

FORM 1

NOTICE OF DELEGATION OF DECISION TO CABINET MEMBER BY STRONG LEADER

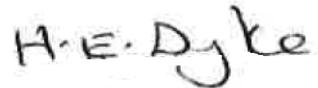
Section 15(4) of the Local Government Act 2000, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1st December 2010, the Council adopted the Strong Leader Model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

I, Helen Dyke, as Strong Leader, delegate the procurement of a contractor for delivery of Castle Road temporary accommodation to the Cabinet Member detailed below:

Cabinet Member- Nicky Martin

Dated: 12th January 2023

Signed:

A handwritten signature in black ink that reads "H.E. Dyke". The signature is written in a cursive style with a large 'D' and 'y'.

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 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 by the Leader, I have made the following decision:

Subject	Decision	Reason for decision	Date for Decision to be taken
Castle Road Temporary Accommodation	To agree the procurement process and tender evaluation for a contractor to undertake a design and build project at castle Road.	To comply with the council's contract standing orders to approve the evaluation criteria and method of procurement	12/01/2023

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

Dated: 12th January 2023

Signed:



Councillor: Nicky Martin
Cabinet Member

WYRE FOREST DISTRICT COUNCIL

Strong Leader Report

Report to consider the procurement of a contractor to undertake the design and build of Castle Road Temporary Accommodation.

CABINET MEMBER:	Cllr Nicky Martin, Cabinet Member for Housing, Health, Wellbeing and Democratic services
RESPONSIBLE OFFICER:	Kate Bailey -Head of Strategic Growth 01562 732560
CONTACT OFFICER:	Kate Bailey (as above)
APPENDIX	Appendix One – Evaluation criteria

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek approval to enter into a procurement exercise via the Procure Partnerships Framework (PPF) to appoint a contractor(s) to undertake the works required under the Castle Road Temporary Accommodation construction contract. The project has achieved planning approval in Q3 2022 and the Council needs to proceed with procuring a contractor.
- 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, Head of Resources and s151 Officer and the Cabinet Member for Housing, Health, Wellbeing and Democratic services to appoint the contractor(s), following the evaluation of the bids.

2. RECOMMENDATION

That the Leader decides to:

- 2.1 delegate to the Cabinet Member of Housing, Health, Wellbeing and Democratic Services authority to approve the procurement exercise, timetable and the tender evaluation model contained in Section 4 of this report; and
- 2.2 delegate authority to the Head of Strategic Growth to make any non-material amendment to the tender documents and evaluation criteria, and
- 2.3 delegate authority to the Head of Strategic Growth in consultation with the Solicitor to the Council, Head of Resources and s151 officer and the Cabinet Member for Housing, Health, Wellbeing and Democratic services to evaluate the submissions received from the tender process and to award the contract(s) to undertake the works required under the works contract

3. BACKGROUND

- 3.1 The Castle Road project involves the construction of a new building to create twenty short term accommodation units (sui generis use) with ancillary office space, creation of new access, associated car parking and landscaping. The project obtained planning approval in September 2022 and The Council would like a start on site Q1 2023/24.
- 3.2 Delegated authority to award the construction contract(s) following evaluation in accordance with the approved criteria is sought as planning approval has already been achieved. It is intended that the accommodation be delivered as soon as possible due to need and to reduce costs to the Council for using temporary accommodation in more expensive provision.

4. **KEY ISSUES**

Route to Procurement

- 4.1 Procurement for services and works will be via the Procure Partnership Framework (PPF) West Midlands lot. The PPF 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 construction projects.
- 4.2 The PPF framework is a method of procuring services or 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 Council's aim is to procure a contractor via a 2-stage design and build process/contract to take full responsibility for the design and build of the Castle Road Temporary Accommodation project.
- 4.4 The proposed tender timetable is as follows:

Activity	Date
Issue Shortlisting Document	Jan 2023
Shortlisting Submissions Returned	Jan 2023
Anticipated Issue of Bid Documents	Feb 2023
Anticipated. Bidders Day / Site Visit	Feb 2023
Anticipated Bid Return Deadline	Mar 2023
Anticipated Start on Site	May 2023 (to be advised by contractor)

Contractor Framework (FaTS / OJEU)

- 4.5 Procure Partnerships Framework Agreement is fully compliant with the Public Contracts Regulations 2015 (2015) and was advertised on Find a Tender Service (formerly the OJEU).
- 4.6 Procure Partnerships Framework agreement is divided into regional-specific value banded lots. The Council's intention is to procure from Procure Partnerships West Midlands Framework Agreement. Admitted contractors have been selected owing to their competitiveness and demonstrable experience of successfully delivering projects for the public sector within the West Midlands. Public Sector clients can choose from four different call off options (two stage mini competition, single stage competitive tender, two stage mini competition express or direct award). In addition, clients can let projects on a design and build or build only basis and can choose from up to eight different forms of delivery contract, covering the core variances of JCT and NEC. This commission will utilise a JCT Design and Build Contract.

