ARCADIS Design & Consultancy for natural and built assets

BARNSELY METROPOLITAN BOROUGH COUNCIL; THE SEAM

Procurement Summary Report

JANUARY 2022

BMBC; THE SEAM

VERSION CONTROL

Version	Date	Author	Checker	Approver	Changes
1.0	13.01.22	M.Thompson/L.Mellor	R.Jones	R.Jones	First Issue
1.1	31.01.22	M.Thompson	R.Jones	R.Jones	Final Issue
2.0	07.02.22	M.Thompson	R.Jones	R.Jones	BMBC Comments

CONTENTS

1 Executive Summary

The purpose of this Procurement Strategy Report is to provide a recommendation to Barnsley Metropolitan Borough Council (BMBC, the Client) on the proposed procurement route for Phase One of the delivery of the Seam Digital Campus project.

Recommended Route

It is the project team's recommendation that a two-stage design and build procurement is adopted for the Phase One of the Seam project specifically the multi storey carpark (MSCP), active travel hub (ATH), infrastructure works and the public realm.

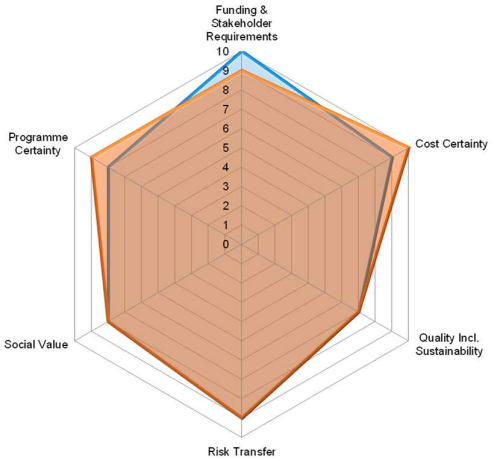
The two-stage procurement will look to provide the Contractors with a RIBA Stage 2+ design to submit initial pricing against with the first stage of the procurement then looking to shortlist to one Contractor who will develop the design from RIBA Stage 3 to 4 and provision of the fixed cost lump sum.

The key drivers established at the workshop are tabulated below:

Rank	Client Driver	Rationale
1	Programme	Whilst no absolute and critical end date was noted. Surety of the out-turn date, particularly in relation to the spending of £11million FHSF was seen as critical.
2	Cost Certainty	Maximum cost certainty at the point of entering contract is key. Focus on surety of out-turn price in lieu of lowest entry price, whilst acknowledging critical requirement for Contract within budget. Requirement to demonstrate Value for Money, derives preference to competitive tendering.
3	Risk Transfer	Desire to pass risk wherever feasible and equitable to the contractor, allowing them to manage construction risks, which are aligned to their expertise, rather than for BMBC to retain risks which are outside of their typical capability / experience. Focus to mitigate against unforeseen project costs and programme delays.
4	Quality Incl. Sustainability	Desire to obtain a high-quality building that is fit-for-purpose whilst using innovative solutions to derive benefit for the project. Consensus was the complexity of the scheme and evolving design was relatively low.
5	Collaboration	No specific targets at this stage, but keen to ensure the project supports the vision to act as a catalyst for Barnsley. Engage the local community, provide an opportunity for education and employment. To enable the Contractor to maximise the social value they are able to deliver the project, client and wider community. Is a mandatory requirement of public procurement in assessment of tender returns

A two-stage design and build approach delivers many of the client's key drivers, identified in the Procurement Workshop on 09 January 2022 and together with an appropriate route to market can deliver a procurement route which is compliant with public procurement regulations. As demonstrated by the graphical appraisal to the right (with the orange fill representing how the two-stage, meets or exceeds the client drivers in blue).

In particular a two-stage design and build can;



- Realise a high-quality output, with innovation through well-defined client aesthetic and performance requirements, within prescriptive specifications;
- Transfer a greater amount of risk to the contractor through the pre-construction phase;
- Secures a competitive tender price, through competition, but with a focus on collaboration and de-risking works up-front during design development through the opportunity to engage the supply chain to test buildability and cost assumptions
- Enable social value drivers to be secured through defined requirements and tender proposals;
- Provide value for money in an open book process, and whilst this would be slightly less cost effective than a single stage, it would allow the contractor to be engaged earlier in the programme and reduce the risk of losing the FHS funding through cost and programme management with their input.

Route to Market

It is the project team's recommendation to procure the work through via an established Framework Agreement for construction works of this type. The team felt this would;

- Enable optimal value for money to be procured through a competitive procurement and opportunity to benchmark to Framework rates
- Remove the need for the Council to undertake their own qualification process of Contractors based on minimum requirements, reducing the workload and timelines for the procurement process as a whole.
- Ensure Contractors with appropriate experience and capability are invited to tender
- Drive a better response rate from the market with Contractors feedback suggesting they would be more likely to bid if they had visibility of their opportunity for success which a framework call off which provide
- Allow the Council to utlise Framework operator template documentation (Such as pricing schedules, PCSA and form of contract) to reduce the resource and timeline required to develop these.

