

Wiltshire Council

Cabinet

10th February 2017

Subject: Property-related Professional Service Framework

Cabinet member: Councillor Fleur De Rhe-Philipe

Key Decision: Yes

Executive Summary

In 2012 the Contract for Property-related professional services framework was procured following the OJUC process. This has provided technical capacity and capability to support the delivery off Council's ambitious Building Programme, including but not limited to the Campus Delivery Programme and requirements for additional new school places to meet demand of the council.

The current framework expired on the 30th November 2016, and there is no provision within the current contract to extend the validity period.

The framework shall be restricted to 3 lots. The brief below provides summary of each lot:

Lot 1 – Specialist Services - To enable the Council to appoint Professional Services quickly for distinct pieces of work (feasibility studies etc.).

Lot 2 – Small Works Capital Build Projects - To enable the Council to appoint Professional Services to help deliver small capital build projects with an estimated construction value of upto £1,000,000.

Lot 3 Major Capital Build Projects - To enable the Council to appoint Professional Services to help deliver major capital build projects with an estimated construction value in excess of £1,000,000.

A full OJEU- compliant procurement process shall be undertaken. Details of the process shall be submitted to the Procurement Board for approval. The new Property-related professional services framework is envisaged to start on the 1st August, 2017.

Proposal(s)

That cabinet notes the Property – related Professional Services Framework which was entered into in 2012 will expire in November 2016, and delegates authority to the Associate Director for People and Business Service, in consultation Associate Director for Corporate Services and Procurement, Associate Director for Legal Services and Section 151 officer with their

respective Cabinet Members, to enter into a procurement for the provision of Consultancy Services in support of delivery of the Council's ambitious Building Programme across the Wiltshire.

Reason for Proposal

To ensure a robust and rigorous approach to procuring and managing the services of key technical disciplines in the property sector, that is fully compliant with Council procurement and contract rules and EU procurement law.

Dr Carlton Brand
Corporate Director

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Wiltshire Council

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Subject: Property-related Professional Service Framework

Cabinet member: Councillor Fleur De Rhe-Philipe

Key Decision: Yes

Purpose of Report

1. To describe the procurement process that will be followed to establish a framework of providers for the delivery of capital building projects, and request authority from members of the committee for the execution of contracts on this basis.
2. To seek delegated authority for the Associate Director for People and Business Service, in consultation Associate Director for Corporate Services and Procurement, Associate Director for Legal Services and Section 151 officer with their respective Cabinet Members to enter into:
 - a. Procurement for Consultancy Services in support of delivery of the Council's ambitious Building Programme across the Wiltshire, in line with the details set out in this report

Relevance to the Council's Business Plan

3. The Property-related professional services framework forms a strategically significant part of Outcome 3 of the council's Business Plan 2013-17, and benefits from a funding package from the UK Government (i.e. education, housing communities' agency, MOD, Section 106), EU and the council's own capital commitment.

Background

4. In 2012 the Contract for Property-related professional services framework was procured following the OJUC process. This has provided technical capacity and capability to support the delivery off Council's ambitious Building Programme, including but not limited to the Campus Delivery Programme and requirements for additional new school places to meet demand of the council.
5. The framework is also supporting the delivery of the extra care development, affordable housing and Porton Science Park
6. The current framework expired on the 30th November 2016, and there is no provision within the current contract to extend the validity period.

7. The key services provided by the current framework are as follows:

- Project Management
- Architectural Design Services
- Structural Engineering Services
- Building Services Design
- CDM-Co-ordinator Services
- Cost Management Services
- Landscape Architecture
- Ecological Surveying and Consultancy
- Building Surveying

Main Considerations for the Council

1. Following the successful services provided under the current framework, there is a requirement to re-procure the Property-related professional service framework for a further 4 years to continue with the delivery of the Council's delivery of capital building projects.
2. The approach for re-procuring the services shall be established by SA&FM in conjunction with legal services and corporate procurement unit.
3. The framework shall be restricted to 3 lots. The brief below provides summary of each lot:
 - a. **Lot 1** – Specialist Services - To enable the Council to appoint Professional Services quickly for distinct pieces of work (feasibility studies etc.). Professionals appointed to Lot 1 will be procured from the framework via a mini-competition using a "Request for a Quotation" process. The fee limit for appointments made under this lot will be approximately £100,000 for each discipline. There will be three professionals for each discipline appointed to this lot as follows:
 - Architect
 - Cost Manager
 - M&E Service Engineer
 - Civil and Structural Engineer
 - Building Surveyor
 - Landscape Architect
 - Health & Safety Advisor
 - Clerk of Works
 - Ecologist
 - Archaeologist
 - Fire Consultant
 - BREEAM Consultant
 - Acoustician

