Subject:** Winterstoke Road Bridge Replacement - Employer's Agent Contract Award

**Key Decision:** Yes

**Reason:** The value of the decision is over £500,000

### **Background**

Winterstoke Road bridge was built in Weston-super-Mare in 1943 to service an aeroplane factory during the Second World War and is currently the responsibility of the Ministry of Defence (MoD). The bridge is life expired and it is no longer economic to repair the bridge, with replacement being the necessary course of action if the route is to be maintained. The bridge is in an industrial area where many heavy goods vehicles benefit from the use of the carriageway. As a result, it was necessary to impose a 7.5T weight restriction in December 2018 for the safety of highway and rail users.

Without replacement of the bridge, further weight restrictions and full closure will be a likely outcome in the next 5-10 years. Winterstoke Road is a vital route within Weston-super-Mare, with many local businesses and communities relying on the route to access their premises and homes, as well as previously being the emergency diversion route for the M5.

As highway authority, the Council is better placed than the MoD to manage the reconstruction of the bridge and its long-term management in the interest of highway users, and therefore will lead on the delivery of the replacement bridge. The project will be funded by the MoD and a Memorandum of Understanding (MoU) has been established to outline the relationship between the two parties, providing a framework for funding and decision making. Following completion of the project, the Council will adopt the new bridge and be responsible for future maintenance. A commuted sum paid by the MoD to cover 120 years of ongoing inspection and maintenance has been secured.

As part of the reconstruction project, the Council is seeking to contract an Employer's Agent (EA) to work alongside the supplier of a Design & Build (D&B) contract. The services provided under this EA contract would include:

- Employer's Agent including cost and commercial management involving cost control, evaluation, tender documentation, risk and value management;
- Change management to enable cost control and to inform decisions;
- Project management, technical assurance services and quantity surveyor services including NEC project management and supervisor services;

- Carbon advocate, to assist the project team in developing project processes, protocols and metrics in the measurement and management of carbon reduction.

The estimated programme is as follows:

EA tender period	Sep 20 to Oct 20
EA contract award	Feb 21
Preliminary design	Mar 21 to Oct 21
Statutory and other approvals	Oct 21 to Mar 22
Detailed design	Mar 22 to Aug 22
Construction	Aug 22 to Aug 23

The proposal supports Core Strategy policies, including:

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

## Decision

- Award the contract for the Employer’s Agent for the replacement of Winterstoke Road Bridge in Weston-super-Mare for the cost of £914,835 to **AECOM Limited, Aldgate Tower, 2 Leman Street, London, United Kingdom, E1 8FA** (Company No. 01846493).

## Reasons

### Introduction

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. The Council does not have sufficient internal resources to provide the project management/cost consultancy services required for this capital project. In addition, the MoD has delegated the management of the scheme to the Council and is contributing towards the funding available to procure these services.

The EA will contribute to a scheme that will impact not only the immediate locality, but also the entire town of Weston-super-Mare as it will deliver a new structure and highways that are fit for purpose and safe for all road users. It will also provide the foundation for preventative long-term asset management for the highways and minimise costly short-term reactive repairs. The provision of a new structure and highways will also secure the resilience of the local highway network and M5 emergency diversion route for the long-term. In addition, the scheme will enable improvements to other features that would not normally be considered under routine maintenance such as improved pedestrian and cycle provision.

There is a requirement to secure core EA services which cover; project management, cost consultancy, client adviser, contract administration, lead designer and structural engineer (technical advisor element in design and build). This will ensure that the project delivers the quality demanded by such works and costs are appropriately managed. These are specialist skills that the Council do not have in-house.

The EA contract has been procured using the WECA Professional Services Framework (PSF) as the Council’s preferred framework agreement for relevant professional services.

The cost of the EA services is £914,835 and the contract will start in February 2021, ending in Summer 2024.

