

CEO DECISION – CD172

Title: Good Growth Fund – Construction of public realm improvements at Willesden Junction Station and of the Old Oak Lane towpath ramp

Executive summary

OPDC secured £1,950,004 in capital funding through the Mayor's Good Growth Fund, Round 1 and Round 2, to deliver a series of public realm improvements around Willesden Junction Station and along the Grand Union Canal that will bring tangible improvements to the area and celebrate local identity and heritage.

Two of the three main capital projects have now been designed to construction detail and OPDC, with TfL procurement, has undergone a procurement process to appoint a contractor to construct the works.

This approval is within the planned expenditure and existing delegation, as approved by Board in March and September 2019, for Good Growth Fund round 1 and 2 grants. The decisions approved that are in relation to the Good Growth projects thus far are: CD097, CD136, CD128, DD129 and CD163. The total approved expenditure from Good Growth Funds Round 1 and 2, including this decision, will be £1,265,000.

Decision

That the Chief Executive Officer approves:

- i. expenditure of up to £700,000 from Good Growth Round 1 and Round 2 funding for external services to construct the public realm improvements at Willesden Junction Station and at the Old Oak Lane towpath ramp;
- ii. expenditure of up to £50,000 for professional fees through the construction period, including technical advice where necessary from the architects who have designed both projects, and for NEC supervisor consultancy services who will undertake an independent quality assurance role on site to ensure works are built according to the specification; and
- iii. expenditure of up to £50,000 for any associated approval and consent fees for necessary third party approvals such as licence and formal landlord approval fees.

Chief Executive Officer

I do not have any disclosable interest in the proposed Decision. It is consistent with OPDC's priorities and has my approval.

Signature:



Date: 29/11/2021

PART 1: NON-CONFIDENTIAL FACTS AND ADVICE

1. Background and context

- 1.1 OPDC secured £1,950,004 in capital funding through the Mayor's Good Growth Fund, Round 1 and Round 2, to deliver a series of public realm improvements around Willesden Junction Station and along the Grand Union Canal.
- 1.2 This decision relates to delivery of two of the three main OPDC Good Growth projects that are funded by grants from the GLA's Good Growth Funds Round 1 and 2:
 - Public realm improvements to Willesden Junction Station (Good Growth Round 1). This will involve new planting, a new noticeboard, consolidation of street furniture, wayfinding and painting.
 - Rebuilding the Old Oak Lane towpath access, including new planting (Good Growth Round 2).
- 1.3 OPDC's Board approved receipt and expenditure of the funding in March and September 2019 for Rounds 1 and 2 respectively. In both cases, detailed approvals were delegated to the CEO. The decisions that have been approved for the Good Growth projects thus far are CD097, CD136, DD129, CD128, CD163 and CD147.
- 1.4 Coordinated design work for both projects have been progressing under existing approvals (CD097, CD136 and CD128). Design for both projects has been developed to technical level for construction. The Willesden Junction public realm project has been developed by architects, 5th Studio and the Old Oak Lane towpath ramp has been developed by architects, DKCM.
- 1.5 Consultant Project Managers and Quantity Surveyors, Mott Macdonald, appointed under CD163, have undertaken cost plans for both projects and have prepared and collated all contractor tender documents in order to appoint a contractor to construct the works.
- 1.6 CD147 approved expenditure of £360,000 to grant the London Borough of Ealing the construction budget for the Old Oak Lane towpath ramp. Since this decision was approved, the delivery strategy was changed to directly deliver both projects so that best value for money could be gained. This decision overrides the Good Growth element of CD147.
- 1.7 Approval is being sought for:
 - up to £700,000 for a construction budget, to deliver the projects.
 - expenditure of up to £50,000 for professional fees through the construction period. This includes the NEC Supervisor role, and budget for 5th Studio and DKCM to be retained as technical advisors.
 - expenditure of up to £50,000 for any associated approval and consent fees for necessary third-party approvals.

- 1.8 The cost estimates and contingency amounts are noted in the table below. The cost estimates have been completed and reviewed by Mott Macdonald's quantity surveyors. The contingency has also been calculated by Mott Macdonald.

