

# HARTLEBURY PARISH COUNCIL

Date	6 June 2017
Agenda Item No	
Title	<b>Ratification of Landscape Designer Appointment (an adjunct to papers submitted for Agenda Item 15, PC Meeting 2 May 2017)</b>

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Hartlebury Community Project is a joint landmark project led by the Parish Council in association with the Parish Hall.

To date we have been awarded 250k funding from three sources (200k – payable to the PC; 50k payable to the PH). There is some urgency in starting this project to secure some of this funding.

The legal officer for Wychavon 106 Monies advised that we should appoint an landscape consultant who would be independent, have no vested interest, have no preconceived ideas and offer a new, fresh approach - also recommending that we spend no more than circa 5% of project monies on this.

The HCP Steering group unanimously agreed to recommend the route of appointing an independent landscape designer to the PC (Jan 2017). At the Feb 2017 PC it was unanimously agreed to support this recommendation.

At the March 2017 PC, under a confidential item, an invitation to tender letter was approved. It was agreed to use a restricted tendering process, selecting ten prospective companies from the Landscape Institute approved list of registered practices. This was approved by Council.

At the April 2017 PC the procurement process was outlined, including the tender evaluation process; the proposed representative assessment committee and specific weighted assessment criteria. Council unanimously agreed to delegate authority to the assessment committee to appoint the preferred landscape design company arising from this process, subject to Council ratification.

On 6 April 2017 the approved assessment committee met. Before the evaluation procedure began each panel member declared that they had no personal interest in any of the companies submitting tenders.

7 tenders had been received by the deadline. The evaluation panel marked each tender independently against the agreed, weighted criteria using a pre prepared scoring matrix. When this was complete the panel shared their scores, justifying their scoring. The submissions were ranked and a clear preferred tender emerged. This was agreed by all present. Each panel member's perspective was taken into account.

The option to draw up a shortlist was discussed. It was felt that it may be considered unfair to ask other companies to attend interviews, prepare presentations and incur costs, when the committee already had a preferred tender. It was therefore agreed that it would be preferable to enter into negotiations with the preferred tenderer to clarify and ensure this company would best meet the needs of all stakeholders involved in this project.

On 11 April 2017 the company representative attended a negotiation meeting. Questions were answered to the satisfaction of all present and the committee were all happy to appoint; subject to ratification by Council. The company representative offered to proceed at his own risk. He recommended that we would need tree; ecological and topographical surveys to be completed and offered to cost these to be included in addition to the overall costs of the design. Again, this was agreed by all present. The company representative enquired when the ratification would be tabled. He was advised of the date of the PC.

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At the May 2017 PC a ratification proposal was submitted to Council. This was in a public forum.

Some Councillors felt that they were unable to ratify the appointment as they lacked sufficient information. Pertinent information may be that the percentage fees were wide ranging: (7.5% – 3.3%); some tenderers also requiring additional expenses. All companies were judged to be capable of carrying out the requirements. Some engaged with the project with more enthusiasm than others. References are now provided by the preferred company. It is not usual to share specific tender information to a wide audience as this may break commercial confidentiality.

Considerable discussion followed where Councillors seemed to want details of the discussion which had already taken place between those to whom the delegated authority to act had been given. This suggested lack of trust in the process, procedure or panel members.

Some discussion took place which was inappropriate in a public forum and could potentially bring the Council into disrepute. Tender submissions should be judged solely on what is required from the invitation to tender. It was not appropriate to discuss prior knowledge of the company or information acquired from other sources. Assumptions should not be made about any individual or company. Some views stated had the potential to affect the impartiality of other Councillors.

The preferred option was reached solely on the quality of the tender and how it related to the price, engagement and enthusiasm for the project; the willingness and practical ability to meet with local stakeholders and in the opinion of the assessment committee provided the most economically advantageous choice.

Wychavon officer J. Teal has been consulted and is in agreement that this is a satisfactory way to proceed. He was under the impression that this project had stalled. He has reiterated that if Hartlebury does not spend the Section 106 monies they will be diverted to Droitwich Leisure Centre.

The risk associated with these specific costs are relatively low. Whilst this is a large scale project for Hartlebury; in terms of design and build, relatively speaking it is not a large project. The design costs associated with design would be 3.3%. We already have sufficient funding to cover this cost.

Whilst Council needs to make a reasoned decision, and have confidence in that decision, it also needs to be recognised that there is a risk to the project if we do not proceed with some urgency. Other stakeholders and funders need to see progress being made and Councillors who have spent time, energy and commitment bringing the project to this stage need to feel that they are trusted by fellow Councillors.

In line with other tenders submitted, the preferred company suggested that a tree survey will be needed as it is likely that planning permission will be required (BS 5837). An ecology survey will be needed, for example, relating to the building on the tennis court. A topographical survey will be needed, for example, when redesigning the car park to ensure that drainage problems are addressed. It would be expedient to allow the designer to procure these services and include in his costings.

The Legal Officer and Responsible Finance Officer for Hartlebury Parish Council took oversight of this complete tendering process: including the tender evaluation stage. He can confirm that the evaluation of the tenders was fair and that the decision made to appoint Greenway Landscape Architects as the preferred tenderer, and therefore landscape designer for the Hartlebury Community Project, was made with complete agreement by the assessment committee in the best interests of all stakeholders.

P r o p o s a l	<p>The Parish Council is requested to formally accept the tender of Greenway Landscape Architects (Greenway LA Limited) comprising a scale fee of 3.3% of works costs and hourly rates of from £32.50 to £56.25 per hour.</p> <p>The contract with the Consultant will incorporate by reference the terms of the Landscape Institute's "Landscape Consultants Appointment" document and will also incorporate a milestone fee payment schedule to be agreed with Greenway LA Limited. The Parish Council is requested to approve the preparation of the necessary documentation.</p> <p>The Parish Council is requested to approve the additional expenditure of £795.00 (plus VAT) for a Tree Survey, £1,800.00 (plus VAT) for the Topography Survey and £475.00 (plus VAT) for the Ecology Survey. (Further sums may be payable for planning fees in due course.)</p>
Risk	High
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