

	Decision of Cabinet Member for Finance, Resources & Reform
	Report from the Corporate Director of Finance and Resources
AUTHORITY TO AWARD THE CONTRACT FOR TECHNICAL CONSULTANTS FOR THE NEW BRIDGE PARK CENTRE DEVELOPMENT IN ACCORDANCE WITH PARAGRAPH 13 OF PART 3 OF THE CONSTITUTION	

Wards Affected:	Stonebridge
Key or Non-Key Decision:	Key
No. of Appendices:	Appendix 1 – Evaluation Grid
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Name: Neil Martin Job Title: Head of Capital Programmes (Schools) Email: neil.martin@brent.gov.uk Name: Tanveer Ghani Job Title: Director, Property & Assets Email: tanveer.ghani@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This report concerns the appointment of technical consultants to act as Project Manager, Employer’s Agent and Cost Consultant for the New Bridge Park Centre development. This report requests individual Cabinet Member approval to award the contract for technical consultants for the New Bridge Park Centre Development in accordance with paragraph 13 of Part 3 of the Constitution.

2.0 Recommendation(s)

That the Cabinet Member for Finance, Resources and Reform, having consulted with the Leader:

- 2.1 Agrees the award a contract for the technical consultancy services for the New Bridge Park Centre Development to Mott MacDonald Ltd for the value of £2,223,930 in accordance with paragraph 13 of Part 3 of the Constitution.

3.0 Detail

3.1 In February 2019, Cabinet approved the New Bridge Park Development report. The report provided background to the history of the site and the council's intentions for the site. It included the outcome and requirements from consultation held which supported an enhanced new centre compared to the one approved by Cabinet in 2014.

3.2 The approved February 2019 scheme includes the following facility mix:

1. Up to 1,118m² of community use space (halls, meeting rooms, kitchen)
2. Up to 2,258m² Enterprise Space
3. Up to 104 new homes to accommodate vulnerable adult client groups living in Brent
4. Leisure Centre, including the following facilities
 - a. 6 lane, 25m pool
 - b. Children's soft play area and party room
 - c. Sauna and steam rooms
 - d. Exercise Studios
 - e. Spin Studio
 - f. Café area
 - g. Climb and climb
 - h. Fitness Suite, including a toning suite

3.3 Since then, the council has been involved in litigation with regard to the ownership of the site and the right to develop the site as per the February 2019 Cabinet report. Now that the litigation has concluded in the council's favour, officers intend to progress with the development to meet its requirements under the Conditional Land Sale Agreement (CLSA).

3.4 Officers are proposing to appoint an experienced professional services consultancy organisation to provide the following services throughout the commission to deliver the New Bridge Park Development (the "Contract"):

1. Employer's Agent and Project Manager
2. Quantity Surveyor
3. Technical Design Advisor(s)
4. CDM Advisor

The Tender Process

3.5 In July 2022, the Director, Property and Assets approved the pre-tender considerations and the council's participation in a direct award procedure under the Crown Commercial Service RM6165 Construction Professional Services Framework Agreement – Lot 1 Built Environment and General Infrastructure. Prior to the approval the Director of Legal, HR, Investigation & Audit's (now

Corporate Director, Governance) confirmation that it is legally permissible for the council's participation in the Framework was also obtained.

3.6 In accordance with the Framework's rules for a direct award process, the council identified Mott MacDonald Ltd as the framework bidder to invite for this opportunity. The invitation was issued via the London Tenders Portal on 18 July 2022 and the bidder was provided with the technical information in order to consider the opportunity and submit a bid.

3.7 The tendering instructions stated that the Contract would be awarded on the basis of the most economically advantageous offer to the council and that in evaluating tenders, the council would have regard to the following:

- Commercial / Price: 25%
- Quality: 65%
- Social Value: 10%

Evaluation process

3.8 The tender evaluation was carried out by a panel of officers from Procurement, Property and Assets and Public Health.

3.9 The tender had to be submitted electronically no later than noon on 12 August 2022. The tender was opened on the same day and a valid tender was received by the selected bidder. Each member of the evaluation panel read the tender and carried out an initial evaluation of how well they considered each of the award criteria was addressed in the tender.

3.10 The moderation panel met on 26 August 2022 and each submission was marked by the whole panel against the award criteria. Officers undertook a detailed evaluation of the pricing submission. This review process included checking for any formulaic or mathematical errors and issuing queries to the bidder to clarify any qualifications or exclusions in order to ensure a compliant bid had been received.

