



## RECOMMENDATION REPORT

<b>DECISION: 53/2023</b>	<b>DATE: 29 SEPTEMBER 2023</b>
<b>TITLE: Pendle RIBA Stage 4 – Approval of Main Contractor Appointment</b>	
<b>AUTHOR: EMMA CASTLE – ESTATES PROJECT MANAGER</b>	
<b>Executive Summary</b> <p>The design of Pendle Police Station has been carried out to RIBA Stage 3 (developed design). It is proposed that the remaining design to RIBA Stage 4 is completed using a two-stage design and build process, whereby a contractor takes on responsibility for the remaining design before submitting a fixed price for carrying out the construction.</p> <p>In addition, approval is sought for the contract award for the enabling works, to fulfil the planning obligation to commence work on site.</p> <p>The PCC is now requested to approve the contract awards as set out in the recommendations below.</p>	
<b>Recommendations:</b> <ol style="list-style-type: none"><li>1. The PCC is recommended to award the contract for the RIBA Stage 4 (technical design) work for the new Pendle Police Station and progress the design of the scheme to maturity, to Willmott Dixon, at a contract price of £1,630,099.</li><li>2. The PCC is recommended to award the contract to construct the mast foundation at the rear of the site to fulfil the planning obligation to commence work on site, to Willmott Dixon at a contract cost of up to £180,250 (subject to site surveys).</li></ol>	

## **PART II**

### **1. Background and Advice**

- 1.1 Planning permission was granted 9 March 2021 for the erection of a three-storey police station with multi-storey car park, to replace existing stations at Nelson and Colne which are aged, expensive to maintain and no longer compatible with the needs of modern policing. The station will also allow East CSI to move out of Accrington Grange Lane into accommodation that will allow them to meet accreditation requirements. The planning permission is valid until 9 March 2024 and so it is imperative that work commences on site before that date.
- 1.2 Most of the design has been taken to RIBA Stage 3 by Lancashire Constabulary's appointed design team, Perfect Circle. It is proposed that the team are novated to the successful main contractor to carry out the remaining design work under their management. This has the benefit of allowing continuity of design service while transferring the design risk to the main contractor. It is therefore necessary to appoint a main contractor to finalise the design and commence the work on site.

### **2. Enabling Works**

- 2.1 Due to the short timeframe between engaging a main contractor and the Planning Authority requirement to start on site by the start of March 2024, it is proposed that one construction activity is completed by the contractor prior to the planning deadline as an isolated piece of work. This will allow the planning deadlines to be met without rushing the RIBA Stage 4 process and compromising on design quality. The mast foundation has been identified as being easily separated from the rest of the design. This approach also avoids the additional cost and risk of having to resubmit the planning application.
- 2.2 Perfect Circle have therefore completed the mast foundation design in full, and this has been issued for tender to be priced alongside the RIBA Stage 4 design works. As the site ground conditions are not yet fully known, pending site investigation works, two alternative designs were issued for pricing. The site investigation works will be carried out in October 2023, following which the decision will be made to select the more appropriate design.

### **3. Procurement Process**

- 3.1 Procurement has been done via a two-stage design and build process. Two stage tendering for construction contracts is used to procure a contractor early in the design process so that they provide design advice prior to commencement of construction. The aim is to increase buildability of the design and increase cost certainty from an earlier stage.
- 3.2 The winning contractor will be appointed on a provisional basis for the remaining design process, following which they will enter a further contract for carrying out the works. The tender is therefore won on the design cost only,

with further agreement on the build cost being signed off once the design is finalised.

