

CABINET – 13 January 2015 EXECUTIVE SUMMARY OF AGENDA ITEM 7

Report title: Procurement of Professional Consultancy Services

Wards affected: Citywide

Strategic Director: Barra Mac Ruairi, Place

Report Author: John Roy, Group Manager, Transport Assets

RECOMMENDATION for the Mayor's approval:

1. The Mayor approves the procurement process for appointment of expert consultants to support delivery of our Transport Capital Programme, for period of 4 years from 1st October 2015, as the anticipated level of spend over the period of the contract is anticipated to exceed £500,000 and as such is a Key Decision;
2. The Mayor approves the procurement process for appointment of specialist consultants to support our duties as Lead Local Flood Authority, for a period of 4 years from 1st April 2015, as the anticipated level of spend over the period of the contract is anticipated to exceed £500,000 and as such is a Key Decision.

Key background / detail:

1. Purpose of report:

To seek support to procure professional consultancy services support for two specific areas of works, both will be key decisions based on anticipated level of expenditure over the period of the contracts being in excess of £500,000.

2. Key details:

Transport Capital Programme support

3. Bristol City Council, on behalf of the West of England Authorities, led a procurement process in 2011 to procure a consultant to provide additional support for the delivery of Transport Capital Programmes. This support covered a range of disciplines ranging from transport scheme development, data collection, transport policy, transport planning services, traffic management design, highway maintenance, scheme design and other projects of a similar or related nature.

Lead Local Flood Authority consultancy support

4. A Consultancy Framework contract was tendered in 2010 for a period of four years and ended in June 2014. This Framework delivered high quality work and studies. We wish to procure consultancy services to support the Flood Team in delivering our ambitious work programme as outlined in the Bristol City Council Flood Risk Management Strategy.

BRISTOL CITY COUNCIL CABINET 13 January 2015

REPORT TITLE: Procurement of Professional Consultancy Services

Ward(s) affected by this report: Citywide

Strategic Director: Barra Mac Ruairi, Place

Report author: John Roy, Group Manager Transport Assets

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Purpose of the report:

To seek support to procure professional consultancy services support for two specific areas of works, both will be key decisions based on anticipated level of expenditure over the period of the contracts being in excess of £500,000.

Summary

The two areas where we require professional consultancy support are as follows;

- Professional services support to support delivery of our Place Work Programme and Transport Work Programmes across the West of England area;
- Professional services support to support Bristol City Council in our Lead Local Flood Authority (LLFA) role under the Flood and Water Management Act 2010.

The joint procurement of professional services support for delivery of Place and Transport Work Programmes across the West of England area would replace an existing Term Contract which expires in September 2015. The procurement exercise will be led by Bristol City Council.

The professional services support to our role as LLFA is a new contract, the previous Framework contract having expired in June 2014.

RECOMMENDATION for the Mayor's approval:

1. **The Mayor approves the procurement process for appointment of consultants to support delivery of our Transport Capital Programme, for period of 4 years from 1st October 2015, as the anticipated level of spend over the period of the contract is anticipated to exceed £500,000 and as such is a Key Decision;**
2. **The Mayor approves the procurement process for appointment of consultants to support our duties as Lead Local Flood Authority, for a period of 4 years**

from 1st April 2015, as the anticipated level of spend over the period of the contract is anticipated to exceed £500,000 and as such is a Key Decision.

The proposal:

Transport Capital Programme support

1. Bristol City Council, on behalf of the West of England Authorities, led a procurement process in 2011 to procure a consultant to provide additional support for the delivery of Transport Capital Programmes. This support covered a range of disciplines ranging from transport scheme development, data collection, transport policy, transport planning services, traffic management design, highway maintenance, scheme design and other projects of a similar or related nature.
2. This existing contract expires at the end of September 2015. A briefing of Heads of Transport Directors, on 26th September 2014, agreed that a joint procurement, being led by Bristol City Council, on behalf of the four authorities was the appropriate way forward. Options for retendering of this contract have included single supplier framework contract, similar to the existing contract, or a framework contract with multiple suppliers. A framework contract with multiple suppliers was viewed less favourably as it would require briefs to be prepared as part of a mini-tender process whereas officers felt the ability to directly appoint was more attractive e.g. immediate support for preparing bids, responding quickly to corporate priorities or government initiatives or bidding opportunities.
3. Officers have considered whether a contract should include different Lots which would cover different disciplines or skills with a single provider for each Lot, which could result in different suppliers for each Lot. Officers felt that due to complexities associated with multiple bidding this model may not facilitate efficient call off work when compared to one Lot with a single supplier.
4. The spend under the current contract to date, split across the four authorities is as follows;

Local Authority	Spend to date	Estimated spend over new contract period
Bristol City Council	£2.817m	£4m
Bath & North East Somerset Council	£1.213m	£1.8m
North Somerset Council	£1.414m	£2.0m
South Gloucestershire Council	£1.314m	£1.9m
Total spend/anticipated spend	£6.758m	£9.7m

