

**FORM 1**

**NOTICE OF DELEGATION OF DECISION TO CABINET MEMBER BY STRONG LEADER**

Section 15(4) of the Local Government Act 2000, 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 1<sup>st</sup> 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).

I, Helen Dyke, as Strong Leader, delegate the procurement of a contractor and amendment to the capital programme to the Cabinet Member detailed below:

Cabinet Member- Nicky Martin

Dated: 20-09-2022

Signed:

A handwritten signature in black ink that reads "H.E. Dyke". The letters are cursive and slightly slanted to the right.

Leader of the Council

## 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 1<sup>st</sup> 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 by the Leader, I have made the following decision:

Subject	Decision	Reason for decision	Date for Decision to be taken
Procurement of a contractor to deliver the Sustainable Warmth (LADS 3 and HUGS 1) programme of works and an amendment to the capital programme	To agree the procurement process and tender evaluation for a contractor to undertake work in relation to LADS3 and HUGS and to amend the capital programme to include the £720,000 for the sustainable warmth programme.	To comply with the council's contract standing orders and the delegation to cabinet for capital programme amendments as the sustainable warmth funding is an external grant.	20/09/2022

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

Dated: 20-09-2022.



Signed:

Councillor: Nicky Martin, Cabinet Member for Housing, Health, Well-being and Democratic Services

## WYRE FOREST DISTRICT COUNCIL

### Strong Leader Report

**Report to consider the procurement of a contractor to deliver the Sustainable Warmth (LADS 3 and HUGS 1) programme of works and an amendment to the capital programme**

<b>CABINET MEMBER:</b>	Cllr Nicky Martin, Cabinet Member for Housing, Health, Wellbeing and Democratic services
<b>RESPONSIBLE OFFICER:</b>	Kate Bailey -Head of Strategic Growth 01562 732560
<b>CONTACT OFFICER:</b>	Barbara Sarbinowska - Housing Manager <a href="mailto:Barbara.Sarbinowska@wyreforestdc.gov.uk">Barbara.Sarbinowska@wyreforestdc.gov.uk</a> 01562 732181

#### **1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to seek approval to enter into a procurement exercise via a Dynamic Purchasing System (DPS) to appoint a contractor(s) to undertake the works required under the Sustainable Warmth (LADS 3 and HUGS 1) program.
- 1.2 The report seeks approval for the proposed evaluation criteria to be used within the tender process, as per Section 9 of the Contract Procedure Rules.
- 1.3 The report also seeks approval for delegated authority to be given to the Head of Strategic Growth in consultation with the Solicitor to the Council and the Cabinet Member for Housing, Health, Wellbeing and Democratic services to appoint the contractor(s), following the evaluation of the bids.
- 1.4 The report also seeks approval to amend the capital programme to include the total capital of £720,000 in line with the delegation of Council on the 12/05/2021 as the capital grants are being met in full through the external funding source.

#### **2. RECOMMENDATION**

**That the Leader delegates to the Cabinet Member of Housing, Health, Wellbeing and Democratic Services to:**

- 2.1 Approve the procurement exercise and the tender evaluation model contained in Section 6 of this report; and
- 2.2 Grants delegated authority to the Head of Strategic Growth in consultation with the Solicitor to the Council and the Cabinet Member for Housing, Health, Wellbeing and Democratic services to make any non-material amendment to the tender documents and evaluation criteria, evaluate the submissions received from the tender process

and to award the contract(s) to undertake the works required under the Sustainable Warmth program and

- 2.3 Amend the capital programme to include £720,000 for the sustainable warmth programme, 100% fully funded by external grants

### **3. BACKGROUND**

- 3.1 Sustainable Warmth is an initiative to bring together two fuel poverty schemes (Local Authority Delivery Phase 3, LADS3 and Home Upgrade Grant Phase 1, HUG1) into a single funding opportunity for Local Authorities (LAs). The two schemes that make up the Sustainable Warmth competition have a shared goal to contribute to the aims set out in the Sustainable Warmth: protecting vulnerable households in England strategy.
- 3.2 **Local Authority Delivery (LAD) Phase 3:** a third phase of LAD. The scope of LADS3 is to support low-income households heated by mains gas by making energy efficiency improvements to their properties.
- 3.3 The primary purpose of the Local Authority Delivery (LAD) scheme is to raise the energy efficiency rating of low income and low EPC rated homes (those with D, E, F or G), including those living in the worst quality off-gas grid homes, aiming to reduce fuel poverty whilst phasing out the installation of high carbon fossil fuel heating, in line with the UK's commitment to Net Zero by 2050.
- 3.4 **Home Upgrade Grant (HUG) Phase 1.** The scope of this is to support low-income households with homes off-gas grid with energy efficiency improvements.
- 3.5 The Home Upgrade Grant scheme (HUG) provides energy efficiency upgrades and low-carbon heating to low-income households living off-gas grid in England to tackle fuel poverty and meet net zero. The intent is to improve off-gas grid homes up through the energy efficiency scale. As a minimum, EPC band F-G homes should be upgraded to D or above and band D-E homes to C or above.
- 3.6 Delegated authority to award the contract(s) following evaluation in accordance with the approved criteria is sought as this needs to be done promptly to provide sufficient purchase and implementation time between award and commencement of the new contract. Examples of measures include cavity wall insulation, loft insulation and the installation of a heat pump. Such changes will enable warmer homes and contribute to reduced energy bills for less able to pay consumers.

