

Report of: Executive Technical Manager, Public Private Partnerships Unit.

Report to the Director of City Development

Date: 11 February 2015

Subject: Approval to Procure Technical Adviser Partnership Agreement

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The PPPU&PU resource plan for 2015/16 identifies a requirement for the provision of technical advice to support the Children's Services capital programme, and additionally a potential requirement for similar support to forthcoming procurement activity across procurement categories.
2. This report seeks authority to undertake a procurement to address this need by utilising the YORconsult Technical Adviser framework (LOT 4: Multidisciplinary Building) to provide the necessary specialist technical advice to support the Council in delivering the Children's Services capital programme. The appointment will allow other technical advice as and when required to support future procurement activity (but subject to further decisions in relation to additional support under the Council's Constitution).
3. The decision is to procure a partnership agreement is a Key Decision under the Constitution and by virtue of Contracts Procedure Rule 3.1.8.

Recommendations

4. That (as a Key Decision)

The Director of City Development (in consultation with the Director of Children's Services) approve the procurement of a Technical Adviser Partnership through the YORconsult framework to support the Children's Services capital programme and future procurement activity as set out in this report and noting that:

- i. the expenditure to be incurred in relation to the Children's Services capital programme falls within the approved Children's Services budget; and

- ii. any support to future procurement activity will be subject to further approvals as necessary.

1 Purpose of this report

- 1.1 The purpose of this report is to seek permission to procure specialist technical advice to ensure the delivery of capital works programmes for Children's Services and other ad hoc capital works.

2 Background information

- 2.1 There is a requirement to provide technical advice to the PPPU/PU project teams delivering the following Children's Services capital programmes for;
 - 2.1.1 Primary Basic Needs programme: The delivery of a programme of new build and refurbished primary schools at primary school sites throughout Leeds; and
 - 2.1.2 Children's Services Pipeline: The delivery of a programme of new build projects including, Primary and Secondary Basic Need Accommodation and a programme of SEN projects yet to be identified.
- 2.2 PPPU/PU have also identified a potential need for further similar support to other initiatives within the LCC capital programme, (e.g. Housing Growth, Community Beds project), and it is proposed to allow within the terms of the appointment for further similar work. It is anticipated that the additional work will not exceed £120,000.00 per annum and is subject to any necessary further approvals under the Council's Constitution
- 2.3 The work is to provide strategic programme level advice and technical input to projects of varying size and complexity in one or more areas throughout the feasibility, design & procurement and construction stages, working with Category and Project Teams, NPS Design Consultants and various stakeholders and consultees including Planning, Highways, Urban Design, Sport England etc.

3 Main issues

- 3.1 The resource planning currently urgently requires technical advice for the delivery of the above capital programmes and the technical advice available from the internal team is already fully committed on other programmes of works within the PPPU/PU.
- 3.2 It is proposed to procure the technical advice through an existing technical adviser framework to ensure the programme of delivery can be maintained.
- 3.3 There are three procurement options for this.
- 3.4 **The LCC Technical Adviser Framework:** which expires in March 2015, however market testing carried out earlier in 2014 with the five (5) advisers available to the framework did not provide a suitable response for the provision of the proposed advice and support.
- 3.5 **YORconsult, (Lot 4: Multidisciplinary Building):** provides a list of nine (9) advisers suitable to provide the required advice for the above work and can meet the expected procurement timetable as the framework has more flexible tendering arrangements than the LCC Technical Adviser Framework with up to six possible call-off options for placing work.
- 3.6 **NPS(Leeds):** the technical advice to be provided falls outside the scope of service for NPS(Leeds) as the advice sought would be to support the departmental client in managing

the brief for the provision of design services to be placed with NPS(Leeds) by supporting the delivery of the Council Obligations under clauses 9.1 and 9.2 of the NPS(Leeds) Service Specification.

- 3.7 **Employment Agencies:** to resource suitably experienced and skilled candidates through employment agencies would require a considerable senior officer resource, which is not readily available, along with the potential of limited success in delivering the right candidates in the right numbers.
- 3.8 It is therefore proposed that YORconsult be utilised for this procurement, the work will be placed as a technical partnership under the NEC Professional Services Contract.
- 3.9 It is anticipated that the partnership would be for two year period with an option to extend the partnership by one year.

4 Consequences if the proposed action is not approved

- 4.1 The lack of technical advice to the project teams will increase the risk of;
 - 4.1.1 Insufficient funding being sought at feasibility;
 - 4.1.2 Delays to each programme/project due to non-resolution of technical issues;
 - 4.1.3 Poorer value for money in respect of site development and construction costs;
 - 4.1.4 Increased construction costs for issues not resolved during design and delays caused by slow decision making during construction; and
 - 4.1.5 Poor design, specification and cost modelling leading to lower quality product and with the risk of long term maintenance/lifecycle issues.

5 Advertising

- 5.1 The contract is to be procured utilising the YORconsult Direct Contract Call-off process and as such will not require advertising. YORconsult as an approved framework has been subjected to a suitable OJEU notice and PQQ assessments.

6 Corporate Considerations

Consultation and Engagement

- 6.1 Consultation has taken place with the following;
 - 6.1.1 Executive Members for Transport & the Economy; Neighbourhoods, Planning & Personnel and Children's & Families;
 - 6.1.2 The Director of Children's Services; and
 - 6.1.3 PPPU/PU Executive Project Managers with responsibility for the relevant categories.

Equality and Diversity / Cohesion and Integration;

- 6.2 The council's objectives on employment and skills can be met through utilising the YORconsult framework which, as part of the YORhub suite of construction frameworks

supported by Leeds, utilises a locally based resource and takes advantage of the YORhub frameworks Employment and Skills programme

- 6.3 The YORhub Employment and Skills programme is a key element of the whole ethos of the YOR frameworks, which are designed to deliver not only efficiencies but also tangible opportunities for local people. YORconsult has an employment and skills output plan contractually embedded in order to create a supply chain for skills and provide local opportunities for training and apprenticeships

Council Policies and City Priorities

- 6.4 The outcome of the procurement will enable Children's Services to meet the demand for school places, which is due to an increase in the birth rates within Leeds, this need is initially for primary school places but this has already increased demands on the provision of secondary school provision in South and East Leeds.
- 6.5 The outcomes of the procurement will also assist PPPU/PU in achieving its vision and objectives as outlined in its Service Plan 2014-15 , (City Priority Plan 2011-2015 Improve Skills & Best Council Plan: Creating flexibility and the right capacity in our work place.) Specifically contributing to the following:
 - 6.5.1 Ensure that projects undertaken and assets procured as a result provide value for money, are within time, cost and quality;
 - 6.5.2 Support the delivery of quality outcomes for service users.
 - 6.5.3 Support the wider ambitions of the council and its partners.
 - 6.5.4 Deploying resources flexibly.

Resources and Value for Money

- 6.6 The total estimated value of the procurement will be in the order of £150,000.00 rising to £250,000.00 per year should the full proposed programme of work be delivered, but may exceed this amount if further support for other capital schemes is identified in the future. This decision has been treated as a Key Decision as a result.
- 6.7 Budget provision has been made through the PPPU/PU resource plan which identifies the level of resources agreed to be met from clients' budgets. Technical resources required have been identified within those budgets for planned projects but obviously not for those yet to be identified
- 6.8 As set out in 4.1 above there are consequences for value for money if the technical advice is not procured.

Legal Implications, Access to Information and Call In

- 6.9 Approval is a Key Decision under CPR 3.1.8.
- 6.10 The YORconsult framework is part of the YORhub suite of construction frameworks in respect of which Leeds has a board and management presence and the framework has been approved for the purpose of the Council's Contracts Procedure Rules.
- 6.11 As the procurement is intended as a short term measure there would be no TUPE risk inherent in the procurement, however TUPE should be considered as a potential risk at the end of the two (2) or three (3) year commission.

7 Conclusions

- 7.1 To ensure that suitable technical advice is available for the Basic Needs programmes and to avoid the consequences identified in paragraph 4.1 above a suitable technical adviser partnership is to be procured through the YORconsult Framework (Lot 4: Multidisciplinary Building).

8 Recommendations

- 8.1 That in accordance with CPR 3.1.8;

The Director of City Development (in consultation with the Director of Children's Services) approve the procurement of a Technical Adviser Partnership through the YORconsult framework to support the Children's Services capital programme and future procurement activity as set out in this report and noting that:

- i. the expenditure to be incurred in relation to the Children's Services capital programme falls within the approved Children's Services budget; and
- ii. any support to future procurement activity will be subject to further approvals as necessary.

9 Background documents¹

- 9.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.