



Contract and Financial Procedure Matters Report

SUMMARY

- 1.1 This report deals with the following items that require reporting to and approval by Council Cabinet under contract and financial procedure rules ...
- Revisions to the cremation and burial charges for 2007/8 to comply with the recommendations of the Institute of Cemetery and Crematorium Management. This will remove any pricing differential between Derby resident and non resident burials and cremations. In addition, an increased mercury abatement fee is proposed.
 - The postponement of an approved carriageway reconstruction scheme at Ascot Drive within the 2006/2007 Local Transport Plan – LTP - funded Highway Maintenance for more urgent schemes at London Road , Winchester Crescent Chaddesden and A52 Eastbound Carriageway.
 - Revision to the non Council housing element of the approved housing capital programme following confirmation of government funding 2007/8 by the government office for the East Midlands – GOEM , and for the bringing forward of demolition and land purchase costs to 2007/8 to benefit the progression of the Housing PFI scheme.
 - The allocation of £100,000 Communities for Health grant 2007/8 to public health initiatives by the Council and its partners.
 - Revised departmental total revenue budgets 2007/8 following the allocation of support services budgets to departments, within the same overall total budget approved by Council 1 March 2007.
 - New capital scheme approvals for urgent works at Lees Brook and Meadow Farm schools.
 - Amendment to the approved capital programme 2007/8 and capital scheme commencement for a revised scheme cost and funding for Sunnyhill Community Centre. This will now include energy efficiency measures in the build specification with potential additional external funding underwritten from the Public Realm capital budget.

- Temporary resources required to deal with the work likely to follow the equal pay settlement events at an estimated total cost of £85k funded from the job evaluation budget 2007/8.
- Resources required for a further 12 months, funded from the job evaluation revenue budget, to complete the implementation of job evaluation by 1 April 2008.
- Proposed extension to current waste disposal contract to 2010.
- An amendment to the 2007/8 capital programme for the Cathedral Green and River Derwent Footbridge scheme from £3.550m to £3.600m funded from the Government's New Growth Point Fund and full scheme commencement now that the funding has been confirmed. The scheme involves the construction of a high quality pedestrian bridge over the river Derwent from Stuart Street to Cathedral Green and landscaping Cathedral Green. This will transform the space into an attractive city centre leisure resource and a fitting entrance to the Silk Mill museum and the Derwent Valley Mills World Heritage Site.

1.2 Subject to any issues raised at the meeting, I support the following recommendations.

RECOMMENDATION

- 2.1 To approve the withdrawal of the resident discount applied to cremation charges, thus adding £15 to a resident cremation fee.
- 2.2 To approve a reduction in burial charges for non Derby residents to match the charge for a Derby resident burial
- 2.3 To approve an increase of the mercury abatement charge by £10 to £35 for 2007/08, and the transfer of fee income into a mercury abatement reserve for future mercury abatement costs.
- 2.4 To approve the postponement of an approved carriageway reconstruction scheme at Ascot Drive (Osmaston Road to Longbridge Lane) within the 2006/2007 LTP funded Highway Maintenance at a cost of £237,000.
- 2.5 To approve the inclusion in the capital programme and commencement of LTP schemes at London Road (The Spot to Traffic Street) £135,000, Winchester Crescent, Chaddesden £35,000 and A52 Eastbound Carriageway (Pentagon to Raynesway) £67,000, in place of the Ascot Drive scheme detailed above.
- 2.6 To approve a revised Housing Capital programme 2007/8 following confirmation from GOEM of actual grant allocations 2007/8.
- 2.7 To approve the re-phasing of demolition/land purchase costs for the Housing PFI scheme into 2007/8 and update the Housing capital programme.
- 2.8 To approve the allocation of the Communities for Health £100,000 grant 2007/8 and inclusion in revenue budgets 2007/8.

