Item No.	Classification: Open	Date: 5 October 2016	Meeting Name: Strategic Director of Children's and Adults Services		
Report title:		Gateway 2 - Contract Award Approval For the refurbishment of 19 Orient Street and associated works.			
Ward(s) or groups affected:			Electoral ward(s); All wards Children and Adults with learning difficulties and / or Autism and their families.		
From:			Head of Regeneration (Capital Projects)		

RECOMMENDATION(S)

- 1. That the Strategic Director of Children's and Adults Services approves the award of the Works contract for the refurbishment of 19 Orient Street to Interserve (Facilities Management) Services Ltd in the maximum sum of £1,483,470.12 for a period of eight months, commencing on 24 October 2016.
- 2. That the Strategic Director of Children's and Adults Services formalises his previous decision to approve the procurement strategy for a Consultancy Service Contract in the estimated sum of £160,000 for the reasons outlined in paragraph 25.
- The Strategic Director of Children's and Adults Services approves the award of the consultancy services contract to Alexi Marmot Associates Limited (AMA) in the sum of £174,000 for a period of eight months.
- 4. The Strategic Director of Children's and Adults Services notes that the reasons for the increase in the consultants fees in paragraph 25.

BACKGROUND INFORMATION

- 5. The gateway 1 for the works was approved on the 10 February 2016.
- 6. The project plan is detailed in the report in paragraph 15.
- 7. The service is an integral part of the local pathway for children, young people and adults who have learning disabilities and complex needs including those with autism, physical disabilities, and epilepsy and other physical health needs, and behaviour that challenges, living with their families in Southwark.
- 8. Orient Street supports over 60 families / carers, and is particularly important to working carers, older carers, and carers with multiple disabled dependents, to enable the family to sustain intensive and demanding caring roles, preventing family breakdown. By supporting service users of all ages, Orient Street is well placed to support young people making the transition to adulthood, and families with older carers of ageing dependents with learning disabilities, by

- offering continuity and trusted relationships when other changes taking place can be very challenging to adjust to.
- 9. The service is meeting the required CQC standards and has been rated 'good' by Ofsted. In February 2015, the Ofsted report stated: 'This home was judged good at the last full inspection. At this interim inspection, Ofsted judge that it has sustained effectiveness. The overall outcomes for children and young people and their families have remained very positive. The leaders and managers are closely monitoring the service. They are effective at identifying areas for further improvement and moving the service forward'. Whilst this is not recorded in the inspection report, the Ofsted inspector commented that if there were not plans for refurbishment, the quality of the building would be of concern.
- 10. During the 30 years that the service has operated the profile and needs of the service user group has changed, as has the manner in which support has been provided to people with learning disabilities and / or autism.
- 11. Emerson and Hatton identified that demographic changes in the learning disability population would result in a significant increase in the numbers of older people with learning disabilities and young people with complex needs and learning disabilities requiring support. These findings are reflected in the local population now using Orient Street.
- 12. The service user group includes those with profound and multiple learning disabilities and more complex health needs than in the past. The numbers of service users with epilepsy and those on the autistic spectrum has increased. The age profile of the user group has changed with an increase in the numbers of older people with learning disabilities who are developing needs that are more complex as they age and who have parents who are very frail.
- 13. With the implementation of personalisation, each service user has a support plan that reflects what they want to achieve and how their personal budget will be used to make this happen. Service users are supported to achieve these goals during their stay in Orient Street.
- 14. The respite care service at Orient Street supports national policy and good practice and forms part of the Adult Social Care strategic approach to the provision of value for money, local, community based services that focus on prevention and progression and support independence and choice.

