

Procurement Plan [DRAFT]

MetroWest Phase 1

8th November 2022

BACKGROUND:

MetroWest Phase 1 (the Project) proposes to upgrade the existing local train service for the Severn Beach Line and the Bath Spa to Bristol Line (Phase 1A) and re-open the Portishead rail line with stations at Portishead and Pill (Phase 1B). The Project is being promoted by North Somerset Council (NSC) and the West of England Combined Authority (WECA) on behalf of the authorities across the West of England including; Bath & North East Somerset, Bristol City and South Gloucestershire Councils. The Project forms part of a wider MetroWest programme to deliver strategic enhancements to the local rail network over the next 10 years.

The project had to be paused earlier this year due to the estimated costs exceeding the project budget, due to issue beyond the control of the NSC and WECA. The project funding gap was resolved in July 2022, with additional funding contributions made by the Department for Transport (DfT), NSC and WECA. In addition to their increased funding the DfT confirmed in their letter of 19th July 2022 (appended to the main report), they will also take the delivery risk for the project and will fund project costs up to the completion of the Full Business Case (FBC).

The project has now been resumed and NSC & WECA retain significant project scope relating to ecology services / works, works to bridges, minor highway works, land interfaces, Development Consent Order (DCO) interfaces, legal processes, supporting project management and production of the FBC. A DCO decision is expected to be made by the Secretary of State for Transport, around mid November 2022. The DCO will provide the necessary powers to build and operate the project including powers for the compulsory acquisition of land (where necessary). For further information refer to: [MetroWest Phase 1 Report to Council meeting 12th July 2022](#)

In light of the changes to the project, it is necessary to update the project Procurement Plan. This updated Procurement Plan replaces the previous version authorised by the Council in July 2021, which is now out of date.

DECISION:

To authorise the Procurement Plan. The Procurement Plan entails the procurement of the NSC & WECA project scope as set out in the sections below, via the route to market identified for each of the works set out in the over-arching work packages.

REASONS:

Introduction

The DfT are funding all project costs up to the approval of the FBC (up to April 2024). The DfT are remitting Network Rail as its delivery agent for the project and will directly fund Network Rail. Network Rail will contract NSC to deliver the NSC &

WECA project scope. This effectively means NSC becomes a sub-contractor to Network Rail. Network Rail will enter into a Funding Agreement with NSC (see draft agreement appended to the main report to Council) on behalf of NSC and WECA. The existing Initial Promotion Agreement ver3 and Side Agreement formalise the cost and liability sharing arrangements between NSC and WECA up to the approval of the Full Business Case.

Requirement

From autumn 2022 to spring 2024 the project must complete detailed design, undertake some DCO processes, undertake part of the ecology enabling works and complete its Full Business Case (FBC) for submission to the DfT and wider funding partners.

The NSC & WECA project scope up to the FBC includes a combination of specialist professional services and physical works. Table 1 below sets out the packages of scope to be delivered with details of the timescales and spend ceiling.

Table 1 – Contract value of scope and estimated spend up to Full Business Case submission (up to March 2024)

Package	Description of Works	Type of contract and start of contract	Estimated Contract Value	Estimated Spend prior to Full Business Case Approval
Economic appraisal & business case technical support	Economic appraisal compliant with DfT TAG guidance, to produce the Full Business Case (FBC) and wider technical support for the production of the five business case dimensions.	Professional Services Sept 2023	Up to £43,750	Up to £43,750
Ecology & Landscape Planting	Phase A - Ecology enabling works on the dis-used line including phased vegetation clearance, tree felling, erecting reptile fences ahead of translocating and displacing protected species.	Works Nov 2022	Up to £404,250	Up to £404,250
	Phase B - Ecology enabling works on the dis-used line, including but not limited to, tree felling, badger mitigation, vegetation clearance & maintenance of ecological mitigation (such as reptile fencing)	Works July 2023	Up to £269,500	Up to £269,500
	Phase C - Ecology enabling works remaining on the dis-used line and operational line, including but not limited to, phased vegetation clearance, tree felling, erecting newt / reptile fences ahead of translocating and displacing protected species.	Works July 2024	Up to £206,250	£0
	Ecological compensation works at Leigh Woods on Forestry England land as defined by Package 2 of the Habitat Regulation Assessment.	Works April 2023	Up to £165,000	Up to £62,500

