

NORTH SOMERSET COUNCIL DECISION

DECISION OF: COUNCILLOR ELFAN AP REES. THE EXECUTIVE MEMBER FOR STRATEGIC PLANNING, HIGHWAYS, ECONOMIC DEVELOPMENT AND HOUSING.



WITH ADVICE FROM: DIRECTOR OF DEVELOPMENT AND ENVIRONMENT, HEAD OF STRATEGIC PROCUREMENT AND S151 OFFICER.

DECISION NO: 18/19 DE 391

SUBJECT: COMMISSIONING & PROCUREMENT PLAN FOR THE DETAILED DESIGN & CONSTRUCTION OF THE GO ULTRA LOW CHARGING HUB

KEY DECISION: YES

BACKGROUND:

Following the council's successful bid for grant funding from the Office for Low Emission Vehicles (OLEV), which went to Executive in June 2016, Architects, Hewitt Studios LLP who were instrumental in the WoE winning the OLEV bid, have designed the Go Ultra Low Charging Hub for the council. The design was for a four bay satellite charging hub, situated at Parish Wharf Leisure Centre, Portishead. The construction phase is due for completion by the end of 2019.

The original estimate for the construction works was for £370,000, and this was approved via the Capital Programme (see Background Papers). The council recently secured a further £250,000 from GULW to ensure the Charging Hub features a further six fast charging bays, solar array and civils required to accommodate the scale of the project. This increased the budget from £370,000 to £620,000.

DECISION:

- To direct award to WSP (via the Somerset County Council framework) the detailed design work required to commission the construction works;
- To direct award the design & manufacturing of some of the specialist elements to specialist contractors (see below).
- To go out to competitive tender for a principal contractor to carry out the construction works, and project manage the specialist contractors.
- To increase the capital programme by an additional £250,000 to £620,000

REASONS:

Timing

The project team has managed to secure an extension to the OLEV grant funding completion date of the end of December 2019, no further extension is possible as the project was originally intended to be complete by May 2018.

Delivery elements	Tender	Date
Comm/proc plan approved by Executive member		Apr-2019
PO's for design to specialist contractors		April 2019
WSP undertake detailed design		April/May 2019
Specialist contractors designs complete		May 2019
	Publish tender for construction	Early June 2019
	Construction submissions due in	Early Aug 2019
	Evaluation	Aug-2019
	Contract award report approval	Early Sept 2019
PO's for manufacture of specialist components	Mobilisation	Early Sept - Early Oct 2019
Specialist contractors manufacturing complete		Early Nov 2019
	Construction	Oct - Dec 2019

Detailed design

Given the time constraints, it is proposed to use WSP to create the detailed design required to go out to tender for the principal contractor who will carry out the construction works. The council has entered into a collaboration agreement with Somerset County Council and WSP (formerly named Parsons Brinkerhoff) to enable the Council to access Somerset's Highways and Transport Consultancy Service contract as required. Decision of Cllr Elfan App Rees DE16/17 DE167 (see Background Papers).

Specialist elements

The Architect's design includes several specialist elements which need to be designed and installed by the manufacturer of those elements. The Architect engaged several manufacturers for these elements of work during the development of the Portishead concept design due to their long-term involvement working from the concept design of the Go Ultra Low Charging Hub. The specialists are Hess (Timber Frame), Sunfixings (Solar Array) and Integral (structural engineers).

The final design of these elements needs to be completed in order to co-ordinate the design of the whole project and produce drawings and specifications that are sufficiently developed to enable a firm price for the project's construction to be procured. North Somerset Council proposes to continue the final design of the project with these manufacturers, the nature of the elements is such that completion of the final

design will commit North Somerset to using these companies to manufacture and install these elements.

North Somerset Council will appoint WSP to act as designer to complete the final design of the civils work and foundations .

North Somerset Council will act as Principal Designer to co-ordinate the works as there is no single designer that needs to co-ordinate with all of the designers.