Procurement project plan (Key Decision)

15. Procurement Works project plan set out below:

Activity	Completed by/ Complete by:
Forward Plan for Gateway 2 decision	02/05/2016
Approval of Gateway 1: Procurement Strategy Report	10/02/2016
Invitation to tender	07/03/2016
Closing date for return of tenders	04/04/2016

Activity	Completed by/ Complete by:
Completion of evaluation of tenders	22/04/2016
CAB Review Gateway 2:	21/09/2016
Approval of Gateway 2: Contract Award Report	29/09/2016
Scrutiny Call-in period and notification of implementation of Gateway 2 decision	05/10/2016
Contract award	21/10/2016
Add to Contract Register	24/10/2016
Contract start	24/10/2016
Contract completion date	30/06/2017

Consultancy Services project plan set out below:

Activity	Completed by/ Complete by:
Forward Plan for Gateway 2 decision	02/05/2016
Approval of Gateway 1: Procurement Strategy Report	10/02/2016
Invitation to tender	19/10/2015
Closing date for return of tenders	14/11/2015
Completion of evaluation of tenders	27/01/2016
CAB Review Gateway 2:	21/09/2016
Approval of Gateway 2: Contract Award Report	29/09/2016
Scrutiny Call-in period and notification of implementation of Gateway 2 decision	05/10/2016
Contract award	21/10/2016
Add to Contract Register	24/10/2016
Contract start	24/10/2016
Contract completion date	30/06/2017

KEY ISSUES FOR CONSIDERATION

Description of procurement outcomes

16. The intended outcome of this procurement is the refurbishment of 19 Orient Street to provide a respite for local people within the borough.

Key/Non Key decisions

17. This report deals with a key decision.

Policy implications

- 18. We want people with learning disabilities and / or autism to live safely and as independently as possible in their local community.
- 19. Transforming Care The Department of Health expects to see a rapid reduction in the number of people with challenging behaviour in hospitals or in large-scale residential care and plans to reduce the available number of hospital placements accordingly. There will be increasing demand to support people in community settings, including in family settings, rather than in expensive out of area residential placements.
- 20. The Care Act (2014) strengthens the position for adult carers, who are caring for adults and gives local authorities a responsibility to assess a carer's need for support, where the carer appears to have such needs. Under the Children and Families Act (2014), the needs of parent carers will also be taken into consideration through a holistic assessment of the needs of the whole family. The provision of overnight respite care is one of the ways in which carers' needs can be met and family breakdown minimised.
- 21. Respite care supports the ASC progression approach, providing service users with the opportunity to learn new skills and reducing the likelihood of admission to residential care placements when they are no longer able to live in the parental home.

Tender process

Consultancy Services Contract

- 22. Three suitably experienced and qualified professional consultancy firms were invited to tender for the consultancy services contract. This contract includes the following services:
 - Mechanical, Electrical and Plumbing (MEP) design services
 - Fabric related design services
 - Architectural services including design requirements to meet industry best practices including structural related services
 - Principal Designer responsibilities under the CDM Regulations
 - Contract and programme management services including the review and sign-off of the contractors works; and
 - Cost estimating and control services including contract administration such as payment applications, variations, final account etc.
- 23. To comply with the councils contract standing orders a competitive tendering exercise using firms drawn from the councils approved list was undertaken. Due to the specialist nature of the project only three firms were considered suitable rather than the five normally required.
- 24. Only three consultants were invited to tender for this particular scheme because the project required specialist experience for refurbishing 19 Orient Street to create a Centre of Excellence for Autism within the Borough. A small limited number of suitable consultants have the specialist expertise and

experience to design and project manage a refurbishment project of this nature.

- 25. The consultancy services contract was originally anticipated to fall below the EU Services Contract threshold of £160K. Following the clients' requests to include additional items within the refurbishment contract this increased the original estimated value of the services contract to a revised maximum value of £174K. This contract is based on a percentage fee of the overall refurbishment contract value.
- 26. The consultancy contract was evaluated by:
 - Building surveyor; and
 - · Principal Building surveyor.