- 2.9 To approve revised departmental total revenue budgets 2007/8 following the allocation of support services budgets to departments, within the same overall total budget approved by Council 1 March 2007.
- 2.10 To approve the addition to the capital programme and capital scheme commencement for schemes at Lees Brook and Meadow Farm schools as detailed in paragraph 6.1.
- 2.11 To approve revised costs and funding and capital scheme commencement, for Sunnyhill Community Centre capital scheme 2007/8, with potential additional external funding underwritten from the Public Realm capital budget.
- 2.12 To approve temporary resources as outlined in paragraph 8 for the on-going equal pay work, at an estimated cost of £85k funded from the 2007/8 job evaluation budget.
- 2.13 To approve the funding of job evaluation implementation costs of £443k for 2007/8 from the job evaluation revenue budget.
- 2.14 To waive Contract Procedure Rules and extend the existing contract with Derbyshire Waste Limited, DWL, until 31 March 2010.
- 2.15 To approve an amendment to the 2007/8 capital programme for the Cathedral Green and River Derwent Footbridge scheme from £3.550m to £3.600m funded from the Government's New Growth Point Fund and full scheme commencement now that the funding has been confirmed.



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SUPPORTING INFORMATION

1. Changes to Bereavement Services Charges 2007/8

- 1.1 Following the recommendation from the Institute of Cemetery and Crematorium Management, an increasing number of Crematoria have started to charge a single price for the service irrespective of the deceased person residence. All the neighbouring Crematoriums have moved to a single price charge, this includes Bramcote, Bretby, Nottingham and Mansfield. It is felt that our charging policy should be in line with neighbouring Crematoria. There are approx. 2,000 resident cremations per year.
- 1.2 There are around 10 burials a year to non City residents. The price of £1,430 charged for an adult burial with exclusive right of burial is currently twice that charged to a City resident. This imbalance often causes distress at a sensitive time for deceased families because often the deceased person has spent the majority of their life as a resident of Derby. For the small number of families affected by this pricing policy, the service would be improved if the premium charge was removed, with a limited effect on the overall budget.
- 1.3 The additional charge of £15 per cremation for Derby residents will generate approximately £30,000 additional income per year. This has already been included within the income budget for cremations in 2007/8. The decision to reduce the non resident charge for burials down from £1,430 to £715 will lead to a drop of income estimated at £7,150. This is hoped to be contained within the overall existing budgets for the bereavement service.
- 1.4 To address the DEFRA requirements that by 31 December 2012, 50% of all cremations at existing Crematoria are subject to mercury abatement the Council has charged a £25 mercury abatement fee from 2006/7. A ring fenced reserve for the future costs required to adapt or replace the cremators to comply with mercury abatement requirements has been created, from income from the mercury abatement fee. £25 was the levy recommended by the Federation of British Cremation Authority's in 2006. The Federation of British Cremation Authority's are now recommending a levy of £35 per cremation.
- 1.5 The increased mercury abatement levy from £25 to £35 per cremation will generate approximately £30,000 additional income to be transferred to the mercury abatement reserve in 2007/8.

2 Local Transport Plan – LTP - Capital Programme 2006/7

- 2.1 Three unforeseen Highways Maintenance issues have arisen which require major works to be carried out as detailed below ...
- London Road (The Spot to Traffic Street), estimated construction cost £135,000. Strengthening works are required to improve the condition of the road to ensure the maximum life of the road surface following resurfacing works which are to be carried out by Westfield under the Section 278 Agreement.
 - Winchester Crescent, Chaddesden, estimated construction cost £35,000. There has been rapid deterioration of the surfacing of this road. The tarmac overlay is stripping off in areas and causing potholes to appear. Total resurfacing of the road with a specialist material is required as a safety measure to protect the Council from claims.
 - A52 Eastbound Carriageway (Pentagon to Raynesway), estimated construction cost £67,000 (Should be contained with balance of above schemes). There has been rapid deterioration in the surfacing on sections of this road. Patching works have been completed in some areas but it is now appropriate to fully resurface some sections. The work will be carried out as an extension to the existing LTP programme scheme for the A52 slip road to Raynesway.
- 2.2 It is proposed to fund these from the postponement of an approved carriageway reconstruction scheme at Ascot Drive (Osmaston Road to Longbridge Lane) within the 2006/2007 LTP funded Highway Maintenance at a cost of £237,000. This scheme is the scheme with the lowest priority in the approved programme.
- 2.3 Cabinet approval is sought to amend the LTP capital programme and for scheme commencement.

