

FORM 2

NOTICE OF DECISION OF CABINET MEMBER

Pursuant Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1st December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

In accordance with the authority delegated to me I have made the following decision:

Subject	Decision	Reason for decision	Date for Decision to be taken
Kidderminster Public Realm Improvements – Evaluation Framework	<p>Approval of the tender evaluation model; and</p> <p>Grant delegated authority to the Director of Economic Prosperity and Place in consultation with the Cabinet Member for Planning and Economic Regeneration to award the contact for the Public Realm works, in line with the evaluation model.</p>	To progress the procurement of a contractor to undertake the Public Realm improvement works in Kidderminster Town Centre	30/10/2014

I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.

Dated: 30th October 2014

Signed: 

Councillor: Marcus Hart - Leader of Wyre Forest District Council

To: Leader of the Council

From: Director of Economic Prosperity and Place

Date: 30/10/2014

Kidderminster Public Realm Improvements – Evaluation Framework

1. PURPOSE

To seek Cabinet approval for the tender evaluation model proposed for the Kidderminster public realm improvement project, as per Paragraph 9 of the Contract Procedure Rules.

The report also seeks approval for delegated authority to be given to the Director for Economic Prosperity and Place, in consultation with the Cabinet Member for Planning and Economic Regeneration, to appoint contractors to undertake the public realm works in Kidderminster Town Centre, following the competitive tender exercise.

2. RECOMMENDATION

That the Leader:

Approves the tender evaluation model contained in Section 4 of this report; and

Grants delegated authority to the Director of Economic Prosperity and Place in consultation with the Cabinet Member for Planning and Economic Regeneration to award the contract for the public realm works, in line with the approved evaluation model.

3. BACKGROUND

Improvements to the public realm in Kidderminster Town Centre have been a long standing ambition for Wyre Forest District Council. One of the original ambitions of the ReWyre Initiative was to seek improvements to the public streets and spaces within Kidderminster and the scheme was subsequently identified in the County Council's Local Transport Plan 3 (Scheme K4 – Town Centre Public Realm Enhancement Scheme).

More recently, the need for public realm enhancements in Kidderminster was also referenced through the adopted Kidderminster Central Area Action Plan through Policy KCA.UP2.

At its meeting on the 17/04/2012, the Cabinet discussed the results of the State of the Area debate and agreed to provide financial support to a number of key projects. The proposed public realm improvements for Kidderminster was one of the agreed projects and an initial £300,000 was committed towards this

project. An additional £200,000 was then agreed to be put towards this project at the Cabinet Review Panel on 16/04/2014, taking the total project spend to £500,000.

In order to progress this project, consultants were commissioned to produce a public realm improvement scheme that met the ambitions of the policy framework identified above. IBI Taylor Young were successfully appointed through a competitive process and have continued to advise the Council in relation to this project over the past few years. The proposed designs have gone through a period of consultation and refinement which has ultimately led to the design which is proposed to be implemented next year. The key elements of this design are as follows:

- A new public square outside Kidderminster Town Hall;
- Resurfacing and improvements to the highway and pedestrianised areas of Exchange Street and Oxford Street;
- Resurfacing and improvements throughout Vicar Street and High Street; and
- The implementation of a Rock Music Heritage Trail through bespoke furniture.

Funding has now been secured to allow the scheme to be implemented and a competitive tender process is now required in order for a contractor to be appointed to undertake the works.

A pre-qualification questionnaire (PQQ) has already been undertaken and this resulted in 5 companies being approved to reach the tender stage. However, in order to conform to the Councils Contract Procedure Rules, Cabinet approval of the evaluation criteria for the tender process is required. The proposed evaluation criteria for the public realm project is outlined below.

4. **EVALUATION CRITERIA AND SCORING METHODOLOGY**

The contract will be awarded to the Bidder with the Most Economically Advantageous Tender (MEAT). Tenders will be evaluated on a Cost and Quality basis. Bidders are invited to complete both categories which will be evaluated by members of the Project Team. The weightings for each category are as follows:

Category	Weighting %
Cost Assessment	60%
Quality Assessment	40%

Notes on Cost Assessment

The Cost Assessment will be based on the tender returns and are worth 60% of the overall marks.

The Bidder with the lowest tender price will score the maximum score of 60%. The other tenders will be scored pro rata as a percentage of their tender compared with the lowest tender.