As this service is very input based (securing and assessing work from others) and not specifically output based, the NEC Professional Services Short Contract time charge will be used. This is in line with industry practice, including that of Highways England, for this service provision and removes the constant change management and tracking required under a target cost.

### **Governance**

The Commissioning Plan was approved by Full Council on 12 November 2019 (COU 104) and the Procurement Plan was approved on 15 January 2020 (19-20-DE-258 - see Background Papers).

A Project Delivery Manual (PDM) has been provided to all staff working on the development and delivery phase of the Winterstoke Bridge Replacement project, and will be provided to the EA. This PDM sets out the governance that will be applied to the delivery of the project, as well as roles, responsibilities and decision-making processes. It also sets out the project organisation including the Project Board structure and members. Staff will need to confirm that they have read and understood the PDM and will work to its processes and controls to support successful delivery of the project.

The Project Board has been formulated to steer, direct, co-ordinate and oversee the delivery of the project. The Project Board authorises the PDM to be delivered by the Project Manager and authorises strategic decisions or seeks authority for key strategic decisions from the Council and MoD in line with the constitution.

The Project Board comprises the following membership:

- Chair Head of Major Projects (NSC)
- Senior Responsible Officer Major Scheme Project Manager (NSC)
- Project Sponsor Head of Transport and Infrastructure (NSC)
- Project Manager NSC
- Finance Principal Accountant (NSC)
- Project Communications NSC
- Employers Agent TBC - Consultant (representing NSC)
- MOD Representative MOD
- Network Rail Representative Network Rail (NR)

### **Market engagement actions**

Market engagement has involved liaison with the three suppliers on the WECA PSF who confirmed that there was an appetite to bid for the work. The framework suppliers were engaged with to understand if there was capability and capacity to cover the service. As all three bidders responded positively, it gave confidence that there was a sufficient pool of suppliers to ensure value for money.

### **Award criteria**

The project team provided a clear specification with set deliverables and expected durations for the bidders to tender against.

A weighting of 40% price and 60% quality has ensured the correct and appropriate balance of quality versus price for this project. A higher quality criterion was used in order to help ensure demonstrable evidence of experience of the specialisms needed, including commercial and project management to ECC NEC requirements, technical services and Network Rail engagement and carbon advocacy.

Price and quality assessment were scored as follows:

- **Price:** Based on the submission of resource schedule, compiled using the WECA Professional Services Framework Tier 1 Specialisms Programme/Project/Work Package Management and scheme implementation rates. The lowest total price received the maximum score of 100% and the prices of all other tenders were expressed as a percentage of the maximum score. Bidders were given a pricing template to populate with their day rates for different staff members e.g. project manager, quantity surveyor etc. The template was pre-populated with the days during each phase of the design that each role would be required. This was to ensure a level playing field for bidders to bid against.
- **Quality:** Quality was assessed against the project outputs, behaviours and project management including assessment on the following topics:
  - Professional expertise (25%)
  - Business capability, resource & project team (25%)
  - Track record (15%)
  - Commercial offering (20%)
  - Carbon management (15%)

Responses were 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.
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.

### Procurement procedure & publishing information

A mini competition was run using the WECA PSF. This was launched on 21<sup>st</sup> September 2020 and closed on 30<sup>th</sup> October 2020 via the Council's e-procurement system. Three submissions were received and evaluated against the criteria described above. A summary of the evaluation results is shown below.

### Evaluation panel members

The evaluation panel consisted of five people, including project staff and wider Major Project team support, as detailed below. The panel was facilitated by Procurement, with Finance observing, and the evaluation scores moderated to provide an agreed scoring for each bidder.

Major Scheme Project Manager
Project Manager
Project Officer
Project Advisor (Technical)
Project Advisor (Carbon Quality)

Any bidder scoring 0 was excluded from the evaluation.

The evaluation panel had the option of holding clarification interviews if needed to assist in their decision making, however this was not required.