Appendix 4 – MetroWest Phase 1 report to 8th November 2022 Full Council meeting

Highways & Bridges	External resource to support with the preparation of Invitation to Tender for Highways and Bridges.	Professional Services March 2023	Up to £62,500	Up to £62,500
Bridges	Construction works to four road over rail bridges and one pedestrian bridge (Gas works Bridge) entailing defect rectification and vehicle restraint works. Note Gas Works Bridge has been descoped from the project but the rectification works need to be undertaken by the Highways Service and will be funded separately.	Works July 2024	Up to £1,115,638	£0
Highways & Drainage	Hardware and software (MOVA) upgrade to the signals of the Ashton Vale Road and Winterstoke Road junction in Bristol.	Professional Services July 2024	Up to £51,313	£0
	Detailed design & construction of extension to the left turn lane from Winterstoke Road into Ashton Vale Road, Bristol including and diversion and protection of utilities.	Professional Services and Works July 2024	Up to £1,282,188	£0
	Detailed design & construction of improvements to bus stops on Lodway/ Heywood Road (Memorial Club) Pill to improve highway visibility and to provide fully accessible bus stops.	Professional Services and Works July 2024	Up to £128,438	£0
	Detailed design & construction of improvements to highway drainage at Underbanks and Avon Road, Pill.	Professional Services and Works July 2024	Up to £171,000	£0
	Detailed design & construction of extension to footway on Station Road and associated improvements between Monmouth Road and Pill station forecourt on Station Road.	Professional Services and Works July 2024	Up to £85,500	£0
	TOTAL			Up to £3,985,326

Route to market

As set out in Table 2, a range of different route to market approaches are proposed for each work package and a justification for each approach has been set out. Some of the work packages require highly specialist expertise and consequently a direct award contractual arrangement is required, for the reasons set out in Table 2. For some of the work packages an existing framework contract can be used. The remaining work packages will be competitively tendered.

Table 2 – Route to market

Package	Description of Works	Route to Market	Reasons for the approach	Duration of contract
Economic appraisal & business	Economic appraisal compliant with DfT TAG guidance, to produce the	WoE Professional Services Framework (PSF) direct award	Aecom have substantial knowledge of the project based on their	Sept 2023 to Aug 2024 (12 months)

Appendix 4 – MetroWest Phase 1 report to 8th November 2022 Full Council meeting

case technical support	Full Business Case (FBC) and wider technical support for the production of the five business case dimensions.	within the sole supplier threshold.	involvement across the MetroWest programme. To ensure consistency of approach and efficiency, Aecom should be commissioned via WoE PSF, within the sole supplier threshold.	
Ecology & Landscape Planting	Phase A - Ecology enabling works on the dis-used line including phased vegetation clearance, tree felling, erecting reptile fences ahead of translocating and displacing protected species.	Parks & Open Spaces Term Maintenance contract (Glendale)	The term maintenance contractor quotes for each job. The experience to date has been positive and the contractor has been responsive.	Nov 2022 to June 2023 (8 months)
	Phase B - Ecology enabling works on the dis-used line, including but not limited to, tree felling, badger mitigation, vegetation clearance & maintenance of ecological mitigation (such as reptile fencing).	Parks & Open Spaces Term Maintenance contract (Glendale)	The term maintenance contractor quotes for each job. The experience to date has been positive and the contractor has been responsive.	July 2023 to June 2024 (12 months)
	Phase C - Ecology enabling works remaining on the dis-used line and operational line, including but not limited to, phased vegetation clearance, tree felling, erecting newt / reptile fences ahead of translocating and displacing protected species.	Open Competitive procurement or use of a Network Rail framework if available	Some of these works are on the operational railway and only Network Rail approved contractors can undertake these works. Glendale are not currently an NR approved contractor.	July 2024 to June 2025 (12 months)
	Ecological compensation works at Leigh Woods as defined by Package 2 of the Habitat Regulation Assessment.	The Forestry Commission (Forestry England) direct award in connection with land option agreement	These works are to be undertaken on Forestry Commission land and MetroWest has entered into a wide-ranging option agreement including provision for Forestry Commission to undertake these very sensitive ecological works, within close proximity of the site to the Avon Gorge SAC and very rare flora.	April 2023 to Sept 2026 (39 months)
Highways & Bridges	External resource to support with the preparation of Invitation to Tender for Highways and Bridges.	WoE Professional Services Framework (PSF) Mini Competition	This support can be provided by any of the three contractors on the PSF	March 2023 to July 2023 (5 months)
Bridges	Construction works to four road over rail bridges and one pedestrian bridge (Gas works Bridge) entailing defect rectification and	Open competitive procurement	Procurement will use NEC4 Engineering & construction Contract	June 2024 to April 2026 (23 months)

