



ADVANCED PUBLICATION OF REPORTS

This publication gives five clear working days' notice of the decisions listed below.

These decisions are due to be signed by individual Cabinet Members
and operational key decision makers.

Once signed all decisions will be published on the Council's
Publication of Decisions List.

- 1. SEMI-INDEPENDENT ACCOMMODATION FOR LEAVING CARE YOUNG PEOPLE 16+ (Pages 1 - 14)**
- 2. MERIDIAN WATER STRATEGIC INFRASTRUCTURE - BLOOM CONSULTANT PROCUREMENT (Pages 15 - 32)**

This page is intentionally left blank

London Borough of Enfield**[Committee Name]****Meeting Date**

Subject: Award of Framework Agreement for the provision of 16+ semi-independent tender for accommodation for looked after children and care leavers**Cabinet Member: []****Key Decision: KD4940**

Executive Summary

To seek the approval to establish a Framework Agreement with 21 providers who been successful in the tender to supply supported 16 plus accommodation to the Councils looked after children 16+ and care leavers.

The Framework will consist of different Lots, providing different types of accommodation to meet the needs of children 16+ and care leavers, ranging from 24 hour staffed units to units where only floating support is provided, depending on the young persons' independent skills.

Proposal(s)

To approve 21 providers and appoint them to a Framework to provide the 16+ Semi-Independent Living Accommodation Service for Enfield Looked After Children and/or Adolescent & Leaving Care Service Clients aged 16-24. List of organisations is shown within the table provided at the end of this report.

To authorise entry into all required call-off contract with the respective providers appointed to the Framework Agreement for a duration of 3 years (36 months) and to note that providers may not be used if there is no sufficient demand for the Lots they applied for and can be removed from the Framework during this period if they either (i) cannot fulfil the requirements, (ii) fail to meet the required service standards or (iii) they request to be removed.

Upon entry into the various Framework Agreements, to authorise the Council to call-off services (in accordance with the Framework rules) on an as and when basis from the respective providers and to enter into subsequent call-off contracts with such providers.

Reason for Proposal(s)

The previous framework has proved to be successful in securing good quality independent supported accommodation services for Young People aged 16 - 24. The proposed Framework will enable us to continue the work already undertaken through the previous framework while allowing us the flexibility to procure from new or specialised providers during the term of the new Framework. The previous framework lapsed on 31st December 2019 and there has been some delay in completing the new tender due to the Coronavirus impacting on all stakeholders.

[
Executive Director]

London Borough of Enfield

[Committee Name]

Meeting Date

Subject: Award of Framework Agreement for the provision of 16+ semi-independent tender for accommodation for looked after children and care leavers

Cabinet Member:

Executive Director: Tony Theodoulou

Key Decision: KD 4940

Purpose of Report

1. This report seeks approval to establish a Framework Agreement with 21 providers who been successful in the tender to supply supported 16 plus accommodation to the Councils looked after children 16+ and care leavers.
2. The 21 providers will supply a range of supported semi-independent accommodation which will provide a wider, more cost-effective choice of placement options to meet the diverse needs of the young people.
3. The 21 Providers will provide different semi-independent services which, for the purpose of the tender, were divided into the following Lots:
 - Standard 24 hour staffed placements
 - Complex/high needs
 - 18 hour staffed
 - Night staff only
 - Therapeutic mental health
 - Female only
 - Out of borough
 - Parent & Child
 - Stand-alone flats
 - 18+ unstaffed units
 - Block book of 2 x staffed unit and 2 x unstaffed unit

Relevance to the Council's Corporate Plan

8. Where possible, young people who will receive these services will be placed within Enfield. The support they will be given will enable them to contribute to the local community and workforce. By being placed locally, they will also be supporting local businesses through shopping, entertainment and other activities.
9. Ensuring young people's participation by regular consultation on all aspects of the service and by promoting access to other available activities within the borough.
10. Listen to the needs of local people and be open and accountable by engagement with young people and the development of targeted services responsive to need.
11. Provide strong leadership to champion the needs of Enfield through representation on key local partnership boards i.e. the Children in Care Council.
12. Work in partnership with others to ensure Enfield is a safe and healthy place to live by promoting joined up working between the Community Safety team, Health, Education, Access to Resources Team (HEART) and other children services departments

Background

13. In order to improve placement choice and quality, the service requested were split into the following Lots:
 - Standard 24 hour staffed placements
 - Complex/high needs
 - 18 hour staffed
 - Night staff only
 - Therapeutic mental health
 - Female only
 - Out of borough
 - Parent & Child
 - Stand-alone flats
 - 18+ unstaffed units
 - Block book of 2 x staffed unit and 2 x unstaffed unit
14. Initially 72 providers submitted their tender application through the London Tenders Portal.
15. Scoring was split into four stages.