Evaluation criteria and scoring methodology

4.7 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 price over quality.

4.7.1 Contractors Price (Cost) 70% Weighting

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:

$$\text{Weighted Price Score} = \frac{\text{Lowest Submitted Total Price}}{\text{Tenderer's Submitted Total Price}} \times \text{Weighting}$$

4.7.2 Quality Scoring 30% Weighting

Summary Criteria	Weighting
Team, Resourcing and Personnel	5%
Health & Safety	6%
Management of the Works	5%
Supply Chain	3%
Operations	3%
Cost Management	5%
Social Value	3%
Total	30%

More detail of the assessment process for quality is included below.

- 4.8 For *Pass/Fail* questions, Suppliers must achieve a rating of 'Pass'; any bids receiving a 'Fail' on any question may 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.

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

The quality score achieved will be added to the financial score and inform the final decision.

- 4.9 The evaluation process will consider all relevant submitted evidence and written information provided by each Tenderer, in relation to the specific requirements set out within the ITT and the supporting documentation. There will be an initial check of all Tenders for completeness and compliance with the Tendering instructions. Any submissions that in the opinion of the Council do not meet the requirements set out in the ITT may be rejected as non-compliant and will not be evaluated further.
- 4.10 Each aspect of the Tenderer evaluation for quality and technical merit will generally be undertaken by a panel. The panel will agree a single overall score out of 10 for each aspect of the Tender being evaluated as set out in the tables above. This score will be multiplied by the weighting for that item (as set out in the above table) to give a total score for that aspect of the Tender.
- 4.11 At the sole discretion of the Council, the Tenderer may be invited to present their proposals at a clarification meeting and demonstrate details of their submission. The meeting may be used to validate the provisional scores for the Tenderer's written submission 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 and technical merit 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 that their written submissions in relation to quality and technical merit did not sufficiently reflect the quality and/or technical merits of their actual delivery proposals for the contract.
- 4.13 The quality assessment questions are detailed in Appendix One.

4.14 **Financial Standing**

The council will review the financial standing of any contractors prior to the award of the contract. The Council may also require a declaration of substantive performance confirming that since being admitted to the Framework, there has been no substantive degradation in the contractor's financial position or performance.

5. **FINANCIAL IMPLICATIONS**

- 5.1 Cabinet approved the project on 14/09/2021, with an estimated programme cost of £3,453,370. The scheme will be part funded from the Capital Portfolio Fund (£2.8m), application of capital receipts from the Evergreen Fund (£310k) and the balance will be met from external grant funding and s106 contributions. The Capital Portfolio Fund is financed from PWLB loans. The revenue financing costs incurred will be met from the reduced cost of homelessness service provision.
- 5.2 The project has wider economic benefits when dealing with the issue of temporary accommodation requirements in the Kidderminster and wider Wyre Forest District area.

6. **LEGAL AND POLICY IMPLICATIONS**

- 6.1 The Council has a legal duty under the Housing Act 1996 (as amended by the Homeless Reduction Act 2017) to provide emergency accommodation to those who are eligible, homeless and in priority need.
- 6.2 Cabinet approval, via the delegated strong leader route is being sought in line with the Council's Contracts Procedure Rules.
- 6.3 Use of the PPF in accordance with the framework guidance is compliant with the Public Sector Regulations 2015.
- 6.4 The successful contractor will be required to enter into a formal contract prepared by the Solicitor to the Council with assistance from the project manager (PSP) and the Quantity Surveyor/Employers Agent (WT Partnership) – To be an amended JCT Design & Build Contract.

7. **EQUALITY IMPACT NEEDS ASSESSMENT**

- 7.1 This report relates solely to the procurement of a contractor to deliver the project 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 PPF risks are reduced as Wyre Forest District Council's requirement gets exposure to 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.
- 8.2 The project management team will also assist with the production and management of a formal risk register and subsequent management of the risks identified including possible mitigation and protection measures.

