

<b>Report for:</b>	<b>Cabinet</b>
<b>Date of meeting:</b>	<b>17 January 2018</b>
<b>Part:</b>	<b>I</b>
If Part II, reason:	The Procurement Report is a Part II document as the report contains information relating to the financial or business affairs of the companies bidding for the contract, (Local Government Act 1972, Schedule 12A, Part 1, Paragraphs 3).

<b>Title of report:</b>	<b>Construction of the Multi-Storey Car Park (MSCP) Berkhamsted – Award of Contract</b>
Contact:	Graeme Elliot, Portfolio Holder for Finance & Resources James Deane, Corporate Director (Finance & Operations)  Author/Responsible Officer Ben Hosier, Group Manager Commissioning, Procurement & Compliance
Purpose of report:	To seek Cabinet approval to approve the budget virement and award a contract for the construction of the MSCP in Berkhamsted.
Recommendations	<ol style="list-style-type: none"> <li>1. Approve the virement of £1.5m from the Strategic Acquisitions budget to the MSCP budget; and</li> <li>2. Approve the awarding of the contract to Huber Car Park Systems International GmbH for the construction of the MSCP.</li> </ol> <p>The Council has undertaken an OJEU compliant tender for the construction of a multi-storey car park (MSCP) in Berkhamsted. The Council received 3 tenders and, following a comprehensive evaluation process, the recommendation is to award the contract for the construction of the MSCP to Huber Car Park Systems International GmbH for £4,370,579.</p> <p>The construction was originally scheduled to commence in January 2018, with a start-on-site date of March 2018 and a build period of 8 months. This was a complex procurement process which was further protracted due to the requirement for a number of clarification meetings with bidders. As a result of this, Huber has confirmed that construction will now start on site in September/October 2018, with a projected completion date of June 2019.</p> <p>The currently approved budget for the project is £5.1m, comprising £3.6m in the MSCP capital budget and £1.5m in the Strategic Acquisitions budget (held separately in order to protect the Council's commercial advantage when going out to</p>

	<p>tender on the contract).</p> <p>The tender was released to the market in the latter part of July 2017 with a return date of the end of September 2017, with the evaluation to take place during October and the contract being awarded in November 2017.</p> <p>There were, however, a number of clarification questions posed to, and meetings held with bidders which consequently increased the evaluation process to 12 weeks from a scheduled 4 weeks. The need for this additional clarification process emerged during the procurement process, and was an essential part of the due diligence process to mitigate delivery risk to the Council. It related primarily to the bidders' presentation of financial information, and to challenge their assumptions on design and construction method, and programme risk.</p> <p>Following these meetings with bidders, the final evaluation of bids was concluded in early December 2017. The delayed start to the project meant that Huber had to re-programme the delivery of the project to reflect changes to the availability of their resources. A start-on-site date of September/October 2018 is the earliest available.</p>
Corporate Objectives:	<ul style="list-style-type: none"> <li>• Building strong and vibrant communities</li> <li>• Ensuring economic growth and prosperity</li> <li>• Delivering an efficient and modern council</li> </ul>
Implications:  'Value For Money Implications'	<p><u>Financial</u></p> <p>The construction cost of Huber's winning bid is £4.370m, and can be met from within the approved budget:</p> <p><u>Value for Money</u></p> <p>The tender has followed a comprehensive OJEU compliant procurement process and has been evaluated against design, quality and price which demonstrates value for money.</p>
Risk Implications	<p>The awarding of this contract has been carried out in full compliance with the Council's procurement rules and as a consequence the risk of any challenge from an unsuccessful bidder is very low.</p> <p>With regards to the risks associated with the construction of the MSCP, these have been identified through the evaluation of the bids and will be managed throughout the duration of the contract by Huber and WYG who have been commissioned to deliver project management and contract administration on behalf of the Council.</p>

Community Impact Assessment	Community Impact Assessment has been reviewed and there has been no reason to amend it.
Health And Safety Implications	Health and Safety issues will be considered as part of the project risk assessment for delivering the project.
Monitoring Officer/S.151 Officer Comments	<p><b>Monitoring Officer:</b></p> <p>Under the Access to Information Regulations and the Council's Constitution the Council is normally required to give 28 days' notice where the Council intends to make a key decision. The Regulations and the Constitution contain urgency provisions which can be used where a key decision is urgent.</p> <p>This can be done in two different ways.</p> <ul style="list-style-type: none"> <li>• The Council can take an urgent key decision without giving 28 days' notice where it is impracticable to give the full notice, provided that the Council gives at least five days' clear notice to all members of the relevant Overview and Scrutiny Committee of the authority (the "general exception" rule); or</li> <li>• where a key decision is so urgent there is not even time to give five clear days' notice, the Council can take the decision if the Chairman of the relevant Overview and Scrutiny Committee has agreed that the key decision is urgent and cannot reasonably be deferred (the "special urgency" rule).</li> </ul> <p>This notice requirement applies whether the key decision is to be taken by the Cabinet at a meeting, by the Executive Leader, another Cabinet Member or by an officer without a meeting taking place.</p> <p>The Council intends via this urgent Cabinet decision to make a decision to award the contract for the Berkhamsted Multi-Storey Car Park.</p> <p>The approval of the contract award is urgent to enable the Council to award the contract and secure the contract price but also to secure the contractor to enable them to commit to delivering the contract within a reasonable timeframe; however, it is still possible to give 5 days' notice to all members of the relevant overview and scrutiny committee (Finance and Resources) and therefore the "general exception" rule applies. 5 days' notice has been given to all members of the Finance and Resources Overview and Scrutiny Committee in compliance with this rule.</p>

	<p><b>Part 4- under “Overview and Scrutiny Procedure Rules”: “Call-in and Urgency”</b></p> <p>Call-in can be disapplied where the decision is urgent; the decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council’s or the public’s interests. The decision is an urgent one and therefore should not be subject to call-in in order to enable the Council to award the contract and secure the contract price and the contractor for the works. In the absence of the Mayor (on leave), the deputy Mayor has agreed both that the decision proposed is reasonable in all the circumstances and that it is to be treated as a matter of urgency.</p> <p>The matter, including the reasons for urgency, will be reported at the next available Council meeting.</p> <p><b>S.151 Officer</b></p> <p>This is a s151 Officer report.</p>
<p>Consultees:</p>	<p>Cabinet James Deane, Corporate Director (Finance &amp; Operations) Nicholas Brown, Group Manager (Commercial Assets &amp; Property Development) Ben Hosier, Group Manager (Commissioning, Procurement &amp; Compliance)</p>
<p>Background papers:</p>	<p>Procurement report attached (Part II)</p>
<p>Glossary of acronyms and any other abbreviations used in this report:</p>	<p>N/A</p>