3 Housing Capital Programme

- 3.1 The report to Cabinet 20 February 2007 setting out the overall capital programme for the Council included a statement that the element of the Housing capital programme that does not relate to Council housing is to be funded in part by capital grant, SCE (C) from the government, and that there had been no formal announcement of those resources at that point. The capital programme had therefore been constructed on the basis of an estimated level of funding from this source.
- 3.2 The government have now informed us of the allocations that they have made. These – along with other sources of funding for the programme other than Council housing – are set out in the table below:

	Previous report	Notified allocation	Variance
	£000	£000	£000
Grants:			
SCE (C) General	1,866	2,054	+188
SCE (C) Hi4EM and DASH	685	684	-1
SCE (C) Rosehill	5,525	5,500	-25
DFG	550	593	+43
Total Grants	8,626	8,831	+205
Other funding			
Capital Receipts	2,720	3,720	+1,000
Other Contributions	200	200	0
LPSA	30	30	0
Total Funding	11,576	12,781	+1,205

- 3.3 Derby continues to remain the single largest recipient of GOEM funding for housing through this route, and the overall resources compare with those for 2006/07, including the continuation of resources for Rosehill. It should also be stressed that GOEM has again made a particular effort to avoid significantly scaling back the specific funding for major interventions – of which there remains only three in the region, including Rosehill.
- 3.4 A further £306k has also been received but this is to fund expenditure of other organisations in the region, for a housing research project including the impact of migrant workers on private sector housing. Use of this funding is therefore not shown in the proposed revised programme.
- 3.5 In addition to the updated funding position, one other notable change is proposed, on the PFI scheme. This project is progressing well at present, and is anticipated to start in April 2008. The original intention was that this would then result in a project that would require significant Council resources in 2008/09. As a result of early discussions with participants in the ‘competitive dialogue’ stage of procurement, it has become apparent that there would be benefits in bringing forward some of this expenditure, notably demolition costs and land purchases. The overall cost of the project is not intended to increase as a whole, but be brought forward into 2007/08 from 2008/09. The additional costs in 2007/08 are likely to be approximately £1m with a corresponding reduction in 2008/09 costs. The short term additional cost will be met from accumulated and anticipated housing capital receipts.
- 3.6 A proposed updated capital programme is shown below, indicating the change from the current approval:

	Previous report	Notified allocation	Change
	£000	£000	£000
Acquisition/Demolition of Unfit Properties	5	5	0
Rosehill Market Renewal	5,525	5,500	-25
Housing Needs Challenge Fund	220	250	+30
Assistance to vulnerable householders	800	1,000	+200
Disabled Facilities Grants	1,400	1,400	0
Empty Property Assistance	350	350	0
Landlord Accreditation Assistance	-	50	+50
Minor Repairs Grants	341	292	-49
Capitalised Salaries	150	150	0
DASH	290	290	0
Hi4EM	395	394	-1
PFI	370	1,370	+1000
Supported Accommodation Strategy	200	200	0
Assessment Centre	1,500	1,500	0
Homelessness – security works	30	30	0
Total Planned Spending	11,576	12,781	+1,205

3.7 This revised programme reflects the latest forecasts for private sector housing schemes, including a new line for Landlord Accreditation Assistance to provide assistance to members of Council accreditation schemes that are currently being developed. The assistance forms part of the Council's Housing Renewal Policy 2007- 2010 approved by Cabinet in December 2006.

4 Communities for Health Grant allocation 2007/8

4.1 The Council was granted £100,000 Communities for Health one-off grant funding for 2007/8 to continue along with Partners its programme of public health initiatives, as reported to Cabinet 19 December 2006.

4.2 It is now proposed to allocate £75,000 of the £100,000 grant as follows:

- Regeneration and Community department road safety - School travel theatre group £10,000
- Primary Care Trust - school lunchbox scheme £10,000
- Children and Young People's department - school physical activity scheme £15,000
- External Funding Unit - public health/health inequalities mapping and research project £40,000, which will attract match funding of £ 40,000

4.3 It is proposed that the remaining £25,000 is held by Environmental Services department to be bid for and allocated via a Derby City Partnership sub-group for small scale projects.

4.4 The revenue budgets 2007/8 will be adjusted to reflect the grant allocations.

5 Revised departmental revenue budgets 2007/8

5.1 Since the approval of the 2007/8 revenue budget at Council 1 March 2007, budgeted support services costs and asset rental charges 2007/8 have now been allocated to departments to give revised departmental total revenue budgets 2007/8 as shown in Appendix 2.