Refurbishment Works Contract

- 27. In line with the council's CSO's six approved contractors were invited to tender.
- 28. Six approved contractors were invited from the Exor list in accordance with the council's CSOs. This procurement route was outlined in the Gateway 1 report approved by Children's and Adults Board (CAB) on 25 February 2016.
- 29. The contractors invited to tender were:
 - Roseville (Projects) Ltd
 - Bolt & Heeks Ltd
 - Interserve (Facilities Management) Ltd
 - Standage & Co Ltd
 - · Gowlain Building Group; and
 - TAG Construction (UK) Ltd.
- 30. The procurement protocol followed was to seek the Most Economically Advantageous Tender (MEAT). The assessment of the tender was based on Price (70%) and Quality (30%).
- 31. The tender process was managed by the independently appointed quantity surveying consultants and comprised of a standard GC Works 1 contract pack in accordance with the council's procurement and legal guidelines.
- 32. All tenderers visited the premises during the early stages of the tender period. All visits were supervised by the appointed quantity surveying consultants.

Tender evaluation

Consultancy Services Contract

- 33. The evaluation criteria for the consultancy services comprised of two elements; quality and price. The quality weightings included criteria for service delivery responses covering works mobilisation, works programme, relevant experience, project delivery and sustainability. The price / quality ratio was based on a ratio of 70% price to 30% quality.
- 34. The consultants invited to tender were:

Tenderer	Price Points Awarded	Quality Points Awarded	Total Points Awarded
Alexi Marmot Associates Limited	17	39	56
Tenderer B	18	34	52
Tenderer C	Nil	Nil	Non compliant tender

35. Alexi Marmot Associates Limited ranked first overall in the evaluation methodology and demonstrated the most economically advantageous tender.

Refurbishment Contract

- 36. Following a request from a tenderer, an extension of time was granted to the original tender return date which was extended to 11 April 2016.
- 37. All six tenderers returned their tender submissions on the specified tender return date and were checked for compliance and arithmetical errors. Where arithmetical errors were identified, tenderers were contacted in accordance with the clarification process defined within the tender documents.

Non compliant tenders

38. Tenderers A submission failed to meet the stipulated 21 week contract period, provided a programme of works lasting 47 weeks. During the clarification process, the tenderer confirmed that they could not meet the contractual requirement and following clarification with the council's legal team, their tender was deemed as non compliant.

Tenders withdrawn

39. Tenderers B submission contained qualifications (i.e. conditions which the council had to agree to as part of their tender submission). The tenderer withdrew their tender submission following the council's clarification process as they confirmed they were not prepared to meet the contractual requirements without exception.

Tender Evaluation

- 40. A tender evaluation panel comprising of council and independent advisors evaluated the tenders in accordance with the evaluation methodology. The panel consisted of the following:
 - Building Surveyor, London Borough of Southwark.
 - · Principal Surveyor, London Borough of Southwark.
 - Project Manager Architect Partner AMA Alexi Marmot Associates
 - Project Designer AMA Alexi Marmot Associates; and
 - Associate Quantity Surveyor Mott MacDonald Ltd.
- 41. Four compliant tenders were evaluated.
- 42. Points were awarded for the submitted tender prices in accordance with the evaluation mechanism specified in the tender documents.

- 43. Each tendered price was evaluated in accordance with the evaluation mechanism against the pre tender estimate (PTE) of £1,200,000. The summary of the price evaluation is provided below:
- 44. Two tenderers scored the same evaluation points for price. However, Interserve (Facilities Management) Ltd submitted the lowest tendered price of £1,483,470.12.
- 45. The tenders received demonstrated a consistent approach to pricing the mechanical and electrical related works higher than the estimates included within the PTE.
- 46. Further, it is recognised that the construction industry in general, and particularly in London and the South East, is still experiencing upward cost pressure on tender prices as tenderers and their supply chain are being selective as to which projects to tender for. This is contributing to tender prices consistently being submitted higher than PTEs.
- 47. Tenders were evaluated for quality in accordance with the specified evaluation mechanism against a defined set of criteria which comprised of a pass / fail Health & Safety service delivery plan and five service delivery plans specific to the management and delivery of the refurbishment programme.
- 48. Where required, clarifications were undertaken in respect of the tenderers response.
- 49. Two tenderers scored the same evaluation points for quality.
- 50. The tender evaluation mechanism stated that in the event of a tie break (where two or more top scoring tenderers have the same total weighted score including both quality and price), the council shall select from amongst those tenderers the submission of the tenderer with the highest weighted score for tenderer's Evaluation Response 4 (Project Delivery).
- 51. Interserve (Facilities Management) Ltd attained the highest score for this response and is therefore ranked first overall in the evaluation for price and quality.
- 52. In addition to the tie break, as outlined above, Interserve (Facilities Management) Ltd also submitted the lowest tender price.
- 53. Summary of Evaluation

Tenderer	Price Points Awarded	Quality Points Awarded	Total Points Awarded
. Tenderer A	Nil	Nil	Non compliant tender
Tenderer B	Nil	Nil	Tender withdrawn
Interserve (Facilities Management) Limited	15	21	36
Tenderer D	15	21	36 _.