### **4. KEY ISSUES**

#### **Route to Procurement**

- 4.1 Procurement for services and works will be via Nottingham City Council's Dynamic Purchasing System (DPS) which has been put in place on behalf of the Midlands Energy Hub. The DPS was established to give public bodies, primarily Local Authorities and Housing Associations, a compliant route to access qualified consultants and contractors to assist them to deliver projects involving energy efficient retrofits covering a range of measures and technologies and to support the regional delivery of Local Authority Delivery (LAD)

4.2 A Dynamic Purchasing System (DPS) framework is a method of buying commonly used goods, services and works. It combines a pre-qualification process for suppliers, similar in effect to a 'select' or 'approved' list, with elements of electronic tendering and aims to streamline the procurement process, reducing the workload and making it more efficient for both buyers and suppliers.

4.3 The Nottingham City Council DPS is compliant with the advertising requirements of the Public Contracts Regulations 2015 and requires users to undertake a mini competition between the pre-approved suppliers.

4.4 Our aim is to work primarily with one contractor; however, we recognise that one contractor will not be able to offer all the measures required, therefore, it will be necessary to contract with other contractors to ensure all works identified and required are carried out.

4.5 The proposed tender timetable is as follows:

<b>Task</b>	<b>Date</b>
Approval of Tender Process, including evaluation model and delegation to award contract	20 September 2022
Advert place on procurement portal by NCC on behalf of WFDC	30 September 2022
Deadline for submission of clarification questions	20 October 2022
Deadline for Tender responses	1PM, 28 October 2022
Evaluation Period	31 October – 11 November 2022
WFDC Review & Approval	14 – 18 November 2022
Final Award	21 November 2022

### **Criteria for eligibility to participate on the DPS**

4.6 In order to participate in the DPS, contractors are required to meet the following criteria, and to maintain them throughout the period of validity of the system:

- TrustMark registration (all categories)
- PAS 2030:2019 certification (for applicable categories)
- Micro-generation Certification Scheme certification (for applicable categories)
- Minimum insurance levels (all categories)

4.7 Applicants unable to demonstrate to the satisfaction of Nottingham City Council that they meet the criteria for eligibility will not be admitted to the DPS until such time as Nottingham City Council is satisfied. Applicants admitted to the DPS who subsequently fail to meet any of the criteria for eligibility will be suspended from the DPS until such time as they can demonstrate their renewed eligibility.

## Evaluation criteria and scoring methodology

### 4.8 Evaluation

The marks available, relative weightings, and total score available for each element of the assessment are as shown in the table below, all tenders will be evaluated on a 70/30 split in favour of quality over price.

### 4.9 Fee Proposal

Contractor to provide a fixed price and cost breakdown. Ensuring that they have accounted for the full range of work required under the Scope of Services.

The total proposed fee for each Tender will be awarded a score proportionate to the lowest priced Tender received, according to the following formula:

score = (lowest price received / Tender price) x available score

### 4.10 Quality Scoring

For *Pass/Fail* questions, Suppliers must achieve a rating of 'Pass'; any bids receiving a 'Fail' on any question will be disqualified.

For scored questions, the Authority will assess Tenderers' responses to each question against the criteria set out in the following table and will award points up to the maximum shown against each heading. Failure to achieve a rating of at least Satisfactory for any one or more questions may result in the Supplier being disqualified at the Authority's discretion.

Assessment	Score
<b>Unacceptable:</b> The Supplier has failed to address the question, submitted no response, or any element of the response gives cause for major concerns that requirement[s] will not be met.	0
<b>Poor:</b> The Supplier has provided an unsatisfactory response addressing some of the requirement but with very little detail. The response provided does not provide full confidence that the requirements can be met.	1
<b>Weak:</b> The Supplier has provided an acceptable response addressing some of the requirement with partial detail. There are a few concerns about whether or not the requirements can be met, which requires further clarification.	2
<b>Satisfactory:</b> The Supplier has provided a satisfactory response addressing most of the requirements in sufficient detail, providing confidence that most requirements can be met.	3
<b>Good:</b> The Supplier has provided a strong response addressing most of the requirements in detail, providing confidence that the requirements can be met in full.	4

<b>Excellent:</b> The Supplier has provided a thorough response, addressing ALL requirements in extensive detail, providing confidence that the requirements can be met in full, with added value solutions.	5
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**1. Contractor's Proposals**  
 Set out your proposals to deliver the work as specified in the Details of Requirement. Ensure as a minimum you have covered the following headings:

**Technical Details**  
 For each of the following measures provide details of the systems / materials you plan to use. Demonstrate how they meet the technical specifications, give details of warranties etc. and attach the relevant datasheets e.g. BBA certificates (certificates do not count towards the page limit):

- [list required measures here]

***Maximum of 1 side of A4 per measure***  
*Data sheets / certificates do not count towards the page limit*

**Management Team**  
 Give details of the key named team members who will be assigned to this project to ensure successful delivery.  
 Provide a summary CV for each (no more than one side of A4) demonstrating the skills, experience and qualifications that will contribute to successful delivery  
 Provide an organisation / management structure chart showing their reporting lines to each other, and to the organisation as a whole.

***Maximum of x side(s) of A4, plus 1 Side of A4 per CV and 1 side of A3 for the structure Chart***

**Customer Journey & Complaints Handling**  
 Set out your proposals for contacting, communicating, and managing interactions with the Homeowners. Provide details of your procedures for dealing with any complaints that arise during or after installation, and include details of any dispute resolution and/or escalation procedures you will have in place.

***Maximum of x side(s) of A4***

**2. Sustainability & Social Value**  
 (Maximum of x side(s) of A4).

Outline how you will improve sustainability and increase social value through your delivery of this contract. Your answer should include but not be limited to the following headings:

- Economic: e.g. generating local employment, training, and work-experience opportunities; increasing spend with local companies.
- Social: e.g. supporting local community initiatives e.g. charities, local amateur sports teams etc.
- Environmental: e.g. Reducing your energy use and carbon footprint; Using environmentally friendly goods and services; and minimising Waste.

- 4.11 At the sole discretion of the Council, Tenderer's may be invited to present their proposals at clarification meeting and demonstrate details of their submission. The meeting may be used to validate the provisional scores for the Tenderer's written submissions in relation to quality and technical merit. The Council's tender evaluation panel may therefore reduce a Tenderer's provisional score for their written submissions in relation to quality where the meeting indicates that a Tenderer's provisional score on the basis of their written submission cannot be justified. Conversely, the evaluation panel may increase a Tenderer's provisional score where it considers their written submissions in relation to quality did not sufficiently reflect the quality of their actual delivery proposals for the Contract.

## **5. FINANCIAL IMPLICATIONS**

- 5.1 The Council have been awarded £460,000 for LADS 3 and £260,000 for HUGS 1 covering the period of April 2022 - March 2023 (with a possible extension). This excludes a 10% element for revenue costs which has also been awarded.
- 5.2 Local authorities may use up to 10% of total grant funding to fund administrative, delivery and ancillary works to support activities such as the completion of EPC, essential repair, maintenance, and preparation of properties to facilitate energy efficiency upgrades and other support as required for low-income households.
- 5.3 A full time Housing Project Officer (Sustainable Warmth) will be employed to manage and oversee the project as well as completing any and all monitoring information required by the Midlands Energy Hub.

## **6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 As stated in the Council's Contracts Procedure Rules Cabinet Approval is sought for procurements where the value of the purchase is estimated to be in excess of £175,000.
- 6.2 Use of the DPS in accordance with the framework guidance is compliant with the Public Sector Regulations 2015.
- 6.3 The successful contractor will be required to enter into a formal contract prepared by the Solicitor to the Council

## **7. EQUALITY IMPACT NEEDS ASSESSMENT**

- 7.1 This report relates solely to the procurement of a contractor to deliver LADS3 and HUGs 1 in Wyre Forest District Council so there is no requirement for an Equality Impact Assessment. The fundamental principles of no discrimination and transparency relate to all procurement exercises.

## **8. RISK MANAGEMENT**

- 8.1 By using the DPS risks are reduced as Wyre Forest District Council's requirement gets exposure to 44 pre-qualified, suitable contractors, and will be procured via a compliant procurement procedure. This will allow the Council the ability to provide reliable, supported and fully accredited contractors to install measures. The project is being overseen by the Midlands Net Zero Hub



## **9. CONCLUSION**

- 9.1 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.
- 9.2 The successful appointment of a suitably qualified contractor will allow for the work that is programmed to be undertaken to be met within the time period. The use of Nottingham City Council's DPS will ensure that there are suitably qualified companies with experience of undertaking large complex development projects bidding for the work.

## **10. CONSULTEES**

- 10.1 Helen Ogram, Head of Resources and S151 Officer  
Jane Alexander, Principal Solicitor

## **11. BACKGROUND PAPERS**

- 11.1 Not applicable