5.2 These revisions do not change the effect of the budget proposals nor the overall budget requirement approved by Council on 1 March 2007. They will be reflected in the final published approved budget pages.

6 Children and Young People's department capital schemes.

6.1 Approval is sought to add the following urgent capital schemes costs and funding to the capital programme 2007/8 together with capital scheme commencement.

- **Lees Brook – Hills building**

Urgent repairs are needed to fire doors, fire breaks and the fire protection system to ensure the building remains safe and operational. The maximum cost is estimated at £100k, subject to further investigation once the contractors have started on site. This will be funded initially through the 2006/7 allocation of New Deal Modernisation Funding. It is the expectation that the school will make a contribution to the cost of the work, but this has not yet been finalised.

As these repairs were essential to keep the school open, retrospective scheme approval is now sought for contract commencement in April 2007.

- **Meadow Farm**

Repairs are required to external cladding and plinths and to the drainage system as a matter of urgency to ensure the building remains safe for public access.

The cost of drainage work is estimated at £100k and the concrete repairs are estimated at £50k. The £150k works will be funded through the 2006/7 allocation of New Deal Modernisation Funding.

Scheme approval is now sought for contract commencement in April 2007

6.2 The balance of 2006/7 New Deal Modernisation Funding currently unallocated is £1.124m. These allocations will reduce it to £874k.

7 Sunnyhill Community Centre Capital Scheme 2007/8

7.1 The approved capital programme 2007/8 includes £560k for Sunnyhill Community Centre. The scheme requires revising to include energy efficiency measures in the new build specification, and revised funding as shown in Appendix 4. The additional external funding bids yet to be submitted and approved will be underwritten by the Public Realm capital budget 2007/8.

7.2 Cabinet approval is sought to amend the scheme costs and funding and approve scheme commencement.

8 Resource requirement for on-going equal pay work

- 8.1 Resources are required to deal with the work likely to follow the equal pay settlement events, as briefly outlined below:
- resolution of 40 formal decliners
 - further provision for the possibility of relief staff who decline compensation
 - home care aides – equal value claims
 - any other equal value claims
 - provision to deal with any claims, grievances and tribunals which may follow the job evaluation results.
- 8.2 Approval and funding totalling £85k from the job evaluation budget is initially sought to provide the following resources for a 12 month period:
- HR Officer post £38k
 - Solicitor or Legal executive £22k, assumed at 18.5 hours at present although may increase depending on volume of work
 - Equal pay information assistant £21k
 - Supplies and services £4k.

9 Job Evaluation Implementation budget 2007/8

- 9.1 The job evaluation project team currently in place needs to be continued for a further 12 months to complete the work for a revised implementation date of 1 April 2008. There are also some additional one-off costs for this phase of the implementation associated with school based posts and the formal notification to employees of the outcome.
- 9.2 The total cost to be funded from the job evaluation revenue budget 2007/8 is £443k as summarised in the table below.

Job evaluation project 2007/08 - costs and funding

Costs	2007/08 £000
Job evaluation team	251
School based Job evaluation posts	50
Coordination Panel including management representatives	127
Trade Union representatives	68
Finance Support	15
Pay Modeller system	12
Supplies and Services	10
Printing and copying	20
Derby Direct - to handle calls	10
Total Estimated Costs	563

Funded by:

Core personnel budget 2007/8	120
Implementation costs to be funded from job evaluation budget 2007/8	443
	<hr/>
	563

This covers costs of job evaluation and modelling to October 2007 and the appeals process to March 2008.

