

PAPER NO. 9

REPORT TO THE EXECUTIVE MEETING OF 30 NOVEMBER 2015

Meeting: Executive

Date: 30 November 2015

Subject: The Symington Building; Lift Replacement Tender

Report of: Mark Perris

Portfolio Holder: Councillor Phillip King; Financial & Commercialisation

Status: Decision

Relevant Ward(s): Great Bowden & Arden

1. Purpose of the Report

1.1. To seek approval for the appointment of a contractor for the replacement of the Lift in the Central Core of The Symington Building.

2. Recommendations:

2.1. That the Executive approves the award of a contract for Lift Replacement to Contractor 1 identified through the recent tender process.

2.2. That the Executive delegates authority to the Corporate Director Resources, in consultation with the Portfolio Holder, Financial and Commercialisation together with the Head of Legal and Democratic Services to negotiate and finalise the contract.

3. Summary of Reasons for the Recommendations

3.1. To ensure that the Council appoints a suitable contractor to undertake the Lift Replacement contract within the programme timescales.

3.2. The evaluation panel agreed that Contractor 1 should be offered preferred provider status on the basis of the tenders submitted.

3.3. Awarding a contract on the basis of the tender submitted by Contractor 1 offers the best option for the lift replacement.

4. Key Facts

Tender

- 4.1 Harborough District Council resolved at its Full Council meeting on 21 September 2015 to bring forward the lift replacement to 2016/17 from 2017/18, whilst moving back the re-roofing of the return wing of The Symington Building. Both items are included in the approved Capital Programme and being of similar value, there is no significant impact on resources.
- 4.2 The Council report included a draft programme, which is attached as Appendix A, and the lift replacement was tendered in accordance with the timescales outlined in the programme.
- 4.3 There have been a number of performance issues, with the lift during 2015 with approximately 10 breakdowns in the first 6 months of the year. These performance issues have precipitated the advice to replace the lift earlier than originally planned.
- 4.4 The Council appointed Butlers & Young to prepare the specification for the lift replacement, following their previous advice in respect of the accessibility review.
- 4.5 Whilst the value of the contract did not require compliance with the full EU procurement procedures (the 'OJEU process'), a tender for the contract was advertised in accordance with these procedures in May 2015.
- 4.6 In addition, the Council utilised the constructionline service, a system where contractors are pre-checked removing burdensome administration, as this has already been undertaken.
- 4.7 The opportunity was advertised as follows;
- OJEU (although below the minimum threshold, but to ensure, that as many contractors were made aware of the opportunity);
 - Contract Finder (in accordance with new procurement regulations);
 - Constructionline;
 - Source Leicestershire (in accordance with Constitution).
- 4.8 The tender was conducted using the "Bip Delta" e-tendering system and followed the process set out in the tender documentation. Weighting of the evaluation was:
- Technical: 40%
 - Price: 60%. Details of the pricing model are included as Appendix C.
- 4.9 Tenders were evaluated by a panel including an external technical consultant. Seven tenders were received; six of the tenders were compliant and judged

acceptable by the Evaluation Panel, and there was a unanimous consensus within the Panel.

- 4.10 A summary of the tender submission is included as Appendix D.
- 4.11 The Evaluation Panel, therefore, agreed that Contractor 1 should be awarded preferred provider status and the contract for Lift Replacement; the decision is subject to a statutory 'standstill' period of ten days. Award of the contract is subject to the Executive's approval, due diligence, and agreement of the final contract.

Accessibility Issues

- 4.12 The County Council have expressed concern over the inability of scooters to access the upper floors, following the Harborough District Council's Full Council meeting of September 2015. Further discussions have taken place with the lift consultant, but it is evident that the requirements to enable scooters to access the lift would not be possible within the current lift shaft.

Therefore, the only option to enable Class 2 & 3 scooters to safely access all the upper floors would be to construct a new shaft, the indicative costs are c. £1m, which would not be regarded as a reasonable adjustment given the cost and potential benefits.

The proposed new lift will be fully compliant with the Building Regulations and be suitable for wheelchairs. As such, it is only scooters which are not able to access the upper floors.