North Somerset Council will directly appoint these specialists to install the elements. These companies will be identified in the main civil engineering contract as Others which will require the main contractor to liaise with and co-ordinate their activities with these companies. This is common practice for elements of highway works such as lighting, signals, STATS, pay and display machines, pre-designed bridges.

The procurement of Elmtronics to provide the charging points has already been through a separate procurement exercise.

Route to market

The contract will be a New Engineering Contract (NEC) Engineering and Construction Contract Option B, a Priced Contract with a Bill of Quantities. The bill of quantities is a document that provides project specific measured quantities of the items of work identified by the drawings and specifications in the tender documentation that can be remeasured once constructed.

From the employer's specified quantities, the contractor prices its rates accordingly, and bears the risk of carrying out the work at the agreed prices. This provides cost certainty to the council and is a pricing format small civil engineering companies are used to.

The Council will carry out a one stage tender. Given the value of the tender and the time requirements this is the most efficient process.

Market / Suppliers

There are a number of local contractors with relevant civils experience, and the opportunity will be advertised via the Council's e-procurement portal to ensure as much competition as possible.

Social Value, Sustainability & VCSE

The contract is of low value and short duration for the construction industry which limits the opportunities to address the council's social value policy within the construction tender.

Evaluation

North Somerset Council proposes to take into account both quality and price in the evaluation of the tender to ensure that bidders have the ability to deliver the works to the standards expected. Quality of the constructed works is ultimately governed by the specification and checked by supervision and audit as the works progress, so it is proposed that the priced element will comprise most of the evaluation weighting. The proposed evaluation weightings are 70% Price 30% Quality.

It is expected that successful bidders will be able to provide examples of three contracts and references to demonstrate that they have successfully completed foundation, ducting, kerb, paving and drainage works and have successfully undertaken projects that have required them to co-ordinate works with Others. It is proposed to evaluate this section on a pass/fail basis.

The tender questions will cover: programme, resources, methodology, key people and their ability to project manage the specialist elements. This will assess whether the bidder has understood the works requirements, developed a plan to a sufficient level to allow a realistic price to be submitted and has the staff available with sufficient experience to ensure that the works are well managed and executed. The response to these questions will be scored in accordance with the scoring matrix below. The works are to be constructed in a highly sensitive location where poor performance by the Contractor would damage the Council's reputation, so where a response to any of the questions is scored as weak or lower, then the bid may be discounted.

Score	Classification	Award Criteria
5	Excellent	A response that inspires confidence; specification is fully met and is robustly and clearly demonstrated and evidenced. Full evidence as to how the contract will be fulfilled either by demonstrating past experience or through a clear process of implementation.
4	Good	A response supported by good evidence/examples of the Bidders' relevant ability and/or gives the council a good level of confidence in the Bidders' ability. All requirements are met, and evidence is provided to support the answers demonstrating sufficiency, compliance and either actual experience or a process of implementation.
3	Satisfactory	A response that is acceptable and meets the minimum requirement but remains limited and could have been expanded upon.
2	Weak	A response only partially satisfying the requirement with deficiencies apparent. Not supported by sufficient breadth or sufficient quality of evidence/examples and provides the council a limited level of confidence in the Bidders' ability to deliver the specification.
1	Inadequate	A response that has material omissions not supported by sufficient breadth and sufficient quality of evidence/examples. Overall the response provides the council with a very low level of confidence in the Bidders' ability to deliver the specification.
0	Unsatisfactory	No response or response does not provide any relevant information and does not answer the question.

North Somerset Council subject matter experts will evaluate the pass / fail sections of the submissions that relate to Health and Safety, Equality and Diversity legislation and Financial Standing of the bidder. The technical, programme and price elements of the submission will be evaluated by the project delivery team.

Contract Management

The NEC contract defines two key roles that manage the contract on behalf of the Client, these are the NEC Project Manager and the NEC Supervisor. The NEC Project Manager is responsible for the management of the contract, the NEC Supervisor is responsible for checking that the works are constructed in accordance with the contract. It is intended that these roles will be fulfilled by officers of the Highways Design team. The quality of the built works and the provision of testing and certification required to confirm that the quality has been achieved is defined in the specification. It is the responsibility of the NEC Supervisor to check that quality has been achieved. This is undertaken through inspections and audits of testing and quality certificates during construction. The process for accepting completing works and managing substandard works is defined in the construction contract.

