

	<h2>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER</h2>
Title	Provision of Upper and Lower Fosters Masterplanning Contract Award
Report of	Director of Development and Regeneration
Wards	Hendon
Status	Public
Enclosures	None
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<h3>Summary</h3>
<p>The ARG Committee agreed, at its meeting on 12 December 2016, to note the development of a community co-designed masterplan and authorise procurement of the required multi-disciplinary professional team, including masterplanning and design services. Following completion of the procurement exercise, this report seeks approval to appoint Allies and Morrison for the provision of masterplanning services.</p>

<h3>Decisions</h3>
<p>1. Authorisation to proceed with a contract award to Allies and Morrison Limited, the successful tenderer, for the provision of Upper and Lower Foster Masterplanning for RIBA stages 1-3 and subject to further approval up to and including RIBA Stage 7</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 It was resolved at the ARG Committee on the 12 December 2016 to delegate to the Commissioning Director for Growth and Development, in consultation with the Chairman, to make appointments following the conclusion of the procurement exercise for the masterplanning professional team.

1.2 This report seeks authorisation to enter into a contract and take forward the project with the successful tenderer.

2. REASONS FOR DECISIONS

2.1 To enable the Director of Development and Regeneration to enter into contract with Allies and Morrison Limited, following a procurement process as detailed in section 5.2 below.

2.2 Under the contract, the selected bidder will be expected to develop the project up to and including the conclusion of RIBA Stage 3 and the submission of a full planning application. The contract will be valid for all RIBA stages up to and including RIBA Stage 7, to allow the Council, should the initial stages result in a successful outcome, to proceed directly into the detailed design stages without further procurement of services. It should be noted that the proposed form of contract allows the Council to terminate or suspend the services at any point, and thus limits the Council's financial liability should the project not progress beyond Stage 3. The legal contract is proposed to be entered into between the London Borough of Barnet and Allies and Morrison Limited.

3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3.1 Alternative procurement routes were considered however these were not suitable to meet the requirement within acceptable timescales.

4. POST DECISION IMPLEMENTATION

4.1 Instruct HB Public Law to conclude the contract to facilitate progress of the Upper & Lower Fosters Masterplan.

4.2 Pursue engagement with community stakeholders with a view to submitting a full planning application in August 2018.

4.3 Key target milestones:

- | | |
|-----------------------------------|----------------------|
| • Phase 1 Gateway | November 2017 |
| • Phase 2 Gateway Review | February 2018 |
| • Phase 3 Detailed Design | February - July 2018 |
| • Outline Business Case | July 2018 |
| • Planning Application Submission | August 2018 |

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Corporate Plan 2015-2020 has a strategic objective to “promote

responsible growth, development and success across the Borough". It states that the Council working with local, regional and national partners, will strive to ensure that Barnet is a place of opportunity, where people can further their quality of life and where services are delivered efficiently to get value for money for the taxpayer. The proposed Barnet Development Pipeline project will help meet these objectives by providing good quality private and affordable lifetime homes, through a community co-design process that strengthens community relations and confidence in the Council.

5.1.2 The Growth Strategy for Barnet recognised that growth is vital for ensuring the future prosperity of the Borough, and maintain Barnet as a successful London suburb.

5.1.3 The Council's Local Plan adopted in 2012, sets out a 15 year 'vision' to help shape the kind of place that Barnet will be in the future. It supports the delivery of new homes including affordable dwellings and the use of brownfield land for high quality and sustainable suburban development.

5.1.4 The Council's Housing Strategy, agreed in 2015 has the overarching objective of providing housing choices that meet the needs and aspirations of Barnet residents and sets out how the Council will deal with a number of challenges including high prices, a shortage of affordable housing and the potential threats to the qualities that make the Borough attractive.

5.2 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 The project will be jointly delivered between Barnet Homes and Regional Enterprise Ltd ("Re"), the Council's joint venture enterprise with Capita, which was established in October 2013.

