

	<b>Officer Key Decision</b>
	<b>Report to the Strategic Director of Community Wellbeing acting in consultation with the Lead Member for Housing and Welfare Reform</b>
<b>AUTHORITY TO AWARD CONTRACT FOR ARCHITECTURE AND RELATED SERVICES FOR HOUSING AND MIXED USE AND MIXED TENURE DEVELOPMENT FOR THE PHASE 1 SITE, ST RAPHAEL'S ESTATE, LONDON BOROUGH OF BRENT</b>	

<b>Wards Affected:</b>	Stonebridge
<b>Key or Non-Key Decision:</b>	Key Decision
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Part Exempt – Appendix 1 is exempt as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"
<b>No. of Appendices:</b>	Appendix 1 – Bidder Details (exempt) Appendix 2 - Tender Evaluation Grid Appendix 3 - Cabinet Decision Notice Housing Options Appraisal Report Monday 12 November 2018 -
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Kathryn Eames, Senior Project Manager, kathryn.eames@brent.gov.uk

## 1.0 Purpose of the Report

- 1.1 This report concerns a future contract by Brent Council for architecture and related services for housing and mixed-use and mixed tenure development for the Phase 1 site, St. Raphael's.
- 1.2 This report requests authority to award these services as required by Contract Standing Order 88 under a Call off Contract to Bidder A following a mini- competition held under Lot 4 of the Greater London Authority's Architecture Design and Urbanism Panel (ADUP 2) Framework Agreement ("Framework Agreement").
- 1.3 This report summarises the process undertaken in tendering the Call Off Contract Following the completion of the evaluation of the mini-competition tenders, it recommends to whom the contract should be awarded.

## 2.0 Recommendations

That the Operational Director acting in consultation with the Lead Member for Housing and Welfare Reform approves:

- 2.1 The award the Contract to Bidder A for architecture and related services for housing and mixed-use and mixed tenure development for the Phase 1 site valued at £895,833.00 at St. Raphael's Estate, commencing on 24<sup>th</sup> May for a period of 24 months, with a possible extension of up to 12 months.

### **3.0 Background**

- 3.1 As described within the Decision Notice in Appendix 3, Cabinet resolved on 12 November 2018, that Officers progress work on St Raphael's Estate to assess potential housing improvement and development opportunities for the estate.

Cabinet also delegated authority to the Strategic Director of Community Wellbeing in consultation with the Lead Member for Housing and Welfare Reform, for the award of contracts for a Multi-disciplinary Design Team services. . As confirmed at paragraph 6 (Legal Implications) the Operational Director is able to exercise the same delegated authority to approve the award of the Call Off Contract as that vested in the Strategic Director of Community Wellbeing by Cabinet on 12 November 2018.

- 3.2 The progress of the original Multi-disciplinary Design Team Contract and its expiry was included as part of the Recordable Officer Decision dated 16 February 2021 to the Operational Director Housing, (seeking authority to .procure this Call Off Contract for Architecture And Related Services For Housing And Mixed Use And Mixed Tenure Development For The Phase 1 Site, St Raphael's Estate Regeneration Scheme).

- 3.3 As a result of the services received under the original Multi-disciplinary Design Team Services Contract, and other work, the regeneration Project at St Raphael's Estate has now progressed to Phase 1 Design stage.

- 3.4 The Council now requires architecture and related services for housing, mixed-use, and mixed tenure development for the Phase 1 site on St Raphael's Estate redevelopment Project.

Following receipt of Delegated Authority Approval for the procurement of these services on 16 February 2021 under the Recordable Decision referred to in 3.2 above, Bidder A was identified for award of a Contract for these services.

- 3.5 The consultancy team appointed under the Contract will undertake designs for a new-build, mixed use and mixed tenure scheme. It will provide design guidance and advice on architecture and urban design for the Scheme and the Council's proposals. It will prepare, submit and validate plans for detailed planning consent and produce designs and specifications from RIBA Stage 0 through to RIBA Stage 3. In addition to architectural services, the expertise required will extend to structural and mechanical engineering services and consultants in planning, transport, noise, and ecology. All this expertise and related services are available under Lot 4 of the GLA ADUP 2 Framework Agreement which was procured and let by the GLA and TFL. It is designed for projects requiring design team-led consultants, of multiple differing project sizes.

- 3.6 The Contract stems from Lot 4 of the ADUP 2 Framework Agreement (Architecture – Housing and Mixed Services. This Lot relates to the design and delivery of housing and housing-led mixed-use developments. It was designed for use by public sector contracting authorities such as Brent Council and their partners to support the Mayor of London's plans and their own, to deliver new homes across London.

Suppliers appointed to Lot 4 by the GLA and TFL are required to have the necessary expertise to deliver housing-led projects of varying type and scale from a single building to a block, street or neighbourhood. Projects may include both suburban and urban contexts. They may undertake designs for, new-build works, refurbishment and or conversion and mixed use and mixed tenure schemes. Where appropriate, these Suppliers also make use of Building Information Modelling (BIM).

