

## Record of Operational Decision

<b>Decision title:</b>	To award a contract to Owen Pell Limited for construction of The Master's House Phase 1 Works
<b>Date of decision:</b>	28 <sup>th</sup> April 2023
<b>Decision maker:</b>	Executive Officer
	<p>On the 25 November 2021, the cabinet key decision was made for the purpose of obtaining approval of the procurement route, new delivery proposals and processes and to put in place appropriate delegation to approve the spend and resources required in connection with the delivery of the Section 106 schemes identified.</p> <p><a href="https://hc-modgov.herefordshire.gov.uk/documents/d8385/Printed%20decision%20Section%20106%20Portfolio%20of%20Works%20-%20delivery%20proposals.pdf?T=5">https://hc-modgov.herefordshire.gov.uk/documents/d8385/Printed%20decision%20Section%20106%20Portfolio%20of%20Works%20-%20delivery%20proposals.pdf?T=5</a></p> <p>The authority for the specified officer to take this decision as set out in The Master's House Landscaping: Cabinet Portfolio Members Update dated 27<sup>th</sup> May 2022.</p> <p><a href="G:\ENV\EH&amp;TS\Infrastructure Delivery\1 Projects\04 Masters House Ledbury\Meetings\Adhoc Meetings\20220527 Masters House Cabinet Portfolio meeting\20220527 Minutes_MHL_Cabinet Portfolio Mtg.docx">G:\ENV\EH&amp;TS\Infrastructure Delivery\1 Projects\04 Masters House Ledbury\Meetings\Adhoc Meetings\20220527 Masters House Cabinet Portfolio meeting\20220527 Minutes_MHL_Cabinet Portfolio Mtg.docx</a></p> <p>At the meeting, it was agreed that:</p> <ul style="list-style-type: none"> <li>• That the project is divided into two projects for governance reasons; <ul style="list-style-type: none"> <li>○ Project One (Phase 1): referred to as The Masters House Landscaping project with the intent of spending existing secured funds.</li> <li>○ Project Two (Phase 2): referred to as The Masters House Accessibility and Landscaping improvement project. Funding is yet to be secured.</li> </ul> </li> <li>• To confirm that the team progress with the suggested scope of landscaping works for Project (Phase) One for the Master's House Landscaping project, which is to be completed at a cost of not more than £164,860. This budget is to include the section 106 funding balance of £109,860 and the additional budget of £55,000 from the unspent capital estates budget within the estate capital programme 2019/22. Correspondence has been received from Philip Huggett confirming governance is in place for the fund to be included in the Masters House Landscaping Phase 1</li> <li>• To agree that the Masters House project team seek governance approval in the form of an Executive Officer non-key decision for Project (Phase) One.</li> <li>• To approve the scope of Project Two landscaping works and to approve that a full business case is completed to seek capital funding in February 2023.</li> </ul> <p><b>APPROVED: Members agreed phase one should be progressed using identified budget.</b></p> <p><b>APPROVED: Members agreed with the suggested objectives for Project One and Project Two</b></p>
<b>Ward:</b>	Ledbury North

<p><b>Consultation:</b></p>	<p><b>Political Consultation:</b>  In connection with the Cabinet decision to proceed with the construction of Project (Phase) 1, consultation was undertaken with the Cabinet Member for Finance, Corporate Services and Planning (also the ward member) to discuss the revised scope of works to be included in Phase 1, provided the total cost of the works does not exceed the available budget.</p> <p><b>Officer Consultation:</b>  The Commercial Department in conjunction with the appointed Cost Consultant prepared the Contract Documentation and posted the ITT on the procurement portal. The process of receiving and evaluating the tenders, was managed by the Commercial Department. The two bids received have been evaluated and moderated, the highest scoring bid being submitted by Owen Pell Limited.</p> <p>Consultation on this decision has taken place with the council’s finance, procurement and legal services teams.</p>
<p><b>Reasons for decision:</b></p>	<p>The Phase 1 works comprise:</p> <ul style="list-style-type: none"> <li>• Extension of the existing retaining wall toward St Katherine’s Hall to facilitate the levelling of St Katherine’s Square</li> <li>• Installation of drainage and backfilling behind the retaining wall to form the levelled St Katherine’s Square paved with sandstone slabs.</li> <li>• Creation of a shallow gradient ramp interconnecting the two levels, paved with sandstone slabs</li> <li>• Installation of edge protection and handrail</li> <li>• Installation of ducts, pop-up power points and feature lighting to St Katherine’s Hall.</li> </ul> <p>This project will deliver a destination public space for the local community and visitors, complementing recent investment by HC in the renovation of 16th Century Master’s House building. This space will accommodate market trading away from the busy streets, annual events and much more.</p> <p>From the original budget £164860, a total of £32681 has been paid or is committed expenditure, leaving £132,179 in the budget for the Phase 1 construction works.</p> <p>The open tender for the construction of Phase 1 resulted in two tenders which were very competitive and very closely scored in the evaluation of the cost (60%) and quality submission (40%).</p> <p>Following a moderation session supported by a member of the procurement team, Owen Pell were ranked first with a tender price of £123,945.18 and an overall moderated score of 77.7%, made up of 57.5% price and 15.4% quality. This compares with the second tenderers submission of 60% price and 11.2% quality.</p> <p>The severely reduced quality score levels are an incumbent result of the inappropriately defined and specified scoring matrix. This matrix did not equally differentiate between the quality submissions, but did not necessarily reflect the true value of the contractors quality submissions. Accordingly, this did not deter the evaluators from recommending the appointment of the higher scoring contractor.</p> <p>With the available budget of £132,179 and the higher scoring tenderer with a price of £123,945.18, the recommendation is made to award the contract to the higher</p>

scoring bidder Owen Pell Limited.

<b>Equality Considerations</b>	<p><b>Equality duty</b></p> <p>Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:</p> <p>A public authority must, in the exercise of its functions, have due regard to the need to -</p> <ul style="list-style-type: none"> <li>a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</li> <li>b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li> <li>c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul> <p>The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying ‘due regard’ in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.</p> <p><i>Scheme specific statement below:</i>  <i>The proposed improved paving will provide safer accessibility for some members of the community with particular needs.</i></p>
<b>Highlight any associated risks/finance/legal considerations:</b>	<p>The tendered cost of the scheme when including the optional electrical installation without monitored metering, is very close to the available budget; this is of the order of £700. It is intended to source alternative prices for the optional electrical works, which at the cost £7510 provided by the preferred contractor, appears to be inflated.</p>
<b>Details of any alternatives considered and rejected:</b>	<p>Not to appoint the contractor. This option is not recommended. This supplier has been identified through a competitive compliant process. Not to appoint could result in the cost of the currently identified scope of works exceeding the available budget due to the current rate of inflation.</p>
<b>Details of any declarations of interest made:</b>	<p>None declared.</p>

I am an officer delegated to make the decision

Signed:

Print Name: Ross Cook

Job Title: Corporate Director Economy and Environment