

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

3468

Author:

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Department:

Commercial and Operations

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Subject:

Procurement of Central Library Internal Fit Out Design

Total Value:

£200,000 (all appointments) (Type: Capital)

Decision Being Taken:

Approval to dispense from tendering requirements under NCC Contract Procedure Rule 5.1.2 as required in accordance with Financial Regulation 3.29 to award two separate contracts: (i) An architect led design team to support the development of a new Central Library within the Broadmarsh Car Park Development and (ii) a design consultant to support an external fundraising manager (already in post) and contribute to design and stakeholder engagement.

The decision also seeks approval to delegate authority to The Director of Sports & Culture to award both contracts.

Reasons for the Decision(s) A public consultation conducted in summer 2018 which presented the option to relocate the Central Library within the Broadmarsh Development received positive feedback with over 85% in favour of the new location. Following this, feasibility work was undertaken to review how the Library could be accommodated in the new development and a revised planning application was submitted and secured on the 21st November 2018. This provided approval to enable a new library to be included in the development.

In December 2018, a decision was taken to approve the award of the Broadmarsh Car Park development construction contract and delegate authority to the Corporate Director for Commercial and Operations in consultation with the Portfolio Holder for Leisure and Localities to agree the future library fit out contract, subject to a satisfactory final business case.

In order to develop the library business case, it is necessary to develop the Library fit out design and establish associated costs by Autumn 2019 due to interdependencies with other projects.

Due to the specific nature of the end-use for a Public Library, the design team and design consultant are required to have specific Public Library experience and a select number of architects and design consultants have been identified for this.

Based on our reasonable estimates, it is proposed the design team contract will be approximately £100-150,000 and the design consultant approximately £50,000. Under the council's contract procedure rules, this requires a tender process to the open market, however, due to the tight timescales for the full business case and the necessity to be working with a team that has specific experience in public library design, a dispensation from the councils contract procedure rules is required to tender to a pre-selected list of architects and design consultants.

All procurements will be undertaken in collaboration with the NCC Corporate Procurement team.

Other Options Considered: To tender to the open market for the appointment for the architect-led design team and design consultant. The timescales associated with an open tender are not conducive to meeting the Autumn 2019 deadline and as such, a pre-selected list has been identified to tender for these works.

Due to the specific Public Library design experience required, a number of architects and design consultants have been identified to quote for this work instead of procuring in-house resources.

Background Papers: N/A

Published Works: Executive Board report "Broadmarsh Car Park Development and New Library" 18th December 2018

Affected Wards: Bridge

Colleague / Councillor Interests: N/A

Dispensation from Financial Regulations: Yes

Use of Consultants	Number of Days:160
	Rate per Day:0
	Total value:200000
	Start date:18/03/2019
	End date:27/11/2019
Reason for using a consultant:	There is no in-house provision for this type of work.
Other options considered:	Commission of NCC resources for the works. This was discounted due to the extensive Public Library experience required. A number of external architects and specialist design consultants have instead been selected to quote for these works.
Name of consultant:	To be confirmed following the evaluation process.
Reason for selection?	A pre-selected list of architects and consultants are to provide a quotation and the preferred practices will be scored based on an evaluation process.
Has the consultant previously completed work for the City Council?	Unknown at this stage.
Specific activities to be undertaken by the consultant are:	Coordinated internal fit out design for Central Library within the Broadmarsh Development to RIBA stage 3 including all services as required. A separately appointed design consultant will support the external fundraising manager and Libraries team with design and stakeholder engagement.
Period of engagement:	Appoximately 8 months
By what process was the consultant selected?	Evaluation of fee and quality criteria.
Consultations:	Date: 05/02/2019
	Other:05.02.2019: Ongoing focus groups, managed by the Libraries team, are being carried out from January-March 2019. 20.02.2019: Director of Major Projects, Chris Deas
	The outcomes from the focus groups will be fed into the design principles for the Central Library fit out. The Director of Major Projects, Chris Deas, has been consulted and supports the project approach outlined in this report.
Crime and Disorder Implications:	There are no crime and disorder implications involved in this decision.
Equality:	EIA not required. Reasons: There are no changes to policies or practices involved in this decision.