16. The initial stage was to look through the costings submitted and eliminate the ones which did not meet our ceiling price stated in the Invitation to Tender (ITT) These were the costs that were agreed by the People's DMT and the Strategic Procurement Board. The following table show the agreed ceiling cost:

Placement type	Proposed price on New Tender	Support hours
Standard 24 hour staffed Placement	£700	Inclusive of 5 hours support
Complex/High Needs	£800	Inclusive of 5 hours support
18 hour staffed units	£600	Inclusive of 5 hours support
Night staff only units	£500	Inclusive of 5 hours support
Therapeutic Mental health	£1,300	Inclusive of 5 hours support
Female Only	£700	Inclusive of 5 hours support
Out of Borough	£775	Inclusive of 5 hours support
Parent & Child	£900	Inclusive of 5 hours support
Stand alone flats	£400	No support hours
Block Book (Standard Placement)	£600*	Inclusive of 5 hours support
18+ unstaffed with 2 hours support	£350	Inclusive of 2 hours support
Block Book (18+ unstaffed unit)	£300	Inclusive of 2 hours support
* To be paid in advance annually (Example- £600 x 6 bed home x 52 = £187,200)		

17. After the first stage, 26 providers were eliminated, as their costs were higher than the ceiling price quoted and they submitted non-compliant bid.
18. The second stage was for a panel to score the tender application packs submitted by providers. This Panel was made up of Service Manager – Access to Resources and Integrated Service, Senior Placements Officer and Placement and Assessment Officer.
18. Following the second stage, a further 20 were eliminated as they scored less than the minimum score required.
19. The third stage was for the remaining 26 Providers to go through a robust interview process, where the Providers were asked questions by a panel of 4, which included a Leaving Care social worker, Leaving Care Team Manager, Service Manager – Access to Resources Integrated Service and the Head of Safeguarding.
20. Out of the 26 Providers, 1 did not attend the interview and 4 did not score the minimum score for the whole process. This left us with 21 successful providers (subject to passing financial viability checks).
21. For the final stage, all the successful Providers from the evaluation and interview stage were financially checked by Enfield's Finance Team to make sure that the organisations are financially viable.
22. All successful providers are aware that they must participate in our Quality Assurance programme along with mandatory training and that failure to do so could result in them being removed from the select list.

Main Considerations for the Council

23. Establishing a Framework will enable the Council to choose the best supplier to meet the needs of the child/young person, giving the Council flexibility and control over the placement. The Council will have sole discretion as to which supplier is chosen via a spot purchasing or call-off arrangement. A call-off terms and conditions will establish finance agreement, in conjunction with a purchase order, will form contractual agreement with a clear specification of the requirement included. This requirement will be reviewed on a regular basis and any variation agreed with the supplier.
24. The Framework Agreement will be reviewed in November 2022. The performance of all suppliers will be monitored and assessed on a continuous basis. Those that do not perform to the required standards will be suspended from the Select List. Should it become necessary to replace or add suppliers to the List, the same data provided and scored as part of this assessment process will be used to ensure parity and a DAR will be produced for approval to add a supplier onto the Select List.

Safeguarding Implications

25. All Providers who are awarded this 'Spot-Purchase' contract will be subject to an Annual Quality Assurance visit along with announced and unannounced visits, from the Access to Resources and Integrated Service. This will be in addition to the statutory visits from social workers, Personal Advisors and Independent Reviewing Officers (for under 18s).
26. The Head of Safeguarding was also part of the Interview Panel, which was the final stage in selecting the Providers.

Public Health Implications

27. Early experiences can have long-term consequences for the health and wellbeing of children and young people. Around half of looked-after children in England are reported to have emotional and behavioural difficulties and looked after children are also more likely to have poorer educational outcomes than children who are not looked after. Stability and permanence are important for looked after children and young people.
26. The corporate parenting responsibilities of local authorities include having a duty under section 22(3)(a) of the Children Act 1989 to safeguard and promote the welfare of the children they look after. This includes the promotion of the child's physical, emotional and mental health and acting on any early signs of health issues.
27. Older looked after children and care-leavers are expected to take responsibility for their health and lifestyle, including diet, physical activity, oral health and immunisations. They also need support to form healthy relationships and need advice on contraception, sexual health and substance abuse.
28. As children become looked after for a variety of reasons and come from many backgrounds, it would be good public health practice to ensure that there are different types of accommodation available to this cohort that can provide appropriate living conditions and support for their health and wellbeing needs.

Equalities Impact of the Proposal

29. An equalities impact assessment is neither relevant nor proportionate for the approval of this report to re-tender for services. However, once embedded the contract and the service will be subject to the Councils programme of Equalities Impact Assessments.

Environmental and Climate Change Considerations

30. There are no Environmental and Climate change considerations for the approval of this report to re-tender for services

Risks that may arise if the proposed decision and related work is not taken

31. N/A

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

The assessment of the economic and financial standings of five organisations did not meet the requirement. This may put the continuation of these organisations at risk in the long term. However, as the said organisations have met all quality criteria and they are also current providers, it is recommended to include them to the Framework Agreement but not to appoint to provide block booking services that will need upfront financial commitment. In addition, it is recommended that the financial health of these organisations is checked each year.

Financial Implications

The table below shows the increase in gross expenditure resulting both from the increase in rates and demographic growth.

The profiling of the clients' placements under the new Framework Agreement was provided by the Service Manager - Access to Resources and Integrated Service, based on the current clients portfolio, age profile, needs and behaviour analysis. A further 2.5% demographic growth was assumed based on previous years' trend.

