

Supplementary Agenda



Tendering Committee

Date: Wednesday, 28 August 2019

Time: 09:30

Venue: Clyde Room, Clydebank Town Hall,
Dumbarton Road, Clydebank

Contact: Scott Kelly, Committee Officer
Tel: 01389 737220 scott.kelly@west-dunbarton.gov.uk

Dear Member

ITEMS TO FOLLOW

I refer to the agenda for the above Meeting of the Tendering Committee which was issued on 15 August 2019 and now enclose copies of the undernoted reports which were not available for issue at that time.

Yours faithfully

JOYCE WHITE

Chief Executive

Note referred to:-

**7 CONTRACT AUTHORISATION REPORT: DESIGN AND BUILD 21 – 28
GRUGGIES BURN FLOOD PREVENTION SCHEME**

Submit report by the Strategic Director of Transformation and Public Service Reform seeking approval to authorise the Strategic Lead – Regulatory to conclude the award of the professional services and construction contracts for the Gruggies Burn Flood Prevention Scheme.

8 CONTRACT AUTHORISATION REPORT: RESIDENTIAL PLACEMENTS AND RESPITE FOR ADULTS WITH LEARNING DISABILITIES, MENTAL HEALTH AND PHYSICAL DISABILITIES (UNDER 65) **29 – 32**

Submit report by the Strategic Director of Transformation and Public Service seeking approval to authorise the Strategic Lead – Regulatory to conclude direct award contracts for Residential Placements and Respite for Adults with Learning Disabilities, Mental Health and Physical Disabilities (under 65).

Distribution:

Councillor J. Finn (Chair)
Councillor G. Casey
Councillor I. Dickson (Vice Chair)
Councillor D. Docherty
Provost W. Hendrie
Councillor M. McNair
Councillor L. O'Neill
Councillor B. Walker

All other Councillors for information

Strategic Director - Transformation and Public Service Reform
Strategic Lead - Regulatory

Date of Issue: 19 August 2019

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Director of Transformation and Public Reform

Tendering Committee: 28 August 2019

**Subject: Contract Authorisation Report - Design & Build Gruggies Burn
Flood Prevention Scheme**

1. Purpose

- 1.1** The purpose of this report is to seek the approval of the Tendering Committee to authorise the Strategic Lead – Regulatory, to conclude the award of the contract for the professional services contract and construction contract Gruggies Burn Flood Prevention Scheme.

2. Recommendations

- 2.1** It is recommended that the Tendering Committee:

- a) Authorise the Strategic Lead Regulatory to conclude the direct award of a (call off) contract under the Scape Procure Scotland Limited (Scape) Framework Agreement (FA) for the professional services contract and construction contract for Gruggies Burn Flood Prevention Scheme to Balfour Beatty Civil Engineering Ltd - subject to the final construction costs from Balfour Beatty Civil Engineering Ltd being within the agreed budget of £15m, the programme meeting the Council's requirements and performance under the professional services contract being deemed satisfactory.

3. Background

- 3.1** The purpose of this contract is to appoint an experienced contractor for the Design and Build of the Gruggies Burn Flood Prevention.
- 3.2** A budget of £15m for delivery of the Gruggies Burn Flood Prevention Scheme was approved at the Council Meeting on the 6 February 2013. The proposed appointment to design and subsequently award the works contract will allow the Council to deliver the flood prevention scheme as set out in the General Services 10 Year Capital Plan and the Scottish Government's 2021 target date. Doing so and will ensure Scottish Government funding of £12m is secured to support the scheme.
- 3.3** This procurement exercise has been conducted in accordance with the Council's Standing Orders and Financial Regulations and the *Public Contracts (Scotland) Regulations 2015* (above the EU threshold) for Works. A Contract Strategy was approved by the Procurement Manager on 4 June 2019.

