

	<p style="text-align: center;">Executive 16th February 2009</p> <p style="text-align: center;">Report from the Chief Executive</p>
<p style="text-align: right;">Ward Affected: All</p>	
<p>Authority to award contract for Brent Civic Centre Design Team</p>	

Appendices 2 & 3 of this report are not for publication

Forward Plan Ref: CE-08/09-01

1.0 Summary

- 1.1 This report summarises the procurement process undertaken by the Council to procure a Design Team and requests authority to award a contract for the appointment of a Design Team for the new Civic Centre.

2.0 Recommendations

- 2.1 That the Executive awards a contract for the provision of design services for the Civic Centre project to Hopkins for the duration of the construction project and any retention period.
- 2.2 In the event that Hopkins does not enter into a contract with the Council, that the Executive awards a contract for the provision of design services for the Civic Centre project to BDP for the duration of the construction project and any retention period.
- 2.3 That the Borough Solicitor be authorised to finalise the terms of appointment.

3.0 Background

- 3.1 On 4th August 2008 the Executive received a report from the Chief Executive requesting authority to procure a Design Team. The Executive accordingly gave approval to procure a Design Team and approved pre-tender issues as required by the Council's Contract Standing Order 89, including the evaluation criteria.

- 3.2 The appointed Design Team will be required to carry out the full range of professional design services necessary for the complete realisation of the Civic Centre project. The services will comprise the main design services being Architectural, Structural and Mechanical and Engineering design. In addition other specialist design services will be required for the successful completion of the Civic Centre project, such as security, ICT, specialist library consultancy, and planning consultancy. The appointed Design Team will also be expected to appoint such other service providers as required for the successful completion of this instruction.

The Tender Process and Council's Contract Standing Orders

- 3.3 The Design Team has been procured using the Restricted Procedure in accordance with the EC Directive 2004/18 (the Classic Directive), the Public Contracts Regulations 2006 (the Regulations) and the Council's Contract Standing Orders. Under the Regulations Architects and similar services are Part A services and so are required to be tendered in compliance with the full requirements of the Regulations.

Stage One - Pre – Qualifying Stage

- 3.4 On August 6 2008 the contract notice was placed in the Official Journal of the European Union (OJEU). The notice specified that the Council's requirements were to procure the services of a Design Team and the scope of works were as follows:

- a) to provide architectural, building services engineering, structural engineering, transport engineering, landscape architectural engineering, acoustic engineering, fire engineering services, and such other services as required on a Royal Institution of British Architects (RIBA) lead consultant basis (i.e. responsible for leading and co-coordinating the complete design but not overall lead consultant),
- b) to provide a design and all other services up to R.I.B.A Stage E (completion of design and specification with sufficient detail for co-ordination of all components and elements of the project)
- c) to provide further services beyond Stage E unless the contract is terminated,
- d) to provide general advice,
- e) to provide other services that may be required by the Council.

- 3.5 Tenderers were advised that variant tenders would not be accepted.

- 3.6 Ninety organisations expressed an interest in response to the OJEU notice and they were issued with a pre-qualification questionnaire (PQQ) to complete by 12 September 2008. Thirty seven PQQs were returned in accordance with the deadline. As requested the PQQs were submitted by a lead consultant who was required to be the architect, however pre-qualification information was also submitted for the other consultants who were proposed to form the Design Team, as a minimum to include the mechanical & electrical engineer and the structural engineer.

- 3.7 The following assessment process was followed to decide pre-qualification:

Stage 1: All applicants were initially assessed against the PASS/FAIL criteria. The PASS/FAIL criteria were: insurance, financial standing, health and safety,

equalities and other issues that would entitle the Council to disqualify the applicant under the Regulations. Only those passing these sections were considered and scored at the next stage.

Stage 2: Individual scoring on the technical ability sections of the PQQ was then undertaken by members of the assessment team.

Stage 3: Individual scores were collated and reviewed by the assessment team who as a group then reached a consensus score.

Stage 4: A recommendation on the short listed applicants was prepared and submitted to the Project Board for consideration.

- 3.8 The seven organisations that had scored the highest of the thirty seven organisations that had responded to the PQQ were then invited to tender, namely:

BDP
EPR
Hopkins
John McAslan
Make
Sheppard Robson
TP Bennett

Stage Two – Invitation to Tender

- 3.9 An Invitation to Tender Pack (ITT) was issued to the seven organisations to request a formal tender. The tendering instructions stated that the contract would be awarded on the basis of the most economically advantageous tender to the Council and that in evaluating the tenders the Council would use the evaluation criteria set out in the Evaluation Matrix at Appendix 1 of this report. Overall 30% of the marks were awarded for price and 70% for quality.
- 3.10 All tenders had to be returned by 22 December 2008. All seven organisations invited to tender submitted their respective tenders on time, and these were logged in accordance with the Council's Contract Standing Order 100.

Evaluation Process

- 3.11 Evaluation of all parts of the tender submission and presentation was carried out by a panel of officers and external consultants. Evaluation criterion B1 "Design Proposals including Customer Care" were additionally evaluated by another panel consisting of Councillors Blackman and Wharton, the Chief Executive and the Director of Policy and Regeneration. This section carried 22 out of the 70 points available for all the quality sections.
- 3.12 The evaluation panel had the benefit of three technical reports on the tenders, prepared by officers and external advisers with expertise in sustainability, diversity and architecture.
- 3.13 Each tenderer gave a presentation which included its indicative design proposals and was interviewed by the panel. These presentations took place on 14th and 15th January 2009. Following the presentations and interviews final agreement of the quality scores was then reached.
- 3.14 The financial evaluation, which carried a maximum percentage of 30% of the

available score, was carried out by the Council's Cost Consultant from Turner and Townsend, with officers from Finance and Corporate Resources.

- 3.15 All submissions received were fully compliant with the terms of the invitation to tender and the general quality was very high resulting in few clarifications from tenderers being required. Tenders generally demonstrated a clear understanding of the Council's requirements with some showing greater depth of understanding and greater innovation and creativity in their response.
- 3.16 The detailed evaluation results are set out in Appendix 2; in addition a summary of the results for price and quality are also set out in Appendix 3.
- 3.17 Accordingly it is recommended that:
 - i) Hopkins Architects be appointed as the Design Team for the Council's Civic Centre Project.
 - ii) BDP Architects be appointed as the reserve Design Team for the Council's Civic Centre Project.

4.0 Financial Implications

- 4.1 As the contract for services exceeds £500k the Council's Contract Standing Orders requires the award of contract to be referred to the Executive for approval.
- 4.2 The fees of the design team were included within the estimates of the total project cost for positive business case for the Civic Centre. The fees quoted by the recommended team are within those estimates. The fees for all tenderers are set out in Appendix 2. All design fees will be charged to capital and the resultant capital financing costs met from the revenue budget. These will be funded as with other elements of the project from the resultant savings as alternative accommodation is released and other efficiency savings accrue from the occupation of the Civic Centre.
- 4.3 A full assessment of the financial standing of each of the tenderers was made as part of the procurement process.
- 4.4 Each tenderer was asked to provide a contract price without a performance bond and a contract price including a performance Bond. The performance bond would provide the Council with financial compensation in the event of the contractor not being able to deliver the agreed contract.
- 4.5 The Director of Finance and Corporate Resources will decide whether or not the bond is to be provided by the preferred partner at the material time on the basis of an assessment of the financial status of the preferred partner and in the light of the contract price.

5.0 Legal Implications

- 5.1 The Design Team has been procured using the Restricted Procedure in accordance with the EC Directive 2004/18 (the Classic Directive), the Public Contracts Regulations 2006 (the Regulations) and the Council's Contract Standing Orders.
- 5.2 The estimated value of the contract is above the threshold in the Regulations for the application of the European public procurement regime. The contract is classified as Part A Services for the purposes of the Regulations and so a

tender process in compliance with the full requirements of the Regulations was completed. A restricted (two-stage) procedure was used, under which negotiations are not permitted. In addition the tender process was subject to the overriding EU principles of equality of treatment, fairness and transparency in the award process.

- 5.3 The estimated value of the contract over its lifetime is in excess of £500,000 and the award of the contract is consequently subject to the Council's Contracts Standing Orders in respect of High Value contracts and Financial Regulations.
- 5.4 In considering the recommendations, Members need to be satisfied on the basis of the information set out in the report that the appointment of the recommended Design Team will represent best value for the Council and will mean that the tenderer appointed has offered the most economically advantageous tender. In order to decide on the most economically advantageous tender, tenders have been evaluated in accordance with the evaluation criteria notified to tenderers in the ITT.
- 5.5 Once the standstill period (see below) has expired, an offer letter will be issued to the recommended tenderer together with the Terms of Appointment. If the recommended tenderer is not able to accept the Terms of Appointment, then an offer will be made to the tenderer referred to in recommendation 2.2.
- 5.6 Following the Executive meeting, the Council must observe the Regulations relating to the observation of a mandatory minimum 10 calendar day standstill period before the appointment can be made. Therefore once the Executive has determined which tenderer should be awarded the contract, all those who expressed an interest in tendering, even if not invited to tender, will be issued with written notification of the award decision. A minimum 10 calendar day standstill period will then be observed before the appointment is concluded, and additional debrief information will be provided to those requesting this in accordance with the Regulations. As soon as possible after the standstill period ends, the successful tenderer will be issued with an offer letter and a request to sign the Terms of Appointment to allow the contract to commence. We anticipate that this will be around 27th February 2009.
- 5.7 Following contract award, a contract award notice will need to be placed in the European Journal.