3.7 In accordance with CSO Standing Order 86, the Director of Legal, HR, Audit and Investigations has confirmed that Brent Council's participation in the ADUP 2 Framework, a third party let Framework, and procurement of those services within Lot 4 of that Framework is legally permissible on 15 February 2021

#### 4.0 **The Tender Process**

4.1 Under the ADUP 2 Framework Agreement, (and the Procurement Regulations 2015), all Call Off Contracts are required to be let as provided for within that Framework Agreement. Fair and transparent mini competitions are required to be held under the Framework's terms and conditions using clear award criteria.

4.2 The ADUP 2 Framework User Guide discourages direct awards. It encourages mini-competition instead between all suppliers within a relevant Lot, using the guidance in the Framework User guide.

4.3 All suppliers within a relevant Lot must be invited to respond via a mini competition, even if the task is straightforward and readily catered for within the panel list services. This is to ensure that nothing is done which is discriminatory, improper or which distorts competition.

Following the preparation of a Specification/ Brief Development, an invitation was extended by the Council to all twelve Suppliers on Lot 4, to mini-compete for this Call Off Contract.

4.4 Following the issue of the Invitation to Tender (ITT) to all Suppliers on Lot 4, the three suppliers described at (exempt) Appendix 1 responded with mini-tender responses.

All tender responses were deemed compliant and were evaluated as shown below.

4.5 All three suppliers who bid for this Call Off Contract were evaluated in line with the award criteria set out below.

4.6 The evaluation criteria used by the Council for the purposes of the mini-competition held for the award of this Call off Contract are described at Table 1 below.

4.7 The tender evaluation was carried out by a panel of officers from Housing Supply and Partnerships. In addition two representatives from St Raphs Voice, the Resident Board on St Raphael's, evaluated the submissions for Consultation and Stakeholder Management and Social Value.

#### **Table 1: Award Criteria**

Quality		Area weighting	Overall weighting
Design Approach & Vision		35%	70%
Project Resources		25%	
Consultation and Stakeholder Management		20%	
Project Plan		10%	
Social Value	Sub-weighting for social value	10%	
Strong Foundations	40%		
Every Opportunity to Succeed	40%		
A future built for everyone, an economy for all		20%	
<b>Total Quality</b>		<b>100%</b>	
<b>Equality, diversity and inclusion</b>			<b>Overall weighting</b>
Equality, diversity and inclusion			5%
<b>Price/Commercial</b>			<b>Overall weighting</b>
Pricing Schedule			25%
<b>Total</b>			<b>100%</b>

4.8 Following evaluation of the three bids, the Council undertook a moderation exercise aimed arriving at a single score for each bidder per criterion. This was supported by a senior procurement officer and scores were agreed by consensus by the Panel.

4.9 The names of the tenderers are contained in (exempt) Appendix 1. The scores received by the tenderers are included in the Evaluation Grid at Appendix 2. Each supplier's percentage scores for Quality, Equality and Diversity and Price including the final total score following the moderation are highlighted within Table 2 and elaborated at Appendix 2.

**Table 2: Total Moderated Scores**

Supplier	Quality Evaluation Score 70%	Equality & Diversity Evaluation Score 5%	Price Evaluation Score 25%	FINAL SCORE
<b>Bidder A</b>	<b>57.82%</b>	<b>4.00%</b>	<b>21.97%</b>	<b>83.79%</b>
Bidder B	41.16%	4.00%	21.74%	66.90%
Bidder C	41.16%	4.00%	25.00%	68.76%

It will be noted that Bidder A was the highest scoring tenderer.

4.10 Officers therefore recommend the award of the contract to Bidder A.

4.11 Under the terms of the ADUP 2 Framework Agreement, the Project Manager needs to ensure that both Parties have signed the Call off Contract before raising the purchase order.

4.12 The Procurement timetable referred to below describes the timing of the progress to the start of the Call Off Contract.

**Table 3: Procurement Timetable**

Activity	Date
Invite bids by way of mini-competition under the ADUP 2 Framework	15/02/2021
Deadline for clarifications	08/03/21
Deadline for response	11/03/21
Deadline for bids	22/03/2021 by 12 noon
Evaluation of Tenders & Internal Governance	22/03/2021 - 07/05/2021
Contract Award Notification	10/05/2021
Contract Mobilisation	w/c 17/05//2021
Contract signature and start date	24/05/2021

## 5.0 Financial Implications

- 5.1 Part 3 of the Council's Constitution states that the Operational Director of Housing has delegated authority to approve the award of contracts for services valued at less than £2 million.
- 5.2 The estimated value of this contract is under this threshold.
- 5.3 It is anticipated that the cost of this contract will be funded from [the St Raphael's capital budget.

