

LONDON BOROUGH OF CROYDON

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| REPORT: | Corporate Director Delegated KEY DECISION | |
| DATE OF DECISION | 25th March 2024 | |
| REPORT TITLE: | Regina Road Professional Service – Quantity Surveyor Contract Award (PART A) | |
| CORPORATE DIRECTOR / DIRECTOR: | Susmita Sen – Corporate Director of Housing | |
| LEAD OFFICER: | Kelly Harris - Regina Road Project Director Email – Kelly.Harris@croydon.gov.uk | |
| LEAD Member: | Councillor Hale Cabinet Member for Housing / Deputy Mayor | |
| DECISION TAKER: | Susmita Sen – Corporate Director of Housing | |
| AUTHORITY TO TAKE DECISION: | Delegated decision – delegated via Annual Procurement Plan Approved Cabinet November 2022 | |
| KEY DECISION? (Insert Ref. Number if a Key Decision) <i>Guidance: A Key Decision reference number will be allocated upon submission of a forward plan entry to Democratic Services.</i> | YES | REASON: Key Decision financial criteria: Value of the contract is over £1million Key Decision Number 2923HOU |
| CONTAINS EXEMPT INFORMATION? <i>(* See guidance)</i> | YES | Public with exempt Part B report Exempt under paragraph(s) 3 of Schedule 12A of the Local Government Act 1972 and the public interest in withholding disclosure outweighs the public interest in disclosure. |
| WARDS AFFECTED: | ALL | |

1.0 EXECUTIVE SUMMARY

- 1.1 This report sets out the outcome of the procurement process that the Council has undertaken in relation to the appointment of the Quantity Surveyor¹ for the Regina Road Regeneration Project in accordance with the procurement strategy approved by the Executive Mayor in Cabinet on 26th July 2023 ref: PB-2324-000005-S.
- 1.2 The Regina Road re-development scheme has (as was set out in the competition the basis of tender) a value of £103M to £130M construction (380+ dwellings was the basis of tender) and is today forecast to be up to 450 high quality homes over three phases across three years of construction, planned to commence on-site in early 2025. The scheme is a housing priority as it replaces three 1960s system-built tower blocks and maisonettes with a vibrant, modern, well-designed development of social, affordable rent and private homes.
- 1.3 A full-service Quantity Surveyor¹ is required to lead the scheme through detailed design, planning, and then into the construction phases.
- 1.4 The procurement route undertaken was a mini-competition via the South East Consortium ('SEC') Consultancy Services Framework. The framework for new procurements expires 7th February 2025, The form of contract deployed was prepared by LBC Legal and is a market-standard consultant's appointment for suppliers of professional services operating in the UK construction sector. Its form and substance is typical for consultancy appointments used in the UK construction sector that are prepared by a law firm with a dedicated construction law specialism acting on behalf of an employer/developer. The form of services therein is based on RICS model services with client amendments produced by LBC Procurement (Lot 8 Professional Services OJEU REF 2020/S 124 331370).
- 1.5 The purpose of this report is to describe the tender process, detail the outcome and recommendations, and seek authorisation to award the contract and commence mobilisation.
- 1.6 The Council recommends awarding the contract to Bidder A (named in Part B of this report), as the most economically advantageous tender that scored the highest overall in relation to quality, technical, social value and price.
- 1.7 The contract commencement dates are expected to be from late March or five clear working days after the decision.

The exempted information is provided in Part B of this report.

¹ Quantity Surveyor in this award covers the full services scope of support, as defined in the Tender, and includes RICS services for: Quantity Surveyor, Cost Management, Employers Agent, Contract Administrator with an option being tendered and now under consideration to be the Project Manager. Other services may also be required by the projects and compliantly purchased including: Cost Advisor, Funding Advisor, Investment Advisor, Tax and VAT advisor, Grants Advisor etc.

2.0 RECOMMENDATIONS

2.1 For CCB

The Contracts and Commissioning Board (CCB) with the approval of the Cabinet Member for Finance and Cabinet Member for Homes is requested to recommend to the Corporate Director for Housing to approve the recommendations below.