5.2.2 A funding bid to DCLG was submitted successfully, with an award of £830,000, as a contribution to the overall project costs (up to submission of a full planning application) of £1.5m, and the remainder of the project budget was approved at the Policy and Resource Committee in June 2017.

5.2.3 Following an assessment of procurement options, an OJEU notice 2107/S 066-124215 was published on 4 April 2017 to conduct an Open procedure for services. Tender documents were accessible through the procurement portal with 93 suppliers expressing an interest in the opportunity. Twenty four submissions met the tender submission deadline of which 21 were compliant and proceeded to evaluation. Evaluation was undertaken in accordance with the tender documents with 6 suppliers shortlisted to interview and workshops. Evaluation under most economically advantageous tender (MEAT) principles was undertaken for the shortlisted suppliers and concluded with moderation. The evaluation outcome identifies Bidder B, Allies and Morrison.

5.2.4 Evaluation summary matrix:

		Bidder B	Bidder I	Bidder L	Bidder M	Bidder N	Bidder Q
		Allies and Morrison					
		% Score	% Score	% Score	% Score	% Score	% Score
Quality 60%	% Weighting						
1. Skills, Knowledge and Experience relevant to the brief and scope of works (Written Response) Bidders must evidence of knowledge and skills within the following areas relating to the key project objectives mentioned in section 2 of the specification: <ul style="list-style-type: none"> - Housing-led masterplanning and housing design for mixed tenure developments - Public realm design - Working with community members to co-design proposals, or similar approaches to community participation in the design process Bidders must provide CVs of all proposed team members showing their relevant project experience. Response to comprise not more than 20 sides of A4 including all text and images/graphics.	20	16	16	16	16	16	
2. Approach to delivering the brief and scope requirements up to RIBA Stage 3 (Written Response) Bidders must provide evidence that you understand the challenges and opportunities of the brief, and can plan and resource to meet them appropriately. Please provide: <ul style="list-style-type: none"> - Detailed method statement for your programme of work for RIBA Stages 1-3, as per the outline programme plan and scope of services detailed in sections 3, 4 and 5 in the Specification. This should include what you perceive as the key challenges for the project, and the methods you would use to meet them successfully. - Response to community involvement and co-design principles set out in the Specification, and how you would build on them to work creatively and effectively with the local community. - Detailed project programme for RIBA Stages 1-3, which must clearly outline how you will meet the milestones stated in the Specification. If it is considered that the proposed timescales are not sufficient to ensure the completion of this work to the required standard, you are requested to make this clear within your tender submission and provide an alternative timetable with an appropriate justification. - Organogram showing your proposed team structure, and Resourcing plan for delivering the project from RIBA Stages 1-3. This should itemise the time allocated for each team member, for each stage of the project. Response to comprise not more than 15 sides of A4 including all text and images/graphics.	25	20	20	20	20	20	20
3. Declaration in relation to RIBA Stages 4-7 The Authority wishes to retain the option to instruct the delivery of Stages 4-7 through this contract. Tenderers should provide a declaration that, should they be instructed to deliver Stages 4-7, they have sufficient resources to meet the scope requirements set out in section 5 of the specification. Tenderers should provide evidence of having provided a similar scope of services on previous relevant contracts, and client contact details for at least 3no of these projects.	5	4	2	3	3	2	2
Interview with Evaluation Panel	5	3	3	2	4	3	3
Workshop with members of community steering group	5	4	4	4	5	4	3
Quality Total	60	47	45	45	48	45	44
Price 40%	40						
Pricing Schedule		39.75	28.56	40.00	36.88	37.05	40.00
GRAND TOTAL	100	86.75	73.56	85.00	84.88	82.05	84.00

5.2.5 The financial commitment associated with all RIBA Stages required by Allies and Morrison Limited is £784,950, of which RIBA stages 1- 3 are £399,750. Disbursements are excluded from the above fee, however these will be invoiced in accordance with the overall budget envelope on a periodic basis and will be monitored via the project delivery board to ensure sufficient cost control.