Lead Local Flood Authority consultancy support

5. A Consultancy Framework contract was tendered in 2010 for a period of four years. This Framework delivered high quality work and studies. We wish to procure consultancy services to support the Flood Team in delivering our ambitious work programme outlined in the BCC Flood Risk Management Strategy.
6. Local Authorities are able to utilise the Environment Agency WEM framework which provides for additional consultancy support. However it does not provide the multi-disciplinary support that Bristol City Council requires e.g. project management

skills i.e. River Avon Strategic Flood Defence project. Officers are therefore pursuing a new consultancy framework which comprises 7 different Lots. Lot 7 of this contract will cover multi-disciplinary support with the remaining Lots covering different specialist skills e.g. hydrology, flood modelling, flood mitigation design and environmental assessment. Many of these specialist skills are provided by small and medium enterprise companies who would not necessarily be in a position to bid for other areas of work hence the Lot approach to approach for this framework.

7. The spend under the previous framework contract, and the predicted spend under the contract to commence is April 2015, is as follows;

	Spend under previous Framework contract	Estimated spend over new contract period
Bristol City Council	£730,000	£900,000 to £1.6 million

The procurement of additional professional services, in both the above instances, will provide additional capacity, specialist skills and advice as required. It will not impact on the agreed staffing establishment for Place. Having this flexibility means that officers are able to respond to peaks in workload. In addition it gives officers flexibility to respond positively and proactively to government initiatives and funding bids which normally have challenging timescales e.g. Cycling Ambition, Pothole Fund etc.

Consultation and scrutiny input:

It is not considered necessary to seek the views of Scrutiny for these items.

a. Internal consultation:

Through Place and Transport Management team meetings.

b. External consultation:

Flood Suppliers day held on 25th September where over 40 suppliers attended. In summary, the Suppliers day provided an opportunity for the Flood team to explain what our expectations are under the Framework, the level of likely expenditure and the types of projects involved. The day also allowed the Procurement team to clarify the procurement process as well as the minimum information required to meet the criteria of the procurement process, such as Health and Safety information and Equalities. A question and answer session was included to allow for direct dialogue. The day was received positively by suppliers and the dialogue helped to refine the Framework.

Transport Capital Programme Suppliers day held on November 14 where representatives from 38 different companies attended. Officers from Bristol City Council Transport Service and Procurement, as well as officers from North Somerset and South Gloucestershire Councils, explained what the aim of the procurement process was and likely level of expenditure. A question and answer sessions allowed for direct dialogue. We have subsequently continued the dialogue with suppliers through Proactis to address issues raised.

Other options considered:

No other options considered as we do not have the capacity internally to provide additional support for the delivery of our capital programmes.

Risk management / assessment:

FIGURE 1

The risks associated with the implementation of the (subject) decision :

No.	RISK Threat to achievement of the key objectives of the report	INHERENT RISK		RISK CONTROL MEASURES Mitigation (ie controls) and Evaluation (ie effectiveness of mitigation).	CURRENT RISK		RISK OWNER
		(Before controls)			(After controls)		
		Impact	Probability		Impact	Probability	
1	Appointing consultants will lead to an expectation, from successful consultants, that they will receive guaranteed flow of work	Med	Med	Both commissions will be frameworks with no guaranteed level of work. Work will only be commissioned when a budget has been identified	Low	Low	Alistair Cox, Service Manager, Strategic City Transport
2	At the end of the contract TUPE may apply and staff currently assigned to the contract will transfer to the new contractor. If bidders do not receive relevant information during the tender they may misprice their bids and/or argue that TUPE does not apply, leading to uncertainty and disruption at the beginning of the contract.	Med	Low	Ensure that all relevant (anonymised) employee information is provided to bidders.	Med	Low	Alistair Cox, Service Manager, Strategic City Transport

FIGURE 2

The risks associated with not implementing the (subject) decision:

No.	RISK Threat to achievement of the key objectives of the report	INHERENT RISK		RISK CONTROL MEASURES Mitigation (ie controls) and Evaluation (ie effectiveness of mitigation).	CURRENT RISK		RISK OWNER
		(Before controls)			(After controls)		
		Impact	Probability		Impact	Probability	
1	We will not have sufficient capacity to deliver our work programme, respond to changes in Corporate or Mayoral priorities or respond to Government initiatives or invites to bid for additional funding	High	High	Resources would have to be directed solely to the delivery of Corporate and Mayoral priorities are delivered. The consequence of this would be that less important work areas would have to be set aside.	Med	High	Alistair Cox, Service Manager, Strategic City Transport
2	We will not be able to discharge our statutory duties under the Flood and Water Management Act 2010 as Lead Local Flood Authority	High	Med	Resources would have to be directed solely to meeting our statutory duties which in turn may lead to other areas of work being set aside	Med	Med	

Public sector equality duties:

The Council will adhere fully to section 149 of the Equality Act 2010 which requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

In awarding the contract, the Council will ensure that successful contractor/s are fully compliant with relevant legislation and that they have in place thorough measures and process designed to promoting the equality for persons of all protected characteristics.

