

Subject:	Construction Consultancy Framework Agreement		
Date of Meeting:	3 December 2015		
Report of:	Acting Executive Director for Environment, Development & Housing		
Contact Officer:	Name:	Amy Wilkinson	Tel: 291811
	Email:	amy.wilkinson@brighton-hove.gov.uk	
Ward affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The objective of this report is to seek approval to set up a corporate framework agreement for construction related consultancy and for delegation of award to be given to the Executive Director Environment, Development & Housing.
- 1.2 Brighton & Hove City Council have an ongoing requirement for external advice relating to construction/Works as there is not always the internal expertise and/or the resource to fulfil certain roles/undertake certain tasks. Additionally, where some services are covered by existing contracts, these are often not the main scope of the contract and are frequently sub-contracted, therefore increasing cost and risk. Alternative frameworks have been used in the past but performance quality concerns have been highlighted.

2. RECOMMENDATIONS:

That Policy and Resources Committee:

- 2.1 Approves the procurement of a framework agreement for construction related consultancy with a term of four years;
- 2.2 Grants delegated authority to the Executive Director Environment, Development and Housing to manage the procurement of the framework agreement referred to in 2.1 above, including the award and letting of the framework agreement.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Brighton & Hove City Council have an ongoing requirement for external advice relating to construction/Works as there is not always the internal expertise and/or the resource to fulfil certain roles/undertake certain tasks. Corporate Procurement recommends a 4 year framework, for construction related consultancy across the Royal institute of British Architects (RIBA) Plan of Work 2013 (stages 0-7).
- 3.2 There will be no minimum or maximum value to the call-offs as requirement will vary from one day to potentially years.

- 3.3 In the first instance, officers will seek to use internal expertise e.g. Architects, Building Surveyors and so on, where possible, however the framework will provide a value for money, quick procurement option should there be no capacity or availability of the required expertise internally to fulfil the requirement.
- 3.4 As well as Brighton & Hove City Council, the framework will be made available to District, Borough and County level Local Government authorities in East Sussex, West Sussex and Surrey. A fee may be applied to non-Brighton & Hove based participants.
- 3.5 Participants will be able to directly award to the most appropriate consultant, or run a mini competition (but not in the last month of the framework). A discount may be awarded if the same consultant is awarded more than 2 roles under one work package/mini competition. Break clauses will be optional if the client wants the flexibility to continue employing the same consultant through a number of project/RIBA stages (usually based on funding and performance). The evaluation will include consideration of social value through commitments to additional services such as apprenticeships, community initiatives and client training.
- 3.5 The following roles have been identified as required under the framework (but may change during pre-tender consultation):
1. Architect
 2. Asbestos Surveyor
 3. Building Surveyor
 4. CAD Technician
 5. Clerk of Works
 6. Cost Consultant/Quantity Surveyor/Employers Agent
 7. Financial Viability Assessor
 8. Electrical Designer
 9. Health & Safety Advisor
 10. Landscape Architect
 11. MasterPlanner / Urban and Public Realm design
 12. Mechanical Designer
 13. Project Manager
 14. Structural Engineer

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Internal Staff - there is not always the internal expertise and/or the resource to fulfil certain roles/undertake certain tasks.
- 4.2 Existing contracts - where some services are covered by existing Brighton & Hove City Council contracts, these are often not the main scope of the contract and so are often sub-contracted, therefore increasing cost and risk. There is also a risk of existing contract over-spend.

Highways and Transport are implementing a new Professional Services framework which will include civil and structural engineering and other highways

related roles. This framework is for Transport and Highways related Works only and therefore not appropriate for other departments to use. It is proposed however that Transport and Highways will be able to access this new framework as appropriate.

- 4.3 External frameworks - alternative frameworks have been used in the past but there have been performance quality concerns and additional costs incurred with, for example, access fees. They also do not support the local economy, with many being large, national companies.

5 COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 After consulting key internal officers and potential users of the framework, support from the Members' Procurement Advisory Board was achieved on 12 October 2015.
- 5.2 Discussions are in process with other Local Authorities to gauge interest in their use of the framework.

6. CONCLUSION

- 6.1 The report recommends the procurement of a construction consultancy framework to provide the City Council and neighbouring authorities with an easy to access framework of quality construction consultants on Brighton & Hove City Council terms and conditions.
- 6.2 Corporate Procurement will lead the procurement process with a project group formed of key internal officers.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 A minimum contract value of £5,000,000 would be satisfactory as it will be open to other local authorities. The average Brighton & Hove City Council expenditure (excluding Highways and Transport who have their own specialist consultancy framework) is £2,000,000 per annum, with nearly 100-150 different suppliers.
- 7.2 As a framework agreement, it provides flexibility of spend as it does not guarantee orders and there will be no obligation to spend any value. The framework will allow the council greater control and flexibility regarding the construction related consultancy work and may lead to efficiencies and greater value for money.

Finance Officer Consulted: Rob Allen

Date: 27/10/15

Legal Implications:

- 7.3 The Policy & Resources Committee is the appropriate decision-making body in respect of the recommendations at paragraph 2 above, given that the value of the contract which is the subject of the proposed tendering exercise is likely to have corporate financial implications.

- 7.4 Further, the Council's Contract Standing Orders require that authority to enter into a contract valued at £500,000 or more be obtained from the relevant committee, which in this instance is the Policy and Resources Committee due to the value involved.
- 7.5 The value of the proposed framework means that the UK Public Contracts Regulations will apply in full to the procurement of the Framework Agreement. The tender will need to be advertised in OJEU. The tender will be scored on the criteria of quality and price as part of the evaluation process.

Lawyer Consulted:

Isabella Sidoli

Date: 28/10/15

Equalities Implications:

- 7.6 An Equality Impact Assessment was not deemed necessary for this procurement as the services offered are subject to legislative controls. In the tender, bidders will be asked a series of questions relating to equalities and diversity but these will not be scored as they are not deemed integral to the operation of the services.

This framework would not affect staffing and is not subject to the transfer of staff (i.e. TUPE).

Sustainability Implications:

- 7.7 Local Economy: By undertaking our own tender process, this may encourage more local supplier interest and potentially award that is not necessarily offered on external frameworks.

Sustainable Transport: this will be the other main environmental consideration.

Any Other Significant Implications:

- 7.8 None.

SUPPORTING DOCUMENTATION

Appendices:

None.

Documents in Members' Rooms

None.

Background Documents

None.