10 Waste Disposal Contract Extension

- 10.1 The Council has an existing contract for the disposal of waste and the management of the Household Waste Recycling Centre, HWRC, at Raynesway until March 2008 with Derbyshire Waste Limited, DWL.
- 10.2 The Council and Derbyshire County Council are currently procuring a waste disposal contract for the future from April 2010, and has reached the competitive dialogue stage of the process, with three participants remaining – Shanks, United Utilities and Waste Recycling Group, WRG, the parent company of Derbyshire Waste Limited.
- 10.3 There is therefore a gap between the end date of the current contract and the start date of the proposed new arrangements of just over two years. The Council therefore can either attempt to procure an interim arrangement with the existing contractor or start a separate procurement for a period of just over two years.
- 10.4 Normally the Council would procure a contract on a competitive basis, seeking quotes for the work under contract procedure rules. Given the expected new contract is currently under negotiation and that therefore a new contract would last only two years, it is anticipated that there would be less interest from prospective bidders than in normal circumstances where contracts for five years or longer would be offered. To change contractors effectively twice in two years would disrupt current arrangements which have been very cost effective and stable.
- 10.5 Negotiations have been held with DWL to see if the current contract arrangements can be continued for the interim period at a reasonable price, or whether the Council would need to start a separate procurement process.
- 10.6 DWL have offered to extend the current contracts on the following basis:
HWRC: to continue with existing terms – increasing by RPI each year.
Waste Disposal: to continue with existing terms – increasing by RPI each year – with the exception of the ending of a 50p per tonne rebate currently received by the Council for waste passed through the transfer station at Raynesway. Landfill tax would continue to be met by the Council. This would increase the terms of the contract by around £35,000 a year for the two years of the extended contract. The current contract has a value of around £2.4m a year excluding landfill tax, so the real terms increase is just under 1.5% of the contract value for the two years.
- 10.7 The increased cost of £70,000 during 2008/09 and 2009/10 can be met by resources already set aside in the budget process to enable the replacement project to be

funded. The alternative would be to undertake a full procurement exercise. This is not recommended in order to continue the existing arrangements while focussing attention upon developing arrangements for the new contract from 2010.

11 Cathedral Green and River Derwent Footbridge Project

- 11.1 This scheme was originally included in the Capital Programme approved by Council 1 March 2007 at a total cost of £3.6m, £50k in 2006/7 for preliminary works and £3.550m in 2007/8, to be funded from Government grant pending confirmation of bid success.
- 11.2 The project is part of the Derby Cityscape Masterplan and Public Realm Strategy. It is designed to encourage city centre residential development by constructing a high quality pedestrian bridge over the river Derwent from Stuart Street to Cathedral Green and landscaping Cathedral Green. The project will transform an existing area of poor quality open space which suffers from a lack of use, incidents of vandalism and anti-social behaviour, into an exemplar attractive city centre leisure space and a fitting entrance to the Silk Mill museum and the Derwent Valley Mills World Heritage Site. The project has also engaged a consultant to investigate the most energy efficient options of lighting the site and ways to reduce the carbon footprint.
- 11.3 The project is being led by the Public Realm Strategy Board which will act as a Programme Board for all the Public Realm projects. A Design and Delivery Team has been chaired by Derby Cityscape's Director of Development and will be responsible for delivering the project.
- 11.4 The Council has now been granted the £3.6m from the Government's New Growth Point Fund to deliver both the improved Cathedral Green and the new pedestrian bridge over the River Derwent from Stuart Street to Cathedral Green. The funding is available for the financial year 2007/8 only and the project must be completed in that time.
- 11.5 In addition, the Council was awarded £100,000 in 2006/7 from Derby and Derbyshire Economic Partnership – DDEP – for preliminary works to get to the stage of appointing contractors and submitting applications. £52k has been incurred in 2006/7 to be funded from this grant leaving a balance of £48k repayable to DDEP. This leaves the full £3.6m Government funding available to the scheme in 2007/8.
- 11.6 The procurement process has now reached a stage where 5 contractors have been short listed to submit tenders for a design and build competition for the bridge. The deadline for submission is 23 May.
- 11.7 Approval is now sought to amend the 2007/8 capital programme from £3.550m to £3.6m funded from the Government grant and approve full scheme commencement now that the funding has been confirmed.

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Background papers:	None
List of appendices:	Appendix 1 – Implications Appendix 2 – Total Revised Summary Revenue Budget by Department 2007/8 – to follow Appendix 3 – Sunnyhill Community Centre revised costs and funding 2007/8.

IMPLICATIONS

Financial

1. As detailed in the report.

Legal

2. As detailed in the report.

Personnel

3. None

Equalities impact

4. None

Corporate priorities

5. These recommendations, where relevant, are in line with approved budgets which accord with the Council's corporate priorities.