Appendix 4 – MetroWest Phase 1 report to 8th November 2022 Full Council meeting

	vehicle restraint works. Note Gas Works Bridge has been descoped from the project but the rectification works need to be undertaken by the Highways Service and will be funded separately.			
Highways & Drainage	Hardware and software (MOVA) upgrade to the signals of the Ashton Vale Road and Winterstoke Road junction in Bristol.	Bristol City Council Traffic Signals Team via s278 (of the Highways Act 1980) agreement already entered into.	This is a highly specialised hardware and software upgrade, which the Bristol City Council Traffic Signals Team will lead and deliver as the asset owner, under a s278 agreement.	June 2024 to April 2026 (23 months)
	Detailed design & construction of: a) extension to the left turn lane from Winterstoke Road into Ashton Vale Road, Bristol, b) improvements to bus stops on Lodway/ Heywood Road (Memorial Club) Pill, c) highway drainage at Underbanks and Avon Road, Pill, and d) extension to footway on Station Road and associated improvements between Monmouth Road and Pill station forecourt on Station Road.	Open Competitive procurement – two stage design & build contract	These highway works are packaged together as this will be more efficient to procure and manage. Procurement will use NEC4 Engineering & construction contract	June 2024 to April 2026 (23 months)

Timescales

Table 3 sets out the timescales for the procurement and delivery of the NSC & WECA project scope.

Table 3 – Procurement and delivery timescales

Package	Description of Works	Procurement timescales	Timescales for work
Economic appraisal & business case technical support	Economic appraisal compliant with DfT TAG guidance, to produce the Full Business Case (FBC) and wider technical support for the production of the five business case dimensions.	Contract award: Sept 2023	A draft version of the Economic Dimension and Financial Dimension and supporting appendices will need to be produced by Dec 2023, ready for the final market prices to be included before the FBC is submitted to the DfT by Mar 2024.
Ecology & Landscape Planting	Phase A - Ecology enabling works on the dis-used line including phased vegetation clearance, tree felling, erecting reptile fences ahead of	Contract award: Nov 2022	Phase A ecology works must be delivered between Nov 2022 and June 2023.

Appendix 4 – MetroWest Phase 1 report to 8th November 2022 Full Council meeting

	translocating and displacing protected species.		
	Phase B - Ecology enabling works on the dis-used line, including but not limited to, tree felling, badger mitigation, vegetation clearance & maintenance of ecological mitigation (such as reptile fencing).	Contract award: July 2023	Phase B ecology works must be delivered between July 2023 and June 2024.
	Phase C - Ecology enabling works remaining on the dis-used line and operational line, including but not limited to, phased vegetation clearance, tree felling, erecting newt / reptile fences ahead of translocating and displacing protected species.	Contract award: July 2024	Phase C ecology works must be delivered between July 2024 and June 2025.
	Ecological compensation works at Leigh Woods as defined by Package 2 of the Habitat Regulation Assessment.	Contract award: April 2023	The works must be completed by summer 2026, before the opening of MetroWest P1 and the start of passenger train services.
Highways & Bridges	External resource to support with the preparation of Invitation to Tender for Highways and Bridges.	Contract award: March 2023	These professional services must be provided between March 2023 and July 2023.
Bridges	Construction works to four road over rail bridges and one pedestrian bridge (Gas works Bridge) entailing defect rectification and vehicle restraint works. Note Gas Works Bridge has been descoped from the project but the rectification works need to be undertaken by the Highways Service and will be funded separately.	Develop tender documents – June to Aug 2023 Submission window – Sept to Nov 2023 Evaluation – Nov to Dec 2023 FBC Approval – May 2024 Contract award: June 2024	The tender price for bridge works must be received by Nov 2023 to feed into the FBC. The works will now overlap with Network Rail's main construction works, as FBC approval is now May 2024. These works are programmed to be completed by Feb 2026, with as-built drawings by April 2026.
Highways & Drainage	Hardware and software (MOVA) upgrade to the signals of the Ashton Vale Road and Winterstoke Road junction in Bristol.	Work specification – June to Aug 2023 Cost confirmed – Sept to Nov 2023 FBC Approval – May 2024 Contract award: June 2024	The final assessed cost of this upgrade to traffic signals must be received by Nov 2023 to feed into the FBC. The works must be completed by Spring 2026, before the opening of MetroWest P1 and the start of passenger train services in summer 2026.

