



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. **MERIDIAN FOUR - THE APPROVAL TO AWARD MECHANICAL AND ELECTRICAL AND PLUMBING CONSULTANTS SERVICES FOR MERIDIAN 4 VIA NOTTING HILL GENESIS FRAMEWORK AGREEMENT CF2 LOT 4 - MECHANICAL AND ELECTRICAL** (Pages 1 - 30)
2. **MERIDIAN FOUR - THE APPROVAL TO AWARD STRUCTURAL AND CIVIL ENGINEERS SERVICES FOR MERIDIAN 4** (Pages 31 - 64)
3. **HERTFORD ROAD MAJOR WORKS SCHEME PART 1** (Pages 65 - 76)

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London Borough of Enfield

Operational Report

Subject: Meridian Four - The Approval to Award Mechanical and Electrical and Plumbing Consultants Services for Meridian 4 via Notting Hill Genesis Framework agreement CF2 Lot 4 – Mechanical and Electrical

Executive Director: Sarah Cary

Ward: Upper Edmonton

Key Decision: 5264

Purpose of Report

1. Meridian Four - Approval to Award Mechanical and Electrical Consultants Services for Meridian 4.

Proposal(s)

2. Approve the appointment of Bidder A to provide Mechanical, Electrical and Plumbing Consultancy Services for the delivery of Meridian Four through the Notting Hill Genesis Framework agreement CF2 Lot 4 – Mechanical and Electrical for RIBA Stages 0-3 with further budget approval required to continue the contract for RIBA Stages 4-6.
3. Authorise expenditure for the scope of services and contingency costs set out within the body of this report.
4. Note budget and funding sources for the expenditure (see Confidential Appendix).

Reason for Proposal(s)

5. On 16th September 2020, Cabinet approved KD5174 the preferred option for proceeding with Meridian Four as direct delivery. This preferred option requires the Council to procure consultancy and development management support. The same Cabinet paper authorised the procurement of the professional team and delegated authority to the Programme Director – Meridian Water, acting in accordance with all relevant procedures and protocols, to authorise and enter into individual contract appointments. This decision to appoint mechanical and electrical and plumbing consultants is one of several procurement decisions which will be supporting the phase until at least 2026.

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6. Meridian Four is the fourth development opportunity within the 85-hectare Meridian Water site, located in the northern half of the Phase 2 Outline Planning Permission (OPP) area.
7. In 2021, the Council launched the design for the Reserved Matters application and will be directly delivering Meridian Four as a mixed-use scheme comprising new Build to Rent, Affordable and a small proportion of market homes along with commercial and community space.
8. The Council will lead the design and project management and will be required to appoint a high-quality professional team to reduce related design and construction risk and provide confidence to the incoming investor who are forward funding the scheme. Authorising the expenditure of the budget at this stage and delegating the appointments of the professional team enables the Council to continue the preparation of the Reserved Matters Planning Application for Meridian Four.

Relevance to the Council's Plan

9. Meridian Water is a key component in contributing to the vision, aims and priorities of the Council's Corporate Plan
10. **Good Homes in well-connected neighbourhoods:** Meridian Water will contribute to the Council continuing its pioneering approach to regeneration to create thriving, affordable neighbourhoods and places, and increasing the supply of affordable, quality housing options for ownership, social rent and private rent. Meridian Four will deliver up c.806 new homes.
11. **Safe, healthy and confident communities:** Meridian Four will contribute towards the overall strategy for Meridian Water which aims to deliver on the Council's aims to improve public health and people's well-being. Along with new homes Meridian Four will deliver community and social infrastructure; new amenity spaces and open up access to the River Lee.
12. **An economy that works for everyone:** Meridian Four will deliver new ground floor commercial premises, workspace. Through the appointment of the Meridian Water Design Team a number of Social Value outcomes will also be achieved, including educational programme and training opportunities.

Background

13. Meridian Four comprises the following development plots, as below, with indicative numbers of residential units per plot based on the illustrative OPP scheme:
 - Z04-01: 177 units
 - Z04-05: 119 units
 - Z05-04: 207 units
 - Z05-06: 181 units

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- Z05-07: 146 units
- Total: 830 units

Figure 1: Plan of Meridian Four Development Plots



Scope of Services

14. The Mechanical, Electrical and Plumbing (MEP) consultant will be responsible for the mechanical electrical and plumbing design including the preparation of the Energy and Sustainability strategies throughout all the stages of the project from inception to handover across the RIBA Plan of Work 2020.

Procurement Process

15. Given the estimated value of the scope of services exceeded the procurement threshold for services it was determined to go out to tender for MEP Services. On the 11 February 2021, Programme Director - Meridian Water approved the procurement of the Mechanical, Electrical and Plumbing services through the Notting Hill Genesis Framework agreement CF2 Lot 4 – Mechanical and Electrical. This framework was selected due to the track record and experience of practices on the framework and involved a single stage tender process.

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16. Of the twelve suppliers on the framework nine expressed an interest in the opportunity to tender for the MEP services. All suppliers that expressed an interest were invited to submit a tender.
17. Mid tender review meetings were held on the 22nd and 23rd February 2021, at which interested parties were given an overview of the Meridian Water regeneration programme and the Meridian Four project.
18. Six of the nine provided valid ITT submissions. Three declined to tender due to an inability to meet the financial criterion.
19. The tenders submitted in response to the Council's ITT were evaluated against price (30%) and quality (70%) criteria to establish the most economically advantageous tender. Five Council officers evaluated including officers specialising in social value and sustainability and scored the ITT responses in accordance with the evaluation criteria and the scores were moderated by the Council's Procurement Team.
20. The outcomes of each evaluation stages are explained in Confidential Appendix.

Main Considerations for the Council

Delivering Meridian Four as Master Developer

21. In September 2020 (report KD5174), Cabinet approved direct delivery of Meridian Four. As Master Developer the Council will lead the design and the delivery of the scheme. The Meridian Water Delivery Director has oversight of the delivery of the project with day to day management being led by the Senior Development Manager supported by other members of the Meridian Water project team (viability; social value; sustainability; design). As the project runs a "lean client" team it is necessary to procure a full Design Team, including MEP services in order to ensure the timely delivery of the project and secure the delivery of first units in 2026.
22. Within their submission Bidder A has demonstrated that they have an experienced team with the relevant experience of large-scale complex schemes to successfully coordinate a project of this scale and complexity through all of the RIBA work stages.
23. The bidder has demonstrated that they have reviewed and understood the project. As part of the evaluation process they have confirmed that they understand what potential risks there are in bringing forward MEP design and have proven that through project experience that they are able to anticipate and manage such risks as may arise during the course of the Meridian Four project.
24. Bidder A will be working as part of a large multidisciplinary team including but not limited to Architect, Structural and Civil Engineer and Quantity Surveyor. They have demonstrated within the ITT submission that they are able to work effectively with a design team to ensure that MEP design

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proposals are fully coordinated and integrated across the RIBA work stages.

25. Bidder A has satisfied the panel assessing the ITT submission that they are conversant and experienced in assisting project managers and cost consultants in developing project budgets. Their submission demonstrated their understanding of matters regarding Capital Cost, Lifecycle Cost; Modern Methods of Construction and buildability. This was well demonstrated using exemplars of their recently completed work.
26. The appointed MEP engineer will also act as Sustainability and Energy lead for the project. As such this appointment has been assessed by the Meridian Water Sustainability Lead along with other panel members. Bidder A has demonstrated that they are a market leading practice, advising clients on the delivery of sustainable development and will support the delivery of the objectives as set out in the Meridian Water Environmental Sustainability Strategy.
27. Bidder A has been subject to a rigorous evaluation process with due consideration of their ability to deliver Meridian Four taking into account the different technical considerations as set out above and it is the view of the panel of moderators and the Delivery Director that Bidder A should be appointed to provide MEP Engineering Services.

Benefits to all Meridian Water and LBE Projects

28. There is great importance in putting together a highly skilled design team to deliver the Meridian Four project as the Council are leading the project as Master Developer. The appointment of the MEP engineer is a key role within the team, particularly with regard to meeting the Council's objectives for sustainability, and key to successful delivery. In the selection of Bidder A it is considered that the optimum team has been selected that will help to develop the Council's experience and understanding.
29. The intention will be to share the learnings of Meridian Four on future phases of the Meridian Water development project. The greater understanding of best practice; procurement; innovation and how the industry is responding to changing legislation can be shared by updates in the Phase Delivery Board on Meridian Water and the Sustainable Buildings Board of LBE.

Benefits to Council Residents

30. Bringing on board Bidder A as skilled MEP service consultant will be of direct benefit to the delivery of Meridian Four. They will bring skills and understanding acquire from other projects delivered in both the public and the private sector enabling the project to be delivered on time and on budget.
31. A key driver for the project is the delivery of new homes within the borough. Appointing an external design team, in particular MEP services

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will enable this delivery. It would not have been feasible to deliver a scheme of this scale through a team of Council staff due to the range of technical skills required.

Contract

32. See Confidential Appendix.

Costing and Funding

33. Each of the bidders as part of the Tender Evaluation was asked to provide fee percentages for each discipline for each of the RIBA work stages. The total fee percentage for the RIBA stages has been multiplied by the estimated construction value to obtain a figure for tender evaluation purposes stages. This was further refined by the information being provided on a block basis for the following blocks:

- Plot Z05-04 – Build to Rent
- Plot Z05-07 – Build to Rent
- Plot Z04-01 – Build to Rent
- Plot Z04-10 – Pavilion
- Plot Z05-06 – Affordable
- Plot Z04-05 – Affordable
- Plot Z05-08 – Pub

34. Bidder A's financial proposal is detailed in Confidential Part 2.

Safeguarding Implications

35. The recommendations in this report do not have any safeguarding implications.

Public Health Implications

36. Climate change has been described as the greatest threat to public health in the 21st Century. With that in mind, Meridian Water is committed to zero-carbon construction, renewable and sustainable resources and to generate more energy than it uses. This is in line with Enfield Council's pledge to become a carbon neutral local authority by 2030.
37. The appointment of a MEP service who will lead on the delivery of the Meridian Four Sustainability Strategy will positively contribute to the environmental aims of Meridian Water which are set out with the approved Environmental Sustainability Strategy.

Equalities Impact of the Proposal

38. The Council has a duty to promote equality, diversity and inclusion, and it recognises the issue of diversity specifically within the construction sector.

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39. The bidders' approach to Equality, Diversity and Inclusion has been assessed as part of the tender process. Within their submission's bidders were asked the following questions:
- a. Please set out how you will support (i.e. collaboration, incubation of smaller/new practices, sub-contracting as part of the project team, not only for the purposes of community consultation); and create new opportunities for under-represented and marginalised groups as part of the Meridian Four project.
 - b. Please set out how you will Source; Motivate; Train; and Retain staff to improve equality, diversity and inclusion in your organisation throughout the duration of this contract.
40. Bidders were asked also to complete Equality and Diversity monitoring forms to be submitted as part of their tender response, albeit the information included within the forms did not form part of the assessment.
41. An Equalities Impact Assessment (EQIA) by Ottaway Strategic Management Ltd was commissioned by the Council to consider the impacts of the Meridian Water (Strategic Infrastructure Works) Compulsory Purchase Order. The EQIA concluded that there are no direct negative equality impacts identified against any of the protected characteristics. However, there are some groups with protected characteristics who are likely to experience proportionately higher consequences of the regeneration of Meridian Water and these are:
- a. White other staff, including Eastern European, Turkish and Greek;
 - b. BAME Staff;
 - c. Women in properties in third party ownership; and
 - d. Older members of the workforce potentially less able to re-engage in the labour market if their jobs are lost to the relocation programme.

The EQIA proposed several mitigation measures to address these indirect impacts which the Council intends to implement including the implementation of effective equalities monitoring by the Council and development and construction partners. The EQIA also acknowledges significant potential positive impacts of the regeneration of Meridian Water (including for example, new homes, social infrastructure and employment growth) and that these benefits will likely impact on all the aforesaid groups having protected characteristics.

42. An EQIA was also prepared by the Council's Strategic Planning Team to support the ELAAP submission. The planning application for Phase 2 was also subject to an EQIA. The Phase 2 application was accompanied by a socio-economic analysis as part of the Environmental Statement. No substantive negative impacts to persons or groups with protected characteristics were identified.

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Environmental and Climate Change Considerations

43. The Council has a goal to become carbon neutral by 2030 and in July 2018 the Cabinet declared a climate emergency. Meridian Water must seek to use zero-carbon construction, renewable and sustainable resources, generate more energy than it uses, foster active travel and support low-carbon.

44. As previously stated the MEP services engineer will be the sustainability lead for the project. The ITT tested the ability of the bidders to support the aims of the Meridian Water Environmental Sustainability Strategy through the Meridian Four design development. The bidders were asked:

“Having considered the ESS guidance for buildings ‘launched’ between 202 and 2024 and the draft planning conditions pertaining to energy performance for the Phase 2 Outline Planning Application. a) Set out the key ways that your organisation can meet the sitewide ESS using the following headings:

- Carbon positive
- Environment positive
- Zero Waste and Circular Economy
- Overheating and Cooling”

45. Bidder A's team are able to provide market leading sustainability expertise. Not only will the project benefit from this but there will also be additional benefits to the Council through the opportunities for shared learning.

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

46. The appointment of an experienced and capable MEP consultancy will reduce the risk to the Council of non-delivery, cost exposure, reputation in the market and poor agreements with partners. Not appointing the MEP consultancy will increase these risks.

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

47. The key risk in appointing MEP Services is that the Consultant does not deliver the services required by the contract to a suitable standard; within the project timelines and on budget.

48. Working with the Finance Team, the Meridian Water Senior Development Manager will monitor the MEP Services contract closely.

49. The services will be reviewed on a monthly basis including fees spent and work delivered against programme. At the end of each RIBA work stage the MEP will be required to provide a RIBA Stage Report which in

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accordance with the contract will be reviewed and approved by the Council before instruction to proceed with the next work stage is given.

Financial Implications

50. In September 2020 (report KD5174), Cabinet approved direct delivery of Meridian Four. The report approved the procurement of the Design Team to develop the RIBA 0-3 design. The appointment of Bidder A falls within the scope of the Cabinet approved decision.
51. The financial implications are considered in detail in the confidential appendix. It is considered that the appointment represents value for money for the Council for the services tendered and the financial standing of the company has been verified to protect the Council from potential risk.

Legal Implications

MD 6th July 2020

52. 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. The Council therefore has sufficient powers to enter into the contract as proposed in this report.
53. The Council must comply with all requirements of its Constitution (including its Contract Procedure Rules) and the Public Contracts Regulations 2015 in respect of the procurement and award of contract for project management services. The Procurement Procedure Rules and Public Contracts Regulations 2015 permit the Council to call-off from an existing framework if the framework terms permit. The Notting Hill Genesis Framework permits local authorities to call-off from it and sets out the procedures for calling-off contracts. The resulting call-off contract is based on the framework terms and the Council has followed the rules of the Framework.
54. Full details of the contract terms are set out in the Confidential Appendix. The Council's Contract Procedure Rules require that, for contracts valued above £1,000,000, sufficient security must be obtained. Collateral Warranties will be provided by the contractor and key subcontractors. The levels of insurance to be maintained by the contractor are also set out in the Confidential Appendix. The contract requires the Council's approval to proceed to each phase of services and further budget will need to be allocated before any instruction to proceed beyond RIBA Stage 3.
55. All legal agreements arising from the matters described in this report must be approved in advance of contract commencement by Legal Services on behalf of the Director of Law and Governance. Given the anticipated

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contract value, the contract must be sealed and retained by Legal Services for safekeeping.

56. The anticipated contract value exceeds £500,000. Therefore, this is a Key Decision, and the Council must comply with its Key Decision procedure.

Workforce Implications

57. Meridian Four is a complex scheme which requires a number of architectural services including Lead Architects, Plot Architect, Landscape Architects, Principle Designer and BIM coordinator. Currently the Meridian Water team does not have the number of staff required nor the specialist skills set to deliver the design work for Meridian Four.
58. To bring a team in of the requisite level of experience to successfully deliver Meridian Four would be neither cost effective or feasible.
59. The appointment of Bidder A will bring benefits to the local community. For each year of the appointment as required under the contract, the bidder will be offering work experience placements of a minimum duration of 6 weeks paid in accordance with the London Living Wage.

Property

60. The property implications are contained throughout the body of this report.

Other Implications

Procurement Implications

62. The tender was a call-off from the Notting Hill Genesis Consultants Framework Agreement CF2 Lot 4 – Mechanical & Electrical Engineer. Due diligence was carried out by Procurement Services on the Council's ability to use the framework. Other frameworks were also considered but the Notting Hill Genesis Framework was chosen due to the range and quality of suppliers.
63. The tender process commenced with an Expression of Interest where 9 out of the 12 framework suppliers expressed an interest and were invited to tender. Six tenders were returned and were evaluated by members of the Meridian Water Team, moderation meetings were held on 30 and 31 March 2021 where the scores and final comments were agreed. Procurement Services were involved in the procurement and the process was carried out fairly and transparently.
64. All contracts over £100,000 must have a nominated contract manager in the London Tenders Portal. Contracts over £500,000 must show evidence of contract management of KPI's to ensure VFM throughout the lifetime of the contract

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65. As the contract is over £1M the supplier must be required to provide sufficient security in accordance with Clause 7 (Financial Security) of Councils Contract Procedure Rules.
66. The award of the contract, including evidence of authority to procure and the uploading of executed contracts must be undertaken on the London Tenders Portal including future management of the contract. The award will be promoted to the Councils Contract Register.
67. The awarded contract must be published on Contracts Finder to comply with the Government's transparency requirements.

Options Considered

61. It is considered that the option to appoint an internal MEP team to deliver energy, services and sustainability strategy services for Meridian Four is not cost effective or feasible to the Council.

Conclusions

62. It is considered that appointment of Bidder A has been robustly assessed with due regard to their technical competency and with due regard to ensuring that the Council obtains best value from their services.
63. It is considered that their appointment enables the successful and timely delivery of the Meridian Four project and should be authorised.

Report Author: Emma Beardmore
Senior Development Manager
emma.beardmore@enfield.gov.uk
07814075069

Date of report 01 July 2021

Appendices

- Appendix 1 – Confidential Appendix

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London Borough of Enfield

Operational Report

Subject: Meridian Four - The Approval to Award Structural and Civil Engineers Services for Meridian 4

Executive Director: Sarah Cary

Ward: Upper Edmonton

Key Decision: 5263

Purpose of Report

1. Meridian Four - Approval to Award Structural and Civil Engineers Services for Meridian 4.

Proposal(s)

2. Approve the appointment of Bidder A to provide Structural and Civil Engineers services for the delivery of Meridian Four through the Notting Hill Genesis Framework agreement CF2 Lot 3 – Structures and Civils.
3. Authorise expenditure for the scope of services and contingency costs set out within the body of this report.
4. Note budget and funding sources for the expenditure (see Confidential Appendix).

Reason for Proposal(s)

5. On 16th September 2020, Cabinet approved KD5174 the preferred option for proceeding with Meridian Four as direct delivery. This preferred option requires the Council to procure consultancy and development management support. The same Cabinet paper authorised the procurement of the professional team and delegated authority to the Programme Director – Meridian Water, acting in accordance with all relevant procedures and protocols, to authorise and enter into individual contract appointments. This decision to procure structural and civil engineer services is one of several procurement decisions which will be supporting the phase until at least 2026.
6. Meridian Four is the fourth development opportunity within the 85-hectare Meridian Water site, located in the northern half of the Phase 2 Outline Planning Permission (OPP) area.

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7. In 2021, the Council launched the design for the Reserved Matters application and will proceed with directly delivering Meridian Four as a mixed-use scheme comprising new Build to Rent, Affordable and a small proportion of market homes along with commercial and community space
8. The Council will lead the design and project management and will be required to appoint a high-quality professional team to reduce related design and construction risk and provide confidence to the incoming investor who are forward funding the scheme. Authorising the expenditure of the budget at this stage and delegating the appointments of the professional team enables the Council to commence the preparation of the Reserved Matters Planning Application for Meridian Four

Relevance to the Council's Plan

9. Meridian Water is a key component in contributing to the vision, aims and priorities of the Council's Corporate Plan
10. **Good Homes in well-connected neighbourhoods:** Meridian Water will contribute to the Council continuing its pioneering approach to regeneration to create thriving, affordable neighbourhoods and places, and increasing the supply of affordable, quality housing options for ownership, social rent and private rent. Meridian Four will deliver up 806 new homes
11. **Safe, healthy and confident communities:** Meridian Four will contribute towards the overall strategy for Meridian Water which aims to deliver on the Council's aims to improve public health and people's well-being. Along with new homes Meridian Four will deliver community and social infrastructure; new amenity spaces and open up access to the canal side.
12. **An economy that works for everyone:** Meridian Four will deliver new ground floor commercial premises, workspace. Through the appointment of the Meridian Water Design Team a number of Social Value outcomes will also be achieved, including educational programme and training opportunities.

Background

13. Meridian Four comprises the following development plots, as below, with indicative numbers of residential units per plot based on the illustrative OPP scheme:
 - Z04-01: 177 units
 - Z04-05: 119 units
 - Z05-04: 207 units
 - Z05-06: 181 units
 - Z05-07: 146 units
 - Total: 830 units

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Figure 1: Plan of Meridian Four Development Plots



Scope of Services

14. The Structural and Civils (S&C) Engineering Team will represent the Employer to fulfil the Employer's obligations throughout all the stages of the project from inception to handover across the RIBA Plan of Work 2020.

Procurement Process

15. Given the estimated value of the scope of services exceeded the OJEU threshold it was determined to go out to tender for S&C Services. On the 11 of February 2021, the Programme Director - Meridian Water approved the procurement of the Structural and Civil Engineers services for the delivery of Meridian Four through the Notting Hill Genesis Framework. This framework was selected due to the track record and experience of practices on the framework and involved a single stage tender process.
16. The procurement process was run as a single-stage procurement process:
 - 1.) Expression of Interest (determine interest)
 - 2.) Invitation to Further Competition (select successful supplier)

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17. In total ten suppliers on the framework expressed an interest in the opportunity to tender for the S&C services out of a total of sixteen on the framework. All suppliers that expressed an interest were invited to a mid-tender interview.
18. Mid tender review meetings were held on the 1st to 9th March 2021, at which interested parties were given an overview of the Meridian Water regeneration programme and the Meridian Four project.
19. Eight of the ten suppliers completed the ITT following the mid-tender interviews. One of the suppliers declined to tender after the mid-tender interview, due to the inability to meet the timescales required. Eight suppliers provided valid ITT submissions.
20. The tenders submitted in response to the Council's ITT were evaluated against price (30%) and quality (70%) criteria to establish the most economically advantageous tender. Five Council officers evaluated including officers specialising in social value and sustainability and scored the ITT responses in accordance with the evaluation criteria and the scores were moderated by the Council's Procurement Team.
21. The outcomes of each evaluation stages are explained in Confidential Appendix.

Main Considerations for the Council

Delivering Meridian Four as Master Developer

22. In September 2020 (report KD5174), Cabinet approved direct delivery of Meridian Four. As Master Developer the Council will lead the design and the delivery of the scheme. The Meridian Water Delivery Director has oversight of the delivery of the project with day-to-day management being led by the Senior Development Manager supported by other members of the Meridian Water project team (viability; social value; sustainability; design). As the project runs a "lean client" team it is necessary to procure a full Design Team, including Structural and Civil Engineers services in order to ensure the timely delivery of the project and secure the delivery of first units in 2026.
23. The appointed S&C engineer will support the Project Manager in developing and monitoring the project risk register. Due to the nature of the site understanding the sites civil and structural engineering risks is of key importance. Bidder A has demonstrated that they have a track record in understanding the potential issues of schemes with a similar level of complexity and working to mitigate potential risks across the RIBA work stages.
24. Within their submission Bidder A has demonstrated that they have an experienced team with the relevant experience of large, scale complex schemes to successfully coordinate engineering work on a project of this scale and complexity through all of the RIBA work stages. They have

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demonstrated a track record in working with architecture teams, designing in BIM to coordinate building design and engineering requirements.

25. As engineers they have demonstrated that they have designed buildings that take account of matters such as spatial efficiency, cost efficiency, safety and durability including experience in developing operational and whole life costs. They have shown that they have a track record in structural design to enable to the delivery of development using Modern Methods of Construction.
26. Whilst the S&C engineers are not project lead for the delivery of the ESS objectives for Meridian Four they will have a significant role in delivering design which is carbon and environment positive. Bidder A have developed significant understanding of this field and will bring this knowledge to the delivery of the Meridian Four project.
27. Bidder A has been subject to a rigorous evaluation process considering their ability to deliver Meridian Four taking into account the different technical considerations as set out above and it is the view of the panel of moderators and the Delivery Director that Bidder A should be appointed to provide Structural and Civil Engineers services.

Benefits to all Meridian Water and LBE Projects

28. There is great importance in putting together a highly skilled design team to deliver the Meridian Four project as the Council are leading the project as Master Developer. The appointment of the S&C Engineer is a key role within the team and key to successful delivery. In the selection of Bidder A it is considered that the correct team has been selected to develop the Council's experience and understanding of complex engineering and the opportunities of utilising Modern Methods of Construction.
29. The intention will be to share the learnings of Meridian Four on future phases of the Meridian Water development project. The greater understanding of best practice; procurement; innovation and how the industry is responding to changing legislation can be shared by updates in the Phase Delivery Board on Meridian Water and the Sustainable Buildings Board of LBE.

Benefits to Council Residents

30. Bringing on board Bidder A as skilled S&C Engineers will be of direct benefit to the delivery of Meridian Four. They will bring skills and understanding acquire from other projects delivered in both the commercial and the private sector enabling the project to be delivered on time and on budget.
31. A key driver for the project is the delivery of new homes within the borough. Appointing an external design team, in particular Structural and Civil Engineers services will enable this delivery. It would not have been

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feasible to deliver a scheme of this scale through a team of Council staff due to the range of technical skills required.

Contract

32. See Confidential Appendix.

Costing and Funding

33. Each of the bidders as part of the Tender Evaluation was asked to provide fee percentages for each discipline for each of the RIBA work stages. The total fee percentage for the RIBA stages has been multiplied by the estimated construction value to obtain a figure for tender evaluation purposes stages. This was further refined by the information being provided on a block basis for the following blocks:

- Plot Z05-04 – Build to Rent
- Plot Z05-07 – Build to Rent
- Plot Z04-01 – Build to Rent
- Plot Z04-10 – Pavilion
- Plot Z05-06 – Affordable
- Plot Z04-05 – Affordable
- Plot Z05-08 – Pub

34. Bidder A's proposal conclusion. – reference to Confidential Part 2.

Safeguarding Implications

35. The recommendations in this report do not have any safeguarding implications.

Public Health Implications

36. Climate change has been described as the greatest threat to public health in the 21st Century. With that in mind, Meridian Water is committed to zero-carbon construction, renewable and sustainable resources and to generate more energy than it uses. This is in line with Enfield Council's pledge to become a carbon neutral local authority by 2030.
37. The appointment of a Structural and Civil Engineers service will enable the Council's pledge by bring understanding and best practice to the delivery of zero carbon construction. The appointment of the S&C engineer therefore has positive public health implications.

Equalities Impact of the Proposal

38. The Council has a duty to promote equality, diversity and inclusion, and it recognises the issue of diversity specifically within the construction sector.

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The bidders' approach to Equality, Diversity and Inclusion has been assessed as part of the tender process. Within their submission's bidders were asked the following questions:

- a. Please set out how you will support (i.e. collaboration, incubation of smaller/new practices, sub-contracting as part of the project team, not only for the purposes of community consultation); and create new opportunities for under-represented and marginalised groups as part of the Meridian Four project.
 - b. Please set out how you will Source; Motivate; Train; and Retain staff to improve equality, diversity and inclusion in your organisation throughout the duration of this contract.
39. The tenders submitted in response to the Council's ITT were evaluated against price (30%) and quality (70%). 5% of the quality score is attributed to Equality, Diversity and Inclusion.
40. Bidders were asked also to complete Equality and Diversity monitoring forms to be submitted as part of their tender response, albeit the information included within the forms did not form part of the assessment.
41. An Equalities Impact Assessment (EQIA) by Ottaway Strategic Management Ltd was commissioned by the Council to consider the impacts of the Meridian Water (Strategic Infrastructure Works) Compulsory Purchase Order. The EQIA concluded that there are no direct negative equality impacts identified against any of the protected characteristics. However, there are some groups with protected characteristics who are likely to experience proportionately higher consequences of the regeneration of Meridian Water and these are:
 - a. White other staff, including Eastern European, Turkish and Greek
 - b. BAME Staff
 - c. Women in properties in third party ownership; and
 - d. Older members of the workforce potentially less able to re-engage in the labour market if their jobs are lost to the relocation programme.
42. The EQIA proposed several mitigation measures to address these indirect impacts which the Council intends to implement including the implementation of effective equalities monitoring by the Council and development and construction partners. The EQIA also acknowledges significant potential positive impacts of the regeneration of Meridian Water (including for example, new homes, social infrastructure and employment growth) and that these benefits will likely impact on all the aforesaid groups having protected characteristics.
43. An EQIA was also prepared by the Council's Strategic Planning Team to support the ELAAP submission. The planning application for Phase 2 was also subject to an EQIA. The Phase 2 application was accompanied by a socio-economic analysis as part of the Environmental Statement. No

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substantive negative impacts to persons or groups with protected characteristics were identified

Environmental and Climate Change Considerations

44. The Council has a goal to become carbon neutral by 2030. Meridian Water must use zero-carbon construction, renewable and sustainable resources, generate more energy than it uses, foster active travel and support low-carbon communities.
45. The S&C engineers will not be the sustainability lead for the project but do have a key role working within the project team to deliver a scheme design that meets the objectives set out in the Meridian Water ESS. Accordingly, within the ITT the bidders were asked having considered the ESS guidance for schemes 'launched' between 2020 and 2024, set out how you would seek to meet the sitewide ESS on Meridian Four in relation to Structural and Civil Engineering using the following headings:
 - i. Carbon Positive
 - ii. Environment Positive
 - iii. Zero Waste and Circular
46. Bidder A's submission demonstrates that they have been active in advising their clients on best practice for reduction of carbon consumption within their development projects.

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

47. The appointment of an experienced and capable S&C engineering consultancy will reduce the risk to the Council of non-delivery, cost exposure, reputation in the market and poor agreements with partners. Not appointing the S&C Engineer consultancy will increase these risks.

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

48. The key risk in appointing Structural and Civil Engineers Services is that the Consultant does not deliver the services required by the contract to a suitable standard within the project timelines and on budget.
49. Working with the Finance Team, the Meridian Water Senior Development Manager will monitor the Structural and Civil Engineers Services contract closely.
50. The services will be reviewed against the key performance indicators to be included within the contract including monitoring fees spent and work delivered against programme. At the end of each RIBA work stage the Project Manager will be required to provide a RIBA Stage Report which in accordance with the contract will be reviewed and approved by the Council before instruction to proceed with the next work stage is given.

Financial Implications

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51. In September 2020 (report KD5174), Cabinet approved direct delivery of Meridian Four. The report approved the procurement of the Design Team to develop the RIBA 0-3 design. The appointment of Bidder A falls within the scope of the Cabinet approved decision.
52. The financial implications are considered in detail in the confidential appendix. It is considered that the appointment represents value for money for the Council for the services tendered and the financial standing of the company has been verified to protect the Council from potential risk.

Legal Implications

(MD 5th July 2021)

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 this way. The Council therefore has sufficient powers to enter into the contract as proposed in this report.
54. The Council must comply with all requirements of its Constitution (including its Contract Procedure Rules) and the Public Contracts Regulations 2015 in respect of the procurement and award of contract for project management services. The Contract Procedure Rules and Public Contracts Regulations 2015 permit the Council to call-off from an existing framework if the framework terms permit. The Notting Hill Framework permits local authorities to call-off from it and sets out the procedures for calling-off contracts. The resulting call-off contract is based on the framework terms and the Council has followed the rules of the Framework.
55. Full details of the contract terms are set out in the Confidential Appendix. Given the value of the proposed contract, the appointed contractor will be required to provide security in the form of a parent company guarantee. Collateral Warranties between the Council and the contractor and key subcontractors will be provided. The levels of insurance to be maintained by the contractor are also set out in the Confidential Appendix. The contract requires the Council's approval to proceed to each phase of services and further budget will need to be allocated before any instruction to proceed beyond RIBA Stage 3.
56. All legal agreements arising from the matters described in this report must be approved in advance of contract commencement by Legal Services on behalf of the Director of Law and Governance. Given the anticipated contract value, the contract must be sealed and retained by Legal Services for safekeeping
57. The anticipated contract value exceeds £500,000. Therefore, this is a Key Decision, and the Council must comply with its Key Decision procedure. As the contract is over £1M the supplier must be required to provide

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sufficient security in accordance with Clause 7 (Financial Security) of Councils Contract Procedure Rules.

Workforce Implications

58. Meridian Four is a complex scheme which requires a number of architectural services including Lead Architects, Plot Architect, Landscape Architects, Principle Designer and BIM coordinator. Currently the Meridian Water team does not have the number of staff required nor the specialist skills set to deliver the design work for Meridian Four.
59. To bring a team in of the requisite level of experience to successfully deliver Meridian Four would be neither cost effective or feasible.
60. The appointment of Bidder A will bring benefits to the local community. As part of the contribution to delivering a schools and college engagement programme, Bidder A provided a statement committing to providing work experience within their organisation during the duration of the contract for young people residing in the Edmonton Wards.

At least one placement must be offered each year for a minimum of 6 weeks and should be paid in accordance with the London Living Wage. The minimum of one placement for a minimum of 6 weeks should be recorded on the TOMs on the Social Value Port

Property

61. The property implications are contained throughout the body of this report.

Other Implications

Procurement Implications

62. The tender was a call-off from the Notting Hill Genesis Framework agreement CF2 Lot 3 – Civils and Structures. Due diligence was carried out by Procurement Services on the Council's ability to use the framework. Other frameworks were also considered but the Notting Hill Genesis Framework was chosen due to the range and quality of suppliers.
63. The tender process commenced with an Expression of Interest where 10 out of the 16 framework suppliers expressed an interest and were invited to tender. Eight tenders were returned and were evaluated by members of the Meridian Water Team, moderation meetings were held on 1, 6 and 12 April 2021 where the scores and final comments were agreed. Procurement Services were involved in the procurement and the process was carried out fairly and transparently.
64. All contracts over £100,000 must have a nominated contract manager in the London Tenders Portal. Contracts over £500,000 must show evidence of contract management of KPI's to ensure VFM throughout the lifetime of the contract

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65. As the contract is over £1M the supplier must be required to provide sufficient security in accordance with Clause 7 (Financial Security) of Councils Contract Procedure Rules.
66. The award of the contract, including evidence of authority to procure and the uploading of executed contracts must be undertaken on the London Tenders Portal including future management of the contract. The award will be promoted to the Councils Contract Register.
67. The awarded contract must be published on Contracts Finder to comply with the Government's transparency requirements.

Options Considered

68. It is considered that the option to appoint an internal Structural and Civil Engineers team to deliver Meridian Four is not cost effective or feasible to the Council

Conclusions

69. It is considered that appointment of Bidder A has been robustly assessed with due regard to their technical competency and with due regard to ensuring that the Council obtains best value from their services.
70. It is considered that their appointment enables the successful and timely delivery of the Meridian Four project and should be authorised.

Report Author: Emma Beardmore
Senior Development Manager
emma.beardmore@enfield.gov.uk
07814075069

Date of report 2nd July 2021

Appendices

- Appendix 1 – Confidential Appendix

Background Papers

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

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London Borough of Enfield

Operational Report

Report of Joanne Drew

Subject: Hertford Road Major Works Scheme Part 1

Executive Director: Sarah Cary

Ward Southbury, Enfield Highway and Turkey Street

Key Decision: 5313

Purpose of Report

1. To obtain approval to award the Contract for the Hertford Road external enveloping scheme following a compliant tender process via the South East Consortium framework.

Proposal(s)

2. That approval be given to award the Contract for the Hertford Road major works scheme to Wates Property Services Ltd.

Reason for Proposal(s)

3. The Better Council Homes programme includes targeted investment in Council housing. The agreed programme at Hertford Road includes planned external refurbishment works to address decency failures, weather tightness and the replacement of external elements that have reached the end of their functional life.
4. The procurement plan for 21/22 capital programme was approved at the Procurement and Commissioning Board on Feb 2020, noting that all such procurement activity would be carried out in accordance with the Council's procurement rules to ensure the programme delivers value for money and achieves the quality standards expected.
5. A compliant competitive tender exercise has been undertaken utilising the Southeast Consortium Procurement Framework. The tender was evaluated based on a cost quality split of 44% cost and 55% quality, in accordance with framework parameters, with the first placed overall bidder therefore considered to have provided the most economically advantageous tender.

Relevance to the Council's Corporate Plan

6. Good homes in well-connected neighbourhood: The programme will improve the quality and safety of existing homes creating thriving neighbourhoods and places.
7. Sustain strong and healthy communities: Developing and sustaining good quality and safety compliant housing in areas where people desire to live will help to create and maintain strong sustainable communities.
8. Build our local economy to create a thriving place: Support residents to take more responsibility to increase the local economy and improve their communities by more active engagement in project delivery.

Background

9. The Asset Management strategy has identified the need for a substantial programme of external envelope works across the estate to address decency failings, safety improvements and replace elements of the fabric which have reached the end of their functional life.
10. The project includes works to leasehold properties. Consultation is already underway and to date leaseholders have been issued with a Notice of Intent (NOI). A Notice of Estimate (NOE) will be issued prior to contract award.
11. The contract has been procured via a mini tender via the EU compliant Southeast Consortium (SEC) Framework under their framework rules.
12. Tenders were issued via the SEC framework in February 2021 and bidders were instructed to submit fixed price tenders to comply with the Price Framework specification and drawings.
13. There are 212 properties within this scheme of which 73 are leasehold properties.
14. The scope of works will include the following: roof renewal or repair only where required; soffits and rainwater goods; renewal of flat and communal windows and doors where required; flat entrance door renewal; asbestos surveys and removal where required; repair and resurfacing of individual balconies only where required, hallways and walkways; balcony balustrade repairs only where required; repairs and redecoration to internal and external communal areas; cavity insulation works where required; external fabric repairs where required; communal lighting renewal; installation of door entry system where required; upgrade of integrated reception system; renew or repair fencing where required; paving and hard standing repairs or replacement where required and pram shed refurbishment where required.
15. The blocks within the scheme are detailed below:

Address	No. of storeys	No. of properties
1-19 Westcroft Close	2	19

1-30 Larksfield Grove	3	30
31-51 Larksfield Grove	3	21
52-63 Larksfield Grove	3	12
34-74 St Martins Estate	3	21
53-93 St Martins Estate	3	21
19-65 Carterhatch Lane	3	24
67-89 Carterhatch Lane	3	12
400-422 Hertford Road	3	12
289a-319b Hertford Road	3	40

Main Considerations for the Council

16. The Council has statutory and regulatory duties under a number of primary and secondary instruments including the Social Housing Regulators Homes Standard to maintain its stock in a safe, decent condition, free from defects. As such the Council has a legal duty to undertake these works.

Safeguarding Implications

17. The works will require Contractors to enter resident's homes and therefore the Contract Documents require Disclosure & Barring Services (DBS) and adherence with the Council's Safeguarding Policy.
18. In addition to the above the Contractor is required to provide a dedicated Resident Liaison Officer (RLO) whose role is to ensure that residents needs are reflected in both the works delivered and the processes adopted by the Contractors. Evaluation of the Contractors offers in this area are a major component of the qualitative evaluation.

Public Health Implications

19. The works will improve the living conditions of those residents that receive works. They will contribute towards reducing heating bills, sustaining tenancies, reducing fuel poverty and improving the environment for the residents of the block.
20. Any measure which alleviates relative or absolute poverty within the borough, including fuel poverty, will in turn reduce the chance of developing poor health and chronic conditions.
21. Residents of adequately heated properties are far less likely to develop respiratory and associated conditions or suffer from acute exacerbations of those. In turn helping to reduce the number of preventable referrals to both hospital and residential social care.
22. The Contractor will be completing works in-line with the governments Covid Secure and Construction Leadership Councils guidance.

Equalities Impact of the Proposal

23. 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, however it should be noted that any contracts awarded should include a duty on the successful applicant to assist us with meeting our obligations under the Equalities Act 2010.

Environmental and Climate Change Considerations

24. The works will provide improved environmental performance from the resident's homes by providing modern facilities. Current installations are required to meet bespoke requirements and current regulations, and this will typically result in improvements in environmental performance of the home.
25. Where relevant, works will be in accordance with current 'Approved Document L – Conservation of Fuel and Power' requirements and will enhance the thermal comforts of flats, reduce draughts and carbon emissions from domestic buildings which are currently around 38% of the borough in total.

