

**North York Moors National Park Authority
Finance, Risk , Audit and Standards Committee**

3 September 2018

Glaisdale Ford Rock Ramp Contract Extension

1. Purpose of the Report

- 1.1 To seek approval to extend the contract for the construction of Glaisdale Ford rock ramp from £28,030 construction only to £35,764 design and construction.

2. Background and Issues

- 2.1 Part of the Land of Iron (formerly TEL) programme involves removing or alleviating barriers to fish migration. Early in the programme, Glaisdale Ford was identified as a priority site where fish easement work could significantly improve conditions for fish migration.
- 2.2 In 2015, a feasibility study was undertaken on how this could be achieved, which determined that a rock ramp was the most effective and appropriate solution in this instance.
- 2.3 Detailed designs were then drawn up for the rock ramp and planning permission was granted in September 2016 (NYM/2016/0484/R3). Various approvals were also secured from the landowner, NYCC Highways and Land Drainage, Environment Agency (EA) and Natural England.
- 2.4 Additional match funding of £27,000 for the scheme was applied for from the European and Maritime Fisheries Fund (EMFF) in September 2017. The total estimated scheme budget was £36,000 (£9,000 Land of Iron and £27,000 EMFF). The EMFF bid was accepted as compliant and is currently in the process of being assessed, with a positive decision expected in the very near future.
- 2.5 Following consultations with Network Rail, the design was amended to avoid building the rock ramp on their land. This was due to restrictions on including their land in the scheme and the ongoing legacy/maintenance implications that would arise.
- 2.6 The construction of the rock ramp was tendered in Feb/Mar 2018 and MNV Consulting won the tender at a value of £28,030.
- 2.7 During project start-up meetings on site with MNV Consulting and the EA various issues became apparent that were not allowed for or foreseen in the original design. These were ;
- existing road drain needing to be extended through the rock ramp,
 - additional reconstruction of ford structure required,
 - infill of scour holes required,
 - difficulty in tying in rocks to riverbanks, and
 - a preference for the stone groyne to face the opposite way.

2.8 Additional survey and design work was commissioned from MNV Consulting as a stand-alone contract for £3,956. This resulted in a design proposal that was acceptable to all partners and stakeholders, and accommodated the previously unforeseen circumstances with the original design.

2.9 MNV has re-costed this new design at a total value of £35,764. This includes all construction elements, as well as taking on the designer's liability as a design and build contract rather than simply a construction contract. The potential grant funding from EMFF has been amended to match this project total (£26,823 EMFF, £8,941 Land of Iron).

3. Issues and Assessment

3.1 The EMFF funding is restricted to this financial year. If the project is not completed within this timescale the opportunity for this funding will be lost.

3.2 The timescale allowed for by work-in-river constraints for completing this project requires completing all work before the end of September 2018. The next opportunity for carrying out the work is in summer 2019.

3.3 The contractor has started work on site at their own risk based on the existing £28,030 contract in order to be comfortably within the acceptable timescale for completion.

3.4 The new design and build contract is within the original budget estimate and allows for addressing the previously unforeseen circumstances.

3.5 The increase in contract value is over the 10% threshold in the Authority's Financial Regulations for which the National Park Officer can approve contract extensions. As such, it requires the approval of Authority Members as a stand-alone decision.

3.6 The potential advantages of going back out to the market with a new design and build contract far outweigh the disadvantages of losing the EMFF funding and postponing the scheme for a year or more.

4. Financial and Staffing Implications

4.1 The current financial Regulations do not cater for this position and would require a new process which would mean loss of the grant/activity (the revised regulations cater better for exceptions). Dividing the work into two elements would be artificial and hence officers are requesting FRASC to agree to the suspension of the regulations for this one event, for the reasons outlined above.

5. Contribution to National Park Management Plan

5.1 The Glaisdale Ford rock ramp project supports the Authority's environmental policies, particularly E11 and E43.

6. Legal Implications

6.1 A legal perspective will be given orally at the meeting.

7. Recommendation

7.1 That:

Members approve the extension of the contract for the construction of Glaisdale Ford rock ramp from £28,030 construction only to £35,764 design and construction.

Contact Officer
Tom Mutton
Land of Iron Project Manager
Tel No
01439 772700

Background papers to this Report

File ref