	Willesden Junction Station public realm improvements (Good Growth Round 1)	Old Oak Lane towpath ramp (Good Growth Round 2)	Total
Cost estimate	£352,397	£247,142	£599,540
Contingency based on priced risk register	£57,500	£24,250	£81,750
Contingency remaining in Good Growth Fund	£60,000	£42,713	£102,713

2. The proposal and how it will be delivered

- 2.1 The expenditure will pay for the construction works of the public realm improvements at both sites. This will be carried out by a qualified contractor.
- 2.2 The contractor procurement strategy was agreed and signed in September 2021 and outlined that a single contractor would be appointed for both projects using a two-stage tender process to gain best value for money. The strategy also outlines an NEC engineering construction contract, including standard GLA/TfL amendments, would be used and that the contractor would be responsible for the overall design, therefore taking any design risk.
- 2.3 The procurement process is being led by Mott Macdonald and TfL Commercial. The first stage, the Standard Selection Questionnaire (SSQ), has been completed and responses were received from 10 contractors. The SSQ included standard questions to test financial standing, track record and supplier capability to deliver the projects. OPDC and Mott Macdonald reviewed and assessed the responses, and the top six ranked contractors were shortlisted to the Invitation to Tender (ITT) stage. This shortlist will be used to tender the third Good Growth Funded project, Harlesden Canalside, in due course.
- 2.4 The ITT was sent to all shortlisted contractors and included:
- A detailed set of Works Information (Drawings and Specifications)
 - Site Information
 - Activity Schedule
 - Technical questions, including pass/fail criteria
 - Commercial Assessment, including the initial fixed price and fee percentages.

- 2.5 The ITT was scored based on a 50:50 quality, price basis and the highest scoring contractor has been selected.
- 2.6 Once in contract, Mott Macdonald will act as Contract Administrators, managing the construction contract, and Quantity Surveyors, managing cost during construction.
- 2.7 The NEC Option A contract is a priced contract with an activity schedule, which relates to the contractor's programme, where each activity is allocated a price and interim payments are made against the completion of each activity. This process will be managed by Mott Macdonald and all interim payments will be signed off by OPDC. Once each payment is approved, the invoicing will be processed through TfL Accounts Payable in the usual way.
- 2.8 The appointed tenderer will be appointed as Principal Contractor and Principal Designer in line with the CDM Regulations 2015, the regulations that cover the client duties in managing health, safety and welfare during construction projects.
- 2.9 Both design teams, 5th Studio and DKCM, are retained as technical advisors to respond to any contractor design queries and approve any substantial design changes. This decision approves expenditure for their services, a budget of up to £50,000 has been allocated to this. Both appointments were made competitively and procured through the GLA's Architecture and Urbanism Panel (ADUP) and this additional expenditure is within the scopes of their original appointments.

Third Party Approvals

- 2.10 The freehold of Willesden Junction Station is owned by Network Rail and leased to Arriva Rail London (ARL). Designs have been developed with both parties and formal approvals have been sought.
- 2.11 The Canal and Rivers Trust (CRT) is the landowner for the Old Oak Lane towpath project and similarly have approved the designs.
- 2.12 The contractor is required to work with the landowners to agree and gain approval to their Risk and Method Statements (RAMs).
- 2.13 Formal approvals are required to be signed off ahead of the start on site. The key approvals are noted below:

Approval	Submitted to	Submitted by	Project	Progress
Landlord Consent	Network Rail	OPDC	Willesden Junction Station	Submitted, awaiting outcome.

Station Change	Arriva	Arriva	Willesden Junction Station	Submitted, awaiting outcome
Third party works approval	Canal and Rivers Trust	OPDC	Old Oak Lane towpath ramp	Submitted, awaiting outcome.
Party wall Agreement	Network Rail	CRT	Old Oak Lane towpath ramp	Notice has been served.
Clearance and licence for site compound area	Network Rail	OPDC	Willesden Junction Station, Old Oak Lane towpath ramp	In progress

3. Objectives and expected outcomes

3.1 The overarching objectives of the Good Growth projects are to:

- Deliver everyday improvements and opportunities with and for local people that demonstrate OPDC activity in the area.
- Engage and empower communities through best practice community engagement.
- Grow initiatives which will shape successful places.
- Celebrate and promote what makes Old Oak and Park Royal special.

3.2 The key objective for this decision is to deliver and construct the designed public realm improvements at key, strategic locations in the OPDC area as per the Good Growth Fund grant agreements. The appointed contractor will deliver:

Willesden Junction Station public realm improvements:

- Installation of planters on Station Approach and in the upper station square
- Installation of a new noticeboard and canopy.

- Relocation of existing cycle parking on Station Approach and Upper Station Square.
- Reconfiguration of fencing.
- Installation of Legible London signage on Station Approach, Upper Station Square and Harrow Road
- Removal and consolidation of signage on the upper station square ticket office
- Graphic and wayfinding painting across the site
- Painting of fence posts along the Harrow Link

Old Oak Lane towpath ramp:

- Replacement of the existing ramp and stairs with a low-level, shallow gradient access walkway and new steps. The new step-free access will be of a poured buff finish and includes railings and a raised timber edging. Soft landscaping is proposed to rewild the site.
- Installation of bins at street level.
- Painting of National Grid boxes with anti-graffiti paint.