2.2 For Corporate Director of Housing

The Corporate Director of Housing is recommended by the Contracts and Commissioning Board (CCB) with the approval of the Cabinet Member for Finance and Cabinet Member for Homes to approve:

the award of a contract for the provision of Quantity Surveyor Services for the Regina Road regeneration project, for a maximum contract value as stated in the Part B report to bidder (A), as named in the Part B report.

3.0 REASONS FOR RECOMMENDATIONS

3.1 The Executive Mayor in Cabinet approved the procurement Strategy (ref: PB-2324-000005-S 26th July 2023) for delivery of Quantity Surveyor Services and other supporting consultants for the Regina Road scheme.

3.2 The procurement had followed the appropriate procurement processes, involving the Council's procurement team, the service technical team and legal advisors to ensure Council compliance with both the Public Contracts Regulations 2015 (PCR) and Council's Tenders and Contract Regulations (TCRs).

3.3 The proposed award will provide compliant Quantity Surveyor Services¹ for the Regina Road development, including the demolition and site preparation stage. The Council has ensured flexibility within the procurement to cover the full scope of Quantity Surveyor services including the option to appoint the QS to be project manager, as well as commercial flexibility in the construction route (yet to be decided), and retained the flexibility to amend the scope should it be beneficial to the Council.

3.4 The report outlines the procurement process that was undertaken via the SEC Consultancy Services Framework and recommends the most economically advantageous tender award to Bidder A for the provision of Quantity Surveyor Services for the Regina Road redevelopment within the terms and conditions of the contract.

4.0 BACKGROUND AND DETAILS

4.1 The Regina Road housing redevelopment scheme

4.1.1 Regina Road today is a housing scheme in Croydon's South Norwood area that has aged badly. It includes three tower blocks that were built using the then-

innovative large panel system which was seen as necessary to alleviate the housing shortage of the time.

- 4.1.2 Many residents are now living in properties suffering from water penetration, condensation and mould – as seen in many similar estates nationally. It has been decided that rebuilding would be substantially more cost-effective than continual remedial works.

- 4.1.3 This follows extensive resident engagement which will be a feature of the scheme moving forward. This dialogue has proved very successful and will continue over the life of the scheme. In April and May of 2023, an independent ballot was conducted which attracted a high turnout (81.7%) and support for a new estate was overwhelming at 88%.

- 4.1.4 Following Council's approval at the end of July (2023) the scheme is now moving ahead and a team of highly experienced professionals have been recruited under a number of procurements to ensure that we break ground at the beginning of December 2024. The aim is to deliver an outstanding scheme for residents whilst creating additional housing within Croydon, which is becoming a popular 'borough of choice' supported by excellent educational establishments at all levels, superb public transport and great employment opportunities.

Regina Road is a landmark scheme in the next chapter of the journey of Croydon and its growth.

- 4.1.5 The plan is to demolish the existing tower blocks and surrounding properties – a total of 191 homes – and to replace them with up to 450 high-quality homes over
- 4.1.6 a phased scheme. It is envisaged that the first phase will comprise approximately 86 dwellings at Regina Road, plus up to eight homes at the nearby Malton House site which already has planning permission. The final number of homes, their height, density and design has yet to be finalised – architects BPTW have been appointed with the Scheme at RIBA 2020 Workplan Stage 2/3 (of 6).

- 4.1.7 The scheme is currently proposed to commence on site in Early 2025 with demolition of the first block planned to commence in Q3 2024. The scheme will then likely run across three years of build in three phases, until completion.

- 4.1.8 The planning application submission is planned for November 2024 with an aim of securing full planning permission for the first phase by Early 2025.

- 4.1.9 The construction contracting/procurement route (Traditional, Design & Build, other) will be decided by late June 2024, with the Quantity Surveyor being a key party to input into the decisions on the form of contract and framework, and construction/contracting/procurement route. Regardless of the construction contracting/procurement route (Traditional, Design & Build, other) the current thinking is that the Quantity Surveyor may be retained as the consultant Quantity Surveyor throughout to ensure continuity of service and this award foresees this, as well as other options, especially in terms of maintaining cost control in the design process because.