Design Development

It is the project team's recommendation that the PMDT progress the design development of the 4 elements of the works to RIBA Stage 3, with the Contractor being made responsible for RIBA Stage 3 to 4 to allow them input on the detailed design stage to maximise their opportunity to influence the buildability of the scheme whilst working with the Council to manage costs.

It is recommended that the PMDT will progress the Planning Application for the design of the site.

Further options and alternatives were tested against the above recommendations, due to the criticality of spending the Future High Street Funds by March 2024. A detailed analysis and review of the initial sequencing is included in the programme section of this report. The team's recommendation is to proceed with Option 2 as it mitigates programme risk against the impact of planning whilst still involving the Contractor as part of a PCSA strategy.

Novation

As part of the recommendations of a Design & Build contract, there are options available to the client organisation regarding novation. The project team's recommendation is that for continuity of design, that there is an option in the tender for the current design team to be novated with a technical team retained on Client side to provide quality consultancy (such as clerk of works and/or technical monitoring). This however will be dictated by the market, as some contractors may want to appoint their own design team.

Next Steps

- Agreement of the recommendation herein, for the proposed adoption of a Two-Stage Design & Build procurement route for The Seam by March 2022 via Option 2 of the programmes produced
- Review of the recommendations within this report (and the specific framework to be utilised) and ratification thereof afterwards; and implementation of the agreed strategy and route to market option.

2 Introduction

The purpose of this Procurement Strategy Report is to provide a recommendation to Barnsley Metropolitan Borough Council (BMBC) for the proposed procurement route, for the delivery of the Seam project. This report summarises:

- Process adopted to date;
- Key procurement drivers identified by the BMBC;
- Exploration of a number of procurement routes;
- Assessment of those procurement routes against the drivers and relative priorities;
- Considers routes to market;
- Makes a recommendation regarding procurement route.

The report concludes by summarising decisions required and outlining the next steps in the procurement process.

2.1 Background

BMBC has an ambitious plan to build on the digital campus within Barnsley and to make the area a hub for digital skills. As part of this, areas adjacent to the existing DMC buildings are to be developed to reflect this ambition.

The core values include:

In 2019-20 The Council and key stakeholders worked with Hemingway Design, place branding specialists, to develop an identity to capture the foundation infrastructure of innovation, business support collaboration and physical space of the DMC buildings. The result was a new brand name, The Seam.

As part of this branding, the stakeholders developed five core values for The Seam, which will underpin the development of the site, ensuring new development aligns with the collective ambition and purpose. These values are already part of the site 'DNA' via the DMC's ongoing work and they will inform all future site development:

- Putting people first
- Building pathways – a place of possibilities
- Trailblazing
- For Barnsley not only for business
- A dynamic digital ecosystem

The Principles underpinning the project are as follows:

- Transform Barnsley's Economy to create high value jobs and achieve economic growth
- Create high quality, low carbon Town Centre living to support the economic viability of the town centre
- Create a community for entrepreneurs and innovators and a testbed for new ideas
- To encourage modal shift through active travel and reduce reliance on the car
- Create the conditions to secure inward investment to support the growth of the Digital Campus

- Improve user experience for businesses, residents and visitors through data, connectivity and technology
- Enable a successful technology ecosystem locally and regionally

As part of this plan, BMBC are undertaking enabling works to including the construction of a multi-storey car park, new site infrastructure, an Active Travel Hub to promote sustainable travel and quality public realm to the link the two areas to provide a space and a canvas for the digital vision of the area.

The site is currently graded parking and provides spaces for those travelling to and from the town centre via the train or working in one of the local buildings. Large retaining structures form part of the site boundary and were originally part of the railway and some of the steel used in its construction remain.

2.2 Current Project Status

2.2.1 Previous Market Engagement

BMBC have carried out some previous market engagement with developers and contractors which is included in Appendix A of this document. In summary, the contractors who provided feedback requested early engagement in the process, a 2-stage tender and given the status of the market at the moment they are able to be more selective about the projects that they tender for.

2.2.2 Design Status

The Design Team, comprising Arcadis as Lead Consultant (PM and QS), BDP and Aspinall Verdi were appointed in November 2021 and are currently progressing through RIBA Design Stage 2 (Concept Design).

The Seam is envisaged to be relatively simple structures, which are subject to completion of further surveys and investigation. Key design risks relate to the ground conditions and the condition of the existing retaining walls. Therefore, there is an opportunity to progress design to a good level of technical detail prior to engagement of a Contractor or Sub-Contractors.

Below is an extract of the current site plan and sections, showing the evolving form of the building. The scope of the Seam project is bounded by the red line on the Site Plan. Landscaping works, beyond the vehicle apron and road do not form part of the project.

Adjacent Plots 1 and 2 are to be prepared for outward investment from the private sector with feasibility studies to be carried out to ascertain the most attractive opportunity.

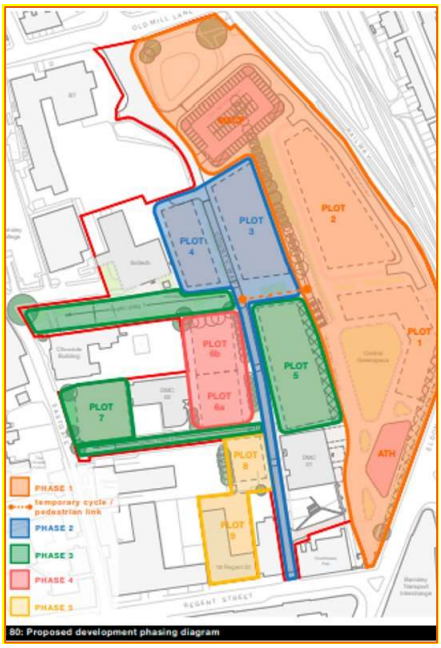


Fig 1 – Site Plan (The Seam)

2.2.3 Programme and Options

As part of the initial tender for the scheme, Arcadis and the BDP team identified that sequencing presented in the tender documents represented a real challenged in delivery and could be bettered through the re-sequencing of certain workstreams. The impact of the initial sequencing is noted below in the table noting that Option 1 was the original BMBC sequence.

Procurement Option	Option 1 – BMBC Initial Programme Sequencing	Option 2 – Appoint PCSA on Stage 3 information	Option 3 – PCSA at Stage 2 and lump sum on Stage 4a Information	Option 4 – Single stage D&B lump sum offer
Cabinet approval to proceed following review of RIBA Stage 2	25-Mar-22	25-Mar-22	25-Mar-22	25-Mar-22
Stage 2+ completion	n/a	18-May-22	18-May-22	18-May-22
Planning submission	26-Sep-22	03-Jun-22	03-Jun-22	03-Jun-22
Planning approval (excl JRL period)	19-Dec-22	26-Aug-22	26-Aug-22	26-Aug-22
Construction Start	09-Jun-23	06-Mar-23	20-Feb-23	13-Feb-23
Construction Finish	15-Nov-24	15-Aug-24	01-Aug-24	25-Jul-24

One of the key drivers of the project is the spending of the £11million High Street Funding prior to the end of March 2024. Upon review of a number of options, it can be seen that the initial sequencing forecasts a completion of the project on 15 November 2024 which would be too late to achieve the required spend. Whilst Option 4 represents the quickest programme, this would not meet the requirement for the market to have a 2-stage approach. Option 3 is also quicker than Option 2, however, this presents a risk to the planning submission/approval should a contractor want to amend key aspects of the design that would require a re-submission to planning and there would not be enough time in the programme to accommodate this fundamental change.

2.2.4 Budget & Cost

The approved budget for The Seam is £23,726,388. (exclusive of VAT). Funding is anticipated as being jointly provided by Barnsley Metropolitan Borough Council and the Future High Street Find.

The Construction Cost is anticipated as being c. £17Million (excluding contingencies), so would required the Council to publish the opportunity via Find a Tender Service (FTS, formally OJEU) if not using an established Framework Agreement.

3 Procurement Drivers

In order to allow proper consideration of the potential procurement route for The Seam, it is necessary first to establish BMBC's key drivers. These are traditionally focussed upon time; cost, quality and risk and the relative importance of each. However, it is often the case that there are broader requirements for consideration.

In order to establish the key drivers for the Seam project, Arcadis facilitated a workshop on 06 January 2022, attended by representatives of BMBC and the project team.

The drivers were then ranked and their importance relative to each other allocated a score of between 1 and 10. A score of 1 is deemed not important and 10 is critical. The outcome of that discussion, the allocated score and a brief commentary on each assessment is provided in the table below.

Rank	Client Driver	Description	Score	Rationale
1	Programme	The criticality of programme end date and extent to which the surety of the overall programme is critical, including extent to which risk is taken by the contractor at the time of entering into the main contract.	**10**	Whilst no absolute and critical end date was noted. Surety of the out-turn date, particularly in relation to enabling vehicle moves and the like was important.
2	Cost Certainty	Whether a competitive price is important, whether lowest entry price or surety of out-turn price is important, and which is a priority. Whether a fixed price is critical prior to entering into contract / commitment to a Contractor.	**9**	Maximum cost certainty at the point of entering contract is key. Focus on surety of out-turn price in lieu of lowest entry price, whilst acknowledging critical requirement for Contract within budget. Requirement to demonstrate Value for Money, derives preference to competitive tendering.
3	Risk Transfer	The extent to which BMBC wishes to pass construction risk to the contractor or accept retention of those risks at the time of entering into the main contract.	**8**	Desire to pass risk wherever feasible and equitable to the contractor, allowing them to manage construction risks, which are aligned to their expertise, rather than for BMBC to retain risks which are outside of their typical capability / experience. Focus to mitigate against unforeseen project costs and programme delays.
4	Quality Incl. Sustainability	Requirements related to quality of 'product' and workmanship. Consideration of project complexity and using innovative approaches to maximise benefit to project.	**7**	Desire to obtain a high-quality building that is fit-for-purpose whilst using innovative solutions to derive benefit for the project. Consensus was the complexity of the scheme and evolving design was relatively low.