4. Main Issues

4.1 Tender submissions for the Scape FA, were evaluated by Scape representatives using the following weighted criteria 40%/60%:

<u>Scape FA Criteria</u>			
Quality		Cost	
Criteria	Weighting %	Criteria	Weighting %
Framework and Infrastructure	7.5%	Pricing Structure and Contract Scenarios	40%
Feasibility	5.0%		
Pre- Construction	10.0%		
Construction	12.5%		
Post Construction	7.5%		
Process Map	2.5%		
Commercial	5.0%		
Presentation	10.0%		

4.2 Balfour Beatty Civil Engineering Ltd where the most economically advantageous tenderer according to the weighted criteria above and scored 83.8%. Scape identified that Balfour Beatty Civil Engineering Ltd was the preferred bidder for this FA. On advice of Scape it not possible to give names of other bidders due to it being commercially sensitive. The scores relative to the award criteria of each tenderer, are as follows:

Bidder	Overall	Overall Rank	Quality	ITT Rank	Presentation Score	Presentation Rank	Commercial Score	Commercial Rank
Balfour Beatty Civil Engineering Ltd	83.8%	1	39.2%	1	7.0%	1	37.6%	4
Bidder 2	81.8%	2	38.9%	2	5.0%	4	37.9%	3
Bidder 5	81.5%	3	34.9%	3	7.0%	1	39.6%	2
Bidder 3	71.6%	4	26.6%	4	5.0%	4	40.0%	1
Bidder 4	48.7%	5	16.9%	5	7.0%	1	24.7%	5

- 4.3** Using the Scape FA allows the Council to develop a design without first committing to the construction phase. The contract will include gateway reviews at each stage at an estimated maximum value of £15m ex VAT. The Council will not commit beyond the design stage if costs are not within the approved budget or if the performance of Balfour Beatty Civil Engineering Ltd at design stage is not sufficiently strong. The design and construction contract shall be for a period of 104 weeks and at a value of £15m ex VAT. Full costs for the overall construction contract will be developed through the professional services contract, at which point the costs and programme will be measured against the Council's project plan and approved budget to ensure the construction costs will be within the overall guaranteed maximum costs of £15m, excluding any additional variations which are not within the original specification identified.
- 4.4** If it appeared that the project could not be delivered within budget or programme, the Council would then have three options: firstly, it could seek adjustments to costs and programme that still achieved project desired outcomes, but within acceptable cost and time parameters; secondly, it could halt the development and contract, obtain rights in respect of the design and go out to the market with that design or a variation of it to try to procure a better cost / programme; or thirdly, if it were considered that the design and performance were otherwise acceptable, and any cost overrun was simply due to prevailing market conditions, and the proposed scheme represented good value, then members may wish to increase the available budget to meet the project aims and secure the substantial Scottish Government investment.
- 4.5** Balfour Beatty Civil Engineering Ltd has committed to follow Fair Working Practices as below:
- Pay above the living wage;
 - Currently making an application to become a living wage accredited employer;
 - Committed to 100% of suppliers being paid within 19 days;
 - 20% of contract will utilise local labour and spend; and
 - 85% of spend with small and medium enterprises (SME's).
- 4.6** Balfour Beatty Civil Engineering Ltd have committed to delivery of various social benefits as part of the Scape FA. Social benefits will be agreed at the initial meeting and will aim to include a minimum of 190 social benefit points within the following:
- Employment, Skills and Training;
 - Health and Wellbeing;
 - Communities;
 - Security and Crime;
 - Fairly and Ethically Traded;
 - Equality;
 - Environment.

5. People Implications

- 5.1** There are no people implications

6. Financial and Procurement Implications

- 6.1** Financial costs in respect of this contract will be met from the approved Capital budget of the General Services 10 Year Capital Plan.
- 6.2** This procurement exercise was conducted in accordance with the agreed Contract Strategy produced by the Corporate Procurement Unit in close consultation with Roads and Transportation officers and the provisions of Contract Standing Orders, the Financial Regulations and relevant procurement legislation.
- 6.3** The Gruggies Burn Flood Prevention Scheme will contribute to delivery of the Council strategic priorities through delivering our capital projects within budget and agreed timescales. Through the contract provisions, the following additional benefits will be achieved; reduced risk of flooding and the associated costs and disruption to residents, businesses and stakeholders.