- 4.13 Reasonable adjustments for those unable to access the upper floors due to restrictions on use of scooters are outlined in Appendix F. Identifying solutions for any staff who require access would be agreed on a case by case basis. However, this is more difficult for ad hoc customer and visitors, as it is very difficult to make arrangements in advance to ensure safe access is available. The areas most difficult to mitigate are those visitors to services on the 1st floor, and it was, in part, in this regard that the platform lift from the reception area to the 1st floor only was installed.

As outlined in the "A Review of Accessibility to Upper Floors & Lift Provision within The Symington Building" report issued as a Background Paper to the September 2014 Council Report, the requirements issued by Harborough District Council to Willmott Dixon for the Platform Lift, clearly indicated that there was a need to be able to accommodate Scooters, as evidenced by the Design Team Meeting Minutes on 4 July 2012 and the subsequent issue of client requirements in April 2013. However, the original quotation issued by Stannah Lifts included a clear statement that the lift could not accommodate scooters, and this quotation was approved by Leicestershire County Council, as the District Council's advisers.

Mitigation Measures during Lift Replacement

4.14 Inevitably there will be some inconvenience for building users during the works, which will result in no lift in the central core being available during the works. However, pedestrian access will be available throughout.

Therefore, following consultation with other users of the building the following measures will be put in place to reduce the impact of the works;

- Works being carried out during a period with when no adult learning classes are held;
- Works being carried out during August 2016 when no public meetings are held;
- Re-locate larger public meetings, e.g. Planning Committee, to other venues during the works;
- Meeting Room G18 reserved for buggy parking during events for children in the Library/Museum if agreed between library, museum and social services;
- 2 additional Concierge staff at the busiest (core) periods (Library/Museum opening times) during the works to assist customers to the 1st floor, including use of the alternative lift accessed from the Mill Hill Road Car Park;
- Staff available to assist customers outside the core periods outlined above;
- Jobcentre Plus offering a Ground Floor service for customers unable to access the 2nd floor;
- Citizens Advice Bureau offering a Ground Floor service for customers unable to access the 2nd floor;
- Works being carried out during holidays periods to reduce numbers of staff affected;
- Access available to the alternative lift accessed from the Mill Hill Road Car Park for 1st, 2nd and 3rd floor staff.

5. Legal Issues

5.1 The Council would lay itself open to legal challenge if it failed to comply with EU procurement directives, UK law and its own constitution. These obligations require a degree of confidentiality whilst the tender process is current.

5.2 Award of the contract is subject to the Executive's approval; the option of deciding not to proceed is available. However, the decision regarding the choice of provider could not be overturned without exposing the Council to a serious risk of legal challenge.

5.3 In effect, the Council can award a contract to Contractor 1 or award to no provider and seek an alternate approach.

5.4 The proposed form of contract is the GC/WORKS/3 (1998).

6. Resource Issues

- 6.1 Appendix E gives details of the financial implications for the Council.
- 6.2 It should be noted that in addition to the contract sum there will be additional expenditure, to ensure that the upper floors of the building remains accessible to as many users as possible during the works.

7. Equality Analysis Implications/Outcomes

- 7.1 An Equality Impact Assessment is attached as Appendix B.

8. Risk Management Implications

- 8.1 Failure to identify suitable Lift contractor could jeopardise the future operation of the building, delivery of frontline services and contractual obligations with Partners.

9. Consultation

- 9.1 We have undertaken consultation with partners and with Council officers to determine the most appropriate time of year to undertake the works.
- 9.2 Through this consultation, the 10 weeks commencing 4 July 2016 has been identified as the preferred option, and in order to ensure that these timescales are met, a consultant was appointed to prepare the tender documentation.

10. Options

- 10.1 The options available to the Council are;

- Appoint Contractor 1; or
- Not award the contract

11. Background Papers

- 11.1 None.

Previous report(s): Council 21 September 2015; The Symington Building – Lift and Access; 12 month Update

Council 15 September 2014; The Symington Building – Lift and Access including Background Paper

- A Review of Accessibility to Upper Floors & Lift Provision within The Symington Building

Information Issued Under Sensitive Issue Procedure: Yes (part)

Ward Members Notified: Yes

Appendices:

Appendix A		Programme
Appendix B		Pricing & Technical Model (blank)
Appendix C	exempt	Tender Information
Appendix D	exempt	Financial Implications of Tender Acceptance
Appendix E		Scooter Use; Reasonable Adjustments available