

## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	<b>Romford Masterplan – Procurement and Appointment of Design Consultant</b>
<b>Cabinet Member:</b>	<b>Councillor Damian White - Leader of the Council</b>
<b>SLT Lead:</b>	<b>Neil Stubbings – Director of Regeneration Programme Delivery</b>
<b>Report Author and contact details:</b>	<b>David Covill – Regeneration Consultant</b> <b><a href="mailto:david.covill@havering.gov.uk">david.covill@havering.gov.uk</a></b>
<b>Policy context:</b>	<b>The Examination Local Plan sets out the Council’s intention to prepare a Masterplan for Romford</b>
<b>Financial summary:</b>	<b>The cost of £238,490 will be met from the approved budget within the Regeneration Reserve</b>
<b>Relevant OSC:</b>	<b>Town and Neighbourhoods</b>
<b>Is this decision exempt from being called-in?</b>	<b>Yes</b>

### The subject matter of this report deals with the following Council Objectives

Communities making Havering	[x]
Places making Havering	[x]
Opportunities making	[x]
Connections making Havering	[x]

**Part A – Report seeking decision**

**DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

**Approve**

1. This report seeks the approval to award a consultancy contract to Maccreanor Lavington as Design Consultant for the Romford Masterplan following a mini competition under the Greater London Authority/ Transport for London Architecture and Urbanism Panel Lot 2.
2. Note the approval a waiver of contract rules 17.5 to allow the award of consultancy contract at the Appendix.

**AUTHORITY UNDER WHICH DECISION IS MADE**

**3.1 General provisions and limitations**

- (a) Staff shall exercise powers under this scheme in compliance with:
  - (i) the rules of procedure set out in Part 4 of this constitution
  - (ii) corporate policies and strategies
  - (iii) any additional conditions imposed either by the Council or by statute or any statutory code of practice.
- (b) The exercise by staff of the powers delegated under this constitution involving the incurring of any expenditure is subject to there being sufficient approved provision within the budget to cover that expenditure.

**3.4 Powers of Second Tier Managers**

Second Tier Managers are those managers directly reporting to a SLT Director. Second Tier Managers all have delegated authority to act as follows within the assigned service, subject to the general provisions and limitations set out in section 3.1 above.

**Contract powers**

- (a) To approve commencement of a tendering process for, and to award all contracts below a total contract value of £500,000 but above the EU Threshold for Supplies and Services.

## **STATEMENT OF THE REASONS FOR THE DECISION**

### Procurement

The Council is committed to leading the preparation of a Masterplan for Romford with reference made in the Examination Local Plan. The preparation of the Masterplan will be a complex project and involve extensive consultation with the public and a range of stakeholders in the private and public sectors. Members and Officers will be supported by a multi-disciplinary consultancy team.

The Assistant Director (Development) decided, in consultation with the Regeneration Programme Director and Director of Neighbourhood Services, that the Council should make two appointments:

- a Regeneration and Property Adviser to ensure that the masterplan is fit for purpose in terms of meeting occupier and developer requirements, and that it is deliverable. This has been procured through the corporate Bloom contact.
- a design team led by a Design Consultant. Core functions will be Masterplanning, architecture & urban design, public and stakeholder engagement, town planning, heritage transport, infrastructure and sustainability. The procurement of the Design Consultant has been undertaken through the Greater London Authority/ Transport for London Architecture and Urbanism Panel Lot 2.

The Architecture and Urbanism Panel was appointed through competitive procurement by the GLA and TfL (OJEU Notice 2017 / S 069–131317). The Panel commenced in April 2018 for a period of three years with the possibility of extension.

This Executive Decision notice relates to the procurement of and appointment of the Design Consultant. The Council's constitution states that all requirements for consultancy or professional services should be sourced via the approved framework and procured in accordance 205 Part 4: Rules of Procedure with that policy. In general, external resource may only be used when absolutely necessary and where a business case has been approved by the relevant Director of Service and the Head of Procurement.

### The Business Case for using the GLA/TfL Panel

The intention to prepare a Masterplan is confirmed in the Examination Local Plan approved by Council. It is essential that the Council is supported by a team of specialists and can evidence this at the stage of the statutory planning document. The Business Case therefore relates to the procurement route and not the need for Masterplan itself.