	<p>Detailed design & construction of:</p> <p>a) extension to the left turn lane from Winterstoke Road into Ashton Vale Road, Bristol,</p> <p>b) improvements to bus stops on Lodway/ Heywood Road (Memorial Club) Pill,</p> <p>c) highway drainage at Underbanks and Avon Road, Pill, and</p> <p>d) extension to footway on Station Road and associated improvements between Monmouth Road and Pill station forecourt on Station Road.</p>	<p>Develop tender documents – June to Aug 2023</p> <p>Submission window – Sept to Nov 2023</p> <p>Evaluation – Nov to Dec 2023</p> <p>FBC Approval – May 2024</p> <p>Contract award: June 2024</p>	<p>The tender price for highways works must be received by Nov 2023 to feed into the FBC. The works must be completed by Spring 2026, before the opening of MetroWest P1 and the start of passenger train services in summer 2026.</p>
--	--	--	--

Governance

In line with the Council’s contract standing orders. Following approval of this Procurement Plan by Full Council on 8 November 2022, all Contract Awards for each of the above commissions will be subject to approval by the Director of Place. For Contract Awards over £100,000, the Director will be advised by the Section 151 Officer and Head of Strategic Procurement.

Contract Awards that are Key Decisions will be advertised on the council’s Forward Plan and will be subject to call-in periods.

Following the confirmation of additional funding for the project by NSC, WECA and the DfT in July 2022, the DfT also agreed to take the delivery risk for the project and to fund project costs up to the completion of the Full Business Case. NSC & WECA retain significant project scope relating to ecology services / works, works to bridges, minor highway works, land interfaces, Development Consent Order (DCO) interfaces, legal processes, supporting project management and production of the Full Business Case. For further information regarding the wider project governance arrangements see main report to Council.

Contract management be as follows:

- Strategic Procurement Service Lead – Miranda Huntley
- Contract Manager – Richard Matthews / James Willcock
- For bridge works only - Chandan Bhumpelly
- Highways Technical Approval - Colin Chandler

The estimated capital out-turn cost of the project is £152.01m, as reported to Council at its 12th July 2022 meeting. The estimated cost of the NSC & WECA project scope up to FBC (up to April 2024) is £3.49m, which will be met in full by the DfT via Network Rail.

The scheme programme is highly complex and requires this updated Procurement Plan to be authorised now to enable NSC & WECA to deliver its project scope which feeds into the production of the FBC by March 2024. Following confirmation of FBC approval by the DfT in May 2024, authorisation will be sought in spring/summer 2024

from NSC Full Council (and WECA Committee) to award construction contracts for the NSC & WECA scope.

Market / Suppliers

The work packages are generally routine works that comprise a small part of the overall scope of MetroWest Phase 1 and as the intention is to bundle the schemes this should make it more attractive to the market. As set out in Table 2, some of the work package elements will be direct awards to suppliers that have already been working on the MetroWest Phase 1 project.

Social Value

In accordance with the Council’s Social Value Policy, 10% of the overall weighting will be for bidders to propose their tangible social value commitments. This applies to those contracts that will be procured via a competitive route to market but may also be considered for Direct Award contracts if appropriate.

During the tender process, bidders will be asked to enter their social value commitments on the Social Value Portal using a unique registration link included in the mini competition documents. Social Value Portal utilises the National Themes, Outcomes and Measures (TOMs) to calculate social value contributions, which enables NSC to gain a greater understanding of the value of bidders’ commitments and to evaluate social value tender responses quantitatively as well as qualitatively. The Main/Full list of TOMs will be used for these commissions.

