

	Officer Key Decision
	Report to the Corporate Director of Resident Services
Authority to award contract for the Brent Civic Centre face to face public spaces redesign and associated works	

Wards Affected:	All
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	None
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Thomas Cattermole Director of Customer Access thomas.cattermole@brent.gov.uk Megan McGeown Senior Transformation Officer Megan.McGeown@brent.gov.uk

1.0 Purpose of the Report

1.1 This report concerns the Brent Civic Centre face to face public space re-design and associated Works. This report requests authority to award contracts as required by Contract Standing Order 88. This report summarises the process undertaken in tendering a contract and recommends to whom the contract should be awarded.

2.0 Recommendation(s)

That the Corporate Director of Resident Services:

2.1 Approves award of the contract for the Brent Civic Centre Face to Face

Public Spaces Redesign and associated Works to Willmott Dixon Interiors (WDI) at a sum of £1,960,000.**

Decision correction (issued 25 August 23):

Please note the following correction to the above decision. This award report states that the contract is being called off a single supplier lot from the Procurement Hub framework, namely Lot 2. The single supplier on Lot 2 is actually “Willmott Dixon Construction Limited”.

Unfortunately, due to an error in wording, the report wrongly refers to “Willmott Dixon Interiors” rather than “Willmott Dixon Construction Limited”. This correction is therefore to confirm that in accordance with procurement process operated under single supplier Lot 2 of the Procurement Hub framework, the final award of contract was to Willmott Dixon Construction Limited and not Willmott Dixon Interiors.

3.0 Detail

3.1 The Council requires re-design and associated Works to be undertaken to customer-facing spaces in Brent Civic Centre. Council Officers have undertaken a procurement exercise by calling off from Major Projects Framework established by the Procurement Hub (‘the Framework’) and recommend the award of the contract to the only contractor on Lot 2 of the Framework, Willmott Dixon Interiors (WDI) (as corrected to Willmott Dixon Construction Ltd). The work is to re-design and to undertake associated Works to Civic Centre Face to Face Public Spaces (the “Contract”).

The Tender Process

3.2 The Contract will be let using the form of award and standard call off terms and conditions prescribed under the Framework with amendments.

3.3 The Major Projects Framework has a sole contractor list for region England and call off process was therefore by way of a direct award without competition to the sole contractor. Call off was undertaken as per the rules of the Framework.

3.4 Officers confirm that value for money has been demonstrated through the framework owner. Willmott Dixon Interiors (as corrected to Willmott Dixon Construction Ltd) were awarded a sole contractor position by the Framework provider, Procurement Hub, after sufficient due diligence, as they were identified as the most economically advantageous tenderer.

3.5 It was determined that the most appropriate means of delivering the works to Brent Civic Centre is through the procurement of the main works

contractor who will be responsible for all stages of the procurement including driving project from RIBA stage 3 through to RIBA 7. The contractor will be responsible for initiating and developing the design and later build. This will enable early start on site by contract, enabling early contract involvement and early sight of future costing and ensuring buildability from RIBA design stages (RIBA 3) onwards.

- 3.6 It is expected that value for money will be delivered by the contractor charging Overhead and Profit (OH&P) fee of 3.8% which included the framework usage fee of 0.5% and 2% profit margin for Willmott Dixon. Willmott Dixon charge will be capped at a maximum of 10% of the total project cost which includes preliminaries, above listed OH&P and additional overall design development, noting that 90% of the expected cost will be outsourced to specialist designers and sub-contractors for main Works.
- 3.7 In addition, value for money will be delivered as the above model of outsourcing the majority of the Works supports the SME agenda, noting that all sub-contracting will be tendered via the Major Projects Framework on open book basis where Brent officers will be part of the evaluation.
- 3.8 Brent Council will have the ability to terminate the contract/project at any stage after RIBA 3 onwards for convenience or any concerns with feasibility etc.
- 3.9 The contract will commence on 16 June 2023.

4.0 Financial Implications

- 4.1 Part 3 of the Council's Constitution states that the Corporate Director of Customer Access has delegated authority to approve the award of contracts for services valued at less than £2 million and works valued at less than £5 million. The estimated value of the Contract is £1.96m and under this threshold.
- 4.2 The cost of the Contract will be funded from borrowing which will be repaid at the rate of £201k per annum over a 10-year period. The repayment will be funded through savings to the Customer Access budget.
- 4.3 The proposed contractor Willmott Dixon Interiors (as corrected to Willmott Dixon Construction Ltd) has passed the financial assessment carried out on the Council's assessment template.

5.0 Legal Implications

- 5.1 The value of the Contract over its lifetime is under the Public Contracts

Regulations 2015 (the “PCR 2015”) threshold for Works and the award of the Contract is therefore partially governed by the PCR 2015. The award is however subject to the Council’s own Standing Orders (‘CSO’) in respect of Medium Value Contracts and Financial Regulations.

- 5.2 The procurement was undertaken through a framework and the PCR provide the rules for use of framework agreements, and requires that the framework rules are adhered to when calling off from that framework. Officers have confirmed in paragraph 4 of this report that the procurement was in accordance with the Major Projects Framework rules. The Director of Legal, HR, Audit & Investigations (now the Corporate Director, Governance) confirmation that it is legally permissible to call off from the framework was obtained on 27th June 2022 in accordance with CSO86(e)(ii).
- 5.3 As indicated in paragraph 5.1, the award of the contract is subject to the Council’s own Standing Orders in respect of Medium Value Contracts. Under Part 3 of the Constitution, at paragraph 9.5 in section 3(a) of the table therein, relevant Strategic Directors have delegated to them authority to award Medium Value Contracts, so far as the contract relates to the service area which they are responsible for. As this contract relates to service area of the Director, Customer Access, it is considered that the Director, Customer Access has delegated authority to approve the award of the contract to Willmott Dixon Interiors (as corrected to Willmott Dixon Construction Ltd).
- 5.4 The contract will be administered using framework terms and conditions being JCT PCSA and JCT DB 2016 with relevant amendments.

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 Under the Public Sector Equality Duty, having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the

need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.

6.3 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.

6.4 Officers believe that there are no adverse equality implications that will arise from the project. As mentioned in the Cabinet of 6th February 2023 the project outlined will have positive equality implications by helping to make the Civic Centre's public spaces accessible for a wider range of residents. It supports the enhancements of the library site and service, particularly by improving the offer for children, young people and students and families by creating appropriate space for CYP contact visits and private meetings.

7.0 Consultation with Ward Members and Stakeholders

7.1 As mentioned in the Cabinet report of 6 February 2023, the Cabinet Member for Jobs, Economy & Citizen Experience and Cabinet member for Community Engagement, Equalities and Culture have been engaged throughout the project and is supportive. Members will be kept informed of developments throughout the project.

7.2 Furthermore, Cabinet, at its meeting on 6 February 2023, approved the plans to redesign customer spaces in Brent Civic Centre and the associated budget.

8.0 Human Resources/Property Implications (if appropriate)

8.1 There are no Human Resources implications or property implications.

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.

Report sign off:

Peter Gadsdon
Corporate Director of Resident Services