

Report No.

London Borough of Bromley

PART ONE – PUBLIC

Decision Maker: EXECUTIVE

27th March 2024

Date: For Pre-Decision Scrutiny by the Executive, Resources and Contracts Policy Development and Scrutiny Committee on Monday 25 March 2024

Decision Type: Non-Urgent Executive Non- Key

Title: OPR Update & Award of Contracts for Multidisciplinary Services

Contact Officer: Graham Soars, Head of Special Projects (Interim), Strategic Property
Tel 020 8313 4593. E-mail: Graham.Soars@bromley.gov.uk

Chief Officer: Sara Bowrey, Director of Housing, Planning, Property and Regeneration

Ward: All Wards

1. REASON FOR REPORT

- 1.1 In November 2023 the Executive approved the procurement of further design led multidisciplinary consultancy services to support the delivery of the OPR Programme.
- 1.2 This report seeks approval to award a consultancy services contract to the successful bidders following the tender process.
- 1.3 This report provides an update on the progress of the surface car parks workstream.

2. RECOMMENDATION(S)

- 2.1 That the Executive, Resources & Contracts PDS Committee notes the contents of the report and makes any comments available to the Council's Executive.
- 2.2 That the Council's Executive are recommended to:
 - 1) Note the contents of this report.
 - 2) Approve the award of a Multidisciplinary Consultancy Services Contract for the OPR Programme to the successful bidders as detailed in Part Two of this report.

Impact on Vulnerable Adults and Children

1. Summary of Impact: No Impact as services will continue to be provided during the works.
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Transformation Policy

1. Policy Status: Existing Policy
 2. Making Bromley Even Better Priority
(5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
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Financial

1. Cost of proposal: £ 2.056m
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Not Applicable
 4. Total current budget for this head: £ 32.841m
 5. Source of funding: Growth Fund
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Personnel

1. Number of staff (current and additional): Not Applicable
 2. If from existing staff resources, number of staff hours: Not Applicable
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Legal

1. Legal Requirement: Non-Statutory Requirement
 2. Call-in: Not Applicable
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Procurement

1. Summary of Procurement Implications: The recommendation proposed in this report are in accordance with the Council's Contract Procedure Rules.
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Property

1. Summary of Property Implications: In accordance with the OPR report dated 29th November 2023 the services to be delivered by the proposed Contracts are required to deliver the OPR Programme.
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Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: The services procured include Sustainability Consultancy services and commitments to deliver social value.
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Impact on the Local Economy

1. Summary of Local Economy Implications: Not Applicable
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Impact on Health and Wellbeing

1. Summary of Health and Well Being Implications: Not Applicable
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Customer Impact

1. Estimated number of users or customers (current and projected): Not Applicable
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? As this affects all Wards, individual Wards Councillors have not been consulted. However, Ward Councillors will be consulted on the relevant projects in conjunction the service delivery areas and the appointed construction consultancy services provider as detailed within this report.
2. Summary of Ward Councillors comments: Not Applicable.

3. COMMENTARY

- 3.1 On 12th December 2022 the Council's Full Council Meeting considered and approved the Operational Property Review (OPR) dated 30th November 2022. This followed a review of the Council's operational property which had been undertaken to identify the optimal operational estate and understand the liability of it over a 10-year period together with the potential to undertake repair and minor refurbishments where appropriate to minimise future liability.
- 3.2 Following the approval of the OPR, a Programme Board has been established to ensure robust governance, overseeing all aspects of the programme including key decision making and cost management. A number of sub boards and working groups sit below the programme board and report monthly with updates and recommendations.
- 3.3 In March 2023 the Executive approved proceeding to procurement and award of consultancy services to scope the works that need to be undertaken, advise on the optimum delivery route and manage the delivery of the works. This was commissioned through the NHS Shared Business Services, Healthcare Planning Construction Consultancy and Ancillary Services (NHS SBS HPCAS) Framework and the consultant has undertaken condition surveys, initial scoping and cost estimates for the various sites.
- 3.4 Through the initial development of the programme, it was established that the refurbishment works required technical design led services to fully design and specify the contract works to ensure the tender process and delivery of the works provides best value whilst minimising the risks around delivery particularly where services must remain in operation during the works. It also became apparent that the consultant originally procured was unable to adequately resource such design services on a programme of this scale going forward and new commissions would be required.
- 3.5 In November 2023 the Executive approved the procurement of further design led multidisciplinary consultancy services from RIBA Stage 3-6 to support the delivery of the OPR Programme.
- 3.6 The Council has tendered these consultancy services for the programme in two separate lots to ensure that the programme can be adequately resourced. Bidders were required to submit tenders for both lots, but the Council will appoint a different supplier to each lot. As part of the procurement strategy, it was agreed that should a bidder be ranked in first place on both lots it will be appointed to the lot that it scored highest on, removed from the ranking on the other lot, and the second placed bidder in that lot will be appointed.
- 3.7 The Lots are service led with an Adults workstream which includes Adult Day Centres and Adult Education Centres, and a Children and Families workstream which includes Children and Family Centres, Youth Centres, Youth Offending Centres and Special Educational Needs. Due to the nature of the works and value, the cemeteries projects sit within the Children and Families workstream.
- 3.8 The bidders were to provide a Building Surveying led multidisciplinary design and delivery team with the following core disciplines across all the projects within the OPR Programme:
- Building Surveyor (lead consultant and contract administrator)
 - Mechanical & Electrical Engineer
 - Principle Designer/Health & Safety Advisor
 - Quantity Surveyor.
 - Clerk of Works.
 - Sustainability Consultant

- 3.9 The bidders were to include additional services as may be required to deliver the scope of works for each project outlined in the Tender. These include but are not limited to:
- Architect
 - Structural Engineer
 - Fire consultant
 - Planning and Heritage Consultant
- 3.10 The bidders were made aware that there would be break clauses in the commission applied to the end of RIBA Stage 3 and 4 for each Property should the Council decide that a property is no longer to be taken forward as part of the OPR Programme.
- 3.11 The bidders were made aware that should such a break clause be implemented; the Council will only reimburse for the work undertaken and this will be in line with the Fee Schedule provided within the Appointment.
- 3.12 There is monetary provision within each of the proposed Contracts for additional consultancy services to be instructed by the Council if the need arises linked to assessing development or co location opportunity as part of the design development for the projects.

4. CONTRACT AWARD RECOMMENDATION

- 4.1 The Council utilised the NHS Shared Business Services Framework, Lot 7 – Multi Disciplinary Services to run a competition for the consultancy services required.
- 4.2 The Procurement process has identified a recommended provider for each of the service led workstreams
- 4.3 Part Two of this Executive Report deals with the commercially sensitive tender process in detail.

5. SOCIAL VALUE, CARBON REDUCTION AND LOCAL / NATIONAL PRIORITIES

- 5.1 The services procured include Sustainability Consultancy services which each consultant has in-house. The programme will utilise the advice on all projects with the intention to assess, design and implement those green building solutions that provide the council with best value.

6. TRANSFORMATION/POLICY IMPLICATIONS

- 6.1 It is essential that the Council manages its assets to meet its aims and objectives.

7. PROCUREMENT CONSIDERATIONS

- 7.1 This report seeks to award a contract for both Lots A and B as set out within the Part 2 report, via the NHS Shared Business Services Healthcare Planning Construction Consultancy and Ancillary Services (NHS SBS HPCCAS Framework, Lot 7 Multi-disciplinary Services, with a standstill period observed.
- 7.2 The appropriate award notices will be published on Contracts Finder and Find A Tender.
- 7.3 The Council's Contract Procedure Rules require the following for authorising an award via a framework for a contract of this value; the Approval of the Executive following Agreement by the Chief Officer, the Assistant Director Governance & Contracts, the Director of Corporate

Services and the Director of Finance must be obtained. In accordance with CPR 2.1.2, Officers must take all necessary professional advice.

- 7.4 The actions identified in this report, and further set out within the Part 2 report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.

8. FINANCIAL CONSIDERATIONS

- 8.1 See Financial Considerations in Part 2 of this report.

9. LEGAL CONSIDERATIONS

- 9.1 This report requests Members approve the award of two Multidisciplinary Consultancy Services Contracts for the OPR Programme to the successful bidders as detailed in Part Two of this report.
- 9.2 The Council has the legal power to hold, maintain and develop its landholdings and buildings in connection with its functions and general powers in the way described in this report. Under Section 111 of the Local Government Act 1972 the Council has the power to do anything calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. In furtherance of these statutory powers, the Council may provide and commission through a contract, the consultancy services as more fully set out in this report.
- 9.3 Both of these contracts are public services contracts as defined by the Public Contracts Regulations 2015 (the Regulations). As their value is above the financial thresholds of £214,904 then the procurement of these contracts is fully regulated by the Regulations. Regulation 33 permits contracting authorities to utilise Framework Agreements, where they have been named in those framework arrangements. These services have been procured using the NHS Shared Business Services Healthcare Planning Construction Consultancy and Ancillary Services Framework which is confirmed as a compliant framework for the Council to use.
- 9.4 The Council's CPRs permit the use of Framework Agreements under CPR 3.5 provided the terms and conditions of contract applicable to the Framework, including the requirement to undertake competition between providers, is fully complied with and agreed by the Assistant Director Governance & Contracts. The evaluation of the mini-competition is fully detailed in the part two report.

10. OPR UPDATE

- 10.1 All workstreams within the OPR continue to progress and a specific update is given below on the surface car parks.

Surface Car Parks

- 10.2 In November 2023 the Executive approved the expenditure of up to £1.046m on essential repairs to surface car parks, with delegated authority to the Director of Housing, Planning, Property and Regeneration to approve the detailed procurement strategy and contract award.
- 10.3 Officers from the OPR team in conjunction with the car park team have visited the sites and are currently preparing scopes for budgeting and procurement purposes. This scope will form the basis of a Pre-Tender Estimate to be presented at the OPR programme board in May 24.

10.4 The Contract Award is programmed to be concluded in July 24, leading to works commencing in August 24. The works are currently estimated to take between 6 and 9 months to complete.

Non-Applicable Headings:	IT and GDPR Considerations, Strategic Property Considerations, Personnel Implications, Impact on the Local Economy, Impact on Health and Wellbeing, Customer Impact
Background Documents: (Access via Contact Officer)	Executive Report dated 12 th December 2022 Executive Report dated 29 th March 2022 Executive Report dated 29 th November 2023