

Report to the Cabinet

Report reference: C-038-2015/16
Date of meeting: 8 October 2015



Portfolio: Asset Management & Economic Development

Subject: Tendering of Building Contracts for S278 Works and Epping Forest Shopping Park Main Contract by Electronic Submission.

Responsible Officer: Chris Pasterfield (01992 564124).

Democratic Services Officer: Gary Woodhall (01992 564470).

Decisions Required:

(1) To waive Standing Order Section C17, Receipt and Custody of Quotations and Tenders and C18 opening of Tenders and Quotations, with regard to the tendering of the Section 278 Works and main Contract for Epping Forest Shopping Park to enable the electronic receipt of tender documentation for these contracts.

Executive Summary:

In accordance with the previously agreed timetable, all tender documents for the Section 278 Highway Works and Construction Contract for the Epping Forest Shopping Park have been uploaded and displayed on the Government's Contract Finder Web Site in accordance with European Procurement Regulations. Allowing electronic submission of tenders into a protected "Safelink Room" will allow tenderers to upload substantial documents more easily and securely.

Reasons for Proposed Decision:

To allow for the efficient and secure tendering of these two large contracts.

Other Options for Action:

To require paper submissions of tenders as currently required by the Council's Contract Standing Orders. This is not the normal modern industry approach and potentially may deter some companies from tendering.

Report:

1. Tendering of the works contracts for both the main building contract and Highways Section 278 works for the Epping Forest Shopping Park project is underway. An issue has arisen in that the Council's current Contract Standing Orders require the submission of physical hard copy tender documentation and an opening by the respective Portfolio Holder.
2. Members will be aware that an Officer Working Group are currently working on reversions to Contract Standing Orders which will enable electronic submission of tender documentation, which is becoming modern industry standard.

3. It is proposed that Contract Standing Orders C17 and C18 are waived for these contracts to enable such tendering processes to be undertaken electronically.

4. The Council has appointed specialist construction lawyers to assist in the procurement process. With respect to electronic submissions of Tenders, a web-based "Safelink Room" would be prepared to be operated by the Council's solicitors, DAC Beachcroft, to enable secure submission. No access will be possible to the "Safelink Room" until after the tender deadlines.

5. Once tender deadlines have passed, details of the tender submission will be summarised and recorded by DAC Beachcroft, the Council's External Solicitors. Tenders will then be distributed to members of the Council's Project Team to evaluate and produce detailed assessment reports on each bid received.

6. The technical evaluation reports will then be reviewed by Council officers and the recommended winning contractors, based on price and quality, reported to Members at the next available Cabinet Committee.

7. Members have approved the Epping Forest Shopping Park development and associated road works at previous Cabinet and Full Council Meetings. The tendering process for these two large contracts is complicated and involves a great deal of technical information for contractors to assess and quantify. The resulting tender submissions by contractors will also be complex. By using electronic means through a secure internet portal, the process will be dealt with in the most efficient manner.

Resource Implications:

None.

Legal and Governance Implications:

The Council's Contract Standing Orders are under review to facilitate this change to more modern procurement processes.

Safer, Cleaner and Greener Implications:

Nothing significant but electronic submissions will save on paper submissions.

Consultation Undertaken:

DAC Beachcroft solicitors and the Council's Project Team.

Background Papers:

None.

Risk Management:

The "Safelink Room", which is a recognised procurement methodology, will be operated only by the Council's solicitors, DAC Beachcroft, who will maintain a high level of security.

Due Regard Record

Name of policy or activity:

What this record is for: By law the Council must, in the course of its service delivery and decision making, think about and see if it can eliminate unlawful discrimination, advance equality of opportunity, and foster good relations. This active consideration is known as, 'paying due regard', and it must be recorded as evidence. We pay due regard by undertaking equality analysis and using what we learn through this analysis in our service delivery and decision making. The purpose of this form is as a log of evidence of due regard.

When do I use this record? Every time you complete equality analysis on a policy or activity this record must be updated. Due regard must be paid, and therefore equality analysis undertaken, at 'formative stages' of policies and activities including proposed changes to or withdrawal of services. This record must be included as an appendix to any report to decision making bodies. Agenda Planning Groups will not accept any report which does not include evidence of due regard being paid via completion of an Equality Analysis Report.

How do I use this record: When you next undertake equality analysis open a Due Regard Record. Use it to record a summary of your analysis, including the reason for the analysis, the evidence considered, what the evidence told you about the protected groups, and the key findings from the analysis. This will be key information from Steps 1-7 of the Equality Analysis process set out in the Toolkit, and your Equality Analysis Report. This Due Regard Record is Step 8 of that process.

Date / Name	Summary of equality analysis
8.10.2015 Director of Neighbourhoods	There are no implications for equality as the proposal is to arrange for contract tendering by electronic means.