5	Collaboration	Opportunity to derive broader benefits than simply delivery of the construction works. Including potential to engage local contractors, SME, increase local employment, apprenticeships, school engagement and charitable contribution.	**6**	No specific targets at this stage, but keen to ensure the project supports the vision to act as a catalyst for Barnsley. Engage the local community, provide an opportunity for education and employment. To enable the Contractor to maximise the social value they are able to deliver the project, client and wider community. Is a mandatory requirement of public procurement in assessment of tender returns

4 Options Evaluation

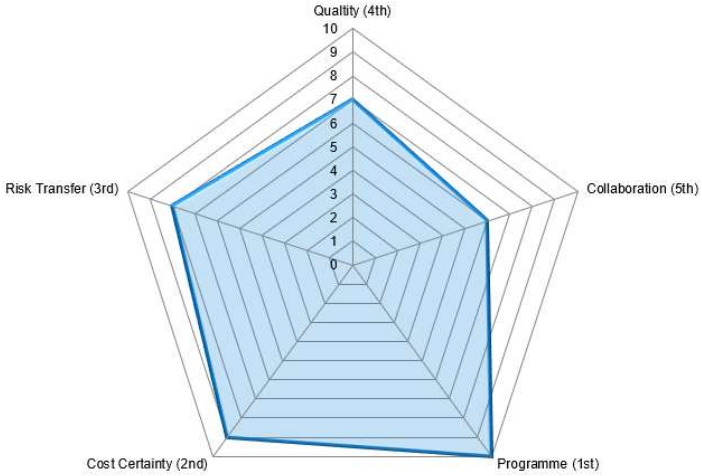
4.1.1 Methodology

As affirmed during the Initial Procurement Workshop on 06 January 2022, package procurement routes like Construction Management and Management Contracting are deemed wholly unsuitable due to the uncertainty associated with their programme and cost surety and the contracting relationships associated with them, they are therefore excluded from the appraisal.

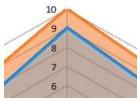
Negotiated tendering strategies are not considered as these are deemed unsuitable for public procurement exercises due to their limited ability to demonstrate value for money and/or the ability to demonstrate a competitive element of tendering.

The drivers scored previously are evaluated against the following standard, established construction procurement routes;

- Single Stage, Traditional;
- Single Stage, Design & Build;
- Two Stage, Traditional; and
- Two Stage, Design & Build.

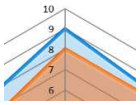


The client's procurement drivers have been mapped on a spider diagram as shown. For each of the four procurement routes considered, a score has been allocated against the six client drivers identified, to show the extent to which they these criteria and are mapped onto spider diagrams.



Where a procurement route scores equal to or higher than the client score, for a particular driver, the orange area will extend beyond the blue mapping of the client drivers. This shows the procurement route will as a minimum deliver the client driver or exceed it and is therefore desirable (shown to the left).

Where a procurement route scores less than the client score, for a particular driver, the blue area will extend beyond the orange area. This shows the procurement route does not achieve the client driver and is therefore less desirable (shown to the right).



4.1.2 Single Stage Traditional

A single stage traditional tender involves the issue of an Invitation to Tender (ITT), comprising fully complete design associated with all elements of the scheme, including fully detailed architectural, structural and mechanical and electrical engineering solutions.

Tenders would be sought by issuing the ITT to a number of contracting organisations, seeking a fixed price, based upon prescribed information. Tenderers would be required to submit their tender after a prescribed period of time. Tenders would then be analysed based upon cost, quality and other criteria stipulated within the ITT to determine the most economically advantageous (best value) tender.

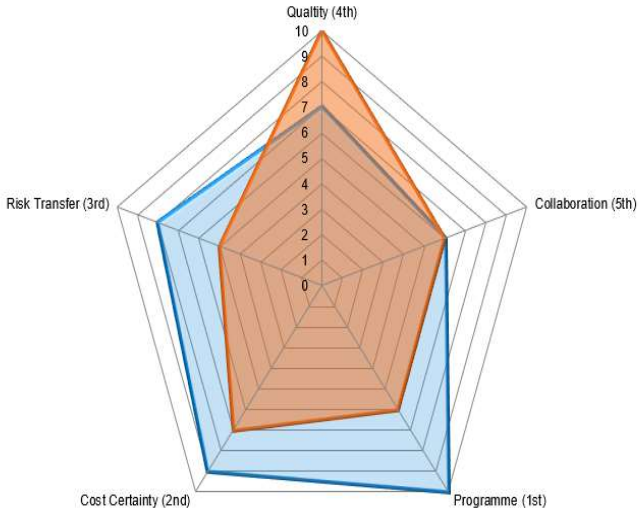
Key Considerations

The design must be fully complete prior to initiating the tender process and as far as possible all existing site conditions understood and considered in that design. Furthermore, it relies upon the accuracy and completeness of that design (and the accuracy of a Bill of Quantities (BoQ), to secure a fixed price sum.