Please see the illustrated example below for clarity

Tender A	Tender B	Tender C	Tender D
100,000	105,000	110,000	120,000
60%	57.14%	54.55%	50%

- Tender A is the lowest and scores a maximum of 60%
- Tender B – 105,000 divided by 100,000 = 1.05
60 divided by 1.05 = 57.14%
- Tender C – 110,000 divided by 100,000 = 1.10
60 divided by 1.10 = 54.55%
- Tender D – 120,000 divided by 100,000 = 1.20
60 divided by 1.20 = 50%

Notes on Quality Assessment

Bidders are required to provide a written response to the questions contained in the Tender Document, as follows

Ref.	Question	Weighting
Q1	Provide your methodology to illustrate how access will be maintained for town centre users, shop owners, deliveries and emergency services to the shops and other services and how disruption will be minimised for the duration of the works.	10%
Q2	Provide your detailed programme and sequence of work to demonstrate how you will achieve the sectional completion dates identified in the contract to include details of any TRO's that will be required.	10%
Q3	Provide your methodology for the design and procurement of the contractor design items of work to include details of proposed designers / suppliers / installers to include timescales for design team comment.	7.5%
Q4	Provide your methodology for liaising with the public, shop owners and other users of the town centre during the works.	5%

Q5	Provide your methodology for liaising with Statutory Utility providers and co-ordinating their works on site.	2.5%
Q6	Provide details of the proposed site management team to include cv's highlighting previous experience of key team members.	2.5%
Q7	Provide your methodology for maintaining standards of quality and minimising defects at handover and attending to defects during the Defects Rectification Period.	2.5%

The following matrix illustrates how responses to questions will be assessed. The scores for each question will be used to calculate a percentage weighting based on the weightings attributed to each question in the qualitative assessment.

Score	Description
4	Exceptional. The standard of response fully meets expectations. It demonstrates strengths, no errors, weaknesses or omissions and exceeds expectations in some or all respects
3	Good. The standard of response fully meets expectations.
2	Satisfactory. The response is acceptable but with some minor reservations.
1	Poor. The response is deficient in certain areas where the details of relevant response require the reviewer to make assumptions.
0	Inadequate. Response is unacceptable or non-existent, or there is a failure to properly address any issue.

5. FINANCIAL IMPLICATIONS

The funding for this project has already been secured, as follows:

- £500,000 from Wyre Forest District Council (State of the Area)
- £1,500,000 from Worcestershire County Council (Capital Programme)

5. SECTION 151 OFFICER'S COMMENTS

Cabinet approval for £300,000 to be put towards this project was agreed on 17/04/2012 (Agenda Item No 8.1). This figure was subsequently amended via the Cabinet Review Panel held on 16/04/2014, bringing the total Wyre Forest contribution to this project to £500,000. This figure is included in the 2014/15 budget as part of the Capital programme.

6. LEGAL AND POLICY IMPLICATIONS

Due to the value of the contract exceeding £170,000 Cabinet approval is required for the evaluation criteria, as outlined in paragraph 9 of the Contract Procedure Rules.

The successful contractor will be required to enter into a formal contract prepared by the Solicitor to the Council which will use the JCT terms for Intermediate Building Contract with Contractor's Design.

7. CONCLUSION

Due to the value of the works proposed, authorisation is required for the proposed evaluation model that will be used to assess the tenders. This model has been provided in section 4 of this report.

The successful appointment of a suitably qualified contractor will enable the proposed Public Realm improvements in Kidderminster Town Centre to be delivered in line with District Council and County Council policies.

8. RISK MANAGEMENT

A steering group is already in place to evaluate the bids. The group will then work closely with the appointed contractor to ensure that the work is delivered in line with the specification included within the ITT.

9. EQUALITY IMPACT NEEDS ASSESSMENT

This report relates solely to the procurement of a contractor to undertake the Public Realm improvements in Kidderminster Town Centre. The fundamental principles of no discrimination and transparency relate to all procurement exercises; there is no requirement for an Equality Impact Assessment

10. CONSULTEES

Legal Services
Finance Manager

11. BACKGROUND PAPERS

ReWyre Initiative: A Prospectus for Regenerating Kidderminster, September 2009
Worcestershire County Council, Local Transport Plan 3, February 2011
Kidderminster Central Area Action Plan, July 2014