The demographic growth pressure is estimated at c.£219K and will be met from the demographic growth included in MTFP. The remaining pressure will be met from the maximisation of the benefits received for Care Leavers, an increase in Home Office funding for UASC and Former UASC, and a reduction in ad-hoc purchasing of support hours.

Placement Type Annual Cost (£)	Current Price	New Price	Current Framework (Est. Annual Cost)	New Framework (Est. Annual Cost) Incl. Growth	Variance
Standard Placement	£600	£700	£3,791,278	£2,700,852	-£1,090,426
Complex/High Needs	£850	£800	£258,264	£250,272	-£7,992
18 hour staffed units	N/A *	£600	£0	£218,988	£218,988
18+ unstaffed units with 2 hrs support	£300	£350	£646,465	£1,313,928	£667,463
Night staff only units	N/A *	£500	£0	£130,350	£130,350
Therapeutic Mental health	£1,500	£1,300	£140,778	£203,346	£62,568
Female Only	N/A *	£700	£0	£401,478	£401,478

Out of Borough	£800	£775	£517,572	£767,762	£250,190
Standalone flats	£350	£400	£526,221	£145,992	-£380,229
Parent & Child	N/A *	£900	£0	£140,778	£140,778
Block Book (18+ unstaffed unit)	N/A *	£300	£0	£78,210	£78,210
Block Book (Standard Placement)	N/A *	£600	£0	£156,420	£156,420
Total Cost			£5,880,578	£6,508,376	£627,798

* 'Not applicable' as this type of placement is not provided in the current framework

Legal Implications

The Council has the power under s.1(1) Localism Act (2011) to do anything individuals generally may do providing it is not prohibited by legislation and subject to Public Law principles. There is no express prohibition, restriction or limitation contained in a statute against use of the power in this way.

Under s.111 Local Government Act (1972) local authorities may do anything, including incurring expenditure or borrowing which is calculated to facilitate or is conducive or incidental to the discharge of their functions.

The Council has compiled what is described as a 'Select List'. In procurement terms this is known as a 'Framework Agreement'. If the value of the Framework Agreement (over its contractual term) exceeds the appropriate EU threshold it will be regulated in both its compilation and its operation by Regulation 33 of the Public Contracts Regulations (2015) ('PCRs 2015') and must be advertised via an OJEU notice. The appropriate EU threshold to be applied here is **£663,540** because 'Children's Services' falls under the 'Light Touch Regime' of the PCRs (2015). If the value of the Framework Agreement falls below this threshold, the Council then shall only be required to advertise and conduct any procurement process in accordance with its Contract Procedure Rules ('CPRs').

Regulation 33 PCRs (2015) stipulates as follows:

- the term of the Framework Agreement must not be longer than 4 years;
- only those providers who have been placed on the Framework Agreement Select List at the time it was compiled, can be awarded call-off contracts
- call-off contracts must be awarded in accordance with the procedures laid out in the Framework Agreement
- if the Framework Agreement provides for further competition (to award call-off contracts) in the form of mini-competitions, all those providers eligible to provide the service under the call-off contract must be written to and invited to submit tenders, at the time of the mini competition and (mini-tender) submissions must be evaluated and awarded in accordance with the evaluation and award criteria as originally laid out in the Framework Agreement

The terms of any subsequent call-off contract must be consistent with the Framework, Agreement and it, along with any other supplementary contractual

documentation must also be in a form approved by the Director of Law and Governance ahead of contract commencement.

This report constitutes a Key Decision therefore officers must ensure Council's Key Decision process is adhered to at all times.

The Council must at all times, comply with its obligations relating to obtaining best value under the Local Government (Best Value Principles) Act 1999.

Workforce Implications

37. There are no workforce implications for the approval of this report to render for services.

Property Implications

38. It may be an option for the Council to acquire some larger domestic local properties via the Housing Gateway Limited commercial vehicle for use for semi-independent accommodation. The potential for such acquisitions would depend upon; market availability, location, suitability and price of properties, access to funding and evidence that this approach would make on overall cost saving.

Other Implications

39. There are no other implications for the approval of this report to render- for services.

Procurement Implications

Any procurement must be undertaken in accordance with the Councils Contract Procedure Rules (CPR's) and the Public Contracts Regulations (2015).

42. The award of the contract, including evidence of authority to award, promoting to the Councils Contract Register, and the uploading of executed contracts must be undertaken on the London Tenders Portal including future management of the contract.
43. All awarded projects must be promoted to Contracts Finder to comply with the Government's transparency requirements. As this was an EU procurement this also needs to be published on the EU journal.
44. Under the CPR's a contract of this value must have a nominated contract manager named within the LTP, and this person is responsible for the upkeep of the contract information and ensure that reviews are carried out in a timely manner. That any extensions or amendments to the contract are maintained and uploaded to the LTP, along with the signed copy of the contract.
45. Contracts over £250,000 must have regular reviews carried out and evidence of these must be uploaded to the LTP; to ensure VFM through the lifetime of the contract.

46. A review of this contract to start a new procurement is recommended in 18 months' time to allow for a thorough EU procurement to replace this contract, with consideration of using a DPS, to allow for longer contracts.