In the event there is an error, omissions or ambiguity within any of the design, specification, survey findings (or BoQ) the client is liable for all additional costs, with the exception of a pricing error by the Contractor, or the contractor failing to consider a requirement within the Invitation to Tender, Design & Specifications.

Scoring

In most areas a single stage tender does not score reasonably well relative to the client drivers, as exhibited by the proximity of the orange fill to the blue boundary.



In particular a single stage tender is synonymous with high quality, due to the detailed nature of the design at the time of tender.

Conversely the extent of risk transfer is significantly limited with a single stage traditional tender, with most of the risk with regard details of design and site conditions retained by the Client.

Cost Certainty is derived through developing a detailed design and competition in the tender process which come later in the process than other procurement options. Contractor involvement in the process also occurs later than a 2-stage process. However, certainty of out-turn price is reduced, noting the risk transfer above.

Like cost, programme certainty is derived through the completion of detailed design, but noting the retained risk around accuracy of design, survey information, ground conditions and the like retains an element of risk.

Social Value objectives can readily be accommodated through requirements defined in the ITT and seeking proposals as part of the contractor's tender return. This is broadly true of all procurement routes, albeit with some nuance.

A traditional tender will achieve many of the requirements associated with Funding and Stakeholder, it is typically compliant with procurement guidelines and requirements, subject to a compliant route to market, achieves a competitive tender assisting in demonstration of value for money and the fixed price nature means cashflow is generally well defined, subject to changes in cost and programme.

Conclusion

Whilst a single stage traditional tender achieves some of the drivers identified by the BMBC, it is deficient in two key areas; the programme (and meeting the requirements to ensure the spend committed required for the FHSF) and lack of risk transfer

As such it is not recommended for adoption in relation for the Seam project.

4.1.3 Single Stage Design & Build

A single stage design and build tender involves the issue of an Invitation to Tender (ITT), comprising design taken to an agreed RIBA Stage, typically RIBA Stage 2 or 3, subject to complexity and the importance of quality. It is the predominant form of procurement route utilised in the United Kingdom.

Tenders would be sought by issuing the ITT to a number of contracting organisations, seeking a fixed price, based upon the design at the time of tender, with the Contractor then taking that design to achieve performance and aesthetic requirements described and detailed in the ITT. The review proves it would be aligned to that of a Single Stage Traditional Tender.

Key Considerations

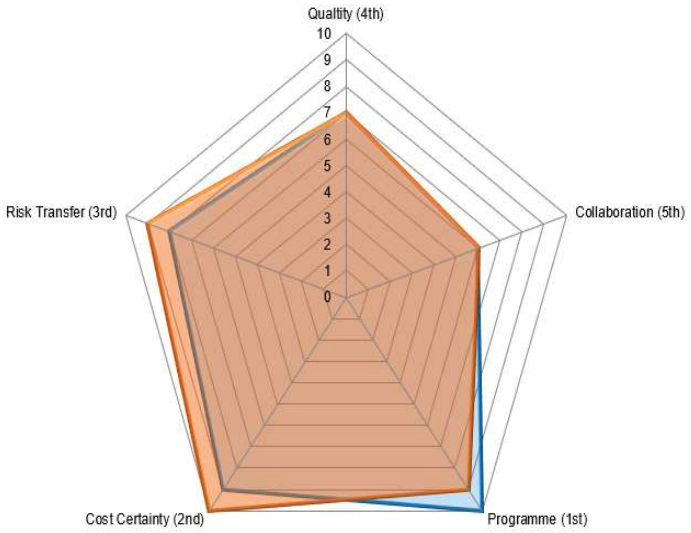
The basis of a design and build is very much the requirement for the Contractor to develop the design provided to him, aligned to performance, aesthetic and other requirements defined in the Contract (Employers Requirements). As such it is important those requirements are clearly articulated at the time of tender.

Where there are particular elements of design or performance that are of particular importance to BMBC these can be taken to a greater level of detail prior to tender, whilst allowing the Contractor flexibility to innovate and bring alternative solutions in other less important areas. An approval process associated with the Contractor's design proposal can form part of the Contract to ensure compliance with defined requirements and allow comment upon the proposals.

Under a design and build, much of the risk associated with construction projects, aside from definition of requirements, is passed to the Contractor.

Scoring

A Single Stage Design and Build scores well across all of the criteria agreed with BMBC as exhibited by the orange fill largely extending beyond the blue boundary.



Quality whilst less well scored relative to traditional can be achieved through well-defined requirements and focussed development on key areas of the scheme such as facades or services performance.

Risk is largely transferred to the Contractor, by defining requirements and providing survey information for consideration.