7. Risk Analysis

- 7.1** The recommended contractor has no known links to Serious and Organised Crime which would have significant political and reputational ramifications for the Council.
- 7.2** Should the Tendering Committee decide not to proceed as recommended then this will delay the project and will have financial implications as the Council will likely lose £12m grant funding in line with the Scottish Government's Flood Risk Management Plan. The risk of flooding is increased along with associated costs and disruption to residents and businesses as well as having an environmental impact to the area.

8. Equalities Impact Assessment (EIA)

- 8.1** An equalities impact assessment was undertaken for this project. The assessment identified Positive health and socio-economic impacts by protecting health, protecting residents and business from financial and economic loss.

9. Consultation

- 9.1** Roads and Transportation, Legal Services and Financial Services have been consulted regarding the contents of this report. Further consultation will take place with the local community once design proposals have been developed.

10. Strategic Assessment

10.1 The provision of the Gruggies Burn Flood Prevention scheme will contribute to the delivery of the following:

- A Strong local economy and improved employment opportunities.
- Meaningful community engagement with active empowered and informed citizens who feel safe and engaged.

Name: Angela Wilson

Designation: Strategic Director of Transformation and Public Service Reform

Date:

Person to Contact: Rebecca Hall, Senior Procurement Officer, Corporate Procurement, Church Street, 01389-776854, Rebecca.Hall@west-dunbarton.gov.uk

Appendices: EIA

Background Papers: The Contract Strategy
Full Council Meeting 6 February 2013- General Services
10 Year Capital Plan

Wards Affected: Dumbarton

AssessmentNo	113	Owner	rrea	
Resource	Regeneration, Environment and Growth		Service/Establishment	Environment and Neighbourhood
	First Name	Surname	Job title	
Head Officer	Raymond	Walsh	Interim Manager Roads and Transportation	
	(include job titles/organisation)			
Members	Ricardo Rea / Performance and Strategy officer Raymond Walsh {as above}			
	<i>(Please note: the word 'policy' is used as shorthand for strategy policy function or financial decision)</i>			
Policy Title	TSA for Procurement of Flood Alleviation Scheme for Gruggies Burn			
	The aim, objective, purpose and intended out come of policy			
	The objective is to ensure that the development and construction of a Flood Alleviation Scheme for Gruggies Burn and the Dumbarton East area, in the most effective and economic fashion, to maintain access to Health, Transport, Education and Employment opportunities and the protection of residential and commercial properties is achieved			
	Service/Partners/Stakeholders/service users involved in the development and/or implementation of policy.			
	Roads and Transportation Procurement Performance and Strategy WDC- Planning SEPA HES			
Does the proposals involve the procurement of any goods or services?			No	
If yes please confirm that you have contacted our procurement services to discuss your requirements.			Yes	
SCREENING				
<i>You must indicate if there is any relevance to the four areas</i>				
Duty to eliminate discrimination (E), advance equal opportunities (A) or foster good relations (F)			Yes	
Relevance to Human Rights (HR)			Yes	
Relevance to Health Impacts (H)			No	
Relevance to Social Economic Impacts (SE)			No	
Who will be affected by this policy?				
Residents, business owners				
Who will be/has been involved in the consultation process?				
The current proposal will develop and be informed by historical studies and Flood Events				
Please outline any particular need/barriers which equality groups may have in relation to this policy list evidence you are using to support this and whether there is any negative impact on particular groups.				
	Needs	Evidence	Impact	
Age				
Cross Cutting				
Disability				
Social & Economic Impact	It is important to protect residents and business from	Flood alleviating schemes help protect against financial loss	Positive Impact in terms of protecting property, and	