- Valuation and Sales - Commercial
- Valuation and Sales – Residential

b. **Lot 2** – Small Works Capital Build Projects - To enable the Council to appoint Professional Services to help deliver small capital build projects with an estimated construction value of upto £1,000,000. Professionals appointed to Lot 2 will be procured from the framework using a mini-competition process. The intent is the Cost Manager and Health and Safety Advisor services will always be procured separately but that the Architect or Building Surveyor (depending on the nature of the project) might be responsible for the appointment of the Design Team themselves (to be advised further). There will be three professionals for each discipline appointed to this lot as follows:

- Architect
- Cost Manager
- M&E Service Engineer
- Civil and Structural Engineer
- Building Surveyor
- Landscape Architect
- Health & Safety Advisor

c. **Lot 3** Major Capital Build Projects - To enable the Council to appoint Professional Services to help deliver major capital build projects with an estimated construction value in excess of £1,000,000. Professionals appointed to Lot 3 will be procured from the framework using a mini-competition process. There will be three professionals for each discipline appointed to this lot as follows:

- Architect
- Cost Manager
- M&E Service Engineer
- Civil and Structural Engineer
- Building Surveyor
- Landscape Architect
- Health & Safety Advisor

4. That the contract for each lot will be appointed as a standalone contract
5. The framework is for use by Wiltshire Council, but it is also intended for use by other Wiltshire-based contracting authorities at their discretion, and as their existing contract arrangements and internal governance allows. Schools, the Wiltshire Police Authority and Wiltshire and Dorset Fire and Rescue services and SWLEP are particular bodies
6. A full OJEU- compliant procurement process shall be undertaken. Details of the process shall be submitted to the Procurement Board for approval.

Overview & Scrutiny Engagement

7. The outcome of the procurement process shall be submitted to Overview and Scrutiny Management Committee for consideration as part of two reports.

Safeguarding Implications

8. There are no safeguarding implications arising from this report.

Public Health Implications

9. There are no Public Health Implications arising from this report

Procurement Implications

10. The Procurement of the Property-related professional services framework shall be led by the Corporate Procurement Team and will be procured in line with the Council's Procurement and Contract Rules Part 10 and Public Contract Regulations 2015.
11. Advertisement in the OJEU in line with European procurement regulations (which, notwithstanding the result of the referendum, remain in force pending further developments) has a defined lead in time, and the whole process from advertisement to appointment can take up to six months.
12. The new Property-related professional services framework is envisaged to start on the 1st August, 2017, and therefore there will be a gap of four months. Such gap shall be bridged by the appointment of consultants on ad-hoc as their needs dictates. This approach shall be monitored closely by the corporate procurement unit.
13. In order to achieve the 1st August 2017 start date the procurement process should to commence at the latest in March of this year.
14. The Corporate Procurement Unit and Legal will facilitate the procurement process and provide expert advice to SA & FM throughout process.

Equalities Impact of the Proposal

15. There are no equalities impacts arising from the proposal.

Environmental and Climate Change Considerations

16. There are no Environmental and Climate Change impacts arising from the proposal.

Risk Assessment

Risks that may arise if the proposed decision and related work is not taken

17. The Council will not have technical capacity and capability to enable the delivery of the Council's ambitious Building Programme, including but not limited to the Campus Delivery Programme and requirements for additional new school places to meet demand
18. The Council will have to resort to ad-hoc procurement of professional services at high price which might not be in line with the current budget constraints.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

19. The framework approach will represent a good approach that will mitigate the risk related to resources considering the volume of future capital building work, whilst also ensuring the risk of possible external challenge to ad-hoc procurement process is minimised.

Financial Implications

20. The market conditions are likely to ensure the framework providers offer fees that represent good value for money.
21. The framework itself does not commit the council to financial expenditure in itself. Professional fees related to specific projects shall be budgeted within the business cases for the specific approved projects, and the framework shall offer a mechanism for delivering against these budgetary provisions

Legal Implications

22. Officers from Legal services will work in conjunction with the corporate procurement team to ensure the process is compliant.

Options Considered

23. Alternative approaches shall be explored, and details shall be submitted to the procurement board as part of the sourcing plan for consideration.

Conclusions

24. The Proposed framework will provide the council with a high-quality value for money and a robust mechanism for engaging the right professional advice for its projects and programmes of property-related work. It will also provide best-practice and innovation in design and construction through the project process.

Barry Pirie
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13 September 2016

Background Papers

None

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