

## NOTICE OF DECISION OF CABINET MEMBER


Pursuant Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1<sup>st</sup> December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

In accordance with the authority delegated to me, I have made the following decision:

<b>Subject</b>	<b>Decision</b>	<b>Reason for decision</b>	<b>Date for Decision to be taken</b>
Asbestos removal in the properties acquired on Worcester and Oxford Street	Approval of the evaluation model; and  Grant delegated authority to the Head of North Worcestershire Economic Development and Regeneration, Head of Resources and Leader of the Council and Cabinet Member for Economic Regeneration, Planning and Localism to evaluate the tender submissions received and to award the contract for the removal of asbestos in the properties acquired on Worcester and Oxford Street as part of the Future High Street Fund programme	To progress the procurement of a suitable contractor for the removal of asbestos in the properties acquired on Worcester and Oxford Street as part of the Future High Street Fund programme	14 <sup>th</sup> July 2022

**I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.**

Dated: 14<sup>th</sup> July 2022.

Signed: 

Councillor: Helen Dyke, Leader of the Council and Cabinet Member for Economic Regeneration, Planning and Localism

## WYRE FOREST DISTRICT COUNCIL

### CABINET DECISION FOR STRONG LEADER APPROVAL

14<sup>th</sup> July 2022

#### Procurement of Asbestos Removal Contractor

<b>Open</b>	
<b>CABINET MEMBER:</b>	Councillor Helen Dyke, Cabinet Leader
<b>RESPONSIBLE OFFICER</b>	Ostap Paparega, Head of NWedR
<b>CONTACT OFFICER:</b>	Clayton Maponga <a href="mailto:clayton.maponga@nwedr.org.uk">clayton.maponga@nwedr.org.uk</a>

#### **1. PURPOSE OF REPORT**

- 1.1 Approval of the Cabinet is required by the Contract Procedure Rules to enter into a procurement exercise where the value of the purchase is over £175,000.
- 1.2 The report seeks to gain approval to advertise the contract, for the tender evaluation model proposed for the procurement of an Asbestos Removal Contract from the properties acquired on Worcester and Oxford Street in accordance with CAR2012 regulations as part of the Bromsgrove Street and Crown House Future High Street Fund project.
- 1.3 The report also seeks approval for delegated authority to be given to the Head of NWedR, in consultation with the Solicitor of the Council, Head of Resources and the Cabinet Member for Economic Regeneration, Planning & Localism to appoint contractors to undertake the project, following the evaluation of the competitive tender exercise.

#### **2. RECOMMENDATION**

##### **2.1 That the Leader:**

- 2.1.1 Approves the procurement exercise and the tender evaluation model contained in Section 4 of this report; and
- 2.1.2 Grant delegated authority to the Head of NWedR, in consultation with the Solicitor of the Council, the Head of Resources and the Cabinet Member for Economic Regeneration, Planning & Localism to evaluate the submissions received from the competitive tender process and to award the contract for asbestos removal from the acquired properties on Worcester and Oxford Street as part of the Bromsgrove Street and Crown House Future High Street Fund project.

### 3. **BACKGROUND**

- 3.1 At its meeting on 12<sup>th</sup> July 2016, Cabinet approved a new vision and preferred development option for the Kidderminster Eastern Gateway area (now known as Lion Fields) as part of an overall Development Framework. The Development Framework is intended to guide and inform the comprehensive regeneration of the Kidderminster Eastern Gateway area.
- 3.2 The Development Framework splits the site up into six development parcels, which could come forward to the market in phases and independently of each other yet complementing each other to achieve the comprehensive redevelopment of the Kidderminster Eastern Gateway area as a whole.
- 3.3 The purpose of this report is purely in relation to what is known as Bromsgrove Street and Crown House, which is part of the Future High Streets Fund program that includes the former Magistrates Court.
- 3.4 An integral part of the Future High Streets Fund is the strategic reconnection of the east and west sides of the town to rebalance the shift towards Weavers Wharf, to increase permeability through the town and to diversify the retail floor space concentration. A key element of this approach is the strategic acquisition and demolition of properties on Worcester Street to transform connectivity of the town on an east to west axis, from the former Magistrates Court and indoor market on Worcester Street across the former Glades leisure centre site and Bromsgrove Street car park to the Bull Ring and from Worcester Street to Exchange Square outside the Town Hall. The demolished properties on Worcester Street will be re-purposed for improved public access as well as opening potential redevelopment opportunities.
- 3.5 Given the above context and the viability issues associated with delivering the improved access links and redevelopment sites the Council have sought to secure public sector support to realise the intended ambition. In that sense, the Council was awarded £20.5m in December 2020 from the Future High Streets Fund.
- 3.6 The Council now needs to secure further professional support to remove the asbestos within the acquired buildings prior to demolition. This will require the procurement of a licensed and specialist asbestos removal contractor who can undertake the work in accordance with the Control of Asbestos Regulation 2012.
- 3.7 The Council has access to the Pagabo framework to procure professional services which will be used to engage with the preferred contractor and the framework comprises a list of suppliers who have been evaluated as capable of delivering the requirements, and standard contract terms for public sector organisations. The framework is compliant with the advertising requirements of the Public Contracts Regulations.
- 3.8 The proposed tender timetable is as follows:

Task	Date
Issue Expression of Interest Form	05 <sup>th</sup> July 2022
Approval of Tender Process, including evaluation model and delegation to award contract	15 <sup>th</sup> July 2022

Issue Further Competition Documents	20 <sup>th</sup> July 2022
Final date for return of Further Competition	5pm, 17/08/2022 – 4weeks
Initial Award Decision Notification	25/08/2022
Standstill Period	26/08 – 05/09/2022 – 10 days
Contract Award	12 <sup>th</sup> September 2022

#### **4. EVALUATION CRITERIA AND SCORING METHODOLOGY**

4.1 All Tenders will be evaluated on a 60/40 split in favour of price over quality.

##### **4.1.1 Price**

The Tenderer with the lowest tender price will score the maximum score of 60%.