	flooding	and economic disruption	economic loss to residents and businesses	
Gender				
Gender Reassign				
Health	It is important to protect residents and business from flooding	Flood alleviating schemes help protect health	Positive Impact in terms of protecting health by eliminating or reducing flooding	
Human Rights				
Marriage & Civil Partnership				
Pregnancy & Maternity				
Race				
Religion and Belief				
Sexual Orientation				
Actions				
Policy has a negative impact on an equality group, but is still to be implemented, please provide justification for this.				
Will the impact of the policy be monitored and reported on an ongoing basis?				
Q7 What is your recommendation for this policy?				
Please provide a meaningful summary of how you have reached the recommendation				
An impact assessment has been undertaken on this project, and positive health and Socio-economic Impacts have been identified, by protecting health, and protecting residents and business from financial and economic loss.				

WEST, DUNBARTONSHIRE COUNCIL**Report by Strategic Director – Transformation & Public Sector Reform****Tendering Committee: 28 August 2019**

Subject: Contract Authorisation Report: Residential Placements and Respite for Adults with Learning Disabilities, Mental Health and Physical Disabilities (under 65)

1. Purpose

- 1.1** The purpose of this report is to seek approval from the Tendering Committee to authorise the Strategic Lead - Regulatory to conclude Direct Award contracts for Residential Placements and Respite for Adults with Learning Disabilities, Mental Health and Physical Disabilities (under 65).

2. Recommendations

- 2.1** It is recommended that the Tendering Committee:

- a) authorise the Strategic Lead Regulatory to conclude the 55 direct award contracts on behalf of West Dunbartonshire Health and Social Care Partnership (WD HSCP), to the providers detailed within Appendix 1, for Residential Placements and Respite for Adults with Learning Disabilities, Mental Health and Physical Disabilities (under 65); and
- b) the estimated value will be £4,906,407. (excluding VAT), over 2 years. It should be noted the values may be subject to change as care needs change over the contract periods. The commencement dates of the contracts will be no later than 2 September 2019.

3. Background

- 3.1** The Council has a legislative requirement to provide care and support services for people with learning disabilities, physical disabilities and with severe or enduring mental health issues, many of whom have complex care needs. The services can be provided using a range of care models; one of which is care and support in a residential care home. The delivery of learning disabilities, physical disabilities, and mental health services rely on a network of community health and social care services across West Dunbartonshire, delivered through the WD HSCP, third and independent sector providers. They provide vital supports to service users living disabilities and mental health issues, their families and carers'.
- 3.2** On the 8th May 2019, the WD HSCP Board approved the procurements for the provision of residential placements and respite for people with learning disabilities, mental health, and physical disabilities (under 65).

- 3.3** This procurement exercise has been conducted in accordance with the Council's Standing Orders and Financial Regulations. A Contract Strategy document was also approved by the Procurement Manager on 07 August 2019.
- 3.4** The Contract Strategy identified that the care provided to service users would be best met by the incumbent provider. The procurement approach will be to follow the 'Light Touch Regime' (the Reform Act permits a public body to award a contract for health or social care services without seeking offers in relation to the proposed contract) up to a maximum of £615,278 per contract. The strategic objective of adopting the 'Light Touch Regime' approach is to ensure that appropriate procurement due diligence processes and procedures have been followed, promote the preparation and analysis of credible market intelligence, allowing greater insight into future service developments and to ensure robust contractual arrangements are in place.

4. Main Issues

- 4.1** The invited Direct Award providers' submissions will be evaluated by representatives from WD HSCP including the Finance Team and the Corporate Procurement Unit against pre-determined selection criteria forming part of the published direct award documents which assessed Care Inspectorate Grading's, insurances, liability, competence, experience, and capacity.

5. People Implications

- 5.1** There are no people implications.