- 4.1.10 A procurement for additional cost assurance as well as protecting the Council when issuing certificates, for payments and sub-stage completions, is underway

4.1.11 for a Client Advisor. The Client Advisor will ensure that both the Architect and Quantity Surveyor perform.

4.1.1 It is planned that the rest of the professional team will likely be sub-consulted through the Architect (e.g Structural Engineer and Mechanical and Electrical Engineer). However it may be the case that certain members of the professional team are appointed directly by the LBC (e.g. Principal Designer, Fire Engineering Consultant) and this option is also anticipated if required.

This procurement envisages the need for an integrated project team and the contract reflects this cooperating with the full-services Architect.

4.2 Procurement Process

4.2.1 The procurement proceeded in line with the original CCB approved strategy report ref: PB-2324-000005-S, which set out that the procurement would be conducted via a framework. Following an assessment of suitable frameworks it was agreed to proceed with a mini-competition via the SEC Consultancy Services Framework – Lot 8, Professional Services, Quantity Surveyor. The tender documents were published using the SEC e-procurement portal to the market in line with the TCRs, and all other associated documents published followed the PCR 2015 regulations with minimum risk of a legal challenge. The route followed aimed to deliver value for money, minimise time and cost of the procurement process and to meet all the service requirements.

4.2.2 The procurement process described below incorporated several core requirements to ensure the contract to be awarded best met Croydon's existing and emerging needs:

- Engagement of a firm of Quantity Surveyor that are able to meet the Council's requirements whilst ensuring value for money.
- Contract flexibility to ensure Council protection in the event of changes to the scheme or delivery of the scheme.
- A contract form that includes the requirement for a London Living Wage as a minimum payment for staff working on this contract.
- Contractual social value requirements that can demonstrate local benefit for the supply chain, employment and training.
- Comprehensive Specification to provide clarity for both parties and help Council deliver the scheme.
- Detailed pricing basis that provides (i) greater cost transparency and control, and (ii) evidences value for money.

4.2.3 The Council selected the SEC Consultancy Services Framework – Quantity Surveyor Lot 8. The Council is able to utilise this framework and the framework is fully compliant with PCR 2015 (FTS / OJEU Ref: 2020/S 124 331370). The

framework expires for new tenders on 07/02/2025, with call-offs awarded before this date allowed to expire beyond the date of the framework's end date.

4.2.4

The list of suppliers on the framework is as follows, all were invited to tender:

- Baily Garner
- Madlins
- John Rowan & Partners
- IBIS (DJJH) RANK
- Michael Dyson Associates
- Airey Miller
- Woodley Coles
- Synergy
- Pellings LLP

4.2.5

The framework was deemed to have a suitable list of suppliers with sufficient capability and capacity to meet the Council's needs for the Regina Road scheme.

4.2.6

Investigation was made prior to the competition by the procurement team which established that Lot 8 was an excellent match for the requirement and that any provider would be qualified to deliver an excellent result, all the firms having an extensive track record in medium and large housing schemes.

4.2.7

The Council took care to ensure that all bidders were on a level playing field including issuing relevant documents and ensuring equal treatment to all bidders.

4.2.8

In common with other frameworks the SEC framework charges a fee, in this case 2%, and this is charged to the successful supplier when they invoice the Council. The Council is in the process of entering into a partnering agreement with SEC which will reduce this levy to 1.5% with caps across this and other awards.

4.3

Terms and Conditions

4.3.1

The contract deployed was prepared by LBC Legal and is a market-standard consultant's appointment for suppliers of professional services operating in the UK construction sector. Notwithstanding that, the contract was prepared by LBC Legal, its form and substance is typical and as to be expected for consultancy appointments (used in the UK construction sector) that are prepared by a law firm with a dedicated construction law specialism acting on behalf of an employer/developer. The form of services therein is based on RICS model services with client amendments produced by LBC Procurement.