### Evaluation outcome

	<b>AECOM Limited</b>	<b>Supplier 2</b>	<b>Supplier 3</b>
Quality Score	52.20%	42.60%	42.60%
Price Score	33.09%	40.00%	32.17%
<b>Total Score</b>	<b>85.29%</b>	<b>82.60%</b>	<b>74.77%</b>

The winning bid has been satisfactorily assessed both on quality and price and scored 52.20% on quality and 33.09% on price, giving a total evaluation score of 85.29%.

The tendered price has been confirmed to be within budget and the tender from AECOM Limited has been deemed compliant.

**Social value and sustainability**

Social value will be delivered through the wider WECA PSF as opposed to via this specific contract.

The EA will be working for the Council ensuring the D&B contractor delivers its contractual commitments. The tender for the D&B of the bridge included a quality question on social

value (10%) in accordance with the Council's social value policy. The social value question sought bidders' tangible and specific commitments in relation to the social value outcomes:

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

Regarding sustainability, the EA tender included a quality question (15%) on carbon management approach and innovation to demonstrate key understanding, commitment and tangible deliverables. The chosen supplier's response addressed the ways in which they will contribute to the sustainability goals of both the Project and the Council, including identifying emissions hotspots within the project and suggesting alternatives with a lower carbon impact, use of local labour resource, holding regular carbon meetings and keeping a carbon reduction opportunity register throughout the design stage. As above, the largest benefits can be achieved through the D&B contract. A key role of the EA will be to monitor and ensure these are delivered.

### **Contract management**

The contract will be managed by the Project Manager and performance and budget regularly reviewed with the Senior Responsible Officer.

As the workload of the EA will be largely dictated by the D&B contract, the following measures have been put in place to manage the D&B contract:

- Formal monthly meetings will be held to monitor progress and review risks and issues to the project.
- The progress of the project will be summarised in a highlight report and presented to the Project Board.
- The project and contract management approach will be formalised through the project delivery manual.

The project and board structure will be undertaken in accordance with the agreed PDM.

### **Implementation of contract**

The contract will be awarded and begin in February 2021.

### **Options Considered**

The following alternative options were considered:

1. Open Market Tender (restricted procedure)
2. CCS Project Management and Full Design Team Framework (RM3741)
3. WECA Professional Services Framework

Due to internal resources, option 1 was not chosen. The CCS Project Management and Full Design Team Framework was originally the preferred route to market, however, this was because the WECA PSF was being re-tendered during this period. Due to project delays, the newly awarded WECA PSF became available and so this route to market was chosen, as it is designed specifically for the West of England authorities.

## Financial Implications

### Costs

The cost of the EA contract is £914,835 and works will be charged to the capital programme KDH407. As the workload of the EA is dictated by the D&B contract, this will be a time charge contract. The consequence of delays in the D&B contract is that additional EA costs will be incurred. In the event of this happening, this risk will be managed to the best of our ability and in line with our financial management approach, as stated in the PDM and in accordance with the Contract Standing Order procedure. Close contract management will be required to monitor costs.

Estimated project costs are shown in the table below. This table also includes estimated Stage 2 costs which will be approved via a separate decision notice for the Stage 2 D&B contract, following the preliminary design stage. Once appointed, a key function of the EA will be to deliver value for money across the project and provide budget management. Stage 2 costs will be subject to agreement and approval in line with the constitution.

<b>Stage 1 (2020-2022)</b>	
Staff costs	£320,000
Procurement and project management support	£157,000
D&B contract preliminary design	£700,000
<b>Employer's Agent</b>	<b>£914,835</b>
Contingency	£91,483
<b>Stage 1 Total:</b>	<b>£2,183,318</b>
<b>Target cost negotiation - continuation to Stage 2 subject to NSC Director approval in line with the constitution</b>	
<b>Stage 2 (2022-2024)</b>	
Staff costs	£325,000
Utilities	£1,375,000
Legal	£300,000
Network Rail	£230,000
Other	£40,000
Construction support costs	£300,000
Detailed design and construction	£8,371,507
<b>Stage 2 Total:</b>	<b>£10,941,507</b>
<b>Total Cost of Capital Project:</b>	<b>£13,124,825</b>

The cost for the EA services is covered by the existing budget outlined in the following 'Funding' section.