Social Value Considerations:	There are no social value considerations to be made at this stage as the decision is procuring design work.
Relates to staffing:	Yes
Relates to Council Property Assets:	Yes
Relates to Building Services:	Yes
Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	28/03/2019
Advice Sought:	Legal, Finance, Procurement, Human Resources, Property, Building Services
Legal Advice:	<p>There are no significant legal issues arising from the decisions set out in the report. An exemption from the Council's Contract Procedure Rules may be granted for operational reasons. Those reasons, namely timescale constraints due to other related projects and expertise requirements, are set out in the report and are supported by Legal Services.</p> <p>The dispensation being granted will permit a quotation process being conducted with pre-identified contractors rather than a tendering process being followed.</p> <p>Legal Services will support this project and provide advice and guidance with regard to the contractual requirements.</p> <p>Advice provided by Naomi Vass (Senior Solicitor) on 28/02/2019.</p>

Finance Advice:

Executive Board December 2018 approved a budget of £0.925m to enable the library scheme to progress to RIBA Stage 4, the £0.200m contained within this decision is included within the December 2018 allocation. Therefore, following the approval of this decision the Capital Programme will not be amended.

The £0.925m budget approved at December Executive Board is funded from unsecured receipts, should any of the design costs incurred require aborting (i.e. require charging to revenue), then the budget and funding within the Capital Programme will be amended accordingly. Therefore, the costs and appropriate capitalisation will require close monitoring from the project team.

This decision requires dispensation from financial regulation for operational reasons, the reasons the dispensation is required is set out in the body of the report and finance have no objections to this dispensation.

Advice provided by Tom Straw (Senior Accountant - Capital Programmes) on 14/03/2019.

Property Advice:

The creation of a new Central Library was a priority identified in the Corporate Plan and as such featured in Sports & Culture Service Asset Management Plan and the Corporate Asset Management Plan.

The design of the Library and fit out will need to be procured and developed in conjunction with Building Services with regard to specifications affecting future maintenance requirements and efficiencies, whilst also ensuring appropriate linkages with the wider Broadmarsh Car Park redevelopment.

Advice provided by Christine Read (Property Business Partner) on 28/02/2019.

Building Services Advice:

There are no significant concerns with the decision being sought and Building Services.

It should be noted that the Council are seeking to balance the accountability for buildings sitting with building managers alongside the technical and professional input of the Building Services team and all Property/Building Managers (and Budget Holders) are asked to ensure Building Services team are fully engaged as part of the design process, with particular focus on decisions affecting the design, construction and ongoing maintenance.

This will help ensure that the service and project information from providers is robustly challenged against design, cost and technical content as necessary, and will help offer the Council greater value for money in the services and performance received.

Advice provided by Asaad Raouf (Design Services Manager) on 07/03/2019.

Procurement Advice:

If the dispensation to Finance Procedure Rules is approved, there are no issues with obtaining quotes for the consultants rather than seeking tenders, as long as the total costs of either contract does not exceed the OJEU threshold of £181,302.

The Procurement Team will work with the client to ensure that quotes are obtained in line with Contract Procedure Rules. Advice provided by Jonathan Whitmarsh (Lead Procurement Officer) on 25/02/2019.

HR Advice:

The design contract includes design team (consultants) to deliver the work. As such, NCC will not be directly entering into an employment relationship with personnel completing this work. Advice provided by Saema Mohammad (Service Redesign Consultant) on 05/03/2019.

Signatures:

Jon Collins (Leader of the Council)
SIGNED and Dated: 21/03/2019
David Trimble (Portfolio Holder for Leisure and Localities)
SIGNED and Dated: 21/03/2019
Andy Vaughan (Corporate Director Commercial and Operations)
SIGNED and Dated: 21/03/2019
Laura Pattman (Strategic Director of Finance) - Dispensation from Financial Regulations
SIGNED and Dated: 19/03/2019
Chief Finance Officer's Comments: