

REPORT FROM: CORPORATE DIRECTOR

TO: POLICY AND RESOURCES COMMITTEE

DATE: 22ND AUGUST, 2019

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TENDERS AND OTHER CONTRACT RELATED MATTERS

PURPOSE OF REPORT

To report, for information, tenders which have been received and accepted and to report any exemptions from the requirements of the Contract Procedure Rules.

RECOMMENDATION

That the Policy and Resources Committee :-

- (1) notes the tenders which have been received and accepted;
- (2) notes the exemption granted from Contract Procedure Rules for Lomeshaye Phase 1 extension and Further Clough Head – New Housing Development;
- (3) appoint Members to sit on a Steering Group for the Nelson Master planning process.

REASONS FOR RECOMMENDATION

- (1) To agree acceptance of tenders/offers in accordance with Contract Procedure Rules.
- (2) To oversee the developments of a new Masterplan for Nelson.

ISSUE

Award of Contracts

1. Following the relevant procurement process, tenders have been received and accepted in relation to the following projects:-

(a) Haverholt Road, Colne - Surfacing Improvements

Tenderer	Tender Figure (£)
A & G Landscapes & Groundworks Limited	27,711.39
Colin Braithwaite Excavators Limited	28,110.96
Blackoak Surfacing Limited	29,665.90
Monk of Colne Limited	37,440.29
O'Callaghan Limited	51,029.00

The contract has been awarded to A & G Landscapes and Groundworks Limited and will be funded from Colne and District Committee; the Community Investment Fund; Vivary Bridge Environmental Improvement Fund; and resident contributions.

(b) Nelson Town Centre Masterplan

Planning, Economic Development and Regulatory Services Team sought to appoint consultants to prepare a masterplan/vision covering Nelson town centre taking into account, where relevant, adjoining housing and industrial areas. The Masterplan will take into account the current strengths and weaknesses of the area, plus the existing strategies and investments in place informing future action priorities. The work will take a view on the retail market and the future role of Nelson. A new deliverable Vision and Masterplan is required so that investors can feel confident to invest and it will provide a sound understanding of the town's potential. The aim is to produce a Masterplan that will guide Nelson's new economic future.

A total of 18 tender submissions were received ranging in price from £26,175.00 to £226,176.92.

In determining the selection, the weightings were applied to a number of criteria in its appraisal of the proposals, outlined in the table below.

Criteria	Demonstrated by	Weighting
Interpretation of the brief	Evidence of clear understanding of the Brief	20
Methodology proposed	A clear overall approach to the work and an appropriate methodology to deliver the proposed outcomes	10
Identified team / staff	Competence, qualification and experience of key professional staff in successfully undertaking similar commissions	20
Timetable and work programme	Ability to work to the milestones outlined in the brief, with a realistic number of days allocated to the project	10
Past experience	Relevant experience of undertaking this type of work with references from previous work carried out in the past two years.	10
Price	A fully inclusive fee breakdown	30
Total Score available		100

The three highest scoring submissions were invited to interview, as follows -

Tenderer	Tender figure (£)
Cushman & Wakefield, No. 1 Marsden Street, Manchester, M2 1HW	50,940
Lambert Smith Hampton, 6 th Floor Hardman Street, Spinningfields, Manchester M3 3HF	43,662
Peter Brett Associates LIP, 61 Oxford Street, Manchester, M1 6EQ	44,869

Following interview and assessment of submissions, the average weighting received by each business was as follows –

- Cushman & Wakefield 89
- Lambert Smith Hampton 81
- Peter Brett Associates 85

Cushman & Wakefield has been appointed following this process.

The Committee is requested to appoint Members to sit on a Steering Group for the Nelson Master planning process with the role of overseeing the developments of a new Masterplan for Nelson.

Exemptions from Contract Procedure Rules (CPRs)

2. CPR 5 include provision for exemption from the requirements to comply with CPRs in certain circumstances where it is considered justifiable, value for money is maintained and such action does not contravene EU and domestic legislation. Exemption from CPRs is, however, subject to the prior approval of the Corporate Director and Chief Financial Officer provided that details of such exemptions granted are reported to the next possible meeting of the Policy and Resources Committee.
3. Since the last meeting of the Policy and Resources Committee, the following exemptions to CPRs have been granted:-

Lomeshaye Phase 1 Extension – Geotechnical Investigations & Designs

The extension of Lomeshaye Industrial Estate Phase 1 requires Pendle Borough Council to construct a new access road (to adoptable standard) to the proposed site boundary.

Due to the instability of the land which the new access road crosses Lancashire County Council require further detailed site investigation on the line of the road and its environs to enable a geotechnical design of the substructure of the highway and the surrounding area to ensure its stability (and the adoption of the highway by Lancashire County Council).

The Lomeshaye Phase 1 scheme is closely linked to the European Structural and Investment Fund (ESIF) funded Blue and Green Infrastructure scheme joint funded by Pendle Borough Council and Ministry of Housing, Community and Local Government (MHCLG). MHCLG require cost certainty for the scheme by the end of September. Therefore we need to further develop estimates and tender the Lomeshaye Phase 1 scheme to provide MHCLG with a level of confidence that the scheme is deliverable.

We need the geotechnical investigations and designs to be undertaken as soon as possible so that we can feed the requirements into the design and procurement process which will inform the costings.

The timescales involved with tendering the geotechnical investigations and designs is approximately 6 weeks and therefore would delay the cost appraisals and procurement until mid-November. This would be unacceptable to MHCLG.

In view of the above an exemption from Contract Procedure Rules has been granted in accordance with CPR 5.2(a)

The contract at a cost of £12,295 has been awarded to Paul Waite Associates.

Further Clough Head – New Housing Development

The Further Clough Head housing development requires Pendle Borough Council to construct a new link road (to adoptable standard) from the end of Marsden Hall Road South to the proposed site boundary.

Due to the nature of the land which the new access road crosses and the presence of old mine workings Lancashire County Council require further detailed site investigations on the line of the road and its environs to enable a geotechnical design of the substructure of the highway and the surrounding area to ensure its stability (and the adoption of the highway by Lancashire County Council).

The link road is being funded by Homes England and as such the agreed performance data and financial profiling must be adhered to. The agreed date for the contractor to be engaged is October 2019.

The timescales involved with tendering the geotechnical investigations and designs is approximately 6 weeks and therefore would delay the cost appraisals and procurement until mid-November. This would be unacceptable to Homes England.

In view of the above an exemption from Contract Procedure Rules has been granted in accordance with CPR 5.2(a)

The contract at a cost of £12,951 has been awarded to Paul Waite Associates.

IMPLICATIONS

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| Policy: | None arising directly from the report. |
| Financial: | The financial implications are as provided in the report. Assessment of awarded tender against budget provision available is part of the budget tendering exercise. |
| Legal: | None arising directly from the report. |
| Risk Management: | None arising directly from the report. |
| Health and Safety: | None arising directly from the report. |
| Sustainability: | None arising directly from the report. |
| Community Safety: | None arising directly from the report. |
| Equality and Diversity: | None arising directly from the report. |

APPENDICES: None