Options Considered

47. There are no alternative options to tendering externally, as the Council is unable to provide such an extensive specialist service.
48. Providing Accommodation and Support is an obligation under the Leaving Care Act 2000 for those 16 - 24 year olds, leaving or preparing to leave care and also for those 16 and 17 year olds who are 'looked after children' under section 20 or section 31 Children Act 1989, it is therefore not viable to have no service to all.
49. Corporate Procurement have been fully involved in the process and have agree that the Select List model would be best suited to our requirements.

Conclusions

After a thorough evaluation, interview and financial check process, it is recommended that the following 21 organisations be awarded the Framework Agreement for the provision of the 16+ Semi-independent Living Accommodation Service for looked after children and care leavers.

S. N	Bidder name	Lots applied for and approved											
		Lot 1 (a)	Lot 1 (b)	Lot 2 (a)	Lot 2 (b)	Lot 2 (c)	Lot 2 (d)	Lot 2 (e)	Lot 2 (f)	Lot 3 (a)	Lot 3 (b)	Lot 3 (c)	Lot 4
1	Atlantic Lodge	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2	Avance Care Services	Yes	No	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No
3	Christian Action	No	No	No	No	No	Yes	No	No	No	No	Yes	No
4	Crown Social Care	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	No	No	Yes
5	Elliot Leigh	No	No	Yes	No	No	Yes	Yes	Yes	No	No	No	Yes
6	Explore Independence	No	No	Yes	No	No	No	Yes	No	Yes	No	No	Yes
7	Green Harvest Care	No	No	Yes	No	No	Yes	No	Yes	No	No	No	Yes
8	Heartwood Care	No	No	Yes	No	No	Yes	Yes	Yes	No	No	No	Yes
9	Leighview House	No	No	Yes	No	No	No	No	No	Yes	No	No	Yes
10	Neo Care	No	No	Yes	No	No	No	No	Yes	Yes	Yes	No	Yes
11	NEL Care	Yes	No	Yes	No	No	No	No	No	Yes	No	No	Yes
12	Oaktree	Yes	Yes	Yes	No	No	No	Yes	Yes	No	Yes	No	Yes
13	Outset Care Services	No	Yes	No	No	No	No	Yes	No	No	No	No	Yes
14	Pathfinder Care Services	No	No	Yes	No	No	Yes	Yes	No	No	No	No	Yes
15	Preferred Living	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
16	Progressive Mindz	Ineligible	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No	Yes
17	Right Choice	Ineligible	Ineligible	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
18	Safe Haven Services	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
19	TNS Care	No	No	No	No	No	No	No	No	Yes	Yes	No	Yes
20	TLC Ltd	No	No	Yes	No	No	No	No	No	No	No	No	Yes
21	Urbanland Management	Yes	No	Yes	No	No	Yes	No	Yes	Yes	No	Yes	Yes

However, it should be noted that not all bidders are eligible for every Lot they applied for as the number of providers required for each Lot has maximum limits.

Report Author: Ram Ramasubramanian
Service Manager
Ramasasi.ramasubramanian@enfield.gov.uk
020 8132 1340

Date of report: 7th October 2020

Appendices

N/A

Background Papers

There are no background papers

Please note Part 2 report is now confidential appendix.

London Borough of Enfield

Operational Report

Report of: Peter George, Programme Director Meridian Water

Subject: MW Strategic Infrastructure – Bloom Consultant Procurement

Executive Director: Sarah Cary, Executive Director – Place

Ward: Upper Edmonton

Key Decision: 5206

Purpose of Report

1. The purpose of this report is to seek approval of the use of Call-Off contracts with Bloom Procurement Services Limited (under the North East Purchasing Organisation (NEPO) Framework) to directly appoint a CEEQUAL Assessor, Architectural and Landscape Architect Services and Engineering services to support the Meridian Water Team on the Strategic Infrastructure Works.
2. In early December 2018 the GLA submitted, on behalf of Enfield Council, a funding application to Central Government for a total of £156m to build strategic infrastructure in Meridian Water. Confirmation that Enfield Council have successfully secured the HIF funding was provided in August 2019. Detailed terms and conditions of funding are currently being negotiated. Availability of funding will be contingent on the satisfaction by the Council of conditions precedent. The funding will only be available to be drawn by the Council until 31st March 2024. In August 2020 central government increased the funding amount by £14m, to a total of £170m.
3. The Council has adopted a programme of design and procurement of Design Consultants via Bloom to maintain continuity of a well performing team and protect design quality. The Call-Off agreements will ensure timely delivery of works ahead of the HIF funding deadline of March 2024.
4. The Call-Off agreement will support the Meridian Water team to obtain the relevant specialist resource to aid delivery of work programmes, specific projects and specialist pieces of work for time limited periods, where the required level of resource and knowledge is not available in-house.
5. The Framework has been procured in compliance with the Public Contracts Regulations.

6. The Framework will support transparency, reporting and audit of all activity associated with professional and consultancy services.

Proposal(s)

It is recommended that the Executive Director - Place.