The NEC Project Manager will hold weekly meetings with the Contractor as part of the contract management process to ensure contract processes are completed and that effective and timely communication is maintained between the parties in accordance with the contract conditions. These meetings will include discussion of works progress against the planned programme, resolution of technical issues arising during the works, risk and financial management and reporting.

A risk register was created at the funding stage of the project. This has been regularly updated as the project has progressed to construction. The NEC Engineering and Construction (ECC) contract includes a mechanism in which all parties are required to raise potential risks to the project during construction that have the potential to delay the works, reduce the quality of the works or increase the price of the works to either party. The risk register is reviewed with the contractor weekly throughout the construction period.

OPTIONS CONSIDERED:

1. Use of Highways Term Maintenance & Schemes Contractor for the construction works;
 2. Use of the Eastern Shires Procurement Organisation (ESPO) or Crown Commercial Services (CCS) Framework agreements;
 3. Design and build contract whereby the main contractor chooses who provides the structure, solar panels, and chargers based upon a performance specification provided by the council.
-
1. The council has been in discussions with its Highways Term Maintenance & Schemes Contractor, however the scheme is considered a specialist and not a "typical" Highways scheme as it involves specialist elements and works.
 2. Whilst the council could use a framework agreement, the council is not just procuring the supply, delivery, installation and commissioning of electric vehicle charge points; there is a large element of civil engineering required and it is felt that creating our detailed design & specification and going out to competitive tender will give a better result.
 3. A design & build contract would duplicate cost and effort of work done to date. The council already commissioned Architects, Hewitts, to carry out the outline design, so to commission this effectively twice via a design & build contract would not

provide value for money. Also, this contract is relatively small and low value and adding the design element would add considerable work and expense making it unattractive or unaffordable.

FINANCIAL IMPLICATIONS:

Costs

Cost centre: KDT602

The breakdown of the current estimated project costs based upon the concept design are given below:

Description	Cost
Bid and Development Work	£113,000
Design & Supervision	
Specialist Manufacturers	£19,400
Principle Designer WSP	£16,000
Tender Stage Cost Estimate	£2,500
Legal Fees	£1,500
Construction Works	
Specialist Manufacturers	£180,000
Statutory Undertakers	£7,500
Principle Contractor	£290,000
Supervision and Contract Management	£15,000
Project Risk	£35,000
TOTAL	£679,900

The scheme is currently £60k over budget. The procurement of the above detailed design will enable the concept design to be reviewed and de-scoped to bring the scheme into budget.

NSC consider that there are opportunities to reduce construction costs of the civil engineering elements of the scheme by up to £60k through commissioning further development of the concept design. There are opportunities for further savings to be achieved through review of the specification of the solar panels and lighting.

Once the detailed design is complete a tender stage estimate will be undertaken to confirm that the budget is sufficient before procurement commences.

Funding

- The value of the overall project is £620,000 for the council's Charging Hub. £370,000 has already been approved onto the capital programme via a report to the executive in June 2016.
- The project is entirely grant funded from OLEV.
- The asset will be the property of North Somerset Council. The asset will result in some additional maintenance costs with cleaning of the canopy and painting of the Glulam structure required every two years. This is expected to be cost an additional £3,500 per annum. The asset will be a key part of the overall charging Network, managed by Bristol Energy Services.

