

MUNICIPAL YEAR 2018/2019 REPORT NO.

ACTION TO BE TAKEN UNDER DELEGATED AUTHORITY

PORTFOLIO DECISION OF:

Cllr Nesil Caliskan
Leader

REPORT OF:

Sarah Cary
Executive Director
Place

Agenda – Part: 1

KD No.: 4778

Subject:

ESPO Framework 664-17 Contract Award

Wards: All

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1. EXECUTIVE SUMMARY

- 1.1 Report KD 4739 authorised the procurement approach for appointing a Consultant team to support planning, regeneration, property and housing services across the Place Department.
- 1.2 This report recommends awarding a contract for the provision of multi-disciplinary planning and design services to the Place department to 2022. The services will help establish robust designs and plans for the Local Plan as well as key regeneration sites in the borough.
- 1.3 The procurement was conducted via a mini-competition on the London Tenders Portal which was approved by the Council's procurement and Commissioning Hub.
- 1.4 The recommendation is to award the contract to Consultant A, who has scored highly on quality and price.
- 1.5 A Part 2 report sets out additional detail around the selection process and the fees associated with the work.

2. RECOMMENDATIONS

- 2.1 Agree to award the contract to Consultant A.
- 2.2 See part 2 Report

3. BACKGROUND

- 3.1 The joint procurement of planning-led expert multi-disciplinary services across the Place department has been initiated to bring together an expert team of consultants. Report KD 4739 authorised the procurement approach for appointing a consultant team.
- 3.2 The scope of the procurement reflects the Capital Strategy (2019/20) and the Four-Year Capital Programme (2019/20 – 2022/23) approved by the Cabinet (KD4824).
- 3.3 A cross-departmental procurement is efficient as well as providing consistency in design and technical advice.
- 3.4 The provision of multi-disciplinary planning and design services to provide specialist services for the establishment of technical evidence and add capacity to the current Place activities is seen as a cost-effective option that can be drawn on as required.

3.5 Procurement Process

- 3.6 The London Borough of Enfield sought to appoint a consultant via a Mini-competition exercise from the ESPO Framework Agreement for the provision of Consultancy Services – Framework reference: '664-17 Lot 8g Regeneration and Regional Development'.
- 3.7 Alternative service procurement routes explored include;
- 3.8 In-house service: The Council is in the process of building its in-house capacity and it should remain a default option that the Council undertake and manage planning work in-house as default. Where additional capacity or expertise is required, the Council's Planning Service would be able to draw down from the Framework if appropriate
- 3.9 Commission consultants on individual contracts: This would require internal management resources to procure and take several months to achieve, particularly if each element was separately tendered however would also have benefits in terms of being able to retain autonomy to select specific suppliers suited to specific pieces of work. Appointment of a multi-agency team experienced in this type of work has benefits including potential efficiency and economies of scale however the option should remain available to the Council to procure individual consultants if and as required. Co-ordination is important in projects such as this and this role will be discharged by the Council's Planning Service.
- 3.10 Competitively tender: This option was explored but unlikely to achieve a better service outcome than calling off from a third-party framework

- designed for this type of commission. This option should however remain open in the future,
- 3.11 Framework agreements considered; The Crown Commercial Service (CCS) was discounted as the frameworks available did not match the services required.
- 3.12 The HCA framework was discounted due to an incompatible procurement process with the system, however could potentially be appropriate in the future.
- 3.13 SCAPE was discounted as it is a single provider framework so there is no further opportunity for a mini-competition.
- 3.14 The ESPO Framework is a useful additional option for provision of these services, for the following reasons:
- The Framework services meet all the Council's needs for Planning and design services.
 - The Framework has been through a full EU procurement process; as such, it will have engaged with a wide market.
 - Service providers listed on the framework were assessed during the framework procurement process for their financial stability, track record, experience and technical & professional ability.
 - Using the Framework will mean that a contract will be in place sooner.
- 3.15 The successful Strategic Planning-led multidisciplinary consultant will be available to support 2018 – 2022 support planning, regeneration, property and housing services across the Place Department including Meridian Water as when required, as determined by the relevant Council services.
- 3.16 The technical brief for the tender is set out to provide flexibility and the autonomy to the Council to decide whether and what support is required. There is no obligation to draw down the service.
- 3.17 **Tender process and scoring**
- 3.18 On 21st September 2018 the Council invited tenders from all Service Providers contained within Lot 8g 'Regeneration and Regional Development' to submit a tender, except for those who have requested to be excluded from the tender.

- 3.19 Invitation was sent to nine bidders and it ran for 4 weeks, closing on the 19th October 2018. One bid was received, and this was compliant.
- 3.20 The bid was evaluated on an overall weighted ratio of 70:30 for quality and price respectively. The 70% (quality) was sub-divided into the following;

Quality	Weighting
Relevant ability	10%
Understanding of requirements	10%
Technical Skills/ Staff	10%
Management methodology for implementation and stakeholder management	30%
Approach to sustainability	10%
Sub-Contractors.	For information only, not scored
Quality: Total	70%

The overall scores for the bidder is as follows:

	Total Price Score	Total Quality Score	Summary Quality and Price Score
	30%	70%	
Bidder A	30.00%	55.50%	85.50%

- 3.21 Based on the above tender evaluation, it is recommended that Bidder A be appointed. The rates provided for are competitive and on average in line the wider framework rates for similar service.
- 3.22 See part 2.

4. ALTERNATIVE OPTIONS CONSIDERED

Do nothing

4.1 If the Council did nothing it could cause delays in the plan-making process and further deter and delay regeneration in the borough as well as the delivery of much-needed homes.

4.2 Ad hoc – Commission consultants on individual contracts

This would require significant internal management resources to procure and could potentially take several months to achieve, particularly if each element was separately tendered. The potential lack of consistency could create several issues for the Place department, however there are also benefits to this approach and the Planning Service should retain the choice to appoint consultants ad-hoc if deemed appropriate and required by them

It is prudent to appoint a multi-agency team, experienced in this type of work that can be accessed if and as required, at the discretion of the Planning Service. Co-ordination is important in projects such as this and the Planning Service is building its capacity to be manage the Local Plan and other planning projects, programmes and services.

Please refer to Part 2.

5. REASONS FOR RECOMMENDATIONS

5.1 The recommendation is to enter into a contract with Bidder A who meets the Council's needs for Planning and design services.

5.2 Please refer to part 2

6. COMMENTS FROM OTHER DEPARTMENTS

Financial Implications

6.1 See part 2 of report

Procurement Implications

6.2 The tender was a call-off from the ESPO Framework Agreement for the provision of Consultancy Services – Framework reference: '664-17 Lot 8g Regeneration and Regional Development'. Due diligence was

carried out by the Procurement and Commissioning Hub (P&C Hub) on the Council's ability to use the framework. The project was mini-tendered in accordance with the guidelines provided by ESPO who operate the framework. The tender return was evaluated by the team. The P&C Hub were involved in the procurement and the process was carried out fairly and transparently.

It is noted that one tender was returned but the tendered rates were compared with the competitively tendered framework rates for this consultant and compared favourably with them.

Legal Implications

- 6.3** The Council has the general power of competence pursuant to s.1 (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. Section 111 of the Local Government Act 1972 permits local authorities to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of their functions. The proposed use of the Framework for the provision of Consultancy Services is incidental to the discharge of the Council's functions.

The Council must comply with its Contract Procedure Rules. In doing so, the Council must obtain the minimum number of quotes necessary depending on the estimated total contract value.

The Council must also adhere to the Duty of Best Value in accordance with the Local Government Act 1999.

All agreements (including all associated documentation) arising as a result of the recommendations contained in this report must be in a form approved by the Director of Law and Governance.

- 7. KEY RISKS**
(see next page)

Risk	Impact	Mitigating actions
Delays in awarding contract	<p>Delay in delivering key aspects of Meridian Water, quality of delivery and developer negotiations.</p> <p>Delays in delivering forthcoming/future developments borough wide aligned with Local Plan preparation and delivery.</p> <p>Current Local Plan policy not reflecting changes in overall growth targets and both National and London policy changes.</p>	The tender received is compliant and presents good value for the Council. Contract should be awarded.

8. IMPACT ON COUNCIL PRIORITIES – CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD

8.1 Good homes in well-connected neighbourhoods

The appointment of a strong town planning-led multidisciplinary consultant team as described in this report would provide access to support to the Planning Service in its work to enable the development of new high-quality homes across the borough.

8.2 Sustain strong and healthy communities

There is a strong relationship between health and the environment. Town planning and design play a crucial role in managing the determinants of health including employment, transport, housing, education and environment. Appointing an expert multidisciplinary team to provide access to support to the Council’s Planning Service in the development of strategic plans and policies such as Local Plan, ELAAP and Meridian Water Masterplan SPD will help align planning and health strategies to sustain strong and healthy communities.

8.3 Build our local economy to create a thriving place

The expert consultant team will be available to provide professional and technical expertise where required to the Council's Planning Service required to support the delivery of Planning and design services in the borough to deliver improved infrastructure, provide jobs and employment opportunities, community facilities, businesses etc.

9. EQUALITIES IMPACT IMPLICATIONS

Local authorities have a responsibility to meet the Public Sector Duty of the Equality Act 2010. The Act gives people the right not to be treated less favourably because of any of the protected characteristics. It is important to consider the needs of the diverse groups with protected characteristics when designing and delivering services or budgets so people can get fairer opportunities and equal access to services.

Corporate advice has been sought regarding equalities and an agreement has been reached that an equalities impact assessment is not required at this stage to agree the procurement approach and authorise the use of the ESPO framework. However, it is recommended that a Predictive Equalities Impact Assessment be undertaken following the sign off and before implementation to ensure that the service benefits the community and that it is fully accessible particularly by those in the protected characteristic groups.

Background Papers

None.