4.4

Tender Process

4.4.1

The award of the contract was based on the 'Most Economically Advantageous Tender' (MEAT). The weighting for the commercial evaluation was Price (50%), Quality (40%) and Social Value (10% - split as 6% qualitative and 4% quantitative). The balance of price versus quality was set to reflect the Council's financial situation and the commitments of the Executive Mayor of Croydon to avoid

overspend, to manage external contracts effectively, to obtain value for money and to deliver council services on budget and to a good standard.

4.4.2 The Council went out for expressions of interest in the first week of December 2023 through the SEC portal. Following this process, the Council received a good level of interest from bidders and therefore proceeded to tender stage.

4.4.2 The Council issued the mini competition through the portal on 9th January 2024 to all nine suppliers on the framework. The original plan had been to publish in the second week of December 2023 however on the advice of SEC the tender was held back until after the Christmas and New Year to ensure that a strong set of bidders competed for the tender.

4.4.3 All Bidders were required to enter into a confidentiality agreement before receiving the documents. This was based on legal advice and was intended to avoid conflicting messages as is standard practice in such tenders.

Bidders were required to submit tenders inclusive of each of the following:

- Cost schedule split across RIBA Stages for providing full Quantity Surveyor Services for Regina Road with various options which were separate from the evaluation but which could then form the basis of fixed priced options
- Responses to all Method Statements to ensure the technical competence of bidders, including a programme plan
- Signed Form of Tender and accompanying forms

4.4.4 The date for the Return of Tenders was Wednesday 7th February 2025. The return of tenders was via the SEC portal.

4.4.5 All nine expressed an interest and requested documents.

4.4.5 Three Bidders returned tenders through the portal in time. There were no late submissions:

5 Evaluation

5.1 The evaluation team panel for the quality evaluation comprised the following personnel from Croydon Council:

Obafemi Adenusi – Senior Project Manager, Regina Road

Jacqueline Duffus – Senior Resident Engagement Lead

John O'Dor – Senior Procurement and Commercial Manager

David Ackerman from the Procurement Group acted as the Facilitator and Moderator.

- 5.2 The tender price evaluation was undertaken by the procurement team after the qualitative scores had been calculated and moderated. The evaluators were not sighted on the financial amounts until after moderation of the qualitative elements of the evaluation.
- 5.3 The evaluation panel received training in evaluation before their work commenced. Each marked separately with no collaboration.
- 5.4 The evaluation scripts contained the question, the answers of bidders and the clarifications.
- 5.5 The evaluation panel members individually scored their specialist areas before the moderation meeting. The evaluation panel moderated and agreed the consensus score leading to the recommendation in the report. The process included ensuring a sufficient level of detail was captured regarding each element to ensure that the Council would be able to fulfil its obligations regarding the information provided to unsuccessful bidders.
- 5.6 The evaluation was undertaken in accordance with the tender documents and framework agreement.
- 5.7 The bids were exclusive of qualifications and errors and no clarifications were sought after submission.
- 5.8 Due diligence was carried out on the tender submissions and all bidders passed this due diligence stage. All mandatory questions had been passed.
- 5.9 All bidders passed the client's solvency test using the CreditWatch scores.
- 5.10 Upon receipt of tenders, an arithmetical and technical check was undertaken and no errors, adjustments or qualifications were noted.
- 5.11 The costs of the bids were in line with the estimated cost of the Quantity Surveyor Services for the scheme. The tendered sums are below the cost envelope of Quantity Surveyor Services within the Council's internal budget, and this is due to the fact that the tendered sums are a basis for bid and the figure includes headroom for increases during the life of the project as the Council's requirements crystallise.
- 5.12 The overall weighting comprised Quality - 40%, Social Value - 10%, and Price - 50%. The overall quality assessment was based on written submissions from the tenderers.
- 5.13 Questions that were asked by the bidders were responded to eight days before the submission date.
- 5.14 No clarifications were sought by the evaluators as the bids were like for like.
- 5.15 The evaluation criteria of technical; quality and social value together with commercial (price) are set out overleaf:

Information

MS Word Document (as well as a PDF) completed of Volume 4

(Unscored but required)

Supplier information



PART 1.

Mandatories – PASS / FAIL

Threshold questions – such that the Buyer can assure themselves that the Bidder is viable for the Award



PART 2a.

Technical Questions 50%

Qualitative Element 40%



Part 2b.

Social Value Element 10%

2.b.1. Social Value : Qualitative – 6%

2.b.2. Social Value: Quantitative – 4% - **MS Excel document**



PART 3.

Commercial / Quantitative 50%



3.1. Completed Price Offer + PSP Offer - **MS Excel document**

PART 4.

Additional Information / Declaration

Signed commitments as the basis of tender

- 5.16 All bidders responded to the suite of quality questions set around the detailed evaluation criteria and sub criteria shown above.
- 5.17 All evaluators were briefed 'one-to-one' and received training and instruction before receiving the scripts. That training including briefing on a set of rules and neutrality including:
- Scoring only on the scripts
 - Not bringing any views, either positive or negative, about the bidders
 - Not undertaking any external research (similar to 'Jury rules')
- 5.18 Evaluators saw only the Technical sections until the end of the Moderation Session in which the scores had been agreed and were then shown the

Commercial sections.

5.19 The chronology of the evaluation, moderation and recommendation to award was as follows:

| | |
|---|--------------------------------|
| Tenders received back through SEC | 7 th February 2024 |
| Tenders checked and Mandatories reviewed | 8 th February 2024 |
| Briefings to evaluators completed | 8 th February 2024 |
| Scripts and scoring sheet provided to evaluators – including the Q&As | 12 th February 2024 |
| Evaluators returned their scripts to the Moderator | 27 th February 2024 |
| Moderation session | 29 th February 2024 |
| Consolidation of the scores by the Moderation | 29 th February 2024 |
| Finalisation of scores and assurance | 5 th March 2024 |
| Quality assurance and validation of both scores and process / computation | 5 th March 2024 |

5.20 The finance scores were then calculated on the criteria set out in the invitation to tender where the lowest cost bidder scored full marks for the price score and the other bidders' scores were calculated on that lowest cost bid.

5.21 Before concluding the second Moderation, the Moderator explained that the process was being closed after which each Evaluator was invited to comment on any reservations they had.

5.22 There was unanimity in terms of the result and confidence of the winner's Technical response.

5.33 The quality, social value and price scores were then added, and the overall outcome was as follows:

5.34

| Bidder | Overall score | Rank |
|-------------------|----------------------|-------------|
| Bidder A (Winner) | 88.6% | 1 |
| Bidder B | 74.3% | 3 |
| Bidder C | 82.5% | 2 |

(See Part B report for the full details of the Price and Quality Score evaluation).

- 5.35 Bidder A provided a good quality solution in relation to quality and social value. Further details on their submission is set out in the Part B report.
- 5.36 Further analysis of the cost of Bidder A's submission is set out in Part B.
- 5.37 Based on this outcome, the Council is recommending that we appoint the contract to Bidder A.

6 Savings and Efficiencies

- 6.1 Savings and efficiencies will be delivered by the Quantity Surveyor due to the competitive way in which the contract was tendered. In addition the transparency of the bid will help the Council manage variations throughout the course of the project to ensure the Council achieves value for money as the project evolves.
- 6.2 The Bidders provided additional pricing and offers which were scored but would be contractual;
- Options for additional works
 - Options for additional scope
 - Day rates (there are day rates in the SEC but the bidders were lower).
- 6.3 The procurement was explicitly structured so that the bidders committed to their best price for each stage – as opposed to simply asking for numbers of days x day rates. The procurement team considers the approach taken as best industry practice in securing best value.

