

Report to the Cabinet

Report reference: C-055-2012/13
Date of meeting: 4 February 2013



Portfolio: Asset Management and Economic Development
Subject: Review of North Weald Airfield - Appointment of Consultants
Responsible Officer: John Gilbert (01992 564062)
Democratic Services Officer: Gary Woodhall (01992 564470)

Recommendations:

- (1) To receive and consider the recommendation of the North Weald Airfield and Asset Management Cabinet Committee for the appointment of Drivers Jonas Deloitte to deliver the review of North Weald Airfield at a cost of £145,000 plus meetings disbursements; and**
- (2) That, subject to the agreement of the Chairman of Council, the period for call-in be waived.**

Executive Summary:

The Cabinet, at its meeting in September 2012, agreed to appoint consultants to undertake a review of North Weald Airfield, and recommended to Council a supplementary estimate of £150,000. Subsequently, a procurement exercise was undertaken through the auspices of the Essex Procurement Hub, and this report sets out the outcome of that exercise and the recommendation of the North Weald and Asset Management Cabinet Committee as to the preferred consultant.

In order to ensure that adequate financial provision exists in the event that the highest scoring consultant's bid exceeds the budget currently provided, the Finance Portfolio Holder has made specific mention of, and financial provision for, any additional budget required in the budget report elsewhere on this agenda.

Reasons for Proposed Decision:

To appoint consultants to undertake the review in accordance with the evaluation process required as part of the use of the Government Procurement Service Framework Agreement. It is critical that this review proceeds in accordance with the Local Plan timetable.

In view of the need for the appointed consultants to commence the commission as soon as possible after appointment by Cabinet, it is recommended that the normal call-in procedures are waived in respect of the appointment decision.

Other Options for Action:

- (1) Appoint the second placed consultant. However, this could result in a legal challenge by the highest scoring consultant and would also be in breach of the Government**

Procurement Framework used to underpin the process.

(2) To appoint neither consultant and recommence the procurement. However, the tenders returned were valid and bona fide, there is no reason to believe that a repeat procurement would result in a lower tendered sum and such a delay would impact significantly on the agreed timetable for the Local Plan.

Report:

1. The Cabinet, at its meeting on 10 September 2012 received a report from Ernst and Young LLP setting out a proposed way forward to enable the Council to consider the future of North Weald Airfield. The Cabinet agreed to take the review forward as suggested by Ernst and Young and resolved that consultants should be appointed. The Cabinet further resolved to seek Council approval for a supplementary District Development Fund (DDF) estimate of £150,000.

2. In accordance with the Cabinet resolution, the procurement exercise was managed by the Essex Procurement Hub utilising the Government Procurement Service Multi-Disciplinary Consultancy Framework. The tender documents were issued to ten consultants on 12 November 2012 with a return date of 14 December. Of the ten consultants approached, there were only three responses, and by the deadline only two tenders had been received. These were received and opened, in accordance with contract standing orders, by the Hub, the details being as follows:

(a) Ernst & Young LLP: £170,000 (plus meetings disbursements); and

(b) Drivers Jonas Deloitte: £145,000 (plus meetings disbursements).

3. The tender documentation set out the basis of the tender analysis and the weightings to be applied to the component elements, as follows:

- Price: 20%;
- Application: 40%; and
- Presentation: 40%.

4. The technical applications were reviewed and assessed by the Officer project team against the following criteria, with a score of between 0 and 5 available for each criterion:

(1) has demonstrated a clear understanding of the brief and its required outcomes;

(2) the proposals clearly set out a methodology for achieving the brief;

(3) can demonstrate knowledge and experience in the field, and where relevant, can demonstrate that sub-consultants have knowledge and experience in the required field;

(4) has set out adequate resources to be able to deliver the brief to its conclusion, including the maintenance of key personnel throughout and has committed to full adherence to the time frames, delivery of interim reports etc; and

(5) the submission overall is clear, with all elements in (1) to (4) above being clearly set out, easily understood with no areas subject to potential misunderstanding.

5. The presentation and associated questioning were undertaken by the North Weald

Airfield and Asset Management Cabinet Committee, with the addition of the North Weald Members, at an interview panel held at North Weald Airfield on 22 January 2013. Each panel member had the opportunity to ask questions of clarification arising from the consultants' presentations as well as asking a set question to each consultant to ensure the fairness of the assessment process. The six preset questions were:

- (1) Please set out your understanding of the linkage between this review exercise and the Council's developing local plan;
- (2) Please explain how you intend to present the options available to the Council bearing in mind the options assessment criteria set out in the brief;
- (3) You are here today with your key team members and your nominated sub-consultant(s). Can you please confirm that the team you have set out in your submission will be retained for the duration of the commission and then could [sub-consultants] please set out for us their role and the expertise they will bring to the delivery of this commission;
- (4) The Airfield has a long history and carries a significant degree of public affection. To what degree do you think this should, and can, be taken into account in developing options for the future of the Airfield;
- (5) Please explain how you intend to deal with the requirement to engage with relevant stakeholders; and
- (6) As you will be aware, the Council has previously commissioned two reviews of North Weald Airfield. Can you please tell us to what degree you think this previous work will be helpful in delivering this current review whilst ensuring you bring a fresh approach to the commission.

6. The outcome of the overall assessment process is set out in the table below:

	Price %	Application %	Interview %	Assessment Outcome %
Ernst & Young	9.16	28.80	27.73	65.69
Drivers Jonas Deloitte	10.84	27.66	27.60	66.10

7. It can be seen that Drivers Jonas Deloitte was the highest scoring consultant with a combined total of 66.10% against the available 100% and it is therefore recommended that Drivers Jonas Deloitte be appointed to undertake the review of North Weald Airfield at a tendered sum of £145,000 plus meeting disbursements (**Recommendation (1)**).

8. Given the time frame available for the completion of this commission, it is important that the preferred consultants are able to commence work as soon as possible after this meeting. To that end it is recommended that the consent of the Chairman of Council be sought to waive the ability for this decision to be called in (**Recommendation (2)**).

Resource Implications:

The Cabinet at its meeting in September 2012 sought Council approval for a supplementary DDF estimate of £150,000. This was approved by Council on 27 September 2012 (minute 48 refers). The tendered prices set out in paragraph 2 above include all disbursements except for attendances at meetings. In order to both build this into the tender assessment and to

ensure adequate financial provision is made, in each case an additional sum has been added to each tendered sum to provide for attendance at 3 meetings, with 3 persons in attendance at each. This adds £6,000 to the Ernst & Young tendered sum and £3,600 to that of Drivers Jonas Deloitte. The pricing percentages in the table in paragraph 6 immediately above take these additions into account.

Legal and Governance Implications:

The procurement exercise was undertaken using a Government Procurement Framework and therefore conformed with European Community procurement requirements. The assessment was undertaken strictly in accordance with the requirements of the Framework (i.e. weightings of 20% price and 80% quality (split evenly between experience and approach and presentation)). The consultant with the highest overall assessment should be appointed to the commission, else the Council could be subject to challenge.

Safer, Cleaner and Greener Implications:

There are no significant implications at this time, but any decisions made in the future clearly have the potential to impact upon the local environment, and these would have to be considered at that time.

Consultation Undertaken:

None.

Background Papers:

Reports to Cabinet and Council on 10 September and 27 September 2012 respectively.

Report to North Weald Airfield and Asset Management Cabinet Committee on 5 September 2012.

Drivers Jonas Report.

Halcrow report (publically available parts only).

Ernst & Young Report.

Publically available reports to the North Weald Cabinet Committee and Cabinet in March 2011.

Impact Assessments:

Risk Management

The commission has to be completed in accordance with the timeframe of the local plan development process in order to limit the risks of the local plan being considered as "unsound" at a future local enquiry

Equality and Diversity

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications?

No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? N/A

What equality implications were identified through the Equality Impact Assessment process?
N/A.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A.