7. Approves the use of the Call-Off contract with Bloom Procurement Services Limited to directly appoint: ARUP as CEEQUAL Assessor for a contract term of 44 Months, KCA to provide Architectural services for a contract term of 44 Months and Periscope to provide Landscape Architect Services for a contract term of 44 Months and ARUP to provide Engineering services for a contract term of 4 Months. The value of each respective call-off is set out in the Part 2 Report.
8. Authorises Legal Services (to work in partnership with the Procurement & Commissioning Hub & the Meridian Water Team) to prepare and complete the call-off contracts (together with any supplementary contractual documentation) and arrange for sealing of the same.
9. Authorise expenditure for the scope of services and contingency costs set out within the body of this report.
10. Note budget and funding sources for the expenditure (see Confidential Appendix).

Reason for Proposal(s)

11. The below points are the key reasons of the recommendation of this procurement method.
 - Keep to the existing HIF programme for the Main Contractor procurement and post contract technical advice in order to achieve the HIF Funding Deadline of March 2024;
 - Maintain existing knowledge of the design, site and issues of the current and well performing design team;
 - Maintain Design and Construction Quality for the Council;
 - Maintain continuity for the Council and the project;
 - Keep to existing programme and maintain continuity for discharging planning and funding conditions;
 - Help the Strategic infrastructure works to achieve a sustainability rating supportive of the Meridian Water Sustainability Strategy through the appointment of a CEEQUAL assessor.

Relevance to the Council's Plan

12. Good homes in well-connected neighbourhoods

The recommendations in this report do provide the authority to maintain the Technical Design Team to finalise the strategic road infrastructure and flood

alleviation works. The construction of these key pieces of infrastructure will unlock new housing development in Meridian Water.

13. Sustain strong and healthy communities

The scope of service includes the design and monitoring of the several green spaces linking up with existing green spaces in the area and thereby enhancing the value of the local green infrastructure. As well as implement the sustainability strategy.

14. Build our local economy to create a thriving place

The delivery of strategic road and flood alleviation works will unlock the Meridian Water area and significantly increase accessibility of the site, especially by public transport. It is expected that increased accessibility will support local businesses, as well as attract new jobs and business growth in the area supporting Enfield residents and the local economy.

Background

15. The purpose of this report is to seek approval of the use of a Call-Off contract with Bloom Procurement Services Limited (under the North East Purchasing Organisation (NEPO) Framework) to directly appoint a ARUP as the CEEQUAL Assessor, KCA as Architect, Periscope Landscape Architect Services and ARUP as Engineering services to support the Meridian Water Team on the Strategic Infrastructure Works.

16. In July 2018 Cabinet authorised a funding bid for the Housing Infrastructure Fund (HIF) and delegated the authority to approve the contractor procurement for the HIF delivery works to the Programme Director of Meridian Water in consultation with the Director of Law and Governance (KD4711). Confirmation that Enfield Council have successfully secured the HIF funding was provided in August 2019. The Funding agreement is due to complete in September 2020. Detailed terms and conditions of funding are currently being negotiated with the Ministry of Housing, Communities and Local Government. Availability of funding will be contingent on the satisfaction by the Council of conditions precedent. The funding will only be available to be drawn by the Council until 31st March 2024.

17. The scope of works proposed for funding includes rail enhancement works amounting to a value of circa £40m (which are outside the scope of this proposed procurement project) and strategic road and flood alleviation works for a value amounting to circa £116m. All these professional fees are to be paid out of this grant funding.

18. The grant funding will only be available to be drawn by the Council until 31st March 2024. In order to make a claim for funding, the relevant infrastructure expenditure must have been incurred by the Council (or, in respect of claims

made in the 4th financial quarter of each year, will be incurred) in the relevant financial year in which the claim is made. The result of this is that, in order to claim the full amount of grant available, infrastructure works will need to have been completed by 31st September 2024.

19. The original appointments of the technical and design team were up to the stage of planning submission and the due diligence stage following the submission of the funding application. Now the Council has successfully secured the HIF money, further services are required up until the end of the project (March 2024).
20. To ensure timely delivery the Council must appoint these consultants in line with the demanding grant funding programme requirements. Comprehensive re-procurement of the services required would put timely delivery of the Strategic Infrastructure Works ahead of the funding deadline at risk. Furthermore, the consultants have all worked on the masterplan, have performed well during the contract term and have existing knowledge and expertise that would be lost if procured through a new tender. Therefore, this report seeks authority to appoint the mentioned consultants to facilitate the delivery of the works within the funding conditions.

Main Considerations for the Council

Team and Governance

21. The method of main contractor procurement requires a technical advisory team to be appointed by the Council to support on technical sign off and issues during the pre-contract and contract stages of the Strategic Infrastructure Works. In addition, the appointment of a CEEQUAL Assessor is required to help the Strategic infrastructure works to achieve a sustainability rating supportive of the Meridian Water Sustainability Strategy.
22. The Meridian Water Team appointed a Technical Design Team in 2018 to design and obtain planning for the Strategic Infrastructure Works as well as support the council in the Bid for the HIF. ARUP were appointed to provide Engineering Services and lead the design team and planning process. KCA were appointed as Architects and Periscope as Landscape Architects.
23. The Contracts for the above Technical Design Team expired in December 2019. A competitive procurement exercise was carried out in 2019 to re-procure for the Lead Designer role which is currently being performed by ARUP. In March 2020 Jacobs were confirmed as ARUP's replacement by July 2020 and to take this role forward until March 2024. Following the appointment of Jacobs, the requirement for the additional technical services

requested within this report became apparent. Therefore, a separate procurement has carried out.

