
Report by the Chief Constable

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BUILDING DESIGN SERVICES FRAMEWORK AGREEMENT**1. Introduction**

- 1.1 Lothian and Borders Police (on behalf of the Board) acted as Central Buying Body, in accordance with Regulation 22 of the Public Contracts (Scotland) Regulations 2006, as amended, for a national Framework Agreement for Building Design Services. A competitive tendering exercise was conducted over the latter half of 2010 to determine the firms offering Best Value for a new contract commencing on 1 February 2011.
- 1.2 The purpose of this report is to notify the Board of action taken by the Chief Constable to award a Framework Agreement for Building Design Services.

2. Background

- 2.1 The existing contractual arrangements are relevant only to Lothian and Borders Police, but these provide for Framework suppliers to provide the Force with extensive but flexible professional building design management services during various phases of works; namely design, procurement and construction. The Force requires independent professional control of capital projects and needs additional skills not immediately available within the organisation. In addition, the Force requires services that can extend from inception through to operational completion or can be concentrated in a particular area. It needs suppliers to implement effective controls in order to prevent scope creep, project slippage, disputes, cost and time over-runs.
- 2.2 These requirements are also germane to the other police forces in Scotland and potentially to the Fire Boards and other relevant public bodies. So, as an example of collaboration, Lothian and Borders Police has procured a national framework that will be of benefit to police forces, Fire and Rescue Services and, perhaps, certain other public bodies in Scotland. The organisations listed below (Strategic Partners) have signed up to the framework, and it is hoped that others will join on cessation of their own extant arrangements:
 - Lothian and Borders Police
 - Lothian and Borders Fire and Rescue Service
 - Strathclyde Police
 - Tayside Police
 - Grampian Police
 - SPSSA.

- 2.3 The national Framework tender document incorporated improvements to the existing Lothian and Borders Framework Agreement was subsequently signed off by the participating organisations named above.
- 2.4 The value of this procurement means that Lothian and Borders Police Board would award it (Standing Order 63.2). However, the Board was not due to meet until 31 January 2011, and it was imperative that the new arrangements started on 1 February 2011. Therefore, the award had to be made prior to that Board meeting. Standing Order 38 provides that the Chief Constable in consultation with the Convener or, in his absence, the Vice-Convener, can make decisions on urgent matters that cannot wait until the next Board meeting, providing that they report subsequently on those decisions at the next available Board meeting. Use of this provision was required with this Framework Agreement.
- 2.5 The Police Board must comply with the Public Procurement (Scotland) Regulations 2006, as amended, when it decides to enter into a contract for the provision of a service and that contract is valued above the published EU threshold. The EU Directives define the competitive process with which the Police Board should comply. The Corporate Procurement Team of Lothian and Borders Police undertook the procurement process for issue and receipt of tender documentation (including the OJEU notice).

3. Procurement

3.1 Lots

- 3.1.1 The Framework Agreement Tender has been split into four 'Lots'. These are based on the location of the various contracting authorities as specified below.

Lot 1 Lothian and Borders (Lothian and Borders Police and Lothian and Borders Fire and Rescue Service)

Lot 2 Strathclyde

Lot 3 Tayside and Grampian

Lot 4 SPSA.

- 3.1.2 Tenderers could bid for any combination of Lots. However, the Strategic Partners required a Framework supplier to provide all of the disciplines and services described in the Tender, either themselves, or by means of strategic alliances with other suppliers or by sub-contracting those services. The Partners would not accept tenders for anything less than the totality of disciplines within the Framework, in any Lot.

3.2 Procurement Governance

- 3.2.1 The procurement and tendering process is governed by the Public Contracts (Scotland) Regulations 2006 (SSI 2006/1). This is a Part A service subject to the full rigours of the legislation. The Open procedure with pre-selection (Regulation 23) and pre-qualification (Regulations 24 to 26) was used to encourage competition. The Framework award was made on the basis of objective criteria in compliance with the principles of transparency, non-discrimination, and equal treatment.

3.3 Advertising

3.3.1 The Tender was advertised in (i) Bluelight, the secure e-tendering portal for the Emergency Services, (ii) the Official Journal of the European Union (OJEU) and (iii) the National Scottish Procurement Web Portal: www.publiccontractsscotland.gov.uk.

3.4 Procedure

3.4.1 Twenty-one Tenders were returned timeously for evaluation. One, that of **Mill Design**, was not compliant, because it concentrated purely on one discipline, and this is a multi-disciplinary framework. That Tender was rejected immediately. An evaluation of the Pre-Selection and Pre-Qualification elements of the remaining Tenders was then undertaken. Four of the remaining Tenders were marked below the selection threshold, which meant that these tenders were rejected before the Tender Evaluation Board needed to mark the award criteria. The firms involved were **Amhold, Capita Symonds, Covell Matthews and Wylie Shanks/DSSR (joint bid)**.

3.4.2 The remaining sixteen Tenders were evaluated by the Tender Evaluation Board comprising representatives from the Corporate Procurement Team and Senior Responsible Owners of this service category for three of the four Lots: (1) Lothian and Borders, (2) Strathclyde and (3) Tayside and Grampian. SPSA (Lot 4) was not represented, but gave the Tender Evaluation Board full authority to act on its behalf. The names of the compliant Tenderers were as follows:

Aecom Davis Langdon, Aedas, Atkins, Colliers International, Currie and Brown, DTZ, Gardiner and Theobald, Hardies, Malcolm Hollis, JM Architects, Knight Frank, Gordon Murray Architects, Summers Inman, Thomson Bethune, TPS Consult, Turner and Townsend.

3.4.3 It is a general requirement of procurement legislation that either one or more than two framework suppliers for each Lot must be appointed following an EU tendering process. The Tender Evaluation Board decided that it would recommend the appointment of the top three-ranked tenderers in each Lot, in order of the most economically advantageous tenders, that is to say, the tenderers who achieved the best price/quality scores combined (i.e. demonstrated Best Value).

3.4.4 The submissions from each tenderer were discussed by the full project team and agreement reached on the marks to be recorded for each tenderer. Both the qualitative content and the financial elements of the tenders were examined and the marks recorded on the matrix which combined the individual scores to reflect the 40%/60% quality and price relationship.

3.5 Annex A details the criteria and scores awarded to each successful tenderer.

4. Financial Implications

4.1 It is difficult to predict precisely the cashable benefits that will flow to the partners from the competitive tendering process, leading from the award of this contract to the successful tenderers, because the precise demand pattern cannot be accurately predicted. However, Lothian and Borders Police expect that, for a similar pattern of demand as in previous years, it will reduce its spend figure by at least 5%.

4.2 The business process for the allocation of calls-off under the Framework is still to be established and is up to the participating forces, but each will run mini-competitions amongst the Framework Suppliers for each larger-value project above a certain threshold. Below that threshold, calls-off will be disbursed on the basis of the best firm to meet the specific need of that particular lower-value project.

5. Conclusion

5.1 Acting for all of the Strategic Partners to this Contract, and in accordance with Standing Orders 38 and 63(2), the Chief Constable was requested, following consultation with the Convener, to award the National Framework Agreement for Building Design Services to the firms shown at Annex A, subject to the formal Alcatel standstill period that must automatically follow the award decision.

5.2 The Tender Evaluation Board and the Corporate Procurement Team have taken special care to ensure that this process has been fair and transparent. The award decision was required before the Alcatel Standstill period can commence.

5.3 Due to the necessity to commence a new contract on 1 February 2011 there was not sufficient time to await the next meeting of the Board for award. Accordingly, the Chief Constable, following consultation with the Convener, used the authority granted by Standing Order 38 to award the Framework Agreement on behalf of the Board to the firms listed in Annex A.

6. Recommendation

6.1 That the Board note the Chief Constable, in consultation with the Convener, has awarded a Framework Agreement for Building Design Services to the firms listed in Annex A.



David Strang
Chief Constable

5 January 2011

Annex	Evaluation Criteria and Scores Awarded
Background papers	None

Evaluation Criteria and Scores Awarded

Lot 1 – Lothian and Borders Police (and Fire & Rescue Service)

Firm	Weighted Price/quality Score	Notional Summarised Pricing Model Price	Rank
Hardies	628	£1,328,737	1
Gardiner and Theobold	609	£1,199,505	2
Summers Inman	549	£1,626,540	3

Lot 2 – Strathclyde

Firm	Weighted Price/quality Score	Notional Summarised Pricing Model Price	Rank
Gardiner and Theobold	662	£1,199,505	1
Hardies	621	£1,375,255	2
Gordon Murray Architects	570	£1,530,565	3

Lot 3 – Tayside and Grampian

Firm	Weighted Price/quality Score	Notional Summarised Pricing Model Price	Rank
Gardiner and Theobold	641	£1,375,255	1
Hardies	606	£1,456,550	2
Gordon Murray Architects	567	£1,530,565	3

Lot 4 – SPSA

Firm	Weighted Price/quality Score	Notional Summarised Pricing Model Price	Rank
Gardiner and Theobold	637	£1,375,255	1
Hardies	628	£1,456,550	2
Gordon Murray Architects	557	£1,530,565	3

The Lot 4 SPSA scores were averages of the scores relating to the other three Lots, because SPSA was not represented and it has premises in each of the areas covered by the other Lots. This was felt to be the fairest way of evaluating the Lot 4 SPSA bids *in absentia*.