7 Contract Management

- 7.1 The contract will be managed and operated by the Regina Road Project Team. Operational and strategic management meetings will be held at regular intervals as required with at least at monthly, quarterly and annual meetings. This will enable contractor performance to be managed throughout the contract. Operational processes and procedures will be reviewed and developed with the successful service provider as part of contract mobilisation.
- 7.2 Also, procurements are in train for a Client Representative. Each of these roles reports directly to the Client team and has a role in ensuring the delivery and quality of the Quantity Surveyor.

8 Premier Supplier Programme (PSP):

- 8.1 PSP was included with one bidder proposing to take up the offer, however the adjustment was not material to the outcome of the competition award.

9 Procurement Timetable

9.1 The procurement timetable is:

| Activity | Proposed Dates |
|---|-----------------------|
| Tender issued | Early January 2024 |
| Tender return | Early February 2024 |
| Tender evaluation | Late February 2024 |
| Moderation | Late February 2024 |
| Commissioning and Contract Board | March 2024 |
| Contract award | March 2023 |
| Legal formalities to complete contract with chosen supplier | March 2023 |
| Contract commencement | Late March 2024 |

10 **Alternative Options Considered**

10.1 The following options for the delivery of the Regina Road Quantity Surveyor were considered:

- Do not award the contract
- Deliver the term Quantity Surveyor Services in house

10.1.1 **Do Not award the Contract**

10.1.2 Three high quality bids were received and so a meaningful competition occurred. Re-running the competition to secure a wider set of tenders is believed by both the Council's procurement team and SEC to be highly unlikely to secure either better value or higher quality bids.

10.1.2 The nature and rationale for using the SEC Framework, underpinned with the investigation by the project and procurement team prior to selecting that route to market, is that any and all of the bidders could successfully deliver the project.

10.1.3 The three bids received were deemed to be high quality and offered value for money. The quality of the bids can be determined from the method statement scores and show that all bidders are technically competent to carry out the work. Value for money is assured by the Council's understanding of cost for this type of Quantity Surveyor service and that the preferred bidder's price is in line with market expectations.

10.2 **Deliver the Quantity Surveyor Services In-House**

10.2.1 In-house delivery of the Regina Road Quantity Surveyor Services is not considered viable. This is due to insufficient expertise and capacity within the Council. Trying to recruit the numbers of suitable staff to bring this project in-house would cause significant delay to the process and add further risks, as the Council does not have the knowledge to carry out this work itself. Given these reasons, this is not considered a realistic option.

10.2.2 Following completion of the tender process, and given that the preferred bidder (Bidder A) had achieved the overall highest combined scores with a fully compliant bid that met all tender document requirements, no other options were considered.

11 **CONSULTATION**

11.1 In the ITT documents briefing (Volume 2) and the Specification (Volume 3) Resident Engagement were set out as a crucial dimensions of the scheme, and in the Bidder return (Volume 4) specific elements sought out the methodology and commitment for the approach in this area. Every question required the Bidder to address the concerns of, and engagement with, residents.

11.2 One of the evaluators was a Resident Involvement Officer for Regina Road.

11.3 The strictures of the Public Contract Regulations limit resident opinion to some degree in the scoring of contracts under a prequalified contract.

12 CONTRIBUTION TO COUNCIL PRIORITIES

12.1 This contract will meet the Council's priorities set out in the Mayor's Business Plan. The contract will support the Mayor's no.1 Council priority of balancing its books, listening to its residents and delivering sustainable services.

12.2 In addition, replacing the existing homes at Regina Road with good quality new homes this will ensure that Croydon is one significant step nearer a cleaner, safer and healthier place; "a borough we're proud to call home".

13 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

13.1 The maximum total value of the contract is set out in Part B of the report and can be supported within the Regina Road budget.

13.2 Essential spend criteria T

13.2.1 This is capital HRA spend. However it is considered as essential because this project falls under the following criteria:

- Expenditure required to deliver the council's provision of statutory services at the minimum possible level. This is to avert or mitigate a serious health and safety incident or accident and to enable the Council to function and carry out its duties and to fulfil statutory obligations.
- Urgent expenditure required to safeguard the vulnerable citizens.

