

**CYCLEWAY 1.2 APPOINTMENT OF PRINCIPAL CONTRACTOR**

**STRATEGIC PLANNING & TRANSPORT (COUNCILLOR CARO WILD)**

**AGENDA ITEM: 14**

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**Appendix 2 of the report is not for publication as it contains exempt information pursuant to the provisions of Schedule 12A Part 4 paragraph 16 of the Local Government Act 1972**

**Reason for this Report**

1. To seek approval to award the contract for the construction of Cycleway 1.2 to the winning contractor: Horan Construction Ltd.

**Background**

2. Cardiff Council's Transport White Paper sets out a commitment to develop a high-quality, safe and fully segregated cycle network by 2026. This will include a complete cycle loop around the city centre which will connect to each of the six primary cycleways.
3. Proposals for the Cycleway routes are outlined in the Council's approved Integrated Network Map (INM), which was approved by Welsh Government in February 2018.
4. Cycleway 1 was identified as a primary route in Cardiff's INM. The route will connect the City Centre to the North East Cardiff development site via Cardiff University, UHW and Heath rail stations. Construction of the Cycleway will be phased to ensure connectivity with the city centre. The first phase was completed in 2019, delivering improvements to St Andrew's Crescent, St Andrew's Place and Senghennydd Road. This report relates to phase 2, which will deliver improvements to Cathays Terrace, Whitchurch Road, Allensbank Road and King George V Drive East.
5. Cycleway 1.2 comprises the provision of a segregated two-way cycle track on Cathays Terrace, Whitchurch Road and Allensbank Road and associated junction improvements to provide a safe and attractive cycle route. The detailed design for the scheme is included in Appendix 1 of this report.

6. A supporting residential zonal parking permit scheme has been designed to mitigate the loss of parking spaces. This scheme will reallocate spaces to favour residents and quick turnover parking for businesses, whilst also reducing commuter parking in area.

### **Procurement Method**

7. A 'mini-competition tender' for the works was undertaken with all providers within Lot 8 of the South East Wales Highways Framework under NEC4 ECC Option A. The following contractors were invited to tender over an 11-week period:
  - Dyer and Butler
  - Walters UK Limited
  - Alun Griffiths (Contractors) Ltd
  - Horan Construction
  - Centregreat Limited
  - Knightsbrown Construction Ltd
8. The nature of highway infrastructure works means there remain risks of unforeseen issues with utilities and other underground items. However, these risks including a review of lessons learnt on previous schemes have been mitigated with a comprehensive survey schedule undertaken and engagement process with utility companies in advance. This has included:
  - i. A full radar survey of the area to create a comprehensive picture of the utility landscape. This enabled the team to design around current utility locations, and minimise the need for excessive diversions
  - ii. Following the processes set out in NRASWA
  - iii. Trial Digs

### **Tender Award Outcome**

9. The tenders have been returned and assessed in accordance with the pre-determined evaluation criteria, that is 70% cost and 30% quality.
10. The contractor deemed to have submitted the most economically advantageous tender is Horan Construction Ltd.

### **Programme**

11. On entering into a contract with the recommended tenderer, enabling accommodation works will start in August 2021, with the principal contractor entering site in September 2021 and aiming to complete by May 2022.

12. The above is a draft programme and is subject to change, a more detailed programme of works will be available once the contract has been awarded.

### **Funding**

13. The tender value for this scheme is £5,995,000.
14. Cardiff Council has been awarded £2.435m grant funding from Welsh Government Active Travel Fund for the construction of Cycleway 1.2 in the financial year 2021-22.
15. A condition of the Active Travel Fund is that match funding to the value of 11% of the total scheme cost is provided by Cardiff Council.
16. It is estimated that the fees associated with delivering the project, including quantity surveying, project management and site supervision will be £390,000.
17. Additional funding of £3,461,000. It is proposed that this short-fall is covered by Welsh Government Active Travel Fund (ATF) grant funding (underspend on other projects, additional in-year bids to WG in 2021/22 and the 2022/23 round of ATF bids). In the unlikely event that funding from these sources is not available, any shortfall in funding will be found from the Council's own capital funds.

