

Record of officer decision

Decision title:	Accept variation proposals (Compensation Events, CE) as part of agreement (NEC4 Contract) for the design of A465 Aylestone Hill and Holme Lacy Road (HLR) Active Travel Walking and Cycling Improvements
Date of decision:	15 March 2024
Decision maker:	Corporate Director Economy and Environment
Authority for delegated decision:	<p>Funding and authority for this work will be covered under the following decisions:</p> <ul style="list-style-type: none"> • On 15 July 2021 the Cabinet Member Infrastructure and Transport took a decision to authorise the following works to be progressed: <ul style="list-style-type: none"> ○ Development and delivery of a walking and cycling improvement scheme on the A465 Aylestone Hill following the allocation of £120k of Active Travel Fund from the Department for Transport (DfT). This decision can be viewed using the following link: Issue details - A465 Aylestone Hill Walking and Cycling Improvements - Herefordshire Council • A cabinet decision was taken on 12th January 2023 to accept and spend any funds approved by the Department for Levelling Up including the Hereford Transport Package. Full details of the decision taken can be seen at the following link: Decision - To Accept and Spend Any Approved Levelling Up Fund Allocation to Herefordshire - Herefordshire Council
Ward(s):	Aylestone Hill; Central; College; Eign Hill; Holmer; Widemarsh; Dinedor Hill, Hinton & Hunderton, Red Hill and Saxon Gate.
Consultation:	Consultation for the original decisions took place with the relevant Cabinet and Local Members. The specifics of this decision have also been discussed and agreed with Commercial and Legal Services.
Decision made:	<p>Accept Compensation Events for up to £29,060 as part of agreement (NEC4 Contract) for the design of Holme Lacy Road and A465 Aylestone Hill Walking and Cycling Improvements, specifically relating to the following:</p> <ul style="list-style-type: none"> • Holme Lacy Road- £24,500 <ul style="list-style-type: none"> ○ Additional fees based on extended programme including issuing of Construction Design Pack. ○ Additional traffic modelling to support requested design changes. ○ Requested design changes. ○ Extension of existing appointment. • Aylestone Hill- £4,560 <ul style="list-style-type: none"> ○ Revised design drafts to reflect improved survey data. ○ Preparing a scope for traffic surveys. ○ Design meetings at the beginning of the year until the end of April 2023.

<p>Reasons for decision:</p>	<ul style="list-style-type: none"> • The Holme Lacy Road and A465 Aylestone Hill Active Travel Measure schemes are designed to improve the existing cycle infrastructure in the south and north of the City respectively to the latest national guidance published in July 2020. This will improve the facilities for pedestrians, in particular crossing arrangements, address the challenges that currently discourage people from walking and cycling in the vicinity and encourage active travel in Hereford as the natural choice for journeys less than 2 km. • These projects are part of a wider programme of Active Travel Measure (ATM) schemes accessing Active Travel Funding (ATF) and Levelling Up Funding (LUF) across Hereford City. • The schemes will also support a reduction in carbon and other transport related emissions in the county and provide a good quality, convenient and safe transport network linking to the City Centre and Enterprise Zones that prioritises walking and cycling. • Price & Myers were awarded the contract for undertaking the design of Holme Lacy Road scheme following an open tender exercise in compliance with the Council’s Contract Procedure Rules (CPR’s). Initial design scoping for the A465 Aylestone Hill scheme was added to the contract via a variation.
	<p>Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:</p> <ul style="list-style-type: none"> ○ A public authority must, in the exercise of its functions, have due regard to the need to <ul style="list-style-type: none"> a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this 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. <p>The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying ‘due regard’ in our decision making in the design of policies and in the delivery of services.</p> <p>During the Business Case development phase of these projects the project promoters and any contractors were made aware of their contractual requirements in regards to equality legislation.</p> <p>All of the council led projects have completed an Equality Impact Assessment and confirmed that, as a minimum, there is no detrimental impact on any of the protected characteristics at this bidding stage of the Levelling Up Fund process. In the event that the funding bids are successful then the project teams will conduct detailed Equality Impact Assessments for all aspects of the schemes as they are developed.</p>
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<ul style="list-style-type: none"> • The required spend profile outlined by the DfT for the A465 Aylestone Hill scheme stipulates that the scheme must be delivered by the end of July 2024 following a change request approval in January 2024. • The Council has signed up to a memorandum of Understanding (MoU) which commits to delivering and spending the Levelling Up funds prior to end of March 2025.

	<ul style="list-style-type: none"> • This operational decision will enable further spend to be committed against the designated profiles. • Both schemes have been the subject of significant review in order to ensure they are fit for purpose as well as providing value for money- the compensation events are a direct result of these activities and form part of the NEC4 contract process. • The value of the awarded contract was £84,706; subsequent variations were made to this of £26,932 to incorporate feasibility design for the Aylestone Hill scheme and associated surveys. • Compensation Events are a mechanism within the NEC4 contract being used for these design works, which allow variations to be agreed between both parties for works that fall outside of the original project scope, for example design of similar or linked schemes. • The total contract value prior to these Compensation Events is therefore £111,638. • The value of the proposed compensation event is £29,060, however significantly higher savings are forecast on the Holme Lacy Road scheme because of the requested design changes and associated works. • The LUF Project Board will oversee project delivery, which reports into the Sustainable Transport and Place Making Delivery Boards.
<p>Details of any alternative options considered and rejected:</p>	<p>Not to progress with the additional design elements utilising the appointed consultants is not recommended as this could result in a legal challenge due to these being considered a Compensation Event under the current agreement. This would also require alternative consultants being appointed to complete the works, which would add extra time and cost to the projects.</p>
<p>Details of any declarations of interest made:</p>	<p>N/A</p>

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