## 6.0 Legal Implications

- 6.1 The estimated value of this contract over its lifetime is in excess of the EU threshold for Services and the award of the contract is therefore governed by the Public Contracts Regulations 2015("the PCR Regulations")

The Call Off Contract is based on the Framework tender procedure set out in Regulation 33 of the PCR Regulations.

The Contract to which this Report refers is a Call Off Contract under the ADUP 2 Framework.

The Framework's terms and conditions will be implied into the Call Off Contract.

- 6.2 The award is subject to the Council's own Standing Orders in respect of Medium Value Contracts and the Council's Financial Regulations.
- 6.3 Chief Officers or Strategic Directors have delegated to them power to award Medium Value Contracts for services to the Council up to £2,000,000.00 in value under Para 9.5.3 (a) of Part 3 of the Constitution.
- 6.4 Under Para 9.7 of the Scheme of Delegation, Operational Directors have delegated to them, all the powers of their Strategic Director (or the Chief Executive if the Operational Director reports directly to the Strategic Director) including the power to approve the award of a Contract as per Para 9.5.3.(a) of the said Scheme, insofar as the Contract relates to the services (s) for which the Operational Director is responsible, unless,
- a) any delegated authority decision sought from the Operational Director exceeds the limits in para 9.5.3 (a) (a) to (a) (g) (inclusive) on the Strategic Directors' exercise of delegated powers to make an award decision. In this context those limits mean that the Strategic Director cannot approve the award of a Contract for which there

is no, or there is only an insufficient budgetary provision, or if the contract has not been procured in accordance with the Procurement Regulations 2016; or the Council's internal Contract Standing Orders; and/or,

- b) the exercise by an Operational Director of his delegated powers under para 9.7 of the Scheme of Delegation is inconsistent with any other part of the Constitution, and/or;
- c) the Strategic Director (or the Chief Executive) has directed the Operational Director not to exercise the particular power that the Operational Director is being asked to exercise, in this case the power to award a Contract.

6.5 The value of the proposed Framework Agreement renders the procurement and award decision sought here (the approval for the Council's entry into the Framework Agreement with Tenderer "A"), a Key Decision. This has two separate consequences:

6.5.1 Key Decisions are subject to the Council's Access to information Rules within Part 2 of the Constitution. This means that any award proposal must be published on the Forward Plan at least 28 days before the decision to award is taken (see CSO Regulation 34).

This award decision has been advertised in accordance with the Council's Access to information Rules for the requisite period of 28 days before submission of this Report to the Operational Director for approval of the award decision published in the Forward Plan. This is because the proposed award of this Contract, was first published in Forward Plan 33 - 2020/21 (for the period 05/02/2021 to 31/05/2021) and this was repeated in Forward Plan 34 - 2020/21 (for the period 05/03/2021 to 30/06/2021) and Forward Plan 34a - 2020/21 (for the period 25/03/2021 to 31/07/2021).

6.5.2 The Council must also wait a minimum of 5 days after the award decision is made by the Operational Director before implementing it, or longer, if the Key (award) Decision is called in by the Council's Overview and Scrutiny Committee (see CSO Regulation 14).

6.6 There are no staff transfer implications under the Transfer of Undertakings (Protection of Employment) Regulations 2006.

6.7 The content of paragraph 7 is noted as regards equality implications.

## 7.0 **Equality Implications**

7.1 The proposals in this report have been subject to screening and Officers believe there are no equality implications.

## 8.0 **Consultation with Ward Members and Stakeholders**

8.1 The Lead Member for Housing and Welfare Reform has been briefed on the procurement and contract award. The Operational Director is required to consult with the Lead Member before taking the delegated authority decision/s for which approval is sought in this Report.

8.2 Ward members have been briefed on the procurement.

8.3 There is considerable focus on community and stakeholder engagement and Officers have consulted with the Residents' Board, St Raphs Voice, as regards the proposed letting of this contract.

**9.0 Human Resources/Property Implications (if appropriate)**

9.1 The services required under the proposed Contract will be provided by an external consultancy organisation. There are no implications for Council staff arising from tendering the contract. There is to be no relevant transfer of staff from the Council to the Consultants or from the Consultants to the Council under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”)

**10.0 Public Services (Social Value) Act 2012**

10.1 The Council is under a duty pursuant to the Public Services (Social Value) Act 2012 (“the Social Value Act”) to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement.

10.2 Ten per cent of the Quality evaluation is assigned to evaluating the bidders’ social value proposals. The priorities for social value have been agreed with the Resident Board for St Raphael’s and focuses on delivering outcomes for Strong Foundations, Every Opportunity to Succeed and a Future Fit for Everyone Key Performance Indicators within the Brent Social Value Delivery Plan.

**Report sign off:**

**Hakeem Osinake**  
Operational Director - Housing