### Funding

Funding for this project will be provided by the MoD and North Somerset, as outlined below. Sufficient funds have currently been secured to cover the EA contract and Stage 1 of the project. Additional funding will be secured prior to commencement of Stage 2, once Stage 2 costs have been established and confirmed, with continuation approved in line with the NSC constitution.



<b>Source</b>	<b>Status</b>	<b>Amount</b>
MoD	Approved	£10,800,000
NSC – Grant Funding	Approved	£450,000
MoD	To be confirmed	£1,900,000
<b>Total Approved:</b>		<b>£11,250,000</b>
<b>Project Total:</b>		<b>£13,150,000</b>

## **Legal Powers and Implications**

The Contract between the consultant and the Council is the NEC4 Professional Services contract.

The WECA PSF was compliantly procured under the PCR 2015.

The MoU has 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.

The Council has entered into a Basic Asset Protection Agreement with Network Rail to ensure Network Rail are able to be involved in project development. The Council and Network Rail will also enter into an Overbridge Agreement regarding the adoption of the bridge at a later date. The risks and liabilities that are held by the Council in terms of site investigation, design, development and construction flow down into the D&B Contract onto the Contractor. Management of this will be supported by the EA.

The scheme was granted a Certificate of Lawful Development in September 2020 by the Local Planning Authority. This confirms that planning permission is not required.

## **Climate Change and Environmental Implications**

There are no climate change or environmental implications directly impact by this contract, however wider project goals are to deliver as close to net zero carbon as possible, work in line with PAS 2080: Carbon Management in Infrastructure and ensure an environmental net gain for the region. The largest benefits will be delivered through the D&B contract and the EA will be responsible for monitoring these deliverables. As a result, they will ensure that the Council's ambition of carbon reduction is secured as well as the project goals.

In support of this, the procurement process also challenged suppliers on their understanding of managing carbon throughout the scheme and methods they may use to actively drive down carbon levels. The chosen supplier's response detailed their carbon assessment methodology and approach to carbon management. This included implementing carbon reduction principles from the beginning of design through collaboration between design, engineering and sustainability teams to minimise material use, specifying low carbon materials and identifying opportunities to reduce embodied and operational carbon. A key part of AECOM's approach would be to understand the project's baseline lifecycle footprint, aligned with the PAS2080 lifecycle stages. This would look at identifying embodied carbon emissions within the materials and assets associated with the project, transport and construction activities, as well as the ongoing operational and maintenance requirements through to end-of-life. As a result, emission hotspots throughout the project could be identified and lower-impact alternatives suggested.

Their examples of potential carbon savings for the project include off-site pre-fabrication, use of local labour resource, use of energy and water efficient welfare facilities and efficiencies for site waste and pollution risks. Consideration will also be given to lower embodied materials and products through using recycled materials and reducing and reusing materials.

Following identification of these opportunities, a new baseline carbon footprint would be updated to reflect the new project lifecycle footprint. This would be monitored throughout the project by keeping a carbon reduction opportunity register as well as holding regular carbon meetings and project carbon footprint revisions to ensure continual improvement.

## Consultation

Contract documents including the specification, the brief and price list were consulted on with the Procurement team and Senior Project Manager within the Major Projects team, with comments incorporated into the documents.

## Risk Management

The following key risks associated with this procurement have been identified and mitigating actions proposed, as summarised below:

Description	Impact	Mitigation
EA contract is not awarded, and work is carried out internally.	NSC do not have the resource or specialist skills in-house to cover this work so delivery of benefits may be jeopardised as well as budget and programme as ad-hoc external support is sought.	Due to the complexity of the D&B contract, NSC have minimised risk by running a full tender process and plan to award a contract to an EA who has demonstrated all of the relevant skills and experience needed to ensure smooth delivery of the project to the required budget, time and quality specifications.
EA fees could exceed budget given that a time charge contract is being used.	Funds would not be available to cover project to completion and benefits not achieved.	There will be close contract management by the project team, as well as general monitoring by the Project Board, as outlined in the PDM, to ensure the EA achieves the specific deliverables which closely align with the D&B contract and keeps to budget. In the event of additional costs being incurred, this risk will be managed to the best of our ability and in line with our financial management approach. Any additional costs will be funded by the MoD as agreed in the MoU between the MoD and NSC.
EA does not perform to standard indicated in tender submission.	Quality standard required would not be met, programme may be jeopardised and benefits not achieved.	The Project Board are the responsible body overseeing the development and delivery of the programme. A project specific SRO and Project Manager are in place whose roles include monitoring the performance of the EA. Poor performance can be quickly identified and mitigated through discussion with the EA's Project Director.

More widely, the following key project risks have been identified. It will be the role of the EA to help manage and mitigate these risks.

<b>Key Risks</b> 1 - very low 2 - low 3 – medium 4 – high 5 - very high	Likelihood	Severity	Mitigating Actions	RAG Rating
<b>Timing of Network Rail blockades and possessions</b> If the Network Rail blockades and possessions plan does not align with the project schedule, then the project will be delayed.	4	3	- Engage with NR at project inception to explore possession opportunities and alternative operational diversions. - Contractor engaged on alternatives / minimising possession requirements.	Red
<b>Specialist skills</b> Contractors at premium due to other major capital projects.	3	3	- Resource hiring and retention strategy put in place to ease pressure. Higher costs to be factored into the budget.	Amber
<b>The structure requires ongoing monitoring and repair work</b> The structure remains in a poor state of repair and despite the recently introduced 7.5t weight limit needs monitoring and ongoing repair work until such time as a new bridge is in place.	3	3	- Existing NR survey work has identified areas that need addressing. This work needs to take place to deal with ongoing maintenance issues, further an inspection regime needs to be agreed.	Amber
<b>Train and Freight Operating Companies</b> If the scheme negatively impacts the business practices of the Train and Freight Operating Companies, then there is potential for a claim for compensation.	3	3	- Transfer risk to ECI contractor.	Amber
<b>Utilities diversions</b> If it is not possible or economically viable for the utilities on the current bridge to remain active throughout construction of the scheme, then diversions will be required.	3	3	- Engage early with utility companies to ascertain options for relocation. - Contractor to design temporary facility to ensure continuity of service provision during scheme construction.	Amber

## Equality Implications

Have you undertaken an Equality Impact Assessment? No

Protected characteristic groups will not be impacted by the award of this contract. As part of the project more generally, assessment has been undertaken as part of scheme development however a full EIA for the project will be undertaken as part of the project design and development phase. At present, the scheme proposes enhanced pedestrian and cycle facilities and linkages across and adjacent to the new bridge.

## Corporate Implications

The provision of key enabling infrastructure and the improvement of the transport network widely support the Corporate Plan objectives in creating a thriving and sustainable place to live and empowering people.

## Background Papers

[COU 104 dated 12 November 2019 \(Commissioning Plan\)](#)

[19-20-DE-258 \(Procurement Plan\)](#)

DN485295 Mini Competition Documents

DE395 WRB MOU

19.10.16 WRB Full 121119 Council Report

[20/21-DE-199 Pothole and Challenge Fund Tranche – approval for release of funds from the Department of Transport](#)

### Signatories:


Decision Made

Signed: .....

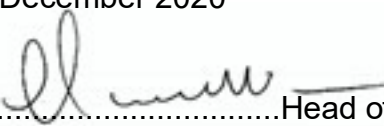


Date: 4 January 2021

### With Advice From:

Signed: ..  .... Section 151 Officer

Date: 31 December 2020

Signed: ..  ..... Head of Strategic Procurement

Date: 31 December 2020