

LONDON BOROUGH OF BRENT
MEETING OF THE EXECUTIVE 23 JUNE 2003
REPORT FROM THE DIRECTOR OF CORPORATE SERVICES

FP NO:

NAME OF WARD(S)
AFFECTED : ALL

**REPORT TITLE: AUTHORITY TO INVITE TENDERS FOR
AN ACCESS CONSULTANCY CONTRACT**

Above Below
Confidential Line

1.0 SUMMARY

1.1 This report concerns the proposed award of a three to five year contract for Access Consultancy and seeks the approval of the Executive to invite tenders for the contract in accordance with Standing Orders 89 and 90.

2.0 RECOMMENDATIONS

2.1 The Executive to give approval to the pre-tender considerations and the criteria to be used to evaluate tenders as set out in paragraph 6.4 of the report.

2.2 The Executive to give approval to officers to invite tenders and evaluate them in accordance with the approved evaluation criteria referred to in 2.1 above.

3.0 FINANCIAL IMPLICATIONS

3.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £500k shall be referred to the Executive for approval to invite tenders and in respect of other matters identified in Standing Order 90.

3.2 The estimated value of this services contract is £ 675,000 over five years.

3.3 It is anticipated that the cost of this contract will be funded from existing resources and fee income charged to capital works related to the Disability Discrimination Act (DDA).

4.0 STAFFING IMPLICATIONS

- 4.1 On the expiry of the Council's contract with Amey Property Services (APS) on 31 March 2003 for architectural services which also included access consultancy, the Council awarded a six month contract for access consultancy alone to Amey Vectra Limited (AVL) pending a full retendering of the service.
- 4.2 This access consultancy service to Brent is provided by AVL's internal consultancy service, Amey Property Consulting (APC) who had also acted as sub-contractors to APS for access consultancy work for Brent in the latter years of the contract held by APS.
- 4.3 There are no implications for Council staff arising from retendering the contract from the expiry of the six month contract.
- 4.4 None of the APC staff working on the six month contract spend most of their time working for Brent. During the past year AVL / APC have been awarded contracts with other local authorities for access consultancy work and in the event the new contract is awarded to another company or consultancy practice it is considered unlikely that TUPE would apply.

5.0 LEGAL IMPLICATIONS

- 5.1 The access consultancy contract is considered to be a Part B service in accordance with the EC Procurement Regulations, and therefore is not subject to the full application of the Regulations.
- 5.2 This contract is considered to be a high value contract for the purposes of Contract Standing Orders and therefore approval from the Executive is required to invite tenders and to the matters listed in Standing Order 90.
- 5.3 Chief Officers have delegated power to extend contracts with a life of not more than one year by up to a further six months provided the extension does not breach the European Procurement Legislation, does not substantially alter the terms and conditions of the contract and provided that there is sufficient existing budgetary provision for the extension.
- 5.4 Once the tendering process is undertaken Officers will report back to the Executive in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contracts and recommending award.

6.0 DETAIL

- 6.1 The award of a six month contract to AVL was an interim measure to permit time to retender the contract for access consultancy.

6.2 The Council's need for quality advice on issues around access to buildings, goods, employment and services has increased with the passing of the Disability Discrimination Act 1995. Under this Act owners of buildings to which the public have access must show that reasonable efforts have been made to make their buildings fully accessible to all including those with disabilities by a deadline date of 01 October 2004. APC have been working closely with Council officers on a programme to make Council buildings compliant with the Act by the deadline date. In addition Brent schools, which were originally excluded from the DDA are now covered by similar legislation requiring access to all and APC are working with Education's Assets Team on implementing access improvements to Brent schools.

6.3 Services provided by the contractor under the access consultancy contract include the following :

- Access advice to Council Departments, Local Disability Organisations, Employers and Service Providers.
- Representing the Council on relevant national committees, including the Access Association, RADAR Access Advisory Committee (Formerly the Access Committee for England), Disabled Persons Transport Advisory Committee (DPTAC), the Employers Forum on Disability and the Disability Rights Commission.
- Selective involvement in the consultation process at national level to improve access legislation, including the Disability Discrimination Act 1995, British Standard BS8300, The Building Regulations 2000, Schedule 1, Part M.
- Monitoring of Planning and Building Control applications for access issues in the Contract Area and advising the Council, designers and developers on interpretation of access standards.
- Arranging and conducting access training seminars (usually a maximum of two per year) for the Council's Planning and Building Control Officers, Council Facilities Managers and Managing Consultants of other Contracts within the Contract Areas.
- Liaising with local disability organisations and supporting the local access advisory group. Providing training in reading plans and access standards to enable disabled people to participate in the consultation process.
- Comprehensive ongoing access auditing of all Council buildings, including libraries,leisure centres, community centres and cemeteries to performance indicators and best value access profile standards.
- Implementation of access improvement projects to key frontline Council buildings, such as Brent Town Hall, Willesden Green Library, Brent One-Stop-Shops, Mahatma Gandhi House, Brent House.

- Consultation on accessibility of the Council website and provision of access information formats for visitors to the Council buildings and facilities.
- Management of the Council Schools Access Initiative programme to provide access for disabled pupils, staff and visitors to schools.
- Access audits of places of further and higher education in the Contract Area and advice to individual colleges on providing access for disabled students.
- Working with the Council's Highways, Street Care and Parks Department to improve access to the external environment for disabled people.
- Ongoing access consultation on the Wembley National Stadium, Arena and Conference Complex, Wembley Town Centre, Kilburn High Road, Welsh Harp and other Contract Area wide initiatives.
- Liaison with the Council's Human Resources Department on Access to Employment Initiatives.
- Advising on current access legislation and good practice.
- Monitoring on DDA implementation across the Council including liaison with Council officers responsible for DDA issues.
- Attending meetings as directed in the detailed contract specification.

6.4 In accordance with Contract Standing Orders 89 and 90, pre-tender considerations have been set out below for the approval of the Executive.

Ref.	Requirement	Response
(i)	The nature of the service.	To provide an Access Consultancy service which will include services noted in 6.3 above.
(ii)	The estimated value.	£ 675,000 value over the period of the contract (3 years with an option for a 2 year extension).
(iii)	The contract term.	3 years with an option to extend for up to a further 2 years. Likely commencement date 02 January 2004 or earlier if possible.
(iv)	The tender procedure to be adopted.	A 2 stage procedure : Stage 1 – expressions of interest. Stage 2 – invitations to tender

(v)	The procurement timetable.	<p>Indicative dates are:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Adverts placed <input type="checkbox"/> Expressions of interest returned <input type="checkbox"/> Shortlist drawn up to the Council's approved criteria <input type="checkbox"/> Invite to tender <input type="checkbox"/> Deadline for tender submissions <input type="checkbox"/> Panel evaluation - shortlisting for interview <input type="checkbox"/> Interviews and contract decision <input type="checkbox"/> Report recommending Contract award circulated internally for comment <input type="checkbox"/> Executive approval <input type="checkbox"/> Contract start date 	<p>Year 2003</p> <p>end of June</p> <p>21 July</p> <p>28 July</p> <p>04 August</p> <p>08 September</p> <p>08-22 September</p> <p>29 September</p> <p>October</p> <p>10 November</p> <p>02 January 2004 or earlier</p>
(vi)	The evaluation criteria and process.	<p>Shortlists are to be drawn up in accordance with the Council's Contract Management Guidelines namely the select list questionnaire and thereby meeting the Council's financial standing requirements, technical capacity and technical expertise. The panel will evaluate the tenders against the following criteria:</p> <ul style="list-style-type: none"> • demonstrated ability to provide the service • quality assessment • tendered prices • customer and client orientation 	
(vii)	Any business risks associated with entering the contract.	None specific. Financial Services and Legal Services have been consulted concerning this contract.	
(viii)	The Council's Best Value duties.	The competition provided by the 2-stage tendering exercise will assist the Council in achieving best value for this service.	
(ix)	Any staffing implications - including TUPE and pensions.	See section 4.3 and 4.4.	

(x)	The relevant financial, legal and other considerations.	See sections 3.0 and 5.0 above
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- 6.5** The current six month contract with AVL will expire on 30 September 2003 – before the commencement of the new contract. In these circumstances, it will be necessary to extend the current six month contract to cover the gap until the new contract commences. The length of that extension will depend on whether a new contractor is awarded the contract and therefore whether there is a need for a lead in period but the extension cannot exceed six months without the approval of the Executive.
- 6.6** The Executive is asked to give its approval to these proposals as set out in the Recommendations and in accordance with Standing Orders 89 & 90.

7.0 **BACKGROUND INFORMATION**

- 7.1** Procurement Files, files on DDA Access works and audits.

Any Member wishing to inspect the above papers should contact:

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