- Bristol Energy Services will manage and run the network via an inter authority agreement (IAA) for a minimum of two years. It is the intention of the Inter Authority Agreement (IAA), to be agreed by Heads of Transport, that revenue implications incurred by the infrastructure directly associated with the functioning of the 'Network' can be claimed by each UA. The IAA is expected to be worded as such that should there be a network surplus, any of the partnered authorities can apply to use the surplus for maintaining elements of the public charging network. The proceeds collected will be available for draw down by partner LA's within the IAA to service the maintenance of the sites. This includes cabling, chargers, the solar array and the timber frame. All chargers have a 5year warrantee and maintenance schedule included upon installation. Bristol Energy Services will manage and run the network and offer a monthly invoicing service for NSC to claim the revenue costs incurred. The IAA is expected to be signed by Heads of Transport and has been presented to them.
- The asset will be insured by NSC for strike and damage. The glulam structure and solar array will be insured to the value of £130,000. (if it needed to be replaced for the parts alone).
- Cleaning of the canopy is anticipated at £1,500 - £2,000 per year for monthly cleaning (comparable to a window cleaning contract).
- Painting will be required to treat the wood, this is estimated at £1,500 every two to three years.
- Grounds maintenance will fall under the same contract as that currently in place for lawn and tree maintenance at parish wharf car park.

LEGAL POWERS AND IMPLICATIONS

The construction contract will be under the OJEU threshold for Works, so the council will not be advertising the opportunity via the OJEU, however will follow a competitive tender process which will be advertised on the council's e-procurement portal.

Planning permission was granted on 25 June 2018, reference 18/P/3106/R3.

CONSULTATION

The following Officers and Departments have been consulted as part of this procurement activity:

- Sustainable Travel and Road Safety Team: Procurement and contracts, information, marketing, partnership management, commercialisation.
- Highways Development Management: Highways and Transport considerations. Confirmation of S106 obligations or planning conditions.
- Major schemes: technical, policy inputs/implementation, representation
- Development Management: Planning Permission
- Street Lighting: Technical advice and DNO connectivity guidance
- Parish Wharf Leisure Centre Management (Places for People)
- Hewitt Studios LLP (Designers of K:Port)
- Councillor Reyna Knight
- Councillor David Pasley

RISK MANAGEMENT

A project risk assessment has been undertaken. The key project risks relating to procurement are identified below.

Risk	Mitigation
Delay of manufacturing and/or installation of specialist elements	Direct contract with the council enabling the council to expedite the orders. Ensure that all contracts identify that Others are required to complete the installation / construction of the works and require liaison and interaction between parties to ensure successful delivery.
Delay to construction works	Robust tender process to ensure contractor clear on timescales and has track record of delivering similar schemes on time.
Overspend of budget	NEC3 Option B will give more price certainty. The council will commission a QS to estimate the construction costs to ensure the evaluation team is informed.
Insufficient interest in the construction project	The Engineering Design team will contact suppliers to stimulate interest.

EQUALITY IMPLICATIONS

Have you undertaken an Equality Impact Assessment? Yes

Having carried out the Equalities Impact Assessment table it has been noted that there is no impact identified because the charging hub (once completed) does not affect any walkways or parking spaces or vehicular movement on site. The Parish Wharf Car park currently has a turning circle with grass and a raised kerb, with block paving. There is no walk way through the centre of the turning circle. There will be a wooden canopy and solar array, plus electric charging units for charging electric vehicles built in place of the grassy roundabout. Planning permission was obtained in June 2018. There will not be a walk way through the centre of the turning circle where the chargers will be situated. All walk ways and car parking bays remain unaffected where they currently lay. The EIA has been submitted to the council's Equality & Diversity Manager.

CORPORATE IMPLICATIONS

N/A

BACKGROUND PAPERS

Inclusion of the OLEV Programme into the Capital Programme:

<http://apps.n-somerset.gov.uk/cairo/docs/doc27442.pdf>

Director's decision note 18/19 DE109 to direct award to Hewitt Studios.

SIGNATORIES:

DECISION MAKER(S):

Signed: Executive Member for Strategic Planning, Highways, Economic Development and Housing

Date: 29/4/19

WITH ADVICE FROM:

Signed: *Al Leann* Assistant Director (Placemaking and Growth) Development and Environment. In accordance with paragraph 1.5 of the Council's constitution (May 2018), officer authorisations and delegations

Date: 8/4/2019

Signed: *[Signature]* Head of Strategic Procurement

Date: 28/4/2019

Signed: *R. Lester* S151 Officer

Date: 24/4/2019



