

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 |
|---|--|--|-------------------------------|
| Evaluation model for procurement of construction contractor to complete construction of nine industrial units at Unity Park, Kidderminster. | To agree the evaluation model for publication as part of the Invitation to Tender (ITT). | To enable the procurement of a construction contractor to complete the construction of the industrial units. | 13/08/21 |

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

Dated: 13th August 2021

H.E. Dyke

Signed:

Councillor: Helen Dyke
Leader

To: Leader of the Council

From: Corporate Director Economic Prosperity and Place

Date: 13/08/2021

The procurement of construction works to complete the construction of 9 industrial units at Unity Park, Silverwoods Way, Kidderminster

1. PURPOSE

- 1.1 To seek Cabinet approval to enter into a procurement exercise for the appointment of a construction contractor to complete the construction of the nine industrial units at Unity Park, Silverwoods Way, Kidderminster.
- 1.2 To gain approval for the proposed evaluation criteria to be used within the specification, as per Paragraph 9 of the Contract Procedure Rules.

2. RECOMMENDATION

That the Leader:

- 2.1 Approves the procurement exercise and the tender evaluation model contained in Section 4 of this report.

3. BACKGROUND

- 3.1 In July 2021 Council considered a report from Cabinet setting out the situation regarding the partial completion of nine industrial units at Unity Park, Silverwoods Way, Kidderminster, the contractor having gone into liquidation before completing the construction works. Council decided that it wished the remainder of the construction work to be put out to tender under the Council's Contract Procedure Rules and that the evaluation and recommendation of the tender received to be reported back to Council within three months.
- 3.2 The Council has also agreed to retain the services of Gleeds in their role as Employer's Agent which will enable support to be provided in compiling the specification drawings and associated documentation to support the tender process, to assist in addressing any matters of clarification required during the tender period, support in the evaluation of submitted tenders and oversight of the completion of the construction works by way of confirming value of stage payment claims by the construction contractor.

4. **EVALUATION CRITERIA AND SCORING METHODOLOGY**

4.1 The evaluation will be undertaken on a 60/40 split, with 60% of the marks being related to quality and 40% to price.

4.2 All Tenders will be evaluated on a **60/40** split in favour of quality over price. The quality criteria and weightings are as follows:

| | Criteria | Weighting |
|----------|--|------------------|
| 1 | Design Management | |
| (a) | Explain in detail how you will manage the construction, including processes, methodology, interaction with your design team (where appointed), interaction with client team and obtaining approvals. | 18 |
| (b) | Outline your process for gaining approval of samples, including a list of typical samples you will provide on this project. | 2 |
| 2 | Site and Programme Management | |
| (a) | Provide a detailed procurement and construction programme for completing the works in accordance with the employer's requirements. | 14 |
| (b) | Describe in detail how you will manage the construction site making clear reference to the site constraints particular to this project. Identify any specific features of the site that you feel will need to be addressed during the construction period. Include within your answer details of, site set up, deliveries, health and safety, access etc | 14 |
| (c) | Detail how your project team and your ethos will maintain good relationships in a live operational environment and minimise disruption to the site functions and any adjoining neighbours and/or traffic. | 8 |
| (d) | A critical part of this project is practical completion and a smooth handover to ensure WFDC is conversant with all operating systems. Please demonstrate how this critical period will be managed to ensure a smooth handover at PC and training of WFDC officers. | 14 |
| 3 | Social Value | |
| (a) | Please demonstrate how you would provide opportunities to local business, SME's and local suppliers in the course of this project. | 5 |
| 4 | Managing the Supply Chain | |
| (a) | How will your organisation ensure that open, transparent and non-discriminatory procurement opportunities are made available for services goods and works opportunities on this project, and that you have a robust contract management and reporting system in place. | 2 |
| 5 | Financial Resilience | |
| (a) | Provide a self-assessment of your financial strength and resilience, making reference to your current credit rating and including your assessment of whether this backwards looking indicator is valid for the period of this programme. | 10 |
| (b) | Please also provide a description of your business continuity arrangements. | 2 |

| | | |
|----------|--|------------|
| 5 | Evaluation and References | |
| (a) | This will comprise the submission set out in section below headed 'References' | 13 |
| | TOTAL | 100 |

References

The provider will describe their previous relevant experience with reference to at least two (2) examples of delivering similar projects, and will explain how this experience will be used to successfully complete the construction of these units.

Providers **MUST** provide details of two suitable referees one of whom the aforementioned example(s) must have been completed by the Provider. Details must include a postal and email address and telephone number. The Council will obtain references and information received will be used to assist with scoring and verifying and validating the information contained within the Provider's submission.

The Provider's response must not exceed 1500 words for this criterion.

| | Contract 1 | Contract 2 |
|---|-------------------|-------------------|
| Name of customer organisation | | |
| Point of contact in customer organisation E-mail address Postal Address | | |
| Contract Start Date Contract completion date Estimated Contract value | | |

- 4.3 The following matrix illustrates how response to questions will be assessed. The scores for each question will be used to calculate a percentage weighting based on the percentage weightings listed above.

| Performance | Judgement | Score |
|-------------------------------------|------------------|--------------|
| Exceeds all expectations | Exceptional | 10 |
| Exceeds almost all expectations | Outstanding | 9 |
| Exceeds most expectations | Very good | 8 |
| Above Expectations | Good | 7 |
| Slightly exceeds expectations | Fair | 6 |
| Meets expectations | Average | 5 |
| Satisfactory but below expectations | Below average | 4 |
| Below expectations | Poor | 3 |
| Well below expectations | Weak | 2 |
| Almost Unacceptable | Very Weak | 1 |
| Unacceptable | | 0 |

- 4.4 The quality score achieved via the above framework will be added to the financial score and a final decision made.

5. FINANCIAL IMPLICATIONS

- 5.1 The funding arrangements for the appointment will be considered by Council at the time it considers the award of the contract.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 Given that the value of the contract could exceed £180,000, Cabinet approval is required for the evaluation criteria, as outlined in paragraph 9 of the Contract Procedure Rules.
- 6.2 The successful tenderer will be required to enter into a formal contract in order to undertake the works.

7. CONCLUSION

- 7.1 Due to the value of the contract 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.
- 7.2 The successful appointment of a contractor will enable the successful delivery of the project.

8. RISK MANAGEMENT

- 8.1 A risk assessment will accompany the report to Council

9. EQUALITY IMPACT NEEDS ASSESSMENT

- 9.1 This report relates solely to the procurement of a construction contractor. The fundamental principles of no discrimination and transparency relate to all procurement exercises; there is no requirement for an Equality Impact Assessment

10. CONSULTEES

- CLT

11. BACKGROUND PAPERS

- None