The other tenders will be scored pro rata as a percentage of their tender sum compared with the lowest tender.

$$\frac{\text{Lowest submitted total price}}{\text{Tenderer's submitted total price}} \times 60$$

#### **5. Quality Assessment**

The quality element of submissions will be evaluated based on responses to the Quality Questionnaire.

##### **All tenderers must:**

- Set out the methodology for undertaking the commission, based on the section within the ITT entitled 'deliverables', and outline what they see as the key challenges and areas the Council will have to have consideration in delivering the commission.
- Provide the CVs of their proposed team setting out their relevant experience for undertaking this commission and in particular provide the comparable experience of the project director and project manager/leads that will be responsible for delivering the commission on a day-to-day basis. The lead for the work should have experience of working in live town centre locations.
- Provide three comparable case studies, undertaken in the last 3 years, where the leading members of their proposed team played a leading role in those commissions and demonstrate how the projects have/ are progressing in to delivery and the companies/individuals roles in that process.

5.1 As identified previously, the Council reserve the right to hold a clarification meeting should one be required. The submissions will be assessed based on the following quality criteria:

Criteria	Percentage
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Approach / Methodology	40%
Direct and Relevant Experience	30%
Case Studies	30%

The following matrix illustrates how responses to questions will be assessed. The scores for each question will be used to calculate a percentage weighting based on the percentage weightings listed above.

Performance	Judgement	Score
Exceeds all expectations	Exceptional	10
Exceeds almost all expectations	Outstanding	9
Exceeds most expectations	Very good	8
Above Expectations	Good	7
Slightly exceeds expectations	Fair	6
Meets expectations	Average	5
Satisfactory but below expectations	Below average	4
Below expectations	Poor	3
Well below expectations	Weak	2
Almost Unacceptable	Very Weak	1
Unacceptable		0

- 5.2 The evaluation process will consider all relevant submitted evidence and written information provided by each tenderer, in relation to the specific requirements as set out within the ITT and the supporting documentation. There will be an initial check of all tenders for completeness and compliance with the tendering instructions (including a check that the tender is a “compliant tender”). Any submissions that in the opinion of the Council do not meet the requirements set out in the ITT may be rejected as non-compliant and will not be evaluated further.

Each question for quality will be assessed by a panel. The panel will agree a single overall score up to the maximum score for the question. This score will be multiplied by the weighting for that question (as set out in the above table) to give weighted score. The following formula will be used to calculate weighted scores:

$$\text{Weighted Score} = \frac{\text{Awarded Score}}{\text{Maximum Score}} \times \text{Weighting}$$

For example, if a score of 6 is awarded for Question 1 (weighting 10%) the weighted score will be 6 (6/10 x10).

At the sole discretion of the Council, Tenderer’s may be invited to present their proposals at clarification meeting and demonstrate details of their submission. The meeting may be used to validate the provisional scores for the Tenderer’s written submissions in relation to quality and technical merit. The Council’s tender evaluation panel may therefore reduce a Tenderer’s provisional score for their written submissions in relation to quality where the meeting indicates that a Tenderer’s provisional score on the basis of their written submission cannot be justified. Conversely, the evaluation panel may increase a Tenderer’s provisional score where it considers their written submissions in relation to quality did not sufficiently reflect the quality of their actual delivery proposals for the Contract.

## **6. FINANCIAL IMPLICATIONS**

6.1 The funding for this work is being provided from an existing capital funding that has already been secured through the Future High Streets Fund.

## **7. LEGAL AND POLICY IMPLICATIONS**

7.1 Given that the value of the contract could exceed £175,000, Cabinet approval is required for the procurement and evaluation criteria, as outlined in paragraph 9 of the Contract Procedure Rules.

7.2 The successful contractor will be required to enter into a formal contract prepared by the Solicitor to the Council.

## **8. CONCLUSION**

8.1 Due to the value of the contract proposed, authorisation is required for the proposed evaluation model that will be used to assess the tenders. This model has been provided in section 4 and section 5 of this report.

8.2 The successful appointment of a suitably qualified and experienced contractor will allow for work to continue in relation to the re-imagination of this part of Kidderminster Town Centre. This is in line with the Council's bid to the Future High Streets Fund

## **9. RISK MANAGEMENT**

9.1 A Project Board has already been established to oversee the next stages of the Future High Streets Fund Bid. The appointed contractor will be required to report into the Project Board to ensure that the work is delivered in line with the specification included within the brief.

## **10. EQUALITY IMPACT NEEDS ASSESSMENT**

10.1 This report relates solely to the procurement of a contractor to provide services in relation to the removal of asbestos from the acquired properties on Worcester Street. The fundamental principles of no discrimination and transparency relate to all procurement exercises; there is no requirement for an Equality Impact Assessment

## **11. CONSULTEES**

- CLT

## **12. BACKGROUND PAPERS**

- ReWyre Initiative: A Prospectus for Regenerating Kidderminster, September 2009
- Kidderminster Central Area Action Plan, July 2014
- Kidderminster Eastern Gateway, Delivery Framework, July 2016