Gateway 3a Report - Framework	
Project Title:	
LTP Project Ref	DN645053
Strategic Procurement Partner	Enfield Procurement Department
Procurement Manager	Sam Rose
Date of Instruction	25/11/2022
Category	Construction, Construction related services,
	Housing & Highways
Service Project/Client Lead	Phil Norwell
name:	
Department	Resources
Contract Tiering Rating	Bronze
Assurance Group Date – Gate 2	N/A
Assurance Group Date – Gate 3a	

Reviewers/Contributors	Named Officer
1. Strategic Procurement Partner	Michael Sprosson
2. Legal Services Lead	Claire Paine
3. Finance Lead	Atul Lad
4. Digital Services Lead	N/A
5. Procurement Manager	Samantha Rose
6. Contract Management	Sev Zacharia

Estimated Total Contract Value (including VAT and Optional Extensions):	£8,793,818.23	Contract Duration (including Optional Extensions):	24 months
Budget Approved:	Yes	Capital/Revenue:	Capital
Cost Centre:	C101391	Capital Code:	GL64461
Budget Holder:	Education	Contract Signatory:	Bob Seera

Please complete this report in conjunction with this guidance document. This report is to be used for Frameworks and can be used to bring once or twice depending on the framework call off. If mini competition is being carried out or complex framework then recommended to bring twice.

Complete sections 1 – 5 for Gate 2 presentation. For direct award or post mini competition please complete all the report and bring as Gate 3 Award Report.

1.	Executive Summary
	Summary of what needs to be approved and a list of key areas covered by
	the report.

This report seeks approval to award a contract relating to the construction of a new 2 storey Sixth Form Building at Winchmore School to provide places for 160 mainstream students and up to 20 new places for students with complex learning needs.

To note that the project has been included in the School Capital Programme Strategic Delivery Plan 2023/24 and approved by Cabinet on 9 April 2023 as Key Decision KD5525.

2.	Background - for example, details of current supplier, contract
	arrangements, expiry dates and potential exit issues
	This is a new contract relating to the construction of a new 2 storey Sixth Form Building at Winchmore School. No previous contract existed.

3.	Procurement Recommendations Details of the framework, call off method, proposed contract term,
	extensions, and other relevant details. Other frameworks considered. The Framework used for the procurement of this contract was the Pagabo National Framework for Medium Works 2023.
	The London Construction Programme Framework was also considered for the procurement of this contract.
	The Pagabo National Framework for Medium Works 2023 was chosen after issuing Expression of Interest Forms on both Frameworks and a more favourable response and number of contractors was received from the Pagabo Framework suppliers.
	The procurement took place via the Council's e-Tendering portal, London Tenders Portal under DN645053 as a further competition. This will be promoted to the Council's Contract Register and Contracts Finder following award and commencement.
	Will the contract be directly awarded? If so why
	No, the contract will not be directly awarded and a further competition process was carried out.
	Proposed Savings N/A

4.	Market Engagement & Analysis (if any)
	 An Expression of Interest was used as a route for early engagement with the contractors on both frameworks and indicated the following: Our chosen procurement route. Scope of the project, Form of contract, which in this case is the JCT Standard Works Contract with Bills. When our procurement will take place. When the build will likely commence. Estimated project value.

5.	Policy and Compliance considerations - How will the procurement address:
	Sustainable & Ethical Procurement Policy core principles, including how the project will meet climate action elements:
	A copy of the Council's Sustainable and Ethical Procurement Policy was included in the tender documents and this sets out the projects approach to procuring goods, services and works in a way that benefits local communities and the local economy, minimises damage to the environment and ensures human rights are upheld in our supply chains.
	As part of this the successful Bidder will be required to:
	 Comply with the sustainability requirements with the tender documents. Source Construction materials responsibly. Aim to reuse any materials coming from the site obtained from the works to encourage re-use of materials within the borough. Consider the use of the Excess Materials Exchange for materials that can be re-used:
	Ethical Practices: Labour and employment practices Equality and Diversity: Prompt and fair payments throughout the supply chain: Modern Slavery Prevention of Corruption Sustainable Food
	What level will be applied in the contract and why? How will it be measured?