24. Notwithstanding the expiry of the current contracts, there is a requirement to continue these services and fulfil the role of technical advisors to the Council until the completion of the Strategic Infrastructure Works.
25. To ensure timely delivery of works ahead of the funding deadline of March 2024 and maintain the current well performing suppliers, the Council is seeking approval to procure the Design Consultants via Bloom to maintain continuity and programme.
26. It is therefore recommended that KCA and Periscope are directly appointed using Bloom Procurement Services Ltd for the remaining project programme. Further recommendation is that ARUP is appointed directly using Bloom Procurement Services Ltd as CEEQUAL assessor for the remaining project programme and appointed in their role as technical advisor to handover to Jacobs, who have been newly appointed as technical advisors on the project.

Scope of Works

27. A scope of service has been fully aligned to meet the requirements of the Council for the remainder of the project commencing from March 2020. The Scope of Service has been prepared by an independent project management consultant.
28. The Services required by the Council are expanded below:

Tender Process

- Review of Tenders and support commercial team;
- Review of proposed opportunities and any Value Engineering solutions;
- Support Project Manager in assessment of proposed Construction Programme;
- Support Project Manager in assessment of proposed Logistics Strategy;
- Interrogate survey results;
- Support on the implementation of the Sustainability Strategy.

Pre-Contract Service Agreement (PCSA)

- Advise on Technical Design provided by the Main Contractor;
- Agree design deliverables, required quality, review and comment on designs from Main Contractor;
- Support Quantity Surveyor in agreement of Contract Sum and any associated Value Engineering;

- Support Project Manager in agreement of Contract Programme and Project Phasing;
- Support Project Manager in administrating changes driven by the Council;
- Support on the implementation of the Sustainability Strategy.

Construction

- Advise, review and comment on Technical Design provided by the Main Contractor;
- Inspect works for quality and non-conformance;
- Support Quantity Surveyor in Valuations and any compensation events;
- Support Project Manager in programme monitoring
- Support Project Manager in administrating changes driven by the Council
- Contribute actively in administrating completion and sign off of works.

Defects

- Carry out Construction Quality Inspections and Sign off
- Support Quantity Surveyor in agreement of Final Account
- Support Project Manager and Quantity Surveyor in administration of any contract changes;
- Carry out inspections and sign off defects.

29. Once the Consultants are appointed the performance of the Consultants will be overseen by the project management consultant on behalf of the Meridian Water Team.

Procurement Process and Contract Approach

30. NEPO set up a Neutral Vendor Solution, called NEPRO, in September 2012 which was available to all Public Sector organisations. The solution has been called off by several Authorities across England including Enfield Council. The second generation of the NEPO framework came to an end in November 2019. Bloom Procurement Services Ltd were re-procured through an OJEU (Official Journal of European Union) process to deliver the third generation of the framework, and this is called NEPRO3.

31. Bloom Procurement Services Ltd acts as an independent broker for the procurement of specialist professional and consultancy services by managing the supply chain to fulfil the Council's requirements. They work with accredited suppliers and manage the end to end process of the appointment. They allow the flexibility of dealing with a wide range of consultants through one managed provider.

32. The Bloom Framework provides an additional route to market for Specialist Professional Services (SPS). The agreement can be signed without any commitment to a volume of projects or value of work and will allow the Council to procure professional services as and when required.
33. Bloom currently have over 6000 suppliers registered and can add new suppliers / consultants at any time. There is active recruitment of suppliers and where there are specific project needs, new suppliers can be sourced to meet them.
34. The Councils internal governance processes must be followed to ensure the required approvals and budget are in place before commissioning services.
35. The Procurement and Commissioning team have engaged with Bloom to implement project gateways that ensure Call-offs are compliant with Council's CPRs. When a work order is raised to directly call off services, it contractually binds Bloom under its Call-Off Agreement with the Relevant Authority and Bloom with the Supplier under the Service Supplier Agreement. The Council will have the benefit of a collateral warranty from the Supplier; this is a direct contract between the Council and the Supplier whereby the Supplier warrants to the Council that it has complied with the terms of its professional appointment, giving the Council a direct right of enforcement against the Supplier should the need arise.
36. Stace project management have procured the services and reviewed the received tenders against the scope of service and market rates to maintain value for money. Fees provided by the suppliers are in line with the current market rates. The Council are achieving value for money as a result of using this method of direct appointment.
37. Active contract management and cost scrutiny for the duration of the project will help ensure value for money for the Council. The scope and programme will be monitored throughout the contract term. Any variations to the scope or programme will be an additional cost to the Council and will be based on the day rates provided as part of the tender. There is a contingency in Part 2 to cover variations.
38. It is recommended that the Bloom Standard Specialist Professional Service Provider's Collateral Warranty is requested from each supplier.

Cost and Funding

39. The expenditure to deliver the scope of service set out in this report is to be funded from the Housing Infrastructure Fund. Confirmation from Central Government that Enfield Council/GLA has been successful in securing the

HIF funding was received in summer 2019 and the Funding Agreement is due for completion in September 2020.