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 proposed procurement timetable will enable the Council to undertake the process in a timely manner and should lead to the successful appointment of a suitably qualified contractor, subject to costs and availability. The use of PPF will ensure that there are suitably qualified companies with experience of undertaking large complex development projects bidding for the work.

10. CONSULTEES

- 10.1 Statutory Officers.
- 10.2 Procurement Officer.

11. BACKGROUND PAPERS

- 11.1 Cabinet report (exempt) 14/09/21
- 11.2 Planning Committee report (20/09/2022)

Appendix One

QUESTION 1: Team, Resourcing and Personnel	
OVERALL MAXIMUM WEIGHTED SCORE AS A PERCENTAGE OF THE TOTAL QUALITY SCORE	5%
<u>Question Area</u> Resourcing, key personnel, experience, relevant project delivery structure(s)	
<u>Introduction</u> The successful tenderer must demonstrate how delivery of the Project will be structured and resourced, to deliver on client expectations.	
<u>Question</u> Please specify exactly how your organisation will arrange and structure your business and team to manage the requirements of the. Please, include: <ul style="list-style-type: none">• Submit CVs for all personnel including names, skills, experience, qualifications, and competence of the key personnel• How your organisation will provide the other resources you will require under the Contract• A structure chart showing how the key Personnel are connected, and how other resources (head office, site labour, sub-contractors) will be connected to them• Provide references and examples of 2-3 recent schemes of similar type and size on which those with key responsibilities have worked together on.	
Purpose of Question and Reasoning: <i>To assess the professional competencies, experience and capabilities of the tenderer's team, who will be delivering the requirements under the Contract</i>	

QUESTION 2: Health and Safety

OVERALL MAXIMUM WEIGHTED SCORE AS A PERCENTAGE OF THE TOTAL QUALITY SCORE

6%

Question Area Health

and Safety

Introduction

The Council must be satisfied that the tenderer has the necessary skill, experience, and expertise to appropriately manage health and safety throughout the delivery of the project, in line with all relevant legislation, regulation as well as its own and the Employer's policy requirements.

Question

The tenderer shall, by referring to the Pre-Construction Information pack, submit a comprehensive statement on the key considerations, principles and criteria for their Construction Phase Health and Safety Plan relating to the site and its constraints, in accordance with the tender documents.

As a minimum, this should cover:

- Risk assessments
- Management system
- Selection of suppliers / subcontractor
- Communication
- Emergency procedure
- Records
- Personnel
- Monitoring
- Covid management and safety of staff

Purpose of Question and Reasoning:

To undertake an assessment of the tenderer's processes and procedures to Health and Safety management including assessing the systems, resources and monitoring arrangements proposed to be adopted throughout the delivery of the Project

QUESTION 3: Management of the Works

OVERALL MAXIMUM WEIGHTED SCORE AS A
PERCENTAGE OF THE TOTAL QUALITY SCORE

5%

Question Area

Management of the Works

Introduction

The Council must be satisfied that the tenderer has a detailed plan for management of the Works.

Question

The tenderer shall detail how it would approach the management and the delivery of the Works, in accordance with the Employer's Requirements, and set out for each project stage where applicable, proposals showing how key elements will be managed, including but not limited to:

- Pre-Construction Phase methodology including details on design and risk management, collaboration and reporting
- Site set up and logistics
- Site segregation and access control
- Protection of the public and staff
- A separate Gantt Chart programme for the Pre-Construction Phase and Main Contract, and to include:
 - a. Planning and mobilisation by the Contractor.
 - b. Procurement of subcontractors, suppliers and long lead-time materials or equipment.
 - c. The dates for the issue of Contractor's designs and other information including approval, comment and re-issue periods for design by the Contractor (or its Subcontractors).
 - d. Running in, adjustment, commissioning and testing (including re-commissioning and re-testing where there has been beneficial use) of all engineering services and installations.
 - e. The work of local authorities and any public utilities.
 - f. Any work by or on behalf of the Employer and concurrent with the Contract works, the nature and scope of which, the relationship with preceding and following work and any relevant limitations are defined in the tender documents.

Note: The programme is required to be separated into the major elements of work/activities required and showing the different Sections. The programme must demonstrate critical path and resource build up.