- 3.3 The decision will deliver the outcomes specified in Good Growth Fund grant agreement; these are specified below. External consultants, Social Life, have been appointed through DD136 to undertake an independent assessment of these outcomes.

Round 1

Qualitative measures
Increased satisfaction with local area for different groups
increase in visitor satisfaction
Quality of design
Quantitative measures
Number of people who participate in projects
Area of public realm improvements
Area of improved green space
Area of new green cover created
Signage/noticeboard/ gateway features provided or improved
Heritage Assets improved
Number of trees planted

Round 2

Qualitative measures
Quality of design
Perception of improvement of canal
Perception of improvement of area for business
Quantitative measures
Number of people who participate/use completed projects
Number of volunteering opportunities created
Area of public realm improved

Increase in footfall on towpath
Signage/gateway features new or improved
Workspace created
Number of people accessing cultural events

The OPDC KPIs that are reported against internally for this programme are as below. The team are on track to meet both KPIs.

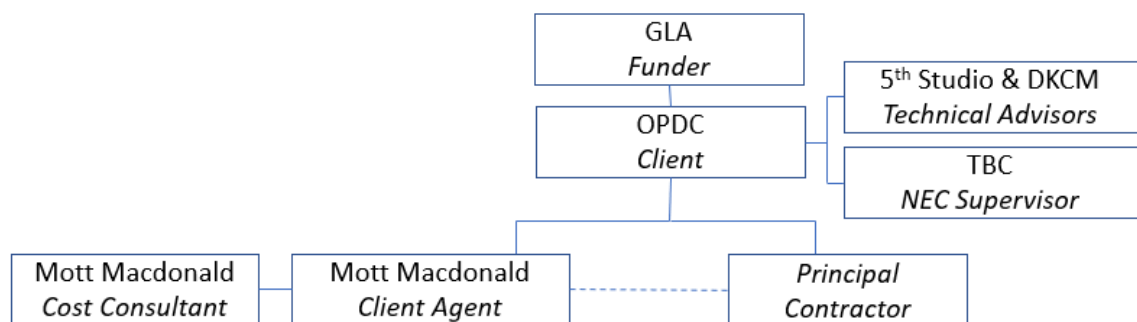
Number of community engagement events
Number of people who participate in a project

4. Strategic fit

- 4.1 The projects form part of OPDC's 'In the Making' initiative and will meet grant obligations under our two Good Growth Fund awards.
- 4.2 These projects, alongside the Great Place Scheme, are delivering creative projects and activities benefiting local communities cross Old Oak and Park Royal in the next one to five years. The In the Making capital projects form part of the OPDC's wider delivery strategy to make early positive changes in advance of organisation's longer-term regeneration plans.
- 4.3 The projects also align with London Recovery Missions, including:
 - Strong Communities, through creating volunteering opportunities, creating community networks and building capacity.
 - A Green New Deal, through making the OPDC area greener.
 - Young People, through creating activities and engaging young people through the life of the projects.

5. Project governance and assurance

- 5.1 The chart below shows the organisational contractual structure during construction stage.



- 5.2 Mott Macdonald will report monthly to OPDC on cost, programme and quality.

- 5.3 The team report regularly to the GLA through monthly monitoring reports, monthly meetings with the GLA officer and quarterly meetings with the GLA Senior Officer. OPDC claim grant funding in arrears quarterly from the GLA.
- 5.4 5th Studio and DKCM's technical advisor services will be used during both pre and post contract. A core budget has been agreed with both architects based on their tendered rates, and anything additional to this will be agreed and signed off by OPDC.
- 5.5 The NEC supervisor role is the 'custodian for quality' during the construction phase and a required and named role in the construction contract. They will be responsible for notifying the Client on any defects, undertaking any testing and inspections, to ensure construction is compliant with the contract and monitoring the quality of the works. This decision approves expenditure for this appointment, a budget of up to £50,000 has been allocated to this.
- 5.6 Delay damages of £1,338 per week have been calculated. This will be paid to OPDC if the contractor is delayed during construction. This has been calculated by Mott Macdonald and is based on staff time.
- 5.7 The chart below shows how the OPDC team is organised to deliver the works.



- 5.8 A Letter of Agreement is in place, co-signed by ARL and Network Rail, that agrees that ARL will adopt all assets delivered by the OPDC on completion of the project and be responsible for ongoing management and maintenance.
- 5.9 A Memorandum of Understanding is in place with the CRT who will be the asset owners post completion and will undertake management and maintenance of the Old Oak Lane towpath ramp.