40. Fees provided by the suppliers have been reviewed and monitored to ensure they are in line with the market rates and the Council are achieving value for money as a result of using this method of direct appointment.
41. To maintain value for money this procurement is fixed on a required scope of service over a specified programme. Payments will be monthly based on the services completed. Payments will be monitored against the scope of service to ensure the Council is paying for works completed.
42. The costs of undertaking this procurement is set out in part 2 of this report. The cost are as budgeted and are contained in the currently approved project expenditure.

Safeguarding Implications

43. The recommendations in this report do not have any safeguarding implications. The appointment of suppliers to provide technical services to help deliver strategic infrastructure in Meridian Water will not impact on children, young people or venerable adults. Safeguarding implications of the overall project are considered in separate reports.

Public Health Implications

44. Meridian Water is poorly connected by public transport, walking and cycling and although the site lies adjacent to the North Circular Road and Meridian Way, a strategic north-south route, the central and eastern part of the site have no direct connection to the proposed railway station, the most important piece of new infrastructure. The intervention proposed for the development should address these site constraints and design-in foundations to prioritise walking and cycling. The infrastructure designs should be grounded on an urban structure that improves the environment and to encourage healthy lifestyle. The utilities corridor should also be designed to provide specs for smart technologies, introduce suitable energy infrastructure to help residents save energy bills and improve air quality.

Equalities Impact of the Proposal

45. Corporate advice has been sought in regard to equalities and an agreement has been reached that an equalities impact assessment is neither relevant nor proportionate for the approval of this report.
46. It should be noted that projects or workstreams deriving from this may be subject to a separate Equalities Impact Assessment (EqIA). Therefore, any projects or workstreams will be assessed independently on its need to undertake an EqIA to ensure that the Council meets the Public Duty of the Equality Act 2010

Environmental and Climate Change Considerations

47. Planning Committee has reviewed the application for Strategic Infrastructure Works and noted that the development has regard to climate change and seek to address some of the key elements to delivering a sustainable development at Meridian Water by:

- Proposing a comprehensive strategy to address flood risk;
- Improving connectivity and opportunities for active travel thus reducing reliance on the motor vehicle;
- enhancing the biodiversity value of the site through the naturalisation of part of Pymmes Brook and the creation of two new parks;
- provision of the necessary infrastructure to facilitate future connectivity to the decentralised energy network.

The consultants will support the council in meeting these objectives with the main contractor delivering the Strategic Infrastructure Works.

48. The consultants have been part of the MW design team for the last 3 years and helped develop the Meridian Water Sustainability Strategy and recognise the importance of sustainability for the project. They are also an organisation committed to achieve net zero operational emissions by:

- Reducing absolute scope 1 and 2 GHG emissions globally 30% by 2025 from a 2018 base year.
- Reducing scope 3 GHG emissions globally 30% by 2025 from 2018 base year.
- Purchasing Gold Standard certified offsets that remove greenhouse gases to offset all domestic and international flights.
- From 2030 compensating for other residual hard-to decarbonise emissions with high quality certified greenhouse gas removal.

49. In terms of project outcomes, the new appointment for the CEEQUAL Assessor is to help the Strategic infrastructure works to achieve a sustainability rating supportive of the Meridian Water Sustainability Strategy.

Risks that may arise if the proposed decision and related work is not taken

50. Risk: The Housing Infrastructure Fund is not or only partially secured.

Should none or only part of the HIF funding be secured following completion or the Funding Agreement, the Design Team, Services and the chosen procurement process will need to be reviewed. If conditions are not satisfied to obtain funding, the council are to self-fund the appointments.

Mitigation: The Council can terminate or modify the procurement if no funding is secured. If the amount of money assigned by the MHCLG is materially lower, the scope of service will need to be reviewed, which could result in having to stand down the team and review strategy. Further legal advice will be sought in such circumstances

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

51. Risk: Limited competition

Due to direct appointment there is no competitive lever for consultants to be commercially favourable.

Mitigation: Stace have procured the bid and reviewed against the scope of service and market rates to maintain value for money. Furthermore, active contract management and cost scrutiny for the duration of the project will help ensure value for money for the Council.

Financial Implications

52. See Part 2 – Financial Report.

Legal Implications

Prepared by MD 26th August 2020 (based on report circulated at 14:10 on 25th August 2020)

53. The Council has the power under s.1(1) Localism Act (2011) to do anything individuals generally may do providing it is not prohibited by legislation and subject to Public Law principles. There is no express prohibition, restriction or limitation contained in a statute against use of the power in the way proposed in this report.

54. It is proposed that the Council enters into four call-off contracts under the Bloom (NEPRO3 Framework). The estimated value of three of the contracts is above the current Public Contracts Regulations 2015 threshold for services.

55. Any procurement must be carried out by the Council in accordance with the Public Contracts Regulations 2015 (where applicable) and the Council's Contract Procedure rules, both of which permit the use of a framework provided the resulting call-off contract is based on the framework terms and the rules of the framework are followed. The Bloom framework permits direct call-offs without competition in the manner proposed in the report. However, the Council must still ensure that best value can be demonstrated.

