
CYCLEWAY 1.2 - APPOINTMENT OF PRINCIPAL CONTRACTOR

Appendix 2 to Appendix A of this report is not for publication as it contains exempt information pursuant to the provisions of Schedule 12A Part 4 paragraph 16 of the Local Government Act 1972. It is viewed that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Reason for the Report

1. To facilitate full scrutiny of a report to Cabinet seeking approval to award the contract for the construction of Cycleway 1.2, prior to its consideration by Cabinet on 15 July 2021.
2. Members should note that **Appendix 2** of the Cabinet report is exempt from publication. Members are requested to keep this information confidential, in line with their responsibilities as set out in the Members Code of Conduct and the Cardiff Undertaking for Councillors.

Structure of the Papers

3. The draft Cabinet Report is attached at **Appendix A**. The full set of Appendices attached to this cover report are:

Appendix A – draft Cabinet Report

Appendix 1 – Cycleway 1.2 Detailed Design

Appendix 2 – Exempt Legal Implications (Confidential)

Appendix B – Public Consultation pack

Structure of the meeting

4. The Chair will move that this item be considered in two parts: an open session, where Members will be able to ask questions on the issues and papers that are in

the public domain; and a closed session, where members of the public will be excluded, where Members can ask questions that pertain to **Appendix 2**.

5. Members will hear from Councillor Caro Wild (Cabinet Member – Strategic Planning and Transport), Andrew Gregory (Director of Strategic Planning, Transport and Environment), Matthew Price (Team Leader – Transport Vision, Policy and Strategy) and Gail Bodley-Scott (Section Leader – Transport Vision, Policy and Strategy).
6. Members will be able to ask questions and decide what comments, observations or recommendations they wish to pass on to the Cabinet for their consideration prior to making their decisions.

Background and Context

7. Cycleways are continuous cycle routes separated in the main from motor vehicles and pedestrians. They aim to make cycling safer, easier and quicker for commuters by bike, children travelling to school, shopping and leisure purposes.
8. The Council is currently developing plans for five Cycleway routes that will connect the north, east, west and south west of the city to the City Centre and Cardiff Bay. The plan includes cycleways on:
 - St Andrew's Crescent to Heath High Level
 - Dumfries Place to Broadway
 - Cardiff Bay to Smart Way
 - Sophia Gardens through to Llandaff Village
 - City Centre through to Ely Bridge.
9. The Cycleway 1.2 report (**Appendix A**) seeks Cabinet approval to award the contract for the construction of Cycleway 1.2 to Horan Construction Ltd.
10. The Council's Transport White Paper sets out a commitment to develop a safe, fully segregated cycle network around the City connected to six primary cycleway by 2026.
11. Cycleway 1 is a primary route connecting the City Centre to the North East Cardiff development site. This report relates to Cycleway 1.2, which is phase 2 of the

route and will deliver a segregated two-way cycle track on Cathays Terrace, Whitchurch Road, Allensbank Road and King George V Drive East.

Issues

12. Since 2018 Cardiff's Commissioning and Procurement service has hosted the South East Wales Highways Framework (SEWH) framework, providing participating South East Wales Authorities with a swift selection and procurement process for Highways, Civil Engineering, Maintenance and Surfacing works.
13. Such collaborative frameworks benefit user organisations through the development of longer-term client/contractor relationships that improve value for money through lessons learnt, removing duplication of processes, development of common standards, and sharing of best practise with reduced time taken to get to market.
14. Six approved contractors were invited to participate in a mini tender for the works following a comprehensive survey of the utility landscape and an engagement process with utility companies.
15. Tenders have been assessed in accordance with the pre-determined evaluation criteria (70% cost and 30% quality) and the contractor considered to have submitted the most economically advantageous tender is Horan Construction Ltd.
16. Subject to Cabinet approval, the work will be undertaken between August 2021 and May 2022.

Public Consultation

17. Attached at **Appendix B** is the Council's public consultation pack on the proposal to implement cycleway 1.2 under its traffic management scheme.
18. In total 876 responses were received to the public consultation held in the summer of 2020: 57% supported the proposals; 21% partially supported the proposals; and 23% did not support the proposals.

Funding the Proposal

19. The tender value for this scheme is £5.995m, of which the Council has been awarded £2.435m grant funding from the Welsh Government (WG) Active Travel Fund (ATF) in the financial year 2021-22. In addition, it is estimated that the fees to deliver the project will be £390,000.
20. A condition of the ATF is that Cardiff Council will provide match funding to the value of 11% of the total scheme cost.
21. The Council is proposing to cover the £3,461,000 short-fall in funding as follows:
- utilising underspend on other ATF projects;
 - making an additional in-year bid to the WG ATF fund in 2021/22; and
 - a further bid to the WG ATF fund in 2022/23.
22. Members may particularly wish to note the financial implication that should funding from the above sources not be available any shortfall will require funds to be diverted from elsewhere in the Council's Capital Programme.

Recommendations to Cabinet

23. Cabinet is recommended to award the contract for the construction of Cycleway 1.2 to Horan Construction Ltd.

Way Forward

24. The Cabinet Member for Strategic Planning & Transport, Cllr Caro Wild, has been invited to attend the meeting. The Director of Planning, Transport & Environment, Andrew Gregory, Matthew Price (Team Leader – Transport Vision, Policy and Strategy) and Gail Bodley-Scott (Section Leader – Transport Vision, Policy and Strategy) will support him.
25. All Members are reminded of the need to maintain confidentiality with regard to the information provided in **Appendix 2**. Members will be invited to agree the meeting go into closed session to enable discussion of this information.

Legal Implications

26. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not making policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to the Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

27. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not making policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATIONS

The Committee is recommended to:

- (i) Consider the information in this report and the information presented at the meeting;
- (ii) Determine whether they would like to make any comments, observations or recommendations to the Cabinet on this matter; and
- (iii) Decide the way forward for any future scrutiny of the issues discussed.

Davina Fiore

Director of Governance & Legal Services

30 June 2021