### **Consultation (including Local Member consultation)**

18. Local Ward Member consultation was undertaken from April-May 2020 in advance of the launch of the public consultation on the scheme.
19. Public consultation on the scheme was held between 19<sup>th</sup> June 2020 and 31<sup>st</sup> July 2020, with an extension of the response period to 4<sup>th</sup> September for residents of Rhymney Street.
20. 876 responses were received to the consultation. Overall, 57% of respondents supported the proposals. A further 21% of respondents partially supported the proposals. 23% of respondents did not support the proposals.
21. A further Statutory consultation on the Traffic Regulation Order is currently programmed to start in July 2021.

### **Scrutiny Consideration**

22. The Environmental Scrutiny Committee considered this issue on 6 July 2021. Any comments received will be circulated at the Cabinet meeting.

### **Reason for Recommendations**

23. Tender award is required to appoint a principal contractor to deliver the Cycleway 1.2 scheme.

## **Financial Implications**

24. Paragraphs 12 to 16 above outline estimated costs and funding sources for this scheme. This outlines that it may be necessary to divert funding from elsewhere in the Capital Programme. This position should be kept under review as costs and funding sources are confirmed as the scheme develops.

## **Legal Implications**

25. The proposals to rely on a framework arrangement do not raise any direct legal implications, provided the process set out in the framework for its use is complied with and the prescribed terms and conditions for placing orders are used.
26. It is understood from the report that a consultation exercise has been carried out. It should therefore be noted that Consultation gives rise to a legitimate expectation that the outcome of the consultation will be taken into account in determining the way forward.
27. It is further understood from the body of this report that the scheme is funded via a Welsh Government grant and therefore consideration should be given to the funding conditions attached to the WG grant to ensure all conditions are complied with.

## **General advice**

28. In considering the matters set out in this report regard should also be had to:
29. Equality Duty: The Council has to satisfy its public sector duties under the Equality Act 2010 (including specific Welsh public sector duties) – the Public Sector Equality Duties (PSED). These duties require the Council to have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of ‘protected characteristics’. The ‘Protected characteristics’ are: • Age • Gender reassignment • Sex • Race – including ethnic or national origin, colour or nationality • Disability • Pregnancy and maternity • Marriage and civil partnership • Sexual orientation • Religion or belief – including lack of belief.
30. Well Being of Future Generations (Wales) Act 2015: The Well-Being of Future Generations (Wales) Act 2015 (‘the Act’) places a ‘well-being duty’ on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.
31. In discharging its duties under the Act, the Council has set and published well-being objectives designed to maximise its contribution to achieving the national well-being goals. The well-being objectives are set out in

Cardiff's Corporate Plan 2021-24. When exercising its functions, the Council is required to take all reasonable steps to meet its well-being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well-being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.

32. The well-being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:
  - I. Look to the long term
  - II. Focus on prevention by understanding the root causes of problems
  - III. Deliver an integrated approach to achieving the 7 national well-being goals
  - IV. Work in collaboration with others to find shared sustainable solutions
  - V. Involve people from all sections of the community in the decisions which affect them
  - VI. The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below:<http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>
33. The decision maker should also have regard to, when making its decision, to the Council's wider obligations under the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards.
34. The decision maker must be satisfied that the proposal is within the Policy and Budget Framework, if it is not then the matter must be referred to the Council. All decisions taken by or on behalf 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 of behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Council 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

### **HR Implications**

35. There are no direct HR implications for this report

### **Property Implications**

36. There are no direct property implications for this report

### **RECOMMENDATIONS**

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

<b>SENIOR RESPONSIBLE OFFICER</b>	<b>Andrew Gregory</b> <b>Director of Planning, Transport &amp; Environment</b>
	9 July 2021

*The following appendices are attached:*

*Appendix 1: Cycleway 1.2 Detailed Design*

*Appendix 2: Exempt Legal Implications (Confidential)*