The primary reason for using the GLA/TfL Panel is the planning context, notably the designation of Romford as an Opportunity Area in the London Plan. The GLA was considering preparing its own Opportunity Area Planning Framework for Romford; this would have addressed many of the same issues and require the same technical work, and involve consultation with the same people. This would have been inefficient and would have required Council officers to divert their time, thereby leading to delay. Moreover it could prove problematic with developers and others having two separate Planning Documents to refer to and perhaps seeking to 'pick and choose' any difference in emphasis between the two

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The Council therefore wished to give assurance to the GLA regarding the approach that will be taken to the Masterplan project. The GLA did not make use of the ADUP panel a condition of its assurance, but clearly use of its own Panel with companies it had only recently-assessed and vetted for their expertise in the Masterplanning field would provide comfort.

From a practical perspective, the fact that there was a 'ready-made' list of companies with expertise in field was also helpful for the Council.

### The Procurement Process

It is a requirement of using the GLA/TfL panel that the User Guide to the panel, which sets out a step-by-step guide to the process, is adhered to. This includes adopting an evaluation criteria based 75% on quality (of which 5% relates to equality, diversity and inclusion), and 25% on price. A standard form of contract must also be used.

The Invitation to Tender and Tender Brief were published on 17 July 2018. All ten companies on the Framework were invited to a briefing and offered the opportunity to ask clarification questions. All documentation was processed through, and is stored on, the Capital e-sourcing system.

Five companies submitted tenders and all were invited to interview. The evaluation was undertaken in accordance with the scoring mechanism set out in the Tender Documentation (which was taken from the Council's Procurement Guidance) by the Director and officers from the Planning and Regeneration Teams. The Procurement Team was closely involved at all stages.

The overall scores are shown in the table below.

Company	% Score
A	73.34
B	64.73
C	80.05
D	89.13
<b>E (Maccreeanor Lavington)</b>	<b>89.94</b>

Maccreeanor Lavington scored the highest and was therefore the selected company.

Notification letters were sent on 17 October 2018. In accordance with the Council's procedures all tenderers were informed of their score and feedback on their submission, as well as the score of the successful company.

The letters also informed tenderers of a voluntary standstill period. No communication was received from the unsuccessful companies.

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### The Design Consultant's Team

All tenderers proposed the use of sub-consultants in order to provide the full range of multi-disciplinary advice required. Maccreanor Lavington will lead the team and provide Masterplanning and architectural advice supported by:

- make:good – engagement
- GHPA – town planning, social infrastructure planning, policy analysis
- Periscope – landscape, public realm
- Civic Engineers – transport, engineering, public realm
- Useful Projects - sustainability
- Robert Bevan – heritage

Maccreanor Lavington will work alongside the Regeneration & Property Adviser (GVA) as described above.

The Regeneration Team (headed by the Assistant Director Development) will be the client department. There is a corporate officer project group as well as a Member Steering Group.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

The Bloom contract - this was used for the Regeneration & Property Adviser but would not have had the risk management advantages described above regarding the GLA Opportunity Area. It also avoided the necessity to research a large number of companies within the much broader Bloom category.

Other frameworks were investigated. Not all were open to London Boroughs or relevant, but those that were also did not have the advantages described above regarding the GLA.

Not employ consultants. The Council does not have the level or range of specialist advice available and in any case, the status of the Masterplan as a statutory planning document makes evidence of independent specialist advice essential.

### **PRE-DECISION CONSULTATION**

The Checkpoint Panel approved Checkpoint Stage 1 and 2 reports.

The Regeneration Programme Director presented a report to the Council's Regeneration Board in September 2018 which set out the process and the outcome of the evaluation.

A report to the Senior Leadership Team in October set out the financial implications of both tender processes (funding has been allocated from the corporate Regeneration Reserve).

**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: David Covill

Designation: Regeneration Consultant

Signature: 

Date: 28 January 2019

**Part B - Assessment of implications and risks**

**LEGAL IMPLICATIONS AND RISKS**

- 1.1 Due to the value of the proposed contract, the authority to approve the recommendations in this report is delegated to the relevant Second Tier Manager, under the Council's Scheme of Delegation.
- 1.2 The body of the report set out the particulars of the setting up of the framework by the GLA and TfL, the ability of the Council to access the framework, and the procedure followed to select the proposed contractor. Accordingly, under Havering Council's Contract Procedure Rules ("CPR"), the client department may call off the framework so long as it abides by the framework terms and conditions and awards the call-off contract strictly in accordance with the prescribed rules.
- 1.3 Engaging contractors through a framework will comply with the Public Contracts Regulations and with the Council's CPR 20, so long as it meets the criteria set out in paragraph 1.2 above.
- 1.4 The procurement exercise set out in the body of the report has been carried out in accordance with the Council's CPR and prevailing procurement legislation. The process has been carried out in accordance with all EU and UK procurement legislation, notably the Public Contract Regulations 2015 which were applicable at the time of issue. The procurement process has adhered to the principles of non-discrimination, equal treatment, transparency, mutual recognition and proportionality. The Council's legal officers will be able to assist in finalising the contract between the parties.
- 1.5 As for the general requirements of consultation, they are set out in the case of R v Brent LBC ex parte Gunning (1986) 84 LGR 168, which has been approved by the Court of Appeal and the Supreme Court, and they are as follows: (i) consultation must be at a time when proposals are at a formative stage; (ii) that the proposer must give sufficient reasons for any proposal to permit intelligent consideration and response; (iii) adequate time must be given for consideration and response; and (iv) the product of consultation must be conscientiously taken into account in finalising any statutory proposals.

### **FINANCIAL IMPLICATIONS AND RISKS**

It is a requirement of using the GLA/TfL panel that the User Guide to the panel, is adhered to. This includes adopting an evaluation criteria based 75% on quality (of which 5% relates to equality, diversity and inclusion), and 25% on price. This differs from Council Policy which stipulates that tenders will be evaluated against pre-determined best price-quality ratio of 70% cost and 30% quality weighting.

Five companies submitted tenders which ensured healthy competition. In terms of cost tenders ranged from £217,674 to £419,187. The successful tender was priced at £238,490.

The cost of £238,490 will be met from the approved budget within the Regeneration Reserve.

### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

The client function will be undertaken within the Regeneration Service in conjunction with the Planning Service which will assume ownership of the process at the stage of producing a statutory planning document. This will be done within existing staffing resources. Officers from across the Council will be asked to participate in the Masterplanning process

No staff will transfer to the contractor so there are no TUPE implications.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

There are no direct implications and all companies on the GLA/TfL Panel had to demonstrate their credentials as part of that selection process. As part of this tender, the Council asked companies how they would seek to engage and involve hard-to-reach groups in consultation.

It will be important to assess equalities and diversity through the Masterplan project and in particular through formal assessments as policy proposals emerge during 2019. The report to Cabinet will include a full EIA.

### **BACKGROUND PAPERS**

None

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**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

~~Proposal NOT agreed because~~

**Details of decision maker**

Signed 


Name: W. STUBBLINGS

CMT Member title:  
DIRECTOR OF REGENERATION

Date: 29<sup>th</sup> JANUARY 2019.

**Lodging this notice**

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

<p><b>For use by Committee Administration</b></p> <p>This notice was lodged with me on <u>29/1/2019</u></p> <p>Signed <u></u></p>
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APPENDIX

**Romford Masterplan - Appointment of Design Consultant**

**Waiver of Contract Procedure Rule 17.5**

Contract Procedure Rule 17.5 states that:

“All requirements for consultancy or professional services should be sourced via the approved framework [Bloom] and procured in accordance with that policy. In general, external resource may only be used when absolutely necessary and where a business case has been approved by the relevant Director of Service and the Head of Procurement”.

A stage 2 Checkpoint report in September 2018 set out the procurement route for the appointment of a Design Consultant for the Romford Masterplan and the use of the GLA/TfL Architecture and Urbanism Panel. The business case for using the GLA/TfL Panel is set out in the Executive Decision report.

Agreement of the Waiver is confirmed by:

**Neil Stubbings, Director of Regeneration Programme Delivery**

**Hassan Iqbal, Acting Head of Procurement**

23 January 2019