3.11 The scores received by the tenderer are included in Appendix 1. Quality responses received were of a good standard and demonstrated sound understanding of the Council's requirements as well as a robust proposal on how to deliver the project successfully. The costs received are in line with the rates provided by the tenderer at the framework tender stage and so the price submitted is considered value for money. Officers therefore recommend the award of the Contract to the sole tenderer, namely Mott MacDonald Ltd.

3.12 The individual Cabinet Member is asked to give approval to these proposals as set out in the Recommendations and in accordance with the Constitution following consultation with the Leader.

4.0 Financial Implications

- 4.1 The estimated cost for the contract proposed in this report is £2,223,930. This will be met from existing funding sources however the Council will seek to capitalise the costs as appropriate as the project progresses.
- 4.2 The proposed award to the contractor Mott MacDonald Ltd is a direct award under Crown Commercial Service RM6165 Construction Professional Services Framework Agreement – Lot 1 Built Environment and General Infrastructure. The Council's Procurement team have confirmed that they are relying on the Framework's financial assessment and hence did not include the requirement for financial assessment in the Council's template in the Information to the Tenderers (ITT) document.

5.0 Legal Implications

- 5.1 The value of the Contract over its lifetime is in excess of the Public Contracts Regulations 2015 (the "PCR 2015") threshold for Services and the procurement and award of the Contract is therefore governed by the PCR 2015.
- 5.2 Officers recommend the use of a framework to award the Contract. The PCR 2015 allow the use of framework agreements and prescribe rules and controls for their procurement. Contracts may then be called off under such framework agreements without the need for them to be separately advertised and procured through a full procurement process. Call offs under the framework agreement need to be carried out in accordance with the framework rules, to include using evaluation criteria specified in the framework agreement and utilising the terms and conditions set out in the framework agreement.
- 5.3 The Council's Contract Standing Orders state that no formal tendering procedures apply where contracts are called off under a framework agreement established by another contracting authority, where call off under the framework agreement is approved by the relevant Corporate or Operational Director and provided that the Director of Legal, HR, Audit and Investigations (now Corporate Director Governance) has advised that participation in the framework is legally permissible. The Director of Legal, HR, Audit and Investigations (now Corporate Director Governance) confirmed that participation in the Framework is legally permissible.
- 5.4 Under paragraph 13 of part 3 of the Constitution, relevant Lead Members have delegated to them authority to award High Value Services Contracts if the value does not exceed £5m and the contract award relates to the portfolio area they are responsible for. As this Contract relates to the portfolio the Lead Member for Finance, Resources and Reform is responsible for, it is considered that the Lead Member for Finance, Resources and Reform has delegated authority to approve the award of the Contract subject to consultation with the Leader.

- 5.5 The council had identified the JCT Consultancy Contract (2016) as a suitable contract allowed under the Framework.
- 5.6 As the procurement is from a framework, there is no legal requirement for the Council to observe a 10 day standstill period under the PCR 2015.

6.0 Equality Implications

- 6.1 The Council must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment and victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,

pursuant to s149 Equality Act 2010. This is known as the Public Sector Equality Duty.

- 6.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.3 The purpose of the duty is to enquire into whether a proposed decision disproportionately affects people with a protected characteristic; in other words, the indirect discriminatory effects of a proposed decision. Due regard is the regard that is appropriate in all the circumstances.
- 6.4 An Equality Analysis was undertaken in June 2013 when the Bridge Park redevelopment proposals were first approved by Cabinet. Public consultation and stakeholder engagement, since that date, has led to an enhanced proposal in terms of a new facilities development. The initial Equality Impact Analysis indicates that the general redevelopment of the Bridge Park Community Centre will have positive impacts on all groups falling within a protected characteristic. However, the Equality Analysis will be updated in line with the consultation process and procuring the delivery of the final scheme.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 The Lead Member for Finance, Resources & Reform has been consulted on the New Bridge Park Development progress.
- 7.2 Ward Members will be kept up to date with project progress such as planning application submissions and works starting on site.

8.0 Human Resources/Property Implications (if appropriate)

8.1 This Contract will be provided by an external contractor and there are no implications for council staff arising from awarding the Contract.

9.0 Public Services (Social Value) Act 2012

9.1 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.

9.2 Ten percent of the overall evaluation criteria is allocated to Social Value and this is in line with the council’s Social Value and Ethical Policy approved by Cabinet in April 2020. The highest scoring supplier will be offering employment opportunities, local supply chain involvement as well as initiatives and support for local community groups and businesses.

Related documents:

New Bridge Park Centre, Cabinet report, February 2019

Report sign off:

MINESH PATEL

Corporate Director of Finance and Resources