For all MetroWest contracts that are competitively tendered, Social Value Portal will undertake both the evaluation of the social value responses and ongoing contract management of the social value commitments provided by the appointed supplier. This service will cost 0.20% of the contract value and will be paid by the winning bidder direct to the Social Value Portal.

Evaluation

The evaluation methodology will follow North Somerset’s standard procurement process. The evaluation criteria for competitive tenders is set out in Table 4.

Table 4 – Evaluation

Package	Description of Works	Evaluation Weightings
Ecology & Landscape Planting	Phase C - Ecology enabling works remaining on the dis-used line and operational line, including but not limited to, phased vegetation clearance, tree felling, erecting newt / reptile fences ahead of translocating and displacing protected species.	The weightings will require further assessment pending the more detailed information. Estimated to be as follows: Price 55%, Quality 35%, Social Value 10%
Highways & Bridges	External resource to support with the preparation of Invitation to Tender for Highways and Bridges.	Price 55%, Quality 35%, Social Value 10%

Bridges	Construction works to four road over rail bridges and one pedestrian bridge entailing defect rectification and vehicle restraint works.	The weightings will depend on the level of work required following the bridge assessment work. Estimated to be as follows: Price 60% -65%, Quality 25%-30%, Social Value 10%
Highways & Drainage	Detailed design & construction of: a) extension to the left turn lane from Winterstoke Road into Ashton Vale Road, Bristol, b) improvements to bus stops on Lodway/ Heywood Road (Memorial Club) Pill, c) highway drainage at Underbanks and Avon Road, Pill, and d) extension to footway on Station Road and associated improvements between Monmouth Road and Pill station forecourt on Station Road.	Standard highway works, so lower quality weighting acceptable. Price 60%, Quality 30%, Social Value 10%

Each of the questions with the quality submission will be scored using the scoring matrix shown in Table 5 below.

Table 5 – Scoring Matrix

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.

Price: Based on the tender submissions 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 project management including assessment on the following topics.

1. Business capability and resource
2. Professional expertise
3. Commercial offering
4. Project team
5. Track record
6. Sustainability, carbon reduction and biodiversity

The evaluation team will comprise the following:

- James Willcock (MetroWest Phase 1 Programme Manager)
- Tom Belletty (Senior Project Manager - Rail, WECA)
- Richard Matthews (Principal Policy Officer, MetroWest Phase 1)
- Highways engineer (to be assigned)
- Chandan Bhumpelly (Team Manager, Structures) – *for bridge competitive tenders only*

The Strategic Procurement service will moderate the evaluation of all tenders.

Contract Management

Contract management will entail management via the WECA PSF framework, some direct award contracts and use of the NEC4 PSC & NEC4 Engineering & Construction Contracts. The contracts will include performance indicators and there will be regular contract performance meetings with contractors.

To provide certainty of out-turn cost the NEC4 Engineering and Construction Contract Option A: Priced Contract with activity schedule should be used or Option C: Target Contract with activity schedule. With Option A, the contractor offers to provide the works described in the contract for a sum of money. The contract provides for certain risks to be carried by the client which will result in the lump sum being adjusted if the compensation events occur.

The activity schedule is normally written by the contractor since they know what activities will be carried out. Each activity is priced as a lump sum by the contractor which is the amount paid when the contractor has completed the activity. In pricing an activity, the contractor takes responsibility for estimating quantities and resources, and assessing and pricing risks that the contractor owns. With Option C the difference is the contractor is incentivised to deliver the works for a target price, if the price is exceeded the additional cost is shared between the contractor and the employer.

The contracts will be managed by Richard Matthews (Principal Transport Policy officer, MetroWest Phase 1), Tom Belletty (Senior Project Manager - Rail, WECA) and James Willcock (MetroWest Phase 1 Programme Manager).

OPTIONS CONSIDERED:

The rationale for the route to market for each work package is set out in the above tables. The proposed route to market comprises a combination of use of the WoE Professional Services framework contract, use of a term maintenance contract, competitive procurements and a direct award contract with Forestry England to undertake ecology compensation works on their land.

The Highways Term Maintenance Contract has been considered as an option for the delivery of the highway works, however the expertise does not exist in this contract to deliver the complexities of the structural works to the bridges and while the other highway elements are standard highway works, the main part of the works are within Bristol City Council on a key transport link at Winterstoke road and as such the ability to assess and select a quality contractor is critical. We have packaged the highway works together as this will be more efficient to procure and manage.