The successful contractor, including its supply chain (where applicable) will be required to:

- i. Unite Construction Charter
 - Comply with provisions of the Unite Construction Charter which was included as part of the tender documents.
- ii. Prompt Payment
 - Pay their subcontractors and suppliers within 30 days after receipt of an acceptable invoice, in line with Government prompt payment rules.
 - Commit to paying MSMEs, ethnic minority owned businesses and Enfield based businesses 10 days after receipt of an acceptable invoice, in line with Enfield Council's payment policy.
- iii. Modern Slavery
 - Take all possible steps to ensure that human trafficking and modern slavery are not taking place in any of their supply chains or their own operations.
 - Comply with the Modern Slavery Act 2015, wherever it applies.
 - Where relevant state and demonstrate their compliance with the reporting requirements set out in Section 54 relating to transparency in supply chains.
 - Have their own whistleblowing policy which enables staff to raise suspicions of unlawful and unethical employment practices, including modern slavery.
 - Incorporate modern slavery requirements into their contracts.
 - Commit to undertake a supply chain mapping exercise which identifies potential modern slavery risks and develops an action plan to mitigate any risks.
- iv. London Living Wage
 - Ensure that their employees and workers on this project are paid the London Living Wage and should endeavour to ensure that consultants and sub-contractor employees similarly meet this requirement.

 v. Prevention of Corruption Not to systematically compile or use prohibited lists which contain information on those who are members of trade unions or take part in trade union activity, or those who have been involved in whistleblowing as a result of becoming aware of any unlawful or unethical practices. This contract has social value elements attached using Enfield's recommended TOMs (themes outcomes and measures). It is the responsibility of the Contract Manager/Service Department to ensure that the social value elements of the contract are delivered, and evidence uploaded into the Social Value Portal by the winning supplier.
Supporting the local economy and local employment:
What level was applied in the contract and why? How will it be measured? Climate Action
Carbon emissions Energy Travel Circular Economy Purchased Goods Water What level will be applied in the contract and why? How will it be measured?
The procurement of this contract was committed to a performance and evidence-based approach to social value. The social value measures proposed by bidders will be based on the National TOMs (Themes, Outcomes and Measures) developed by National Social Value Taskforce. Bidders were required to propose credible targets against which performance for the successful bidder will be monitored.
Whilst the TOMS are not prescriptive, for this project bidders were asked focus on Employment, apprenticeships, and support for Enfield residents. Bidders were advised when selecting social value measures, to consider where their skill set could be of benefit to the local community.
Bidders were also asked to comply with the Social Value requirements of the Pagabo framework.
This social value approach was part of the scoring system that would be evaluated as part of the tender process.
TUPE/Ponsion liabilities that need to be considered (including future syst
TUPE/Pension liabilities that need to be considered (including future exit

provisions where applicable)? N/A
Lotting - will this procurement be split into Lots? Or selecting from lots? N/A
Financial Uplifts - is the contract likely to require financial uplifts? (Please describe what method will be used to calculate the uplift and whether this will be capped) N/A
 Attach any Equalities Impact Assessment (EQIA)
Other:
An Equalities Impact Assessment has been conducted and attached to this report. The Council approach to meeting its statutory duty to ensure that there are sufficient pupil places across the Borough to meet demand ensures that these places are not discriminatory and ensure that all children have access to quality education.

6.	Summary of procurement process undertaken
0.	
	This procurement has been carried out in accordance with the Council's Contract Procedure Rules (CPR's) and the Public Contracts Regulations (2015). This project was referred to Procurement Services for support as threshold was likely to be over the self-service limit.
	The tender competition was carried out by way of single stage selective tendering. The procurement took place via the Council's e-Tendering portal, London Tenders Portal under DN645053 as a further competition from the Pagabo National Framework for Medium Works 2023. This will be promoted to the Council's Contract Register and Contracts Finder following award and commencement.
	The Service Area shall be responsible for uploading the executed contract/agreement at the end of the procurement project.
	As this contract will be over £500,000 the CPR's state that the contract will have a nominated contract manager in the Council's e-Tendering portal. The contract will be managed in line with the Contract Management Framework and evidence of robust contract management, including, operations, commercial, financial checks (supplier resilience) and regular risk assessment shall be uploaded into the Council's e-Tendering portal.
	This contract has social value elements attached as explained in a previous

section using the TOMs (themes outcomes and measures). It is the responsibility of the Contract Manager/Service Department to ensure that the social value elements of the contract are delivered, and evidence uploaded into the Social Value Portal by the winning supplier.

e	Ov∉ ∋va	Iluation Summan erview of the pro Iuation outcome Iuation/moderat	curement es bidder r	process	; evaluat			eightin
v	Mini Tender Evaluation and Results Winchmore School 6th Form Extension Project							
	No	nary of Scores Company	Quality (35%)	Social Value Qualiatitve (3%)	Social Value Quantititve (2%)	Price (60%)	Total Score (100%)	Rank
	2	Ashe Construction Ltd	29.40%	2.40%	1.31%	60.00%	93.11%	1
-	1	8 Build	30.45%	1.80%	0.08%	54.76%	87.09%	2
	3	Neilcott Construction Ltd	29.75%	2.40%	2.00%	51.38%	85.53%	3
_	5	Thomas Sinden Ltd	26.60%	2.40%	0.42%	53.72%	83.14%	4
	4	T&B Contractors	25.20%	2.40%	0.21%	48.75%	76.56%	5
	6	VINCI Construction UK Ltd	25.55%	3.00%	0.45%	46.98%	75.98%	6
A E	As emp	ndon Living Wag part of the tende ployees and work	er submissi kers on this	ons, we s project	required are paid	the Lond	lon Living	Wage
A e s	As emp sho	part of the tende	er submissi kers on this o ensure the	ons, we s project	required are paid	the Lond	lon Living	Wage
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Title	Department	Role
Sam Rose	Enfield Procurement	Moderator
Doreen Manning	Enfield Procurement	Moderator
Construction Project	Enfield CMFM	Evaluator 1
Manager		
Rachel Banfield	DHP Architects	Evaluator 2
Craig Beardall	DHP Architects	Evaluator 3
John Leeding	WH Stephens	Evaluator 4

Gate 3 Final Tendered Contract Value: £7,328,656,99

8.	Proposed KPI's (minimum of 3) (Supplier Relationship & Contract Manager to approve)
	Contractor performance is measured against the following KPI's on a 0 to 5 scoring matrix:
	 Compliance - Safety Compliance - QMS Compliance - Sustainability Delivery - Quality Delivery - Planning & Programme Delivery - Cost & Commercial Delivery - Management Delivery - Supply Chain Management

Ris	Risks Register/Matrix							
Ins	ert Risk Mati	rix in Here	ļ					
		Risk Matrix						
5	10	15	20	25	l			
4	8	12	16	20	l			
3	6	9	12	15	l			
2	4	6	8	10	l			
1	2	3	4	5	1			

	Risk	Registe	er atta	ached	with	ema	iil.							
2	RACI Matrix to be inserted here.													
	RIBA	Project	Client	Winchmore	Architect	M&E	Structural &	Contract	Quantity					Enfield Contract
	Stages 4	Manager A	(Education)	School	R	Consultant R	Civils Consultant R	Administrator R	Surveyor	Contractor	Legal C	Finance C	Services C	Management C
	5	R		c	R	R	R	R	R	A				
	6	R	1	1	R	R	R	R	R	A	i	1	1	1
	7	R	А	R	1	1	1	1	1	1	- I	1	1	1
		Responsible (R) Accountable (A)												
		Consulted (C) Informed (I)												
9.3	Complete the contract tiering tool & classify contract. Inform Finance & lodge form on project.													

10.	Information and Technology (DS) Implications (where applicable)
10.1.	[Insert implications]
	DS comments supplied by (insert name and date):

11.	Financial Implications
11.1.	[Insert implications]
11.2.	Anticipated savings: £
11.3	Finance comments supplied by (insert name and date):

12.	Legal Implications
12.1.	[Insert implications]
	Legal comments supplied by (insert name and date):

13.	Contract Management Implications
13.1.	[Insert implications]
	Comments supplied by (insert name and date):

14. Project team / stakeholders	
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	(This details your pro	ject team, their roles and re	esponsibilities)				
14.1.			, ,				
	Team member	Role	Responsibility				
	Phil Norwell	Construction Project Manager	Construction Project Manager				
	Bob Seera	Head of Capital Delivery	Education Capital Delivery Head				
	Allen Gibbons	Education Client Project Manager	Education Client Project Manager				
	Sam Rose	Senior Procurement Manager	Procurement Support				
	Rachel Banfield	Architect & Principal Designer	Architect & Principal Designer				
	John Leeding	Designer Designer Quantity Surveyor & Quantity Surveyor & Contract Administrator Contract Administrator					
	Ben Jones	Regional Manager London & South East	Pagabo Framework Support				
14.2.	Project Governance						
	Project Governance Role	Team Member	Responsibilities				
	Project Senior Responsible Officer (SRO)	Bob Seera	Provides overall strategic direction & making key decisions.				
	Construction Project Manager	Phil Norwell	Project Management of the Procurement and Capital Works. Reports to SRO and Client Project Manager				
	Senior User	Allen Gibbons	Provides strategic direction from an Education and school point of view. Reports to SRO				
	Senior Supplier	Ben Jones	Provides support and advice from a supplier point of view.				
	Cost Control	John Leeding	<i>Provides support on all project finance matters from a client point of view.</i>				
	Contract Administrator	John Leeding	Provides contract support and management from a				

15	Close Down Activity
	If the incumbent did not win the new contract, please ensure the following housekeeping is done:

 Old LTP project is updated with the correct end date and is archived
 That the old LTP project has the new LTP project in the comments
 That any TUPE requirements are met
 That any property, data, or equipment is handed back from the existing supplier
 That the incumbent vendor is closed down (if not used for other contracts)

16 **Procurement Timetable**

Stage	Responsible	Date(s)
Pre-procurement stage		
Market Engagement	Phil Norwell	02/02/2023
Resident / user consultations	Allen Gibbons	Ongoing
Internal Governance		
Procurement Strategy Options report – obtain	Allen Gibbons	09/04/2023
recommendation to proceed to approval		
Sourcing stage		
Publish FTS notice		
Publish Contracts Finder notice and LTP/ Find a	Sam Rose	24/02/2023
Tender notice		
Deadline for bidder clarifications	Phil Norwell	30/03/2023
Mini Tender submission return deadline	Phil Norwell	07/04/2023
Evaluation period	Sam Rose	10/04/2023-
		25/04/2023
Moderation date(s)	Sam Rose	26/04/2023
Internal Governance		
Gateway 3 Contract Award Report to be	Phil Norwell	13/06/2023
presented		
Gateway 4 Contract Management Handover	Phil Norwell	01/05/2023
Report to be presented		-
		31/07/2023
Gateway 5 Post Award Report to be presented	Phil Norwell	01/05/2023
		-
		31/07/2023
Cabinet Member report – approval needed?	Allen Gibbons	01/05/2023
		—
		31/07/2023
Contract Award & mobilisation		
Standstill Period – issue award decision letters to	Phil Norwell	01/05/2023
bidders		-
		31/07/2023
Finalise contract terms / contract signing	John Leeding	01/05/2023
		-
		31/07/2023

Mobilisation	Phil Norwell	01/05/2023
		-
		31/07/2023
Contract commences / Go live	Phil Norwell	01/05/2023
		_
		31/07/2023
Check LTP to ensure up to date	Phil Norwell	01/05/2023
		_
		31/07/2023
Block any suppliers no long in contract if	Sam Rose	01/05/2023
incumbent not won		_
		31/07/2023

Public Contract Regulations 2015

Part 2 Regulation 84 Report

Guidance Note

This document is to be used by the Category Manager to prepare and retain a "Regulation 84 Report" as required under the Public Contracts Regulations 2015. This report covers specified information about the procurement process for every over EU threshold contract, framework agreement and dynamic purchasing system which is awarded or established.

A Regulation 84 report is required for call-off contracts <u>except in these two cases</u>:

- the framework agreement is with a single supplier and is awarded in accordance with Regulation 33(7) *direct award from a single supplier framework agreement*
- the framework agreement is with more than one supplier, but the call-off contract is awarded without reopening competition in accordance with Regulation 33(8)(a) *direct award from a framework agreement with multiple suppliers*

It's not enough to only provide a report if requested. A clear audit trail must be kept of the entire procedure including any justifications for decisions made and the scores awarded. The report should be an intrinsic part of the process from the beginning so that all elements of the procurement can be recorded. Trying to recall the relevant details to prepare the report afterwards is likely to be challenging and may be inaccurate.

Please complete all required sections which are relevant. Where data is not required and is not relevant e.g. in an Open tender process, it will not be necessary to provide names of bidders deselected following a selection questionnaire stage, please state "Not applicable" in the data box.

Where data is already within the main body of the report simply reference relevant the item number

Regulation	Required?	Data	
		Name and address of contracting authority	
84 (1)(a)	Yes	Delete as appropriate	

		The Mayor and Burgesses of The London Borough of Enfield, Civic	
		Centre, Silver Street, Enfield EN1 3XA	
		Subject matter and value of the contract:	
84 (1)(a)	Yes	This is a new contract relating to the construction of a new 2 storey Sixth Form Building at Winchmore School for the value of £7,328,656,99	
		Names of bidders passing any selection stage (SQ) and the reasons for	
84 (1)(b)	If relevant	their selection:	
84 (1)(b)		N/A	
		Names of bidders deselected following any selection stage (SQ) and the	
	If relevant	reasons for their deselection:	
		N/A	
		Names of bidders selected (following a "reduction of numbers" under	
		Regulation 66), to continue to take part in a competitive with	
84 (1)(b)	If relevant	negotiation or competitive dialogue process, and the reasons for their	
		selection:	
		Not Applicable	
		Names of bidders deselected (following a "reduction of numbers" under	
84 (1)(b)	If relevant	Regulation 66) from a competitive with negotiation or competitive	
04(1)(0)	Intelevant	dialogue process, and the reasons for their deselection:	
		Not Applicable	
84 (1)(c)	If relevant	Reasons for rejection of any tender found to be abnormally low:	
		Name(s) of successful bidder(s):	
84 (1)(d)	Yes	Ashe Construction	
		Reasons why successful bid(s) was/were selected:	
84 (1)(d)	Yes	Based on the ITT returns assessment as described within this report, it is recommended Ashe Construction with a total Quality: Price score of 93.11 % out of 100%, based on their submitted bid amount of £7,328,656,99, are selected to proceed to Contract Award.	
	If relevant	Share of the contract/framework agreement that the successful bidder	
84 (1)(d)		intends to sub-contract:	
		N/A	
84 (1)(d)	If relevant	Names of the main sub-contractors:	
0+(1)(0)		N/A	
	If	Justification for use of competition with negotiation process or	
84 (1)(e)		competitive dialogue process (see Regulation 26):	
	relevant	N/A	
84 (1)(f)	If relevant	Justification for use of negotiated procedure without a notice (see	

		Regulation 32):	
		N/A	
84 (1)(g)	If relevant	Reasons why the contracting authority decided not to award the contract/framework agreement: N/A	
84 (1)(h)	If relevant	Reasons why non-electronic means was used for submission of tenders: N/A	
84 (1)(i)	If relevant	Details of conflicts of interest detected and measures taken to nullify these: N/A	
76 (4)(b) (iii)	If relevant	In a Light Touch regime process, where the contracting authority has chosen to depart from the process as originally stated in the procurement documents (in accordance with the conditions permitting this at Regulation 76(4)), this decision and the reasons behind it must be documented in compliance with Regulations 84(7) and (8): N/A	
58 (9)	If relevant	If not recorded elsewhere in the procurement documentation, an indication of the main reasons why the contracting authority considers there to be a justified case for requiring bidders to evidence turnover that is greater than the standard permitted maximum of twice the estimated contract value (for example, due to special risks attached to the nature of the works, services or supplies): N/A	
46 (2)	If relevant	If not recorded elsewhere in the procurement documentation, the main reasons for decision of the contracting authority not to subdivide the requirement into lots: N/A	

Procurement Assurance Group (PAG) Report Checklist

N.B: Please note that all of the below activities are mandatory and must be completed prior to the Head of Procurement endorsement. If "No" has been selected, you must provide an explanation in the comments.

	Activity	Comments (If any)
1	Financial Implications (Have	
	any questions raised by	
	finance been addressed and	
-	finalised?)	
2	Are projected (Gate 2) or	
	actual (Gate 2&3/Gate 3)	
	savings detailed, with	
	supporting rationale?	
3	Legal Implications	
	(Have any questions raised by	
	legal been addressed and	
	finalised?)	
4	DS Implications	
5	Data Protection Considered	
6	London Living Wage/ Living	
	Wage included	
7	Sustainable & Ethical	
	Procurement Policy	
	(Minimum 10% of overall	
	evaluation score included)	
8	Supplier Operating Without a	
	Contract (if yes, sufficient	
	details in report?) (Gate 3)	
9	Waiver Request Complete	
	(where applicable – must be	
	included for all direct awards or	
	where supplier is working at	
	risk)	