6.0 Diversity Implications

- 6.1 An INRA for the Design Team procurement process has been completed and has previously been referenced as a background paper to the 4 August 2008 Executive report, at the start of the procurement process. Design Teams were questioned on equality and diversity, customer care and how to engage with all communities in Brent.
- 6.2 The recommended design team scored the highest possible marks in relation to parts of the evaluation criteria that covered Equalities and Diversity.

6.3 The terms of the appointment will contain appropriate clauses to ensure the design team complies with all appropriate legislation.

7.0 Staffing / Accommodation issues

7.1 The Civic Centre Project has a number of current work-streams, two of which are in part tasked with dealing with staffing and accommodation issues arising from this project. Therefore these issues will be taken forward as component parts of this project over the next few years.

7.2 In addition the Council's office accommodation strategy, led by the Head of Property & Asset Management has, for a number of years, taken into account the potential effect of the Civic Centre in the retention and disposal strategy of the Council's main office portfolio. This has in turn also influenced the Council's maintenance and repair programme.

Background papers

Council's Invitation to Tender pack

Contact Officers

Richard Barrett - Head of Property and Asset Management

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Chief Executive

Appendix 1

A	Price	30%
B	Quality	70%
1.	Design Proposals including Customer Care - Total Weighting	22%
1.1	An understanding of what the Council wants to achieve from its Civic Centre project and an understanding of the values of the borough as set out in its Community Strategy (see appendix to Design Brief).	3%
1.2	Ability to deliver a high quality distinctive design that meets the Council's requirements as set out in the design brief (see appendix D).	5%
1.3	Ability to design a Civic Centre building which is flexible and multi functional, which integrates public, democratic and administrative functions effectively.	3%
1.4	Ability to design a Civic Centre building that deals with security and geographical constraints e.g. including proximity to major public events at Wembley stadium/Arena.	3%
1.5	Ability to design a Civic Centre building which enables the Council to deliver customer focused services in an efficient, accessible and welcoming manner.	3%
1.6	A clear understanding of the regeneration benefits which the Civic Centre building could bring, and the ability to design the building to make a significant contribution to regeneration in the area	2%
1.7	Ability to design a Civic Centre building which will act as a vibrant, welcoming and accessible hub for community activities and community engagement.	3%
2	Stakeholder Engagement – Total Weighting	5%
2.1	Ability to identify key Council and community stakeholders and establish a process for working effectively with and alongside these key stakeholders.	5%
3	Equality & Diversity - Total Weighting	5%
3.1	Ability to design an inclusive and fully accessible Civic Centre building which makes a positive statement about the Council's relationship with its residents, visitors and contributes to community cohesion and social inclusion.	5%
4	Sustainability - Total Weighting	8%
4.1	Understanding the sustainability impact of the Civic Centre building in both the design/construction phase and during the life of the Civic Centre building.	4%
4.2	Ability to design a scheme which meets the 'BREEAM excellent' criteria and which demonstrates the Council's community leadership role in terms of sustainability.	2%
4.3	Ability to design a Civic Centre building which is cost effective over its lifetime in terms of running costs (e.g. maintenance and energy costs)	2%
5	Design Innovation - Total Weighting	10%
5.1	Ability to design a Civic Centre building which can be adapted for changing uses over its lifespan.	2%
5.2	Ability to design a Civic Centre building which enables the Council to achieve the optimum level of connectivity and facilitates new ways of working in a modern outward looking environment.	8%
6	Deliverability and Approach to Design Development - Total Weighting	20%
6.1	Ability to design a Civic Centre that complies with the construction budget	5%
6.2	Ability to effectively manage and co-ordinate the design team and the project so as to ensure key milestones and key objectives are met, taking account of relevant dependencies.	5%
6.3	Ability to work with the D&B contractor post novation.	2%
6.4	Ability to work with the Council's team and its external advisers to deliver the Civic Centre project.	2%
6.5	Understanding of the main and associated risks inherent in delivering the Civic Centre project.	2%
6.6	Ability to deliver a Civic Centre project which meets the Council's technical requirements as set out in its Design Brief and other appropriate technical requirements	4%