FINANCIAL IMPLICATIONS

The financial implications are covered in the main report.

LEGAL POWERS AND IMPLICATIONS

The procurements will be compliant with the Public Contract Regulations 2015.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

Climate risk assessments will be undertaken prior to tendering and the results will feed into the procurement process. The risk assessments will include the following sections:

- Pre-qualification
- Specification
- Tender evaluation
- Social value
- Contract management

Through the supply chain procurement and project documentation it is proposed to enable:

- Leadership – to create the environment for change;
- Innovation – to be an enabler of change within the supply chain, and;
- Methodology – to provide the mechanisms that enable the supply chain to respond.

PAS2080:2016 Carbon Management in Infrastructure provides a framework on all sectors and value chain members, on how to manage whole life carbon when delivering infrastructure assets. Use of the PAS will promote reduced carbon, reduced cost of infrastructure delivery and foster more collaboration across the supply chain.

Procurement will consider the PAS2080 specification, and include this as a quality metric in scoring the submitted tenders, to ensure carbon reduction is a key consideration in design and construction of the Programme.

The proposal is to undertake the design, development and delivery of the programme to align with the principals within the specification PAS2080. Suppliers may detail their own specific carbon management and measurement systems.

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 and the purpose specified to put tangible metrics against sustainability into the project as goals.

All supply chain partners will play an active and key role in ensuring the council's ambition of carbon reduction and biodiversity net gain is secured and achieved through both as an active member of the project team and through as necessary application of statutory and non-statutory legislation in the design, development and delivery of the proposed infrastructure.

The procurement process will also challenge the suppliers on their carbon footprint and how infrastructure can be delivered in the most sustainable way including project specific requirements around communications, meetings and also at an organisational level with their corporate approach and initiatives to sustainability, including the use of energy, transport, purchasing and staff. It is proposed to appoint a carbon advocate to help the project team realise its carbon reduction ambition and provide a framework for future projects.

The project team will also be working with the suppliers on ensuring efficient supply chains, maximising the use of both sustainable materials and renewables including primary sourcing of power.

The outcomes that can be secured from all parties working collaboratively towards a common goal of carbon reduction;

- Reduced carbon, reduced cost of infrastructure;
- Promotion of innovation delivering wider society and community benefits;
- Contribute to tackling climate change;
- More sustainable solutions providing a blueprint for future projects;
- Identification of carbon offsetting to mitigate capital carbon created.

CONSULTATION

Previous consultation is covered in the main report. The market will be advised of upcoming work packages.

RISK MANAGEMENT

Risk management is covered in the main report. Several key risks have been identified in the procurement of the work packages and are summarised in Table 6.

Table 6 – Procurement risks

Description	Impact	Mitigation
Cost of the NSC & WECA project scope above the budget	There is a risk that the cost of the NSC & WECA project scope either pre or post FBC exceeds the budget which could impact on achieving key project milestones	Any cost increases pre FBC that cannot be directly mitigated will be discussed with Network Rail and the DfT. It may be possible to defer some aspects of NSC & WECA scope to post FBC and deal with any cost increase as part of the FBC submission, if necessary.
Risk of challenge to direct award contracts	Could cause delays to achieving project milestones.	The reasons for the direct award contracts are robust. The Forestry England direct award contract is for very sensitive ecology compensation works that must be undertaken on their land as specified in the Habitats Regulation Assessment with forms part of the DCO. The Aecom direct award contract for economic appraisal (via WoE PSF, within the sole supplier threshold) is in relation to the substantial knowledge Aecom have of the project based on their involvement across the MetroWest programme and is necessary to ensure consistency of approach and efficiency.
Lack of market appetite	Limited returns and reduce value for money	Early market engagement to ensure market has resources available to bid and carry out works.
Lack of OJEU and Public Contract Regulations compliance	Rejected tender	Procurement procedure and contract independently checked by the Council.
Lack of council engineering resource involved in the project	Specification, contract and evaluation sub-standard?	Ensure adequate council resource appointed to project or Appoint consultant and legal advisor with experience of NEC4 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.

EQUALITY IMPLICATIONS

Have you undertaken an Equality Impact Assessment? Yes

Equality implications are covered in the main report.

CORPORATE IMPLICATIONS

Corporate implications are covered in the main report.