- Construction Phase Plan
- Quality Management System Standard (e.g., ISO accreditation and company policies)
- Method Statement to undertake the works and services required by the works information for that stage
- Construction and design standards that shall be applied
- Design acceptance and sign off protocols
- Resource management
- Progress reporting
- Risk management
- Change management
- Management of Covid

Purpose of Question and Reasoning:

To undertake an assessment of the tenderer's management plan for the delivery of the Pre-Construction Phase and Main Contract ensuring they will be delivered safely, to the required quality and within the fixed programme deadlines.

QUESTION 4: Supply Chain

OVERALL MAXIMUM WEIGHTED SCORE AS A PERCENTAGE OF THE TOTAL QUALITY SCORE

3%

Question Area

Supply chain, selecting the team, managing inflation

Introduction

This question is designed to show how a tenderer shall manage its supply chain and sub-contractors, this should reflect the current market challenges, to ensure the Project is delivered to time and to budget.

Question

The tenderer is required to submit detail of how supply chain resilience will be created and maintained, to facilitate efficient and timely delivery of the project. The proposals should include:

- Details of the sub-contracting strategy in the Pre-Construction Phase (1st Stage) including proposed packages and list of proposed sub-contract tenderers.
- Details of how the tenderer will use its supply chain relationships to secure the availability of labour resources and reducing the possibility of skills shortages for the Projects delivery.
- The tenderer should be able to set out key supply chain partners, and to demonstrate how they can ensure supply chain certainty to the best practicable means and reducing the likelihood of supply chain issues restricting Project delivery.
- Given current market volatility, demonstrate how the tenderer will manage cost inflation, subcontractor financial stability and securing of materials to complete the works on time and to the desired quality standards within the fixed programme timescales.

Purpose of Question and Reasoning:

To evaluate how the tenderer will reduce the likelihood of limitations in the supply chain negatively effecting project delivery, particularly in the context of the fixed programme deadlines and budget.

QUESTION 5: Operations

OVERALL MAXIMUM WEIGHTED SCORE AS A PERCENTAGE OF THE TOTAL QUALITY SCORE

3%

Question Area

Considerate Contractor and Behaviour

Introduction

This question is designed to show how a tenderer shall consider the constraints of the site regarding, amongst other things, sensitive neighbours and the public.

Question

The tenderer is required to provide proposals on how they will respond to such constraints and considerations of the site, not limited to:

- Sensitive neighbours, other active businesses in the area, and the public.
- Noise levels and general liaison and communications with sensitive sites and other stakeholders
- Working hours and when and how deliveries will be managed
- Site security to deter undesirable activities (which is already an issue)
- Stakeholder and third party engagement

Purpose of Question and Reasoning:

To evaluate how the tenderer will conduct their activities and operations to minimise impact to other business in neighbouring businesses and the public

QUESTION 6: Cost Management

OVERALL MAXIMUM WEIGHTED SCORE AS A PERCENTAGE OF THE TOTAL QUALITY SCORE

5%

Question Area

Cost management and delivering best value.

Introduction

This question is designed to show how a tenderer shall consider the client's best interests in achieving best value.

Question

Please describe how you will help the client achieve best value in the delivery of this project. This should be evidenced with;

- Your proposed approach and methodology to transparent cost management and collaboration with the Client's appointed Quantity Surveyor to achieve best value, savings and cost certainty.
- Identification of areas of focus during the PCSA stage which maximise the benefits of two stage approach and help drive value and savings for the client.

Purpose of Question and Reasoning:

To evaluate how the tenderer will approach providing best value, cost certainty and beneficial savings for the client and help ensure the project is delivered within its fixed budget.

QUESTION 7: Social Value

OVERALL MAXIMUM WEIGHTED SCORE AS A PERCENTAGE OF THE TOTAL QUALITY SCORE

3%

Question Area

Social Value Commitment — including employment, skills and training, environmental sustainability and working with the community.

Introduction

This question is to give the tenderer the opportunity to demonstrate the social value commitments that will be made through out the delivery of the project.

Question

The tenderer should provide:

- A schedule of social value commitments that have been identified as deliverable within the project.
- Provide examples of social value being delivered on other construction projects.
- Post Practical Completion commitments and after care package to the employer, and any ongoing community engagement

Purpose of Question and Reasoning:

To evaluate the tenderer's recognition of delivering beneficial outcomes to the wider community in which they operate and commitment to social values