Revised Departmental Total Revenue Budget 2007/08

Latest Approved Budget 2006/07 £000's	SERVICE ACTIVITY	Controllable Expenditure			Controllable Income			Net Controllable Departmental Budget 2007/08 £000's	Add Indirect Budgets		Total Approved Budget 2007/08 £000's
		Employees £000's	Running Costs £000's	Gross Expenditure 2007/08 £000's	Grant Income £000's	Other Income £000's	Gross Income 2007/08 £000's		Capital Charges £000's	Net Support Services £000's	
33,853	Children and Young People	53,400	172,043	225,443	(168,209)	(23,202)	(191,411)	34,032	14,489	4,903	53,424
19,896	Environmental Services	29,372	42,699	72,071	(681)	(51,188)	(51,869)	20,202	2,408	2,519	25,129
18,157	Regeneration and Community	16,220	19,740	35,960	(440)	(16,856)	(17,296)	18,664	6,315	3,584	28,563
9,257	Resources and Housing	10,887	16,215	27,102	(13,208)	(4,340)	(17,548)	9,554	600	(4,305)	5,849
55,274	Corporate and Adult Social Services	33,983	54,076	88,059	(5,685)	(24,953)	(30,638)	57,421	2,069	(6,243)	53,247
	Corporate Budgets										
1,729	Corporate and Adult Social Services	512	1,457	1,969	-	(18)	(18)	1,951	-	1,673	3,624
14,124	Resources and Housing	3,414	95,008	98,422	(64,593)	(16,719)	(81,312)	17,110	-	(2,131)	14,979
3,527	Regeneration and Community	8	3,501	3,509	-	-	-	3,509	-	-	3,509
	Add:										
856	Cross department contingencies	1,550	1,700	3,250	-	-	-	3,250			3,250
156,673	Departmental Total Budget	149,346	406,439	555,785	(252,816)	(137,276)	(390,092)	165,693	25,881	-	191,574
	Less Capital Charges										(25,881)
156,673	Net Expenditure	149,346	406,439	555,785	(252,816)	(137,276)	(390,092)	165,693	25,881	-	165,693
	Appropriations to/from reserves:										
(536)	Service Reserves										(205)
(702)	Corporate Reserves										(2,615)
111	Pump Priming fund										126
155,546	Total General Fund Budget Requirement										162,999

Sunnyhill Community Centre - Revised Scheme Costs and Funding 2007/8

Estimated Costs	£000s	Funding	£000s	Note
Approved Capital Programme:		Approved Capital Programme:		
Building	560	R & M capital - slippage	40	
		R & M capital - contribution	210	
		Community Centre Public Priority fund	50	
		Derby Homes - contribution	200	Note 3
		Sports Council Grant	60	Note 4
	560		560	
Further costs identified:		Add further funding secured:		
Green roof	30	Fair Share Lottery Phase 1	30	Note 5
Biomass boiler	10	Reduction of Derby Homes contribution	-50	Note 3
Contingency	25			
Upgrade mains £10k and £1k increase in building costs	11			
Break up MUGA	20			
Revised estimated total cost	656	Revised total funding secured	540	
		Additional funding required	116	Note 7

Further external funding options to be progressed:

Awards for all - Lottery	10	Note 6
Small change - Derby City Partnership	5	Note 6
WREN - energy measures	40	Note 6
Fair Share - Lottery Phase 2	40	Note 5
Total further funding options to progress	95	

Notes

1. MUGA - Multi Use Games Area
2. The above excludes any costs and funding for the provision of a replacement MUGA and the Junior Play Area at Sunnyhill Recreation ground
3. Original £200k allocation from Derby Homes included £50k for the Junior Play Area.
4. Grant is towards whole scheme costs, not specific to energy measures
5. Fairshare Lottery funding:

Phase1 - £40k allocation for revenue or capital. £10k used for admin post leaving £30k which can be used towards the building, with consent of Derbyshire Community Foundation. The Community Association need to write to request this.

Phase 2 - The local Fair Share Panel which is made up of local residents from Austin Estate and Sinfin areas will be considering their priorities for the next phase of the programme in August. They currently have a priority to support the development of community buildings. Once they have agreed the priorities, they will need to submit their proposals to the National Fair Share Trust for approval. August is the earliest date where we would have an indication if there is likely to be further funding of £40k.

There is an issue on VAT treatment of the Fairshare funding which may reduce the amount available for the scheme if the payment over to the Council of the external funding has to be treated as vatable.
6. Bid not yet submitted
7. Final amount not met from additional external funding options to be underwritten from the Public Realm capital budget 2007/8