Risks and issues

Risk description	Inherent Score	Mitigations	Target Score
Disruption to the public at the Station and along the towpath	Likelihood: 4 Impact: 4 Total: 16	/ Tenderers assessed on construction methodology and measures to reduce length of time towpath is closed and disruption to Station.	Likelihood: 3 Impact: 3 Total: 9

		/ Planned communications to public if there is to be disruption.	
Quality – Risk to quality of projects post completion	Likelihood: 3 Impact: 4 Total: 12	/ 1 year defects period included within contractor's contract. / Written agreement with landowners on adoption of assets and management and maintenance obligations. / Existing community stewardship and volunteering initiatives and currently scoping OPDC funding to help grow these initiatives.	Likelihood: 2 Impact: 3 Total: 6
Programme overrun – There is a risk to delay to the programme due to site approvals required by landowners and project unknowns such as below ground services and material orders.	Likelihood: 3 Impact: 4 Total: 12	/ Contractor mobilisation period to include programme risk management including approvals submitted early, further surveys and early orders.	Likelihood: 2 Impact: 3 Total: 6
Costs rising – There is a risk costs could rise during construction due to unknowns.	Likelihood: 3 Impact: 4 Total: 12	/ Any design changes to be approved by client team. / Robust change management process to implemented as part of contract. / Mobilisation period to include surveys / Robust risk management process adopted to mitigate on site risks.	Likelihood: 2 Impact: 3 Total: 6

6. Equality comments

- 6.1 OPDC must have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation as well as to the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.¹

The protected characteristics and groups are: age, disability, gender reassignment, pregnancy and maternity, race, gender, religion or belief, sexual orientation and marriage/ civil partnership status. Fulfilling this duty involves having due regard to: the need to remove or minimise any disadvantage suffered by those who share a protected characteristic or one that is connected to that characteristic; taking steps to meet the different needs of such people; and encouraging them to participate in public life or in any other activity where their participation is disproportionately low. Compliance with the Equality Act may involve treating people with a protected characteristic more favourably than those without the characteristic. The duty must be exercised with an open mind and at the time a Decision is taken in the exercise of the OPDC's functions.

- 6.2 There is a low risk of having adverse impacts on protected groups. The projects aim to engage with, benefit and empower those with protected characteristics.
- 6.3 As part of the wider evaluation being undertaken by Social Life, as per DD136, data will be collected to assess the outputs outlined in 3.4. Where applicable this data will be segregated by protected characteristics.
- 6.4 Equalities have been considered throughout the project design stages, and through consultation and engagement processes, with data being collected on protected characteristics by those who have engaged in the projects. Assessments have been formalised through the necessary approvals process required for each project.
- 6.5 The contractors were assessed on Equality, Diversity and Inclusion (EDI). The ITT submissions requested information regarding their organisational approach to be more equal, diverse and inclusive and a requirement for them to submit their EDI policy/statement if available.
- 6.6 Willesden Junction Station: an accessibility statement has been prepared as part of the RIBA design stage reports. This outlines how the design adheres to British Standards, Department for Transport and Transport for London accessibility guidance. A Diversity Impact Assessment has also submitted to Network Rail as part of the Landlord Approval process.
- 6.7 Old Oak Lane towpath ramp: A Planning Statement and Design and Access Statement was prepared as part of the planning application, which assessed accessibility and inclusion considerations in line with national and regional planning policy and the Equalities Act. The proposals were also reviewed by OPDC Place Review Group's accessibility expert to ensure people with reduced mobility needs were appropriately considered in the design.

7. Other considerations

- 7.1 The contractors shortlisted will be invited to tender for the Harlesden Canalside project, the third Good Growth Funded project. A separate decision will follow in due course for this project.
- 7.2 The shortlist of contractors will be available for OPDC to use until the end of FY 22/23. The shortlist will be used for the Harlesden Canalside project and can be used for any further capital projects funded and delivered by OPDC through, for example, S106 funds.

Consultations and impact assessments

- 7.3 Social Life, evaluation consultants, have been appointed to undertake an impact assessment of the projects to measure the outputs outlined in 3.3. This was approved under DD136.
- 7.4 Both projects have undergone stakeholder consultation through the planning process and landowner consultation processes.

Communications and engagement

- 7.5 Thorough consultation and community engagement has been undertaken across the projects. There will also be ongoing communication with local people, especially around planned construction activity that may cause disruption.

Health in all policies

- 7.6 The appointed contractor will act as Principal Contractor and Principal Designer under CDM Regulations 2015. A Health and Safety file and all pre-construction information has been provided during the tendering process. All (RAMs) will be signed off by the relevant third parties.