Tenderer	Price Points Awarded	Quality Points Awarded	Total Points Awarded
Tenderer E	0	11	11
Tenderer F	0	11	11

- 54. Interserve (Facilities Management) Limited and Tenderer D each attained a combined price and quality score of 36 with equal scores received for both price and quality. The tender evaluation methodology detailed that in the event of a tie break, the Council shall select from the tenderers with the highest weighted score for the Project Delivery. Interserve (Facilities Management) Limited attained a score of 18 for this response compared to Tenderer D who scored 15.
- 55. Officers consider that the works are value for money.

Plans for the transition from the old to the new contract

56. This is a one off contract and there will be no transition arrangements. Pre contract meetings will be held with premises managers and other stakeholders to ensure the successful delivery of the services at the premises.

Plans for monitoring and management of the contract

- 57. CFM will act as Contract Administrator overseeing the consultancy services and works contracts', ensuring the project is delivered to the agreed deliverables / outputs.
- 58. AMA Alexi Marmot Associates Limited will act as the consultant, including Principal Designer, and provide the range of services outlined earlier in this report in paragraph 22.
- 59. The council's Adults & Children's Services project manager will ensure that the project will meet the projects requirements.

Identified risks for the new contract

60. Risks relating to this contract and how they will be managed are shown below:

S/N	Risk	Mitigation Strategy
R1 Low	Unforeseen delays in completing the works	Undertaking the works as one package will allow more effective management of the works and the contractor to ensure the works are undertaken in line with the programme plan and the agreed tender sum.
R2 Low	Delays to the contract leading to project cost overrun.	

S/N	Risk	Mitigation Strategy
		contractor stays on programme and to budget. The project is short and will be closely monitored by CFM and the Regeneration Project Manager.
R3 Low	Specification Scope Change	Any additions to specification or changes will be managed through CFM's change control process and the Regeneration Project Manager.
R4 Low	Failure to include all identified works- Incomplete brief	The brief has been agreed in consultation with the relevant stake holders. There will also be a continuous stakeholder meeting during the delivery of the project.

Community impact statement

61. This procurement will facilitate the delivery of works that will facilitate the return to Southwark of a significant number of people with learning disabilities currently living in high cost long-term residential placements in locations throughout England. By bringing service users back to the borough, they will be able to have more frequent contact with friends and family.

Sustainability considerations

62. The Public Services (Social Value) Act 2012 requires the council to consider a number of issues including how what is proposed to be procured may improve the economic, social and environmental well-being of the local area. These issues are considered in the following paragraphs which set out economic, social and environmental considerations.

Economic considerations

- 63. The works being undertaken to the building are essential maintenance and will prolong the economic life of the building and will ensure that the building meets CQC criteria.
- 64. Once completed, the building maintenance costs will be met by the tenants and by Adult Social Care in combination; the building will be managed by (and units occupied by sub-letting from) the Council's preferred intermediary housing manager. Building repair and maintenance, and other facilities management will be provided by the Council's Corporate Facilities Management Team.
- 65. Interserve (Facilities Management) Ltd operates an apprenticeship scheme and will employ at least one apprentice on the proposed project.

Social considerations

66. The contractors were all required to commit to the council's commitment to a London Living Wage to both directly employed staff and subcontractor staff.

67. This project contributes to the sustainability of the area by ensuring that the building remain open for staff to operate in and that staff and other stakeholders do not have to travel to other facilities at other distant locations.