- 3.3 The risk of restricting the pricing of the full tender package to one contractor is mitigated by their requirement to market test their proposal by obtaining multiple quotes from subcontractors for each of the work packages that make up the build.
- 3.4 The two-stage process provides a project gateway at the end of the design period to review the project's feasibility.
- 3.5 Procurement was carried out via a two-stage mini competition using the Procure Partnerships Framework. The lot used was 'North West £15m to £30m Contractor Partners' which is made up of eight contractors.
- 3.6 All eight contractors were sent a Project Information Form in May 2023 outlining the project scope and timescales, after which five contractors expressed interest in tendering. A contractor engagement session was then held in June 2023 with these five contractors to give further information and provide an opportunity for questions. Between the engagement session and the tender issue at the end of July 2023, four more contractors withdrew from the process citing a lack of resources over the summer holiday period.
- 3.7 One contractor remained and was issued the mini-competition documents via Blue Light on 23 July 2023. This was Willmott Dixon. They were asked to price for Stage 4 design costs. They were also asked to price for the construction costs of the mast foundation as an individual package.
- 3.8 Evaluation Criteria:
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| • RIBA Stage 4 design costs and Stage 5 prelims | 24% |
| • Mast foundation cost                          | 6%  |
| • Quality evaluation                            | 70% |
- 3.9 The quality element was made up of five questions covering programme, cost reduction, relationship with existing project team, quality management and social value. Following the submission, the contractor was invited to give a presentation. This was not scored separately but did amend some of the original scores once more detail was provided.
- 3.10 Willmott Dixon scored a total quality score of 51%. As there was only one contractor, they scored the full 30% for price, giving a total score of 81%, which satisfied the project team that the contract should be awarded to Willmott Dixon.
- 3.11 The Contractor will be contracted under a pre-construction services agreement (PCSA) which would limit their engagement to the design work only. This gives the PCC the opportunity to discontinue the relationship at the end of the design stage without any commitment to continue to the construction phase.

- 3.12 In relation to the enabling mast works there would be a separate contract to both the PCSA agreement and the eventual main contract to reduce the risk of entering full contract with Willmott Dixon without having agreed on a fixed price for the full build.
- 3.13 Willmott Dixon are very experienced in delivering blue light schemes and have previously worked with the Constabulary on Blackpool DHQ. They have also successfully delivered projects for a range of other forces, including Merseyside, South Wales and Humberside. There is confidence that they will work with the project team to deliver the project on time, on budget and fit for purpose for staff and the local community.
- 3.14 For the avoidance of doubt Willmott Dixon will be requested to submit a market tested price for the actual build and a further contract award then be considered by the PCC and on the current timeline it is expected that this business-as-usual decision will be taken in April 2024.

4. **Timescales**

- 4.1 The current program dates for activities up to starting the main works on site are below:

RIBA 3 client sign off following building regs design changes	19-Jul-23
Tender return date	8-Sep-23
Client approval to appoint contractor	29-Sep-23
Stage 4 design complete	24-Jan-24
RIBA 4 client sign off	16-Feb-24
Commence enabling works (mast foundation works only)	26-Feb-24
Market testing	22-Mar-24
Review contract sum and sign off by the PCC	12-Apr-24
Commence main construction works	10-Jun-24

- 4.2 As part of the tender quality submission Willmott Dixon were asked to identify ways in which the timetable can be condensed. They have confirmed that early works could, subject to planning sign-off, be brought forward, and have also suggested options to reduce timescales throughout the project.
- 4.3 Once Willmott Dixon are appointed, a program review will be undertaken to consider where/if the timescales can be reduced but at minimal risk. This timeline will be shared with the PCC when available.

## 5. Recommendations

### Recommendation 1

- 5.1 The PCC is recommended to award the contract for the RIBA Stage 4 (technical design) work for the new Pendle Police Station and progress the design of the scheme to maturity, to Willmott Dixon, at a contract price of £1,630,099.

### Recommendation 2

- 5.2 The PCC is recommended to award the contract to construct the mast foundation at the rear of the site to fulfil the planning obligation to commence work on site, to Willmott Dixon at a contract cost of up to £180,250 (subject to site surveys).

## 6. Links to the Police and Crime Plan

- 6.1 The development of the Nelson Carr Road Site is essential to secure the most efficient and effective delivery of policing in East Lancashire. It is imperative that this scheme continues to progress at pace in accordance with the timescales outlined at paragraph 4 above for the benefit of the residents of Lancashire.

## 7. Consultations

N/A

## 8. Implications:

### **a. Legal**

There is a requirement to enter into a Pre-Construction Service Agreement with the main contractor to carry out RIBA Stage 4 design. There is no legal obligation to allow the contractor to continue with the construction phase once they have submitted a final price for the works.

### **b. Financial**

The submitted cost from Willmott Dixon is £1,630,099 for their first stage tender.

The capital programme for 2023/24 contains a budget provision of £21.5M for the design, construction and commissioning of Pendle Police Station.

### **c. Equality Impact Assessment**

N/A

### **d. Data Protection Impact Assessment**

There are no direct data protection implications in the making of this decision.



I have read the above report and have considered the financial implications. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner for Lancashire.

Signature Steve Freeman

Date 29/09/2023

**Chief Executive to the Office of the Police and Crime Commissioner (Monitoring Officer)**

I have been informed about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner for Lancashire.

Signature Angela Harrison

Date 29/09/2023