56. In respect of contracts valued at between £500,000 and £1,000,000, officers must consider whether or not to require security from the provider in the form of parent company guarantee, performance bond or similar. Evidence of the form of security required, or why no security is required, must be stored and retained on the E-Tendering Portal for audit purposes.

57. Any contract over £500,000 in value or which is to be enforced for a period of more than 6 years must be sealed by Legal Services. If the contract is over £100,000 then the legal department will need to hold the original of the contract.

58. It is proposed that the contracts will be funded from the Housing Infrastructure Fund (HIF). The grant agreement remains subject to contract and availability of funding is dependent on the Council satisfying conditions to funding. Any services instructed before confirmation of availability of funding will be undertaken at the Council's risk. Officers must ensure continued compliance

with obligations in the HIF grant agreement relating to the delivery of infrastructure works.

59. This constitutes a Key Decision. Officers must therefore be mindful of the Council's Key Decision process and follow it accordingly.

60. All legal agreements arising from the matters described in this report must be approved in advance of contract commencement by the Director of Law & Governance.

Workforce Implications

61. This paper is proposing to contract with external providers to deliver aspects of the HIF Programme of work that cannot be delivered internally. Therefore, there are no employment implications.

62. The contract/supplier arrangements detailed in this report has been reviewed to confirm they are not interim resource requirements that may raise IR35 implications.

Property Implications

63. There are no specific property implications arising directly from this report however it is anticipated that there may be future Property Imps as the HIF works progress and construction starts. Any future reports arising as a result of these proposals will need to be further reviewed and when property transactions are included Strategic Property Services will comment on those individual deals and reports at that time.

Other Implications

Procurement Implications

64. Any procurement must be undertaken in accordance with the Councils Contract Procedure Rules (CPR's) and the Public Contracts Regulations (2015).

65. The Council's CPRs (CPR 7.2) state that, for contracts valued between £500,000 and £1,000,000, officers must consider whether or not to require adequate security from the provider in the form of parent company guarantee, performance bond or similar. Evidence of the security (or reason why no security is required), must be uploaded onto the London Tenders Portal for audit purposes.

66. The award of the contract, including evidence of authority to award, promoting to the Councils Contract Register, and the uploading of executed contracts must be undertaken on the London Tenders Portal including future management of the contract.

67. All awarded projects must be promoted to Contracts Finder to comply with the Government's transparency requirements.

68. Any framework entered into must be:

- Available to the council to access legally
- Accessed via the rules of the framework
- Use the Terms & conditions of the framework provider.
- It should be noted that not all frameworks represent value for money; especially if they are a direct award. Best value must be demonstrated for these awards.

69. The contract must be promoted to the contract register to create the contract record for transparency regulations.

70. The tender was a call-off from the Bloom Framework. Due diligence was carried out by the Procurement and Commissioning Hub (P&C Hub) on the Council's ability to use the framework. The use of the Bloom framework on a direct award was chosen as this would enable speedy procurement of the selected providers to ensure timely delivery of the works and to provide continuity of service from these providers.

71. As the call-offs were undertaken using the Bloom Portal the call-off information and contracts will also be uploaded to the London Tenders Portal. For reference purposes the Bloom codes are as follows:

- CEEQUAL Assessor (ARUP): Project Number 2277
- Architectural services (KCA): Project Number 1766
- Landscape Architectural Services (Periscope): Project Number 1838
- Engineering Services (ARUP): Project Number 1782

Options Considered

72. Do nothing – the council will be exposed to an unacceptable level of risk in terms of the contractors performance not meeting requirements. Technical team will carry out the checks to ensure the contractors delivers the works in accordance with the scope of works.

73. Use London Tenders Portal to conduct quotations and tenders for specific project requirements. This would not guarantee the use of specific suppliers and would not meet time constraints. Comprehensive re-procurement of the services required would put timely delivery of the Strategic Infrastructure Works ahead of the funding deadline at risk.

74. Other Frameworks- There are a range of frameworks available for consultancy services such as those provided by ESPO (Eastern Shires Purchasing Organisation) and the CCS (Crown Commercial Service). Some of these frameworks have limited category of services which do not meet evolving project requirements, furthermore some Frameworks do not allow new suppliers to join the framework during their duration.

75. Due to time constraints which is a key driver for achieving the funding conditions the above options could put the Council at risk of being in breach of the HIF Grant Determination Agreement.

Conclusions

76. The purpose of this report is to seek approval of the use of Call-Off contracts with Bloom Procurement Services Limited (under the North East Purchasing Organisation (NEPO) Framework) to directly appoint a CEEQUAL Assessor, Architectural and Landscape Architect Services and Engineering services to support the Meridian Water Team on the Strategic Infrastructure Works.

77. This procurement method will allow the project to maintain the tight programme and budget set by the HIF Grant Determination Agreement. It will provide the council with consistency and continuity of advice and design, as well as holding onto historic knowledge and understanding of the project from inception.

Report Author: John Reid
Meridian Water Delivery Director
John.Reid@enfiled.gov.uk
02081484414

Date of report

Appendices

- Part 2 – Financial Report (Part 2) – Confidential

Background Papers

The following documents have been relied on in the preparation of this report:

None

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank