



PUBLICATION OF DECISION LIST NUMBER 69/15-16

MUNICIPAL YEAR 2015/2016

Date Published: Friday 8th April 2016

This document lists the Decisions that have been taken by the Council, which require publication in accordance with the Local Government Act 2000. The list covers key, non-key, Council and urgent decisions. The list specifies those decisions, which are eligible for call-in and the date by which they must be called-in.

A valid request for call-in is one which is submitted (on the form provided) to the Scrutiny Team in writing within 5 working days of the date of publication of the decision by at least 7 Members of the Council.

Additional copies of the call-in request form are available from the Scrutiny Team.

If you have any queries or wish to obtain further report information or information on a decision please refer to:

– James Kinsella (ext.4041)

Phone 020 8379 then extension number indicated

INDEX OF PUBLISHED DECISIONS – 8th April 2016

List Ref	Decision Made by	Date Decision to come into effect	Part 1 or 2	Subject/Title of Report	Category of Decision	Affected Wards	Eligible for Call-In & Date Decision must be called in by (If Applicable)	Page No.
1/69/15-16	Chief Education Officer (Jenny Tosh) and the Director of Finance, Resources and Customer Services (James Rolfe)	Monday 18 th April 2016	Part 1	Upper Secondary Autism Provision (USAP) – former Minchenden School site – Procurement Strategy and resourcing of Professional Services	Key Decision KD4009	All	Yes - Friday 15 th April 2016	1 - 2
2/69/15-16	Cabinet Member for Economic Regeneration and Business Development (Cllr Sitkin)	Monday 18 th April 2016	Part 1 & 2 (Para 3)	Direct Appointment Award – Provision of Site Acquisition and Development Support for Meridian Water	Key Decision KD4109	Upper Edmonton	Yes – Friday 15 th April 2016	3 - 4

DECISIONS

For additional copies or further details please contact James Kinsella (020 8379 4041), Governance Team.

LIST REFERENCE: 1/69/15-16

SUBJECT TITLE OF THE REPORT							
UPPER SECONDARY AUTISM PROVISION (USAP) – FORMER MINCHENDEN SCHOOL SITE – PROCUREMENT STRATEGY AND RESOURCING OF PROFESSIONAL SERVICES							
Part 1 or 2 (relevant exempt Paragraph)	Wards affected by decision	Decision taken by	Date Decision comes in to effect	Interest declared in respect of the Decision	Category of decision (i.e. Key, Non-Key, Council, Urgent)	Contact Details	Eligible for Call-in & Date to be called in by
Part 1	All	Chief Education Officer (Jenny Tosh) and the Director of Finance, Resources and Customer Services (James Rolfe)	Monday 18 th April 2016	None	Key Decision 4009	Gary Barnes 020 8379 3600	Yes 15 th April 2016
DECISION							
<p>AGREED: subject to no call-in being received, the following decisions will come into effect on Monday 18th April 2016:</p> <p>That the Chief Education Officer and the Director of Finance, Resources and Customer Services agree and approve:</p> <ol style="list-style-type: none"> 1. The proposed Procurement Strategy for Works as set out in this report <ol style="list-style-type: none"> 1.1 Works phased with an Enabling contract and, due to the estimated value, the Main contract will be OJEU Restricted Procedure (JCT Standard Building Contract (SBC) with Quantities) 1.2 To note the Design & Procurement Programme Rev2 (see Appendix 1 of the report) 2. The proposed resourcing of Professional Services, as follows: <ol style="list-style-type: none"> 2.1 Utilising Matrix Direct to secure Professional Services, with Corporate Maintenance and Construction Team (CMCT) managing the resources on a day-to-day basis and be responsible for Schools and Community Services (SCS) for progress reporting and delivery of outputs for the following: <ol style="list-style-type: none"> 2.1.1 BHP Architects – Architect/Principal Designer/Structural & Civils Engineering 2.1.2 KUT Partnership – Mechanical & Electrical Services 2.1.3 Stace LLP – Quantity Surveying (new Matrix Direct placement) 2.2 GVA to provide Planning Consultancy expertise under the co-sourcing agreement 2.3 Other Specialist Consultants and Surveys to be procured as necessary 2.4 Note that all payments will be made in arrears and this decision does not commit the Council to technical support beyond the approval in the January 2016 Cabinet report (KD4209) 							

ALTERNATIVE OPTIONS CONSIDERED:

1. The professional services required cannot be provided in-house as there are no longer the skills or capacity within the Council staff teams.
2. The professional services required could be procured via frameworks or through competitive tendering, using either a pre-vetted list of consultants, but neither of these options enable direct call off. Conducting either mini-competition through a framework or a tender exercise would add time and potential delay the early engagement required with the construction works framework.
3. The works could be procured via frameworks available to the Council: these were last reviewed in November 2015 and none are considered to provide an advantage over the recommended procurement strategy. The engrossment of the Access Agreements for the EFA Regional Framework and LCP Major Works Framework have not been executed. Once engrossed these frameworks will provide more choice for the construction works elements of project delivery but neither are considered to provide an advantage over the recommended procurement strategy.

REASONS FOR RECOMMENDATIONS:

1. Professional Services:
 - 1.1 Matrix Direct provides an immediate flexible resource to deliver the Professional Services required. The hourly rates have been benchmarked and the target hours have been agreed based on benchmarked consultants' fee rates. Both BHP Architects and KUT Partnership are existing placements and provided Professional Services for the Feasibility Study, which will provide continuity. Stace LLP will be a new Matrix Direct placement and have been selected for Quantity Surveying services based on performance on other LBE schemes.
 - 1.2 Planning specialist advice will be sought via the GVA co-sourcing agreement with Property Services.
 - 1.3 Other specialist consultants and surveys will be procured as necessary in compliance with contract procedure rules.
2. Works:
 - 2.1 The key drivers for the procurement strategy are time and cost, specifically, the requirement for the school to open in September 2018 and for scheme costs to be reviewed to ensure best value. In response to this, the proposal is for the works to be phased with an enabling contract for strip out followed by a much larger main contract for remodelling. The enabling contract will allow the earliest possible start on site, address acute condition issues and should mitigate some of the inherent risks of working in an existing building. This will allow time for the main contract to be de-risked and specified in detail to comply with planning requirements for a listed building. The proposal is to tender measuring Bills of Quantities, which should remove contractor risk and yield significant savings compared to priced tenders received using a two stage framework process as well as providing the Council with most control over the works and the best price from the market.
 - 2.2 The proposed procurement strategy is also set out on the current Design & Procurement Programme Rev2 (see Appendix 1 of the report). The enabling contract will be specification and drawings (JCT ICD Contract 2011) and, due to the estimated value, the main contract will be OJEU Restricted Procedure (JCT SBC Contract with Quantities).

BACKGROUND:

Please note that a copy of the Part 1 report is available via the decision list link on the Council's democracy pages.

LIST REFERENCE: 2/69/15-16

SUBJECT TITLE OF THE REPORT							
DIRECT APPOINTMENT AWARD – PROVISION OF SITE ACQUISITION AND DEVELOPMENT SUPPORT FOR MERIDIAN WATER							
Part 1 or 2 (relevant exempt Paragraph)	Wards affected by decision	Decision taken by	Date Decision comes in to effect	Interest declared in respect of the Decision	Category of decision (i.e. Key, Non- Key, Council, Urgent)	Contact Details	Eligible for Call-in & Date to be called in by
Part 1 & 2 (Para 3)	Upper Edmonton	Cabinet Member for Economic Regeneration and Business Development (Cllr Sitkin)	Monday 18 th April 2016	None	Key Decision 4109	Patricia Salami 020 8379 2897	Yes 15 th April 2016
DECISION							
<p>AGREED: subject to no call-in being received, the following decisions will come into effect on Monday 18th April 2016: That the Cabinet Member for Economic Regeneration and Business Development approves:</p> <ol style="list-style-type: none"> 1. The appointment of Jones Lang LaSalle (“JLL”) and authorises the appointment and associated fees identified within the framework. 2. Delegates the finalisation of the call-off contract (and all ancillary documentation) to the authorised Legal Officer. 3. The recommendations in the part 2 report containing exempt information. 							
ALTERNATIVE OPTIONS CONSIDERED:							
<ol style="list-style-type: none"> 1. <u>Do Nothing:</u> This option was discounted. The Council has a clear mandate to deliver development across Meridian Water. The Council will require the services of experienced property consultants to ensure the Council benefits. 2. <u>In-House:</u> The Neighbourhood Regeneration team have been working in close collaboration with property services. Whilst cross departmental procurement was not considered appropriate on this occasion, the Neighbourhood regeneration team has collaborated with a number of departments in deciding this procurement approach. 3. <u>Another Procurement:</u> JLL has been working closely with the Council for the last few years in a highly successful partnership. JLL has significant understanding of the Meridian Water project and the Council’s objectives and have built effective working relationships with key stakeholders. The Neighbourhood Regeneration team considered undertaking another procurement process, however, the team had recently undertaken the procurement process mentioned in 3.7.5 of the report, which started in March 2015 and completed in October 2015. <p>There would be a significant delay incurred through a new procurement exercise which would render the Council unable to meet its objectives regarding Meridian Water to the required timescales. Therefore this is not an acceptable course of action. The potential impact of another procurement process could be the loss of knowledge and the outcome mentioned in 4.4 of the report.</p>							

REASONS FOR RECOMMENDATIONS:

1. The recommendation to appoint JLL to provide advice and guidance in relation to land acquisition, securing viable planning consent for Phase 1 and development consultancy advice as and when required is to ensure that the Council remain on track to provide accelerated development of Meridian Water.
2. To provide information on the outcome of previous Council decisions.
3. A direct appointment is requested for the following reasons:
 - 3.1 JLL have extensive knowledge of the sites, LBE and the previous owners of some of the acquisitions being purchased;
 - 3.2 Due to the extensive work which has currently been undertaken by JLL;
 - 3.3 The Framework permits Direct Awards (as long as the body awarding the contract follows the Framework rules/guidelines, including those guidelines/rules relating to fees). The Framework rates are fixed for 2 years from the start of the contract;
 - 3.4 The Framework was competitively tendered and the rates represent the Most Economically Advantageous Tender;
 - 3.5 The recent contract awarded to JLL under delegated authority (KD 4109) which commenced the procurement process in March 2015 and completed in October 2015 – JLL did work out to be the most economically advantageous with only 2 out of 10 organisations on the Framework submitting a bid. It is not quite known why the others did not bid but speculatively it has been suggested that JLL are in a more advantageous position because of the work they are doing and therefore organisations do not feel that they will meet the quality aspect of the tender because none will have the level of knowledge that JLL has subsequently gained.
 - 3.6 JLL has already negotiated a number of parcels of land which they are slowly releasing as the Heads of Terms are drawn up.

BACKGROUND:

Please note that a copy of the Part 1 report is available via the decision list link on the Council's democracy pages. As the part 2 report contains exempt information it will not be made available to the press or public.