

# OFFICER DECISION NOTICE



This notice is to be used for the following types of officer decisions. (Select one option).

**A.** Decisions taken by officers under a specific express delegation from Council or a Committee.

**B.** Decisions taken by officers under a general delegation from Council or a Committee, which relates to (i) a permission or a licence, or (ii) the rights of an individual, or (iii) a contract or expenditure over which materially affects that relevant local government body's financial position.

<b>1. Title of decision:</b>	Hexagon Studio Theatre New Build – Appointment of contractor to develop the project technical design under a preconstruction services agreement (PCSA).
<b>2. Date of the decision:</b>	18 March 2024
<b>3. The decision maker:</b>	Emma Gee, Acting Executive Director DEGNs

## 4. Decision details:

The Council approved the construction of a new Hexagon studio theatre as part of the Department of Levelling Up, Housing and Communities (DLUHC) approved grant.

The Programme Board agreed to the procurement approach of using the WestWorks Framework to procure the services of a main contractor under a Pre-construction Services Agreement (PCSA) to take the scheme forward in the technical design stage of the new build.

An expressions of interest was issued to framework contractors in October 2023 and nine suppliers expressed an interest in the scheme. A panel of culture officers and theatre consultants in conjunction with procurement officer, assessed the returns and invited the top four contractors to bid for the scheme. Late in the tender period one contractor withdrew citing resourcing issues. The final three contractors submitted bonafide quality and cost bids. The quality submissions were assessed by the officers and all three provided detailed quality responses. The cost elements were assessed independently by the external cost consultant and verified as bonafide cost submissions.

The assessment is based on a price per quality point assessment to show the VfM of the quality submission and avoiding low bids unnecessarily distorting the overall results.

A summary of the result is below.

Bidder	Quality Score	Price Per Quality Point	Overall Position
Rise Contracts Ltd	1st	1st	1st
Bidder B	2nd	3rd	3rd
Bidder C	3rd	2nd	2nd

Rise Contracts Ltd provided the highest quality score and the best VfM in their cost submission.

The decision is to appoint Rise Contracts Ltd to carry out the technical design of the new build under a Pre-construction Agreement.

**5. Reasons for the decision:**

To progress the technical design stage of the project with an experienced theatre contractor with the aim to reach a main construction sum and build programme that is within the approved project budget.

The decision to enter into a main construction contract will only be considered at end of the technical design and when a bonafide construction sum and build programme is agreed.

**6. Alternative options considered (if any) and rejected:**

Alternatives to procurement were direct award (does not comply with procurement regulations) or using an open tendering process. The use of opening tendering would unduly delay the scheme. This is due to the complexity and specialist nature of building a new theatre and the tight timeframes to deliver the scheme the use of an established procurement framework of contractors who have relevant, recent previous experience of theatre builds was preferred.

**7. List of open Background Papers:** None

**8. List of confidential or exempt Background Papers:** None

**9. Any other matters taken into consideration:**

<input type="checkbox"/> Legitimate expectation of consultation	<input type="checkbox"/> Procedural requirements
<input type="checkbox"/> Public Health implications	<input type="checkbox"/> Environmental or Climate Change
<input type="checkbox"/> Health and Safety	<input type="checkbox"/> Risk Management implications
<input type="checkbox"/> Transparency of Information (FOI etc)	<input type="checkbox"/> Privacy Impact Assessments
<input type="checkbox"/> Human Rights Act Duties	<input type="checkbox"/> Equality Impact Assessment
<input type="checkbox"/> Corporate Parenting	<input type="checkbox"/> Community Safety
<input type="checkbox"/> Regulatory duties	<input type="checkbox"/> EU withdrawal
<input type="checkbox"/> Armed Forces Covenant	<input type="checkbox"/> Other

**Details of the matters taken into account:** None

**10. Legal considerations**

Compliance with public procurement regulations.

**11. Financial considerations**

The PCSA cost is within the existing approved fees element of the overall project budget.

**12. Internal consultations**

LUF Programme Board approved the procurement approach.

Legal, procurement, and culture colleagues have been involved in the procurement process.

Sections 13- 18: To be completed only for Decision A (express delegation from a Committee)

<b>13. The name of the Committee:</b>	Policy Committee
<b>14. Date of the meeting:</b>	20 February 2023
<b>15. Minute number:</b>	53 (2) (c)
<b>16. The delegation given by the Committee:</b>	the Executive Director of Economic Growth and Neighbourhood Services be authorised, in consultation with the Director of Finance, Assistant Director of Procurement and Contracts, the Chief Executive and the Leader of the Council, to agree delivery of the Levelling Up Fund (LUF) programme, including all necessary procurements;
<b>17. The name of any member of the committee who declared a conflict of interest in relation to the decision:</b>	N/A
<b>18. Any councillor or officer required to be consulted prior to the exercise of this delegation and details of their response.</b>	The Chief Executive and the Leader of the Council were emailed for approval and agreed on the appointment via email on 1 <sup>st</sup> March 2024. The Director of Finance and Assistant Direct of Procurement and Contracts agreed the appointment at the LUF programme board on 8 <sup>th</sup> January 2024