Eco impact assessment

An environmental checklist, verified by the Sustainability City Group, has been completed and is appended to this report, see Appendix 1

These proposals concern the procurement of external professional consultants to help deliver programmes that have already been agreed, or programmes that would require their own separate reports in the future. Environmental impacts are therefore limited to a) the professional competence of consultants and the advice they give, and b) operational impacts such as business travel for site surveys.

Professional competence will be assessed via the corporate procurement process; operational impacts are limited in scale and scope, and are not believed to be significant. Overall, there are no significant impacts arising from these proposals.

Resource and legal implications:

Finance

a. Financial (revenue) implications:

As the proposal is to tender for call off contracts to support capital programme, there should be no revenue impact as all costs should be charged to specific projects that will be supported by the professional services accessed through this contract.

Advice given by Mike Allen, Finance Business Partner
Date October 2014

b. Financial (capital) implications:

The only capital implication will be the need to budget for capitalisation of costs incurred from the use of professional services.

Advice given by Mike Allen, Finance Business Partner
Date October 2014

Comments from the Corporate Capital Programme Board:

Not applicable at this time

c. Legal implications:

Consideration will need to be given to EU and the Council's own Procurement Regulations when commissioning the contracts referred to in this report. There may also be TUPE implications for current and future providers.

Advice given by Penny Wilford, Team Leader
Date October 2014

d. Land / property implications:

These proposals concern the procurement of external professional consultants to help deliver programmes that have already been agreed, or programmes that would require their own separate reports in the future. Environmental impacts are therefore limited to a) the professional competence of consultants and the advice they give, and b) operational impacts such as business travel for site surveys.

Professional competence will be assessed via the corporate procurement process; operational impacts are limited in scale and scope, and are not believed to be significant.

Overall, there are no significant impacts arising from these proposals.

Advice given by Steve Ransom, Environmental Programme Manager
Date 29th October 2014

e. Human resources implications:

The professional services contract to support the delivery of the Place Directorate and the West of England Transport projects is a re-procurement as the existing contract ends in September 2015. The contract will provide additional capacity to support project delivery and will not impact on the agreed staffing establishment for Place. The service provider will also supply specialist services as required. There may be TUPE implications for the existing service provider depending on the outcome of the procurement process.

The professional services contract to support the Council in our lead local flood authority role is a re-procurement. Again, the contract will provide additional capacity to support project delivery and will not impact on the agreed staffing establishment for Place.

There are no staffing implications for the Council's workforce.

Advice given by Mark Willams, People Business Partner
Date 10th November 2014

Appendices:

Appendix 1 – Environmental Checklist

Appendix 1

Eco Impact Checklist

Title of report: Procurement of Professional Consultancy Services				
Report author: Alistair Cox, Service Manager, Strategic City Transport				
Anticipated date of key decision: 13th January 2015				
Summary of proposals:				
<p>The joint procurement of professional services support for delivery of BCC Place Work Programme and Transport Work Programmes across the West of England area which would replace an existing Term Contract which expires in September 2015. It is proposed that this procurement exercise would be led by Bristol City Council.</p> <p>The professional services support to our role as LLFA is a new contract, the previous Framework contract having expired in June 2014. Officers had envisaged using the Environment Agency Water and Environmental Management (WEM) Framework but this is no longer appropriate.</p>				
Will the proposal impact on...	Yes/ No	+ive or -ive	If Yes...	
			Briefly describe impact	Briefly describe Mitigation measures
Emission of Climate Changing Gases?	Yes	-ve	Possibly in terms of travel miles by car or similar	Tender assessment will include category for local office and/or travel by train to mitigate this impact
Bristol's resilience to the effects of climate change?	Yes	+ve	Will identify how/where the city needs to become more resilient to flooding.	Being able to call on experts in the flood risk field to provide competent and current technical advice
Consumption of non-renewable resources?	No			
Production, recycling or disposal of waste	Yes		Recycling	Tender assessment will include appropriate categories to ensure recycling is maximised
The appearance of the city?	Yes		Will identify areas of the city that need to be protected from flood risk	Being able to call on experts in the flood risk field to provide competent and current technical advice
Pollution to land, water, or air?	Yes			Being able to appoint technical experts covering these three

				categories will mean the Council should be able to limit negative impact by compliance with current and future legislation in this area
Wildlife and habitats?	Yes			Being able to appoint technical experts covering these three categories will mean the Council should be able to limit negative impact by compliance with current and future legislation in this area

Consulted with: Steve Ransom, Environmental Programme Manager

Summary of impacts and Mitigation - to go into the main Cabinet/ Council Report

These proposals concern the procurement of external professional consultants to help deliver programmes that have already been agreed, or programmes that would require their own separate reports in the future. Environmental impacts are therefore limited to a) the professional competence of consultants and the advice they give, and b) operational impacts such as business travel for site surveys.

Professional competence will be assessed via the corporate procurement process; operational impacts are limited in scale and scope, and are not believed to be significant.

Overall, there are no significant impacts arising from these proposals.

Checklist completed by:

Name:	John Roy
Dept.:	Strategic City Transport
Extension:	X 23118
Date:	15 th October 2014
Verified by Sustainable City Group	Steve Ransom, Environmental Programme Manager