Environmental considerations

- 68. The building will be refurbished to a very good standard of environmental performance to meet the requirements of BREEAM. This entails designing and installing efficient and cost effective low energy building engineering services.
- 69. The refurbishment programme includes for improving on the current environmental standards, attaining higher levels of energy conservation by the introduction of improved insulation, double glazing, energy efficient heating and lighting systems. The contract requirement specifies that the materials to be used must achieve the sustainability targets for the refurbishment programme. For example, these include:
 - a. the use of preferred standards
 - b. re-use of materials that can be recycled or reclaimed on site
 - c. avoid environmentally damaged materials; and
 - d. avoid materials that are potentially harmful to humans.

Market considerations

- 70. The proposed works comprise non-specialised general building work, which can be competitively tendered by general building contractors from the council's works approved list. The approved list comprises over 200 contractors in this category, which represents a well-developed competitive market.
- 71. The successful tenderer has a national area of activity.

Staffing implications

72. The award of the consultancy services and works contracts do not have any TUPE implications.

Financial implications

- 73. The contracts are fixed price contracts subject to any agreed variations through the contractual processes.
- 74. The current total costs associated to the delivery of the project, including service elements outside of the consultancy services and works contracts, is £1.915M.
- 75. CFM will undertake a value engineering exercise with the successful works contractor following contract award to agree a schedule of efficiency savings to bring the contract price within the maximum cost envelope of £1,300,000. CFM has already undertaken an assessment of these efficiency savings and identified areas within the programme to realise these savings.
- 76. Agreed variations will not impact on the quality of the refurbishment standards required. Subsequent to the tender process, an additional sensory room has been determined as desirable. The value engineering process will therefore

- assist in providing this additional requirement within the total costs outlined in paragraph 74.
- 77. This project is funded by way of capital code S-0030-0100.2 within the ASC capital programme. This code currently carries a total budget of £1.915m over the three years 2016/17 to 2018/19, which is sufficient to fund the works as set out in paragraph 75 under the financial implications.
- 78. As stated in paragraph 75, the £1,483,470.12 described in paragraph 1 in the recommendations is to be value engineered down to £1.3M in order for the project to remain within budget parameters.
- 79. The cost of the maintenance of the building and the running of the service will be met from Adult Social Care revenue budgets.

Investment implications

- 80. The property is owned by the council and the works will provide a sustainable investment to the property in making sure that the building is fit for purpose and meets the requirements for the service users and the statutory bodies.
- 81. The investment in the refurbishment works will also ensure that the property can be maintained to the same high standards with a structured capital investment programme for cyclical related works. The annual running cost will also be reduced due to the improved thermal insulation and new mechanical and electrical plant.

Second stage appraisal (for construction contracts over £250,000 only)

82. No second stage appraisal is required as part of the procurement process.

Legal implications

83. The proposed contract has been procured in accordance with all relevant legislative requirements and in line with the council's Contract Standing Orders.

Consultation

84. The management at 19 Orient Street have undertaken open days to clarify the scope of works with the adjoining residential neighbours. Also management have consulted their staff regarding the works and programme.

Other implications or issues

85. This procurement has taken into consideration the impact on other projects / programmes and services.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance (CAP16/055)

88. The Strategic Director of Finance and Governance notes the contents of this report, and in particular that the project is funded from the Children's and

Adults capital programme and should be fully funded within the existing capital budget.

Head of Procurement

- 86. This report is seeking approval for the award of two separate contracts to provide consultancy services and works in order to deliver the refurbishment of 19 Orient Street.
- 87. The report describes the procurement processes followed for both the consultancy contract and works, namely using the councils approved list for the works and a select list of three for the consultancy contract. The report confirms that the works element was in line with the procurement strategy which was approved in February 2016 but that the strategy for the consultancy was not agreed and is now included in this report.
- 88. Paragraphs 33 to 35 provide limited details as to how the consultancy submissions were evaluated and the results of that process. For the contract covering the main works, paragraphs 40 to 55 explain how bids were evaluated and explains that two bidders achieved equal combined quality price scores but that in accordance with the invitation to tender the bid with the best weighted score for the method statement covering project delivery would be awarded the contract.
- 89. Paragraphs 57 to 59 outline the monitoring and management arrangements that will be in place during the life of both contracts. This should go some way to ensure that a satisfactory outcome is achieved.