5.3 Legal and Constitutional References

- 5.3.1 Council Constitution, Responsibility for Functions, Annex A – The Assets, Regeneration and Growth Committee has responsibility for “Asset Management” – all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council.
- 5.3.2 Section 2.8 of The Management of Assets, Property and Land Rules, contained in the Council’s constitution states that the “Strategic Asset Management Plan” will govern decisions on the future direction and development of the “Council’s Built Environment”.
- 5.3.3 Council Constitution, The Management of Asset, Property and Land Rules, Appendix 2, Table B sets out the acceptance thresholds which provides authority for the action. Financial arrangements in excess of £100,000 must be approved by Assets, Regeneration and Growth Committee.
- 5.3.4 The 12 December ARG Committee agreed to delegate the authority to approve the appointment of the preferred masterplanning team and to enter into contract, to the Commissioning Director for Growth and Development, in consultation with the Chairman.
- 5.3.5 HB Public Law has been consulted on this matter, and advised on the contractual and legal aspects of the proposed form of contract (RIBA Standard Conditions of Appointment for a Consultant).
- 5.3.6 The procurement has been conducted in accordance with the Council’s Constitution 22 Contract Procedure Rules (CPRs) Appendix 1 Table A.

5.4 Social Value

- 5.4.1 The procurement process and community involvement strategy for this project includes an assessment of social value as a key consideration. Tenderers were required to demonstrate how they will work with the estate residents and local community to develop their proposals with the support of the project team, and a detailed community strategy for the delivery phases of the project.

5.5 Risk Management

- 5.5.1 A financial health assessment has been undertaken to confirm proceeding with contract award. No adverse risk has been identified in making this appointment.

5.6 Equalities and Diversity

- 5.6.1 Under the Equality Act 2010, the Council must have due regard to the need to: a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; b) advance equality of opportunity between those with a protected characteristic and those without; c) promote good relations between those with a protected characteristic and those without. The 'protected characteristics' referred to are; age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. It also covers marriage and civil partnership with regards to eliminating discrimination.
- 5.6.2 The Council is committed to improving the quality of life for all, and wider participation in the economic, educational, cultural, social, and community life in the Borough.
- 5.6.3 The development at Upper and Lower Fosters will make a significant contribution to the provision of additional high quality intermediate housing in the Borough to assist first time buyers, many of whom are currently priced out of the market. In addition, much needed affordable rented housing will also be provided, as well as promotion of further construction jobs in the borough.
- 5.6.4 At this stage, the proposal does not raise any issues under the Council's Equalities Policy and does not have a bearing on the Council's ability to demonstrate that it has paid due regard to equalities as required by the legislation. No immediate equality impacts are anticipated as a result of this proposal, however a full EIA will be considered in due course.
- 5.6.5 Equality and diversity issues are a mandatory consideration in the decision making of the Council. This requires elected Members to satisfy themselves that equality considerations are integrated into day to day business and that all proposals have properly taken into consideration what impact, if any, there is on any protected group and what mitigating factors can be put into place.
- 5.6.6 The DPR will not give rise to any specific equalities and diversity issues. Local people and community groups are fully involved with the project through the community steering group that has been formed, and which represents not only estate residents but community members from the wider area. This is in accordance, and exceeds the expectations within, the Council's Statement of Community Involvement to ensure the diverse needs of existing and future residents are met in the masterplan.

5.7 Consultation and Engagement

- 5.7.1 The community steering group was involved in the procurement process through interviewing the shortlisted bidders.

6. BACKGROUND PAPERS

- 6.1 Assets, Regeneration and Growth Committee, 12 December 2016
<https://barnet.moderngov.co.uk/documents/s36542/Upper%20and%20Lower%20Fosters.pdf>
- 6.2 Policy and Resources Committee, June 2017
<https://barnet.moderngov.co.uk/documents/s40475/Business%20Planning%202017-20.pdf>

7. DECISION TAKER'S STATEMENT

- 7.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations.*

8. OFFICER'S DECISION

I authorise the following action

Signed



Cath Shaw, Deputy Chief Executive

Date

6th September 2017

REPORT CLEARANCE CHECKLIST