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

26. The table below details the risk if the proposed decision to award this contract is not approved:

Risk	Likelihood	Impact
The Council will fail to meet Decent Homes Standard	High	Medium
Increased levels of resident dissatisfaction with the condition of their homes	High	Medium
Deterioration of property that may lead to increased future costs	High	Medium

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

27. The table below highlights risks identified and mitigating actions taken:

Risk	Mitigating action	Residual risk High / Medium or Low
Necessary procurement skills for the project	The works have been procured through the SEC Framework and therefore the procurement has been conducted in full compliance with Public Contract Regulations 2015	Low
Compliance with Public Contracts	Contract procured via established framework with support from the	Low

Regulations 2015	framework providers who ensure compliance with the framework rules and Public Contract Regulations 2015	
Contractor claims for additional monies	Robust Quantity Surveying support/resource within the Council to ensure contract provisions applied	Low
Contractual issues	The Councils requirements are built into the bespoke contract and tender documentation	Med
Supplier performance	Clearly defined key performance indicators (KPI's) have been incorporated into the contract. Structured and regular meetings to be held with the Councils Project Manager to monitor programme and performance.	Low
Coronavirus	Service continuity maintained. Please refer to Appendix 1.	Low
Shortage of materials	Review contract clauses that deal with significant cost increases, agree a collaborative approach with the contractor to manage the risk, monitor closely, look at alternative suppliers	Med
Shortages of labour	Communicate with contractor early to ascertain the extent of this problem, request a statement from the contractor on what if any impact the labour issues highlighted are impacting on their ability to deliver the contract	Med

Financial Implications

28. An investment budget was approved as part of the rent setting report in February 2021 and the costs of these works are included, in the HRA 30yr business plan.

Legal Implications

[Provided by Zainab Salim]

29. The Council has the power to alter, repair or improve its housing stock in accordance with section 9 of the Housing Act 1985. The Council further has power under s111 of the Local Government Act 1972 to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its

functions. It is empowered to enter into contracts for the discharge of its legal powers (section 1 Local Government (Contracts) Act 1997) and has a general power of competence under s1 (1) of the Localism Act 2011 to do anything that individuals generally may do, provided it is not prohibited by legislation and subject to public law principles.

30. The Council must be mindful of the Fire Safety Act 2021 (FSA 2021) which received Royal Assent on 29 April 2021 and seeks to amend the Fire Safety Order 2005. The FSA 2021 provides that all responsible persons (i.e. the relevant duty-holder) for multi-occupied, residual buildings must manage and reduce the risk of fire for: (i) the structure and external walls of the building, including cladding, balconies and windows; and (ii) entrance doors to individual flats that open into common parts. The Council must further continue to closely monitor the Building Safety Bill to ensure that when enacted and if any of the buildings covered by this contract will fall within the definition of High Risk Residential Building (in the draft bill currently over 18 metres or six storeys), any legal requirements on the Council are implemented.
31. The Council must comply with its Contract Procedure Rules (CPRs) and the Public Contracts Regulations 2015 (PCR 2015), and its obligations with regard to obtaining best value under the Local Government Act 1999. Both the PCR 2015 and the CPRs permit the use of framework agreements. It is noted from the procurement implications in this report that the P&C Hub has carried out due diligence on the use of the Framework Agreement by the Council. The Council must ensure that the terms of the call off contract are consistent with the terms of the Framework Agreement.
32. The Key Decision process under the Constitution must be followed as the contract value is above the Key Decision threshold of £500,000. The contract must be in a form approved by Legal Services for and on behalf of the Director of Law and Governance and it must be executed under seal.
33. The CPRs provide that contractors must be required to provide sufficient security in one of the forms outlined in CRP 7.3 for all contracts with a value above £1,000,000. If this requirement is to be waived, the Executive Director of Resources must approve such a decision, with reasons and risk mitigation measures set out in the relevant authority report, prior to the contract award. Further, CPR 6 (Insurance) states that contracts with direct advice and/or design services provided by the supplier (including all consultancy and construction arrangements) must have a requirement for professional indemnity insurance. The Service Department must undertake a risk assessment to ensure that the levels of insurance are adequate seeking advice from the Council's Insurance team.

Workforce Implications

34. The above report has no direct implications on the current workforce at this time as these are works not completed by our employees.
35. Should there be future actions which result in this work being insourced consideration will need to be given to the Council's statutory obligations with regard to the TUPE regulations.

Property Implications

36. HRA Property Implications: these are found throughout this report.
Corporate Property Implications: none.

Other Implications - Procurement

37. A review of known suitable framework agreements was undertaken by the Service to identify available agreements to the Council, critiquing each option to narrow down those that can be considered, considering delivery timescales.
38. Due diligence and approval of the South East Consortium (SEC), the preferred agreement, was undertaken by the Procurement & Commissioning Hub prior to any procurement.
39. As the value of the works are over £1m, approval of the procurement route was required. A business case was presented to the Procurement & Commissioning Review Board on 16.11.2020 that reviewed the procurement route and approved.
40. The Call-Off from the Framework must be carried out in line with the relevant framework process. As the service is using the SEC Tendering Portal all procurement documentation associated with this procurement must be uploaded onto the Councils E-Tendering Portal following successful authority to award being obtained.
41. As the contract is over £1m the service must ensure that the supplier has sufficient security. Evidence of the form of security is required, or why no security was required, must be stored and retained on the London Tenders Portal for audit purposes.
42. The award of the contract, including evidence of authority to award, promoting to the Councils Contract Register, and uploading of executed contracts must be undertaken on the London Tenders Portal including future management of the contract.
43. The awarded contract must be promoted to Contracts Finder to comply with the Government's transparency requirements.

Options Considered

44. The anticipated contract values were expected to exceed the EU procurement threshold for works contracts currently at £4,733,252. The procurement options available for consideration are:
- I. Use of a suitable OJEU Compliant Framework via direct award or mini competition.
 - II. Tendering through OJEU either using the open or restricted process.
45. Frameworks offer the most expedient route to market available, whilst remaining compliant with the Public Contract Regulations 2015. Suppliers on frameworks are assessed for suitability prior to joining the framework with pre-agreed terms

and conditions. Standard documentation is available but can be amended to include specific requirements by the client.

46. Tendering through OJEU allows clients to create bespoke documentation designed to fit its requirements, This approach gives tender opportunity to a wider group of bidders but requires a long time from document preparation and procurement to tender receipt.

Conclusions

47. Taking into account all of the above the procurement process for the Hertford Road major works scheme has been conducted in accordance with the Council's Standing Orders and therefore recommend award to Wates Property Services.

Report Author: Sarah Stevenson-Jones
Resident Safety Director
Sarah.Stevenson-Jones@enfield.gov.uk
0208 132 1848

Date of report: 1 July 2021

Appendices

Appendix 1 – Part 2 Confidential Report

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