

	Officer Key Decision
	Report to the Strategic Director of Regeneration and Environment
AUTHORITY TO AWARD CONTRACT FOR HOSTILE VEHICLE MITIGATION (HVM) MEASURES – WEMBLEY STADIUM AREA	

Wards Affected:	Tokyngton
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	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)"
No. of Appendices:	2
Background Papers¹:	N/A
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1.0 Purpose of the Report

- 1.1 This report concerns the approval to appoint a supplier to implement Hostile Vehicle Mitigation Measures for the Wembley Stadium Area. This report requests authority to award a contract as required by Contract Standing Order 88. This report summarises the process undertaken in tendering this contract

and, following the completion of the evaluation of the tenders, recommends to whom the Contract should be awarded.

2.0 Recommendation(s)

- 2.1 That the Strategic Director of Regeneration and Environment in consultation with the Lead Member for Environment approves the appointment of FM Conway Limited for the supply, installation and maintenance of Hostile Vehicle Mitigation Measures for the Wembley Stadium Area.

3.0 Detail

- 3.1 Following the attacks in 2017, on Westminster Bridge, Houses of Parliament and Borough Market the Metropolitan Police Counter Terrorism Security Advisor (CTSA) approached London Borough of Brent and its partners, Quintain and Wembley Stadium, recommending that the parties consider improving the security of the road network leading into the event day area within the Borough, thereby protecting the thousands of fans that attend Wembley on stadium event days.
- 3.2 Current event day traffic management requires the Council to close Fulton Road, Engineers Way and South Way on event days to protect the heavy pedestrian movement across the Wembley Park site. Closure and opening times of roads will vary depending on the event.
- 3.3 All road closures are undertaken using signs and cones and have minimal resistance should a hostile vehicle seek to breach the closures.
- 3.4 To protect pedestrians, Police place their vehicles across the carriageway on either end of the crossing points to re-enforce the closures. Police attend sporting events as there is risk of disorder between fans. Currently there are no plans by police to attend concerts. Therefore, there is minimal means of protection to prevent vehicle incursion.
- 3.5 The ongoing development around the Wembley Park site requires that resident and business access be maintained as far as possible. Therefore, the proposed HVM measures will be installed at strategic locations to prevent vehicle incursion onto pedestrian routes and allow resident access into the new developments around the stadium where possible. Quintain will also be installing HVM measures throughout roads on their land.
- 3.6 Meetings have been held internally between Planning, Highways & Infrastructure and the Metropolitan Police to identify areas of concern. BuroHappold have undertaken a Feasibility Study on behalf of Quintain, including locations along the public highway which comes under Brent Council responsibility.
- 3.7 There are in total thirteen locations of vulnerability across the site.

- 3.8 Although these measures create a safe environment for visitors attending events at the stadium, they could also be deployed to protect non stadium event crowds and possibly the Civic Centre, if required.
- 3.9 In early 2018, meetings were held with CTSA's to discuss options for the barriers and initially a gate and bollard system was considered. However, it was felt the measures did not positively contribute towards our Public Realm and therefore, in discussion with Quintain and Wembley Stadium, a sliding barrier system was identified as the preferred option.
- 3.10 A sliding barrier feature allows for access for permitted vehicles, such as service or emergency vehicles. The sliding security system can be installed in locations where even a shallow mount is impossible thereby negating the need for deep excavation, which can run into many hundreds of thousands of pounds if services need to be redirected.
- 3.11 Detailed investigation and design will be undertaken for each location by the current contracted highway engineering company. The current existing Highway contractor will deliver the supporting highway work

The Tender Process

- 3.12 The new contract will be let using the Council's bespoke contract terms for an initial term of 6 months for the supply and installation of the measures followed by 5 years of maintenance.
- 3.13 Advertisements were placed in the Official Journal of the European Union (OJEU) and the London Tenders Portal on 23 September 2019 using the open procurement procedure to seek tenders. 15 initial enquires were received. Contractors were provided with a specification and details of the tender approach. Tenderers were required to submit a tender response using the Council's Electronic Tendering Facility. Four suppliers had indicated an intention to submit a tender, however only two (2) contractors subsequently completed the selection questionnaire and submitted a tender response.
- 3.14 The selection questionnaire for each tenderer was evaluated for compliance for which all bidders were compliant and therefore taken forward for tender evaluation.
- 3.15 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 evaluation criteria outlined below:

Technical / Quality	Area weighting	Overall weighting
Application of Experience	25%	70%
Delivery	30%	
Resources	15%	
Traffic Management	10%	
Quality Monitoring	20%	
Total for Quality/Technical	100%	
Commercial – Cost	Area weighting	Overall weighting
Commercial (Price)	100%	30%
Total		100%

Evaluation process

- 3.16 The tender evaluation was carried out by a panel of officers from the Highways Team and was moderated by Procurement.
- 3.17 All tenders had to be submitted electronically no later than the 31st October 2019 12:00pm. Tenders were opened on the 31st October 2019 and two (2) valid tenders were received. Each member of the evaluation panel read the tenders and carried out an initial evaluation of how well they considered each of the award criteria was addressed in the tender.
- 3.18 The panel met on the 20th November 2019 and each submission was marked by the whole panel against the award criteria. Following the evaluation, there were a number of clarifications raised with the bidders. The evaluation scores were finalised and moderated following clarification responses and the final scoring was approved by the evaluation panel.
- 3.19 The names of the tenderers are contained in Appendix 1. The scores received by the tenderers are included in Appendix 2. It should be noted that Tenderer A was the highest scoring tenderer. Officers therefore recommend the award of the contract to Tenderer A, namely FM Conway Limited.
- 3.20 The contract will commence on 17 December 2019 subject to the Council's observation of the requirements of the mandatory standstill period noted in paragraph 5.4 below.

4.0 Financial Implications

- 4.1 Part 3 of the Council's Constitution states that the Strategic Director of

Regeneration and Environment has delegated authority to approve the award of contracts for supplies valued at less than £2 million.

- 4.2 The value of this contract is £1,290,471.46. This value includes the supply and installation of the measures and the 5 year maintenance.
- 4.3 The scheme is to be funded from the S106 Area Wide Transport contribution, subject to commissioning approval from the planning team.
- 4.4 The developer Quintain is currently holding the funding and must release it within 30 days' notice from the Council.

5.0 Legal Implications

- 5.1 The estimated value of this contract over its lifetime is in excess of the EU threshold for Supplies and the award of the contract is therefore governed by the Public Contracts Regulations 2015 (the "EU Regulations"). The award is subject to the Council's own Standing Orders in respect of Medium Value Contracts and Financial Regulations.
- 5.2 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. Chief Officers have delegated to them power to award Medium Value Contracts in accordance with paragraph 9.5, of Part 3 of the Constitution.
- 5.3 The Council must observe the EU Regulations relating to the observation of a mandatory minimum 10 calendar day standstill period before the contract can be awarded. Therefore once the Strategic Director has determined which tenderer should be awarded the contract, all tenderers will be issued with written notification of the contract award decision. A minimum 10 calendar day standstill period will then be observed before the contract is concluded – this period will begin the day after all Tenderers are sent notification of the award decision and additional debrief information will be provided to unsuccessful tenderers in accordance with the EU Regulations. As soon as possible after the standstill period ends, the successful tenderer will be issued with a letter of acceptance and the contract can commence.

6.0 Equality Implications

- 6.1 The proposals in this report have been subject to screening and officers believe that there are no equality implications.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 This matter was discussed at the "Best in Class" meeting, which is attended by all major stakeholders involved in making Wembley stadium a world-class

venue experience. The Cabinet Lead Member for Environment Cllr Sheth has also been briefed on the project at fortnightly meetings.

8.0 Human Resources/Property Implications (if appropriate)

8.1 None applicable

9.0 Public Services (Social Value) Act 2012

9.1 The Council is under 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 reviewed the contract during pre-tender considerations and while it classed as a service contract – minimum services will be delivered within the borough. The bulk of the contract cost will be the manufacturing of the barriers and therefore there will be no opportunity to deliver social value through the contract.

Report sign off:

Chris White
Operational Director Environment Services