Sustainability

- 7.7 Both projects have taken into account best practice sustainability approaches during the design stages. Contractors were also assessed on their approach to minimising environmental impact during the construction stage.

Economic impact and Good Work

- 7.8 Through the ITT process contractors were assessed on their approach to utilising the local supply chain and their progress against the GLA's Good Work Standard.

Data protection

- 7.9 All events and activities will adhere to the GDPR regulations.

8. Conflicts of interest

- 8.1 No one involved in the preparation or clearance of this Form, or its substantive proposal, has any conflict of interest.

9. Financial comments

- 9.1 Capital expenditure of up to £800,000 will be met by the Good Growth Fund budget.
- 9.2 The GLA Good Growth Fund funding agreement is due to end on 31.03.2022. Officers are in discussions with the GLA, however are yet to receive formal confirmation that unexpended but committed grant can be carried forward to 2022/23. In the event that there is slippage in the delivery of the programme, but the funding agreement is not extended to the next financial year, OPDC will be liable to fund the remaining expenditure for outstanding works.
- 9.3 Further expenditure is subject to the Corporation's decision-making process.

10. Legal comments

- 10.1 The report above indicates that the decision requested falls within OPDC's objective of securing the regeneration of the Old Oak and Park Royal area and its powers to do anything it considers appropriate for the purpose of its objects or purposes incidental to those purposes, as set out in the Localism Act 2011.

- 10.2 In taking the decisions requested, the CEO must have due regard to the Public Sector Equality Duty; namely the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010, and to advance equality of opportunity between persons who share a relevant protected characteristic (race, disability, gender, age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment) and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it (section 149 of the Equality Act 2010). To this end, the CEO should have particular regard to section 3 (above) of this report.
- 10.3 Any services required (other than those of the consultants already retained) must be procured by Transport for London Commercial who will determine the detail of the procurement strategy to be adopted in line with the OPDC's Contracts and Funding Code. Officers must ensure that appropriate contract documentation is put in place and executed by the successful bidder(s) and the OPDC before the commencement of the services.

11. Summary timeline

Activity	Date
Expression of Interest concluded and SSQ issued	13/09/21
SSQ deadline	04/10/21
Issue ITT	w/e 15/10/21
ITT deadline	22/11/21
Contract Award (indicative)	November 21
Start on Site	January 21
Completion	March 22
Project closure	July 22

Other supporting papers

- Board Paper Good Growth Round 1
<https://www.london.gov.uk/moderngovopdc/documents/g6098/Public%20reports%20pack%20Thursday%2028-Mar-2019%2014.30%20Board%20of%20the%20Old%20Oak%20and%20Park%20Royal%20Development%20Cor.pdf?T=10>
- Board Paper Good Growth Round 2
<https://www.london.gov.uk/moderngovopdc/documents/g6110/Public%20reports%20pack%20Thursday%2026-Sep-2019%2016.30%20Board%20of%20the%20Old%20Oak%20and%20Park%20Royal%20Development%20Cor.pdf?T=10>
- GLA81925 OPDC Procurement Strategy

PUBLIC ACCESS TO INFORMATION

Information in this Form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA). OPDC aims to publish the Form within three working day of approval.

If immediate publication risks compromising the implementation of the Decision (for example, impacting a procurement process), it can be deferred until a specific date (when it will be published). Deferral periods are kept to the shortest length strictly necessary.

Part 1 – Deferral

Publication of this Part 1 is to be deferred: **No**

Part 2 – Confidential information

Only the facts or advice that would be exempt from disclosure under FoIA should be included in or attached to any separate Part 2 Form, together with the rationale for withholding the information at this time.

There is a separate and confidential Part 2 Form: **No**

DECLARATIONS

Drafting officer: Kavita Tailor has drafted this Form in accordance with OPDC procedures, including for handling conflicts of interests, and confirm that:



Advice: The Finance and Legal teams have commented on the proposal.




CONFIRMATIONS

Section 106 funding: This use of S106 to fund the expenditure proposal was approved via a Section 106 spend proposal form on N/A

SMT review: This Decision was circulated to the **Senior Management Team** for review on [Friday 19 November 2021](#).

Chief Finance Officer

Financial and legal implications have been appropriately considered in the preparation of this Form.

Signature: 

Date: 24 November 2021

Director [Davena Wilson, Director of Projects](#)

I do not have any disclosable interest in the proposed Decision. It is consistent with OPDC's priorities and can be referred to the CEO for final approval.

Signature: 

Date: 25.November 2021