Director of Law and Democracy

90. A formal concurrent is not required for the works contract as its value is within the EU threshold. In relation to the consultancy services contract, paragraph 24 explains the reasons why it had not been possible to obtain five tenders in line with the requirement in Contract Standing Orders.

Director of Exchequer (for housing contracts only)

91. Not Applicable.

FOR DELEGATED APPROVAL

Under the powers delegated to me in accordance with the Council's Contract Standing Orders, I authorise action in accordance with the recommendation(s) contained in the above report.

Signature

D. Quake-Thornal

Date 12 10 16

Designation STRATEGIC HRECTOR - CHA

BACKGROUND DOCUMENTS

Background documents	Held At	Contact
Title of document(s(Gateway 1 report)	Title of department / unit Address-Housing Regeneration/major reg. projects/major reg. programme and procurement strategy.	Prince Kamanda
Link: (Insert hyperlink here)		
Title of document(s)	Title of department / unit address	Name Phone number
Link: (Insert hyperlink here)		

APPENDICES

No	Title
Appendix 1	Tender report
Appendix 2	Insert title of document
Appendix 3	Insert title of document
Appendix 4	Insert title of document
Appendix 5	Insert title of document
Appendix 6	Insert title of document

AUDIT TRAIL

	Mr.	_	<u>.</u>
Lead Officer	Bruce Glockling- Head of Regeneration and Capital Works		
Report Author	Prince Kamanda- Project Manager		
Version	Final		
Dated	28 September 2016		
Key Decision?	Yes		
CONSULTATION	WITH OTHER OFFIC	ERS / DIRECTORATES	S / CABINET MEMBER
Officer Title		Comments Sought	Comments included
Strategic Director of Finance and Governance		Yes	Yes
Head of Procurement		Yes	Yes
Director of Law and Democracy		Yes	Yes
Director of Exchequer (for housing contracts only)		No	No

Cabinet Member	No	No
Contract Review Boards		
Departmental Contract Review Board	No	No
Corporate Contract Review Board	No	No
Cabinet	No	No
Date final report sent to Constitutional/Community Council/Scrutiny Team		nmunity 5 October 2016

BACKGROUND DOCUMENT - CONTRACT REGISTER UPDATE - GATEWAY 2

Works Contract

Contract Name	19 Orient Street SE11 4SR Refurbishment Works Contract	
Contract Description	Works	
Contract Type	GC/WORKS1(1998)	
Lead Contract Officer (name)	Bruce Glockling- Head of Regeneration and Capital Works	
Lead Contract Officer (phone number)	02075250138	
Department	Chief Executive	
Division '	Regeneration - Capital Works	
Procurement Route	Invitation to Tender through GC/WORKS/1 (1998)	
Departmental/Corporate	DEPARTMENTAL	
Fixed Price or Call Off	FIXED PRICE	
Supplier(s) Name(s)	Interserve (Facilities Management) Limited	
Contract Total Value	£1,483,470.12	
Contract Start Date	24/10/2016	
Revised End Date	16/06/2017	
London Living Wage	Included	

Services Contract

Contract Name	19 Orient Street SE11 4SR Refurbishment Works Contract	
Contract Description	Works	
Contract Type	GC/WORKS1(1998)	
Lead Contract Officer (name)	Prince Kamanda	
Lead Contract Officer (phone number)	02075257480	
Department	Chief Executive	
Division	Regeneration - Capital Works	
Procurement Route	Invitation to Tender through GC/WORKS/1 (1998)	
Departmental/Corporate	DEPARTMENTAL	
Fixed Price or Call Off	FIXED PRICE	
Supplier(s) Name(s)	Alexi Marmot Associates Limited	
Contract Total Value	£174,000	
Contract Start Date	24/10/2016	
Revised End Date	16/06/2017	
London Living Wage	Included	

This document should be passed to the member of staff in your department responsible for keeping your departmental contracts register up to date.