Cost Certainty is derived through both a competitive tender, but also passing much of the risk to the Contractor, thus significantly improved certainty of out-turn price. It does though require well defined requirements and it is important to limit change post tender without significant cost. The costs from the Contractor are also likely to include a significant value for unknowns based on the risk they are taking from the Council.

Like cost, programme certainty is derived through the defining of requirements and transferring responsibility for achieving those requirements to the Contractor, including risks around construction

details, ground conditions and the like. However, additional programme time is required to finalise the design and the Contractors to secure costs via their supply chain. This does impact negatively on meeting the commitment of spend for the future high street fund.

As with other procurement routes, Social Value objectives can readily be accommodated through requirements defined in the ITT and seeking proposals as part of the contractor's tender return. However, it should be noted a design and build tender could limit the commitments from the Contractor to engage a local supply chain in their sub-contractors as this may be driven by the design development process.

A design and build tender will achieve many of the requirements associated with Funding and Stakeholder Requirements, it is subject to a compliant route to market aligned to procurement guidelines and requirements, achieves a competitive tender assisting in demonstration of value for money and the fixed price nature means cashflow is generally well defined.

Conclusion

It is the team's view that a Single Stage Design and Build offers a very strong solution for delivery of the Seam achieving the majority of key drivers established in the procurement workshop.

To ensure a robust set of requirements is established, articulating all aesthetic and performance requirements, whilst also allowing completion of all surveys, it is recommended that adopting such an approach should not commence until completion of RIBA Stage 3. This would however impact on a key driver for the time and achieving the programme. There would be a level of risk based on the planning information submitted for approval and how these designs may change or detract from tenderers. The feedback from the contractors in the early engagement is that a single stage approach would only ….

4.1.4 Two Stage Traditional

At the point of Contract, a Two-Stage Traditional tender is aligned in much of its strengths and weaknesses to that of a single stage traditional, with a few exceptions.

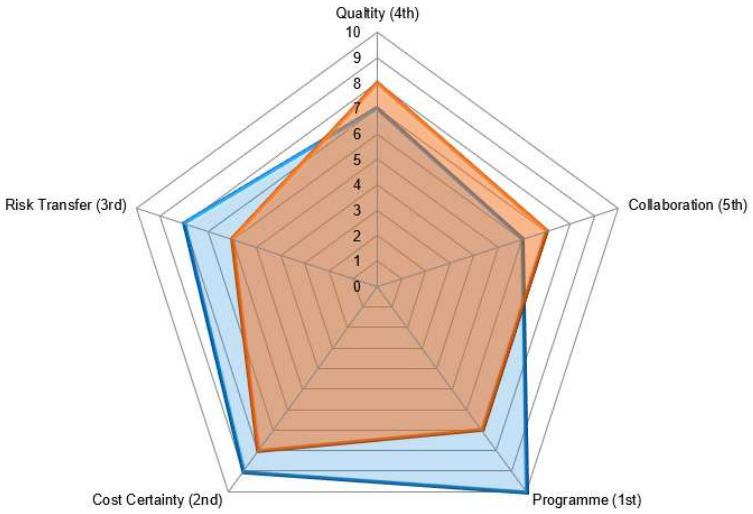
A key area of variance in the approach to seeking tenders, as indicated by the name, this is done in two stages, the first being the procuring of a contractor based typically on their management costs, proposed level of overheads and profit and a pre-construction fee. Tenders being assessed on this basis and a contractor being appointed under a Pre-Construction Services Agreement.

Once appointed the team will then work with a single contractor to further develop the design and procure works packages (such as the facades, foundations and the like). At the conclusion of that process, the Contractor would submit a 2nd Stage Proposal, comprising a fixed price, updated programme and the like for agreement.

Subject to that being acceptable you would then proceed to Contract. In the event the price was unacceptable, and you were unable to agree a price a new procurement process would need to be initiated.

Scoring

Much of the scoring for a two-stage traditional is consistent with that of a single stage traditional route. There are however a few exceptions;



- Demonstrating value for money is often more challenging, given the element of negotiation and limited extent to which competition on pricing occurs in the initial tender;
- Certainty of out-turn price is not established till much later and you are somewhat committed to the contractor, without 'walking away' and commencing a new process;
- Clarity on cashflow is likely to be deferred aligned to the delayed certainty on cost noted above;
- At the point of contract however programme certainty would have improved having developed design & logistics in dialogue with the contractor;
- Likewise, a period of working with the Contractor will allow opportunity to de-risk the design, undertake further investigations and may allow more risks to be transferred to the Contractor.

Conclusion

Given the limited degree of cost certainty at the time of Contractor appointment, the potential impact of clarity of cashflow, demonstration of Value for Money; and the limited benefit early dialogue with a contractor would have on the relatively simple nature of the Seam, we do not recommend adopting a two-stage traditional procurement approach.

4.1.5 Two Stage Design & Build

At the point of Contract, a Two-Stage Traditional tender is aligned in much of its strengths and weaknesses to that of a single stage design & build, with a few exceptions.

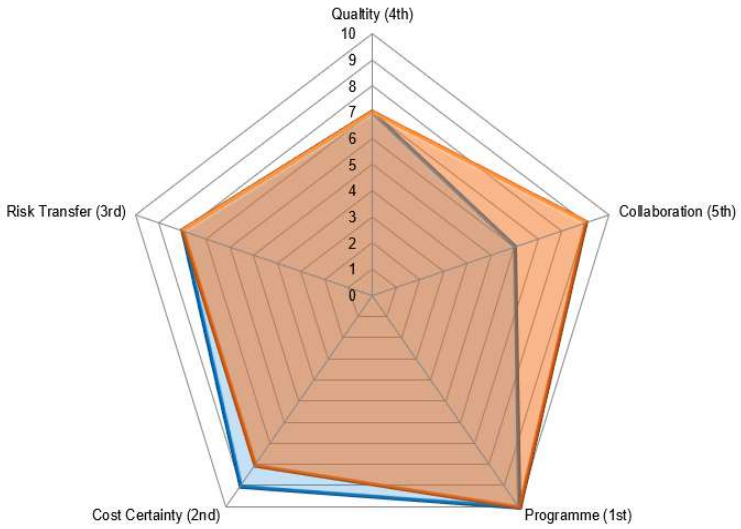
As with a two-stage traditional tender, procurement is done in two stages, the first being the procuring of a contractor based typically on their management costs, proposed level of overheads and profit and a pre-construction fee. Tenders being assessed on this basis and a contractor being appointed under a Pre-Construction Services Agreement.

Once appointed the team will then work with a single contractor to further develop the design and procure works packages (such as the facades, foundations and the like). At the conclusion of that process, the Contractor would submit a 2nd Stage Proposal, comprising a fixed price, updated programme and the like for agreement.

Subject to that being acceptable you would then proceed to Contract. In the event the price was unacceptable, and you were unable to agree a price a new procurement process would need to be initiated.

Scoring

A Two-Stage Design and Build scores well across many of the criteria as exhibited by the orange fill largely extending beyond the blue boundary.



Much of the scoring is similar to that of a single stage design and build, with a few exceptions;

- Demonstrating value for money is often more challenging, given the element of negotiation and limited extent to which competition on pricing occurs in the subsequent tender;
- Certainty of out-turn price is not established until later and you are somewhat committed to the contractor, without 'walking away' and commencing a new process; This can however be overcome through a contract strategy or pain/gain mechanism.
- At the point of contract during the PCSA, however programme certainty would have improved having developed design and logistics proposals in dialogue with the contractor;
- The period of engagement with a Contractor provides an opportunity for collaborative development of the design, bringing further buildability advice, innovation and detailing (often the highest quality projects are delivered through a two-stage design and build approach).
- Likewise, a period of working with the Contractor will allow opportunity to de-risk the design, undertake further investigations and may allow more risks to be transferred to the Contractor.

Conclusion

A two-stage design and build approach delivers or exceeds expectations on many of the key drivers, and whilst cost certainty is achieved later in the programme than a single stage D&B, this can be overcome through pain/gain contract mechanisms and the provision of a Guaranteed Maximum Price (GMP)

These together with the benefit of early contractor engagement would mean that it is recommended a two-stage approach is adopted for the Seam project.

5 Route to Market

By reference to Route to Market, we mean the mechanism by which you Invite Tenders, secure prices and implement the proposed procurement route.

Given the anticipated value of the Seam construction project, at circa. £17million it is above thresholds which require advertisement via Find a Tender (FTS) previously known as OJEU.

5.1 Available Routes to Market

There are effectively 4 options for route to market as summaries in the table below:

Procurement Option	Benefits	Negatives
Open Tender	A lot of prices/interest to compare	Can be too much interest to review effectively
Restricted Tender	Pre-qualification questionnaire filters out unwanted interest	Does require a lot of research into targets
Negotiated Tender	Can save a lot of time	Not compliant
Framework	A pre-determined shortlist	Compliance with framework rules

5.1.1 Open Tender

An Open Tender, comprises the publication of a contract notice, inviting tenders from any organisation who wishes to respond and meets the requirements of the contract notice and invitation to tender.

The advantage of this route is that is invites tender from the broadest possible spectrum of the market, allowing local, regional, national and international organisation to tender, enabling BMBC to secure tenders from the most experience and capable of organisations.

Conversely, it is likely a significant number of tenders will be received, often from inappropriate types and scale of organisations, all of which will require review and consideration, often resulting in a lengthy and protracted evaluation period.

This option is therefore not favourable where there is the potential for a large number of tender responses, as would be the case with the Seam project.

5.1.2 Restricted Tender

The adoption of a restricted approach offers some of the benefits of the Open Tender process but mitigates in part the negatives associated with the potential for inappropriate and excessive quantities of tender returns. The process is a two-step process whereby;

- Step One – a Pre-Qualification Questionnaire or Selection Questionnaire (SQ) is prepared and made available via the publication of a notice the notice is available to any organisation but set outs criteria which organisations must meet and seeks an initial response focussed on previous experience and capability. The response to the SQ is then reviewed and assessed against pre-defined criteria to formulate a shortlist of say 5 organisations to progress to Stage Two; and
- Step Two – sees the issue of an Invitation to Tender (ITT) to the shortlisted organisation, this is the tender document setting out the full requirements for the construction project, seeking confirmation of their team, delivery approach, strategy and price. It is these returns which are assessed against agreed criteria to determine the successful organisation.

The advantage of this option is that initially the opportunity is opened to the broadest range of the market, with assessment on a reduced set of criteria to determine a shortlist, before issue of the ITT to the most suitable organisations which requires more extensive assessment and consideration.

5.1.3 Negotiated Tender

As noted at the outset of this Procurement Strategy Report, and as part of the Procurement Works negotiated procurement routes were discounted, thus so too were the associated routes to market.

5.1.4 Framework Procurement

As an alternative to carrying out a one-off procurement, Public Procurement Regulations allow Contracting Authorities to use existing frameworks to award individual contracts.

Both frameworks and DPS arrangements are mechanisms that allow Contracting Authorities to use a more streamlined procurement process. A framework creates a pre-determined list of contractors who can be awarded contracts in accordance with certain parameters, generally focused around past performance, capacity and capability to carry out works of a certain type and high level methodology and structures for delivering works and social value, linked to quality, price and the like.

Many frameworks are set up to allow a broad range of contracting authorities to use them. However, before using a framework it is important to check that the framework is open to BMBC, is of an appropriate value band and covers the work requirements, with suitable contractors and procedures for selecting the contractor.

There are a number of frameworks which could be considered, including;

- Crown Commercial Services (Lot 1.1);
- Scape;
- YORBUILD' and
- Procure Partnerships (North East).

The advantage of this option is seen in terms of both time and cost. Umbrella terms brought about by the framework typically mean that BMBC could engage a contractor more quickly and efficiently than an open or restricted route. Cost benefits are also experienced in typically below average mark up for things like overheads and profits, often referred to as "the fee".

The disadvantage of this option is a restricted range of contractors and whilst often aligned to types of projects, sectors and regions there are undoubtedly some limitations on engagement of local supply chain and suitability of the contractors on the framework requires careful consideration.

In developing this strategy the project team has made some initial enquiries via the above Framework Agreement operators to understand the level of interest from Contractors in this project and the response rates have been positive. Multiple Contractors across each agreement have said based on the project information shared on the value, scope and timelines they would be interested in tendering for the works and have provided capability examples to demonstrate relevant experience of works of a similar type and scale.

6 Recommendation

6.1 Procurement Route

It is the project team's recommendation that a two-stage design and build procurement is adopted for the Seam project.

A two-stage approach enables the design team to focus on development of key areas of the design, performance and aesthetic requirements up to the completion of RIBA Stage 3, whilst completing surveys and investigations, developing a robust set of Employer Requirements to enable a robust tender return to be secured. It allows a planning application and the appointment of a contractor to assist with logistics and buildability advice to feed into the Stage 4 design.

The basis for the recommendation is the alignment of the Two-Stage Design and Build approach to the agreed client criteria as exhibited by the orange fill largely extending beyond the blue boundary.

Quality, whilst less well scored relative to traditional can be achieved through well-defined requirements and focussed development on key areas of the scheme such as facades or services performance.

Risk is largely transferred to the Contractor, by defining requirements and providing survey information for consideration.

Cost Certainty is derived through a competitive tender, but also by passing much of the risk to the Contractor, thus significantly improving certainty of out-turn price. It does though require well defined requirements and it is important to limit change post tender.

Like cost, programme certainty is derived through the defining of requirements and transferring responsibility for achieving those requirements to the Contractor, through a Pre-Construction Services Agreement, which has the ability to speed up construction through further survey work and investigations.

As with other procurement routes Social Value objectives can readily be accommodated through requirements defined in the ITT and seeking proposals as part of the contractor's tender return.

A design and build tender will achieve many of the requirements associated with Funding and Stakeholder, it is subject to a compliant route to market aligned to procurement guidelines and requirements, achieves a competitive tender assisting in demonstration of value for money and the fixed price nature means cashflow is generally well defined.

6.2 Route to Market

It is the project team's recommendation to procure the work through via an established Framework Agreement for construction works of this type. The team felt this would;

- Enable optimal value for money to be procured through a competitive procurement and opportunity to benchmark to Framework rates
- Remove the need for the Council to undertake their own qualification process of Contractors based on minimum requirements, reducing the workload and timelines for the procurement process as a whole.
- Ensure Contractor's with appropriate experience and capability are invited to tender
- Drive a better response rate from the market with Contractors feedback suggesting they would be more likely to bid if they had visibility of their opportunity for success which a framework call off which provide
- Allow the Council to utlise Framework operator template documentation (