13.2.2 Under the criteria within Section 115(6A) of the Local Government Finance Act 1988, this proposed expenditure prevents the Council's financial situation from getting worse. This is because, if the Council fails to comply with its statutory duties by failing to deliver this service, as outlined, this could result in substantial claims being made against the Council.

13.2.3 The preferred Bidder was selected by a competitive tendering exercise, and is considered to offer the 'most economically advantageous tender' to the Council.

13.2.4 Further financial implication details are contained in Part B

13.2.5 Comments approved by Orlagh Guarnori on behalf of the Director of Finance. Date 19/03/2024.

14 LEGAL IMPLICATIONS

14.1 The Council has the power to enter into contracts with third parties pursuant to its functions as provided for under section 1 of the Local Government (Contracts) Act 1997. The Council also have the power to do anything that individuals generally may do pursuant to section 1 of the Localism Act 2011.

- 14.2 The Executive Mayor has the power to exercise executive functions pursuant to S9E of the Local Government Act 2000, and has the power to delegate those functions.
- 14.3 At present, the delegations in the Council's Tenders and Contracts Regulations have been superseded by the Executive Mayor's Scheme of Delegation following the introduction of the Mayoral Model and the specific delegations in the annual procurement plan approved by the Executive Mayor in Cabinet. The Executive Mayor has delegated to the Corporate Director of Housing authority to make the decision upon recommendation from the CCB pursuant to the annual procurement plan.
- 14.4 The Council is under a duty to comply with the Public Contracts Regulations 2015 (PCR) when entering into regulated contracts. The proposed contract award is a call-off from a framework agreement. The use of framework agreements is set out in Regulation 33 of the PCR. The Council should comply with the requirements of the PCR and any other requirements included within the established framework. The procurement comments set out in this report confirm compliance.
- 14.5 The Council is under a general Duty of Best Value to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness (Section 3 of the Local Government Act 1999 (as amended by s137 of the Local Government & Public Involvement in Health Act 2007)).
- 14.6 Comments approved by the Head of Commercial & Property Law on behalf of the Director of Legal Services and Monitoring Officer, Date 19/03/24.

15.0 EQUALITIES IMPACT

- 15.1 The Council has a statutory duty, when exercising its functions, to comply with the provisions set out in section 149 of the Equality Act 2010. The Council must, in the performance of its functions, have due regard to its duty to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Whilst there are unlikely to be specific equalities implications arising from this contract award, a detailed Equality Impact Assessment (EQIA) has been undertaken for the wider scheme.

- 15.2 The department have collated some data on protected characteristics at Regina Road and now hold some data on ethnicity, sex, sexual orientation and religion. During the consultation efforts were made to pay due regard to all

equality characteristics by ensuring that the consultation was accessible to all residents, in particular those who may not have English as a first language and residents who are non-neurotypical.

- 15.3 The EQIA produced in November 2022 is a live document and has been updated by Housing and this was last reported to Cabinet on 22 March 2023 to help comply with the Equalities Act 2010. There have already been improvements on the collection of data regarding protected characteristics. Conclusions drawn from Equality Analyses helps us to better understand the needs of all our communities, enable us to target services and budgets more effectively. This is attached as Appendix 2.
- 15.4 The programme team is paying particular attention to all impacts and disruptions to residents of the demolition and three to four years of construction. A workstream is being put in place spanning all disciplines and challenges including: traffic, noise, dust, vibration, lighting and other factors.
- 15.5 At the implementation stage more detailed EQIA would be required to look at that negative impact and consider what mitigations are going to be put in place to alleviate that negative impact.
- 15.6 Comments approved by Helen Reeves on behalf of the Equalities Manager. Date 18/3/2024.

16 HUMAN RESOURCES IMPACT

- 16.1 As this is an award of a new contract with no TUPE implications there is not considered to be any HR impact arising from this report.
- 16.2 If any HR issues arise, these will be managed under the Council's Corporate Policies and Procedures.
- 16.3 Approved by: Jennifer Sankar, Head of HR Housing & SCRER Directorate, for and on behalf of Dean Shoosmith, Chief People Officer. Date: 19/03/24

17 ENVIRONMENTAL IMPACT

- 17.1 There is an adverse environmental impact from the scheme expected with carrying out these services in terms of Carbon Emissions. Embedded in the project is a mitigation plan, led by the Architect and supported by this award of the Quantity Surveyor, as well as the work of the Mechanical and Electrical Engineers, including minimising Carbon Emissions at all stages of the demolition and construction. Ensuring Council buildings are safe helps mitigate environmental risks.

18 CRIME AND DISORDER REDUCTION IMPACT

- 18.1 There is no adverse crime and disorder impact expected from carrying out these services. Ensuring Council buildings are safe helps mitigate crime and disorder risks.
- 18.2 The successful tenderer has committed to delivering a variety of crime and anti-social behaviour initiatives as part of their Social Value commitments.

19 DATA PROTECTION IMPLICATIONS

- 19.1 Some of the project work will require contact details for the arrangement of mutually agreed survey appointments to undertake internal property surveys at existing properties and will therefore involve the processing of personal data or special category data. A Data Protection Impact Assessment was completed on 28 November 2022, and this was agreed by the Data Protection Officer on 9 December 2022 in relation to the data to be collected up to and including the ballot.
- 19.2 Approved by: Susmita Sen on behalf of the Corporate Director, Housing 20/3/24

20 PROCUREMENT IMPLICATIONS

- 20.1 The Procurement Team have supported the procurement process throughout and are content that the process followed through the SEC Consultancy Services Framework is compliant with both PCR and the Council's Tenders and Contract Regulations. The details of the Procurement process are detailed in the report.
- 20.2 Following the assessment of tender responses based on the criteria as set out above, the Regina Road Project Team and Strategic Corporate Procurement team are satisfied that the chosen supplier is capable of meeting the requirements and the bid offers value for money.
- 20.3 Approved by: Matthew Devan Strategic Procurement Manager on behalf of the Head of Procurement Date 15/03/24.

Risk Assessment Implications

| Risk | Detail | Mitigation | RAG |
|---|--|---|-----|
| Risk of a procurement challenge from non-successful bidders | Suppliers may consider challenging and delaying the procurement process | Robust procurement process undertaken supported by procurement team. An 'unsuccessful tender letter with feedback will be provided. A voluntary Standstill Period is being observed. | |
| Risk of a procurement challenge from another party | Third 'interested parties' may decide to challenge the award as part of an agenda to derail, delay or change the scheme | Robust procurement process undertaken supported by procurement team. | |
| Risk of delay to mobilisation of contract | Supplier may struggle to mobilise at the required speed resulting in delays to the project timeline. | Both Council and preferred bidder will draw upon lessons learned establishing current arrangements to ensure mobilisation into the new contract is smooth and effective. Regular meetings at the start of the contract to support the contractor and ensure rapid progress is made. | |
| The new Service Provider may not perform in accordance with the Council's requirements. | Delivery of required service not provided in a timely professional manner, potentially resulting in the need to re-procure another Provider. | Robust contract management during mobilisation stage will set out performance monitoring including Regular monthly performance meetings are held to continue to engage with the contractor until the agreed termination date. | |

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| Delay to the award beyond March 2024 | Delivery of service commencement slips thereby impacting the whole project and putting GLA funding at risk. | Robust contract engrossment involving Procurement, Legal and the Project Team working together post approval – also additional assurance through the procurement and award of an independent Client Advisor. | |
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22 APPENDICES

22.1 Procurement Strategy Report

22.2 EQIA report

23 BACKGROUND DOCUMENTS

23.1 None

24 URGENCY

24.1 None.

CONTACT OFFICER:

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| Name: | Kelly Harris |
| Post title: | Regina Road Project Lead / Director |
| Email address: | Kelly.Harris@croydon.gov.uk |