6. Financial and Procurement Implications

- 6.1** Financial costs in respect of these contracts will be met from the WD HSCP budget for adults with learning disabilities, mental health and physical disabilities (under 65). The appropriate costs with these contracts are £4,906,407. (excluding VAT).
- 6.2** This procurement exercise was conducted in accordance with the agreed Contract Strategy produced by the Corporate Procurement Unit in consultation with WD HSCP officers and the provisions of Contract Standing Orders, the Financial Regulations and relevant procurement legislation.

7. Risk Analysis

- 7.1** The Corporate Procurement Unit will ensure that the providers have no known links to Serious and Organised Crime which would have significant political and reputational ramifications for the Council.

8. Equalities Impact Assessment (EIA)

- 8.1** The equality screening process carried out for the purpose of this procurement

is reflected in the WD HSCP Board report approved on 8 May 2019.

9. Strategic Assessment

9.1 The approval of the direct award contracts would support the following Council strategic priorities:

- Efficient and effective frontline services that improve the everyday lives of residents;
- Our communities have improved health outcomes; and
- Residents are able to access learning and support which enables them to fully participate in their local community.

Name: Angela Wilson

Designation: Strategic Director - Transformation & Public Sector Reform

Date: 19 August 2019

Person to Contact: Christina Fraser - Senior Procurement Officer, Corporate Procurement Unit, Council Offices, 16 Church Street, Dumbarton. Telephone: 01389 737857.
Email: Christina.fraser@west-dunbarton.gov.uk

Julie Lusk - Head of Mental Health, Learning Disability & Addictions. 16 Church Street, Dumbarton.
Email: Julie.Lusk@west-dunbarton.gov.uk

Jo Gibson – Head of Community Health & Care Services
16 Church Street, Dumbarton
Email: Jo.Gibson@west-dunbarton.gov.uk

Background Papers: The Contract Strategy
EIA Screening

Wards Affected: All

Appendix 1

Providers	Total Expenditure (per annum.)	Care Placements
Residential Placements for People with Learning Disabilities		
The Huntercombe Group (Kilbirnie)	£249,928.68	1
Garvald West Linton Ltd	£49,058.88	1
Hansal Alliance (Ayrshire)	£51,168.00	1
Sub Total	£350,156.56	
Residential Placements and Respite for People with Mental Health		
Ashton Grange Care Home	£37,174.80	1
Beechwood Care Home	£51,627.16	1
Castle View Nursing Home	£44,447.00	1
Craigielea Care Centre	£52,132.60	1
Hill View	£25,799.80	1
Hillend View Care Home	£84,935.76	2
Hillside View	£13,364.00	1
Millbank	£43,108.00	1
Rosshad House	£38,332.84	1
The Oaks	£521,059.76	8
Wallacetown Gardens Care Home	£83,412.68	1
Whins of Milton	£34,075.60	1
Sub Total	£1,029,470.00	
Residential Placements for People with Physical Disability		
Applecross Care Home	£47,508.76	1
Castle View	£241,398.04	6
Clyde Court	£63,905.40	2
David Cargill House	£32,123.00	1
Erskine Bishopton	£10,953.80	1
Florence House	£145,810.60	3
Greenfield Park	£54,942.68	1
Hillend View	£31,967.00	1
Hillside View	£31,967.00	1
Hillview	£52,124.80	2
Littleinch Care Home	£69,986.80	2
Maclehose Care Home	£45,682.00	1
Murdostoun Nursing Home	£83,163.60	1
Oakbridge	£25,116.00	1
William Simpson	£37,952.20	1
Sub Total	£974,601.68	
Residential Respite for People with Physical Disability		
David Cargill House	£32,123.00	1
Leuchie House	£19,714.29	2
Oak Bridge Care Home	£5,517.84	1
Wyndford Locks	£19,312.44	1
Littleinch	£2,946.00	1
Quarriers	£6,386.56	1
Upper Springlands	£12,976.32	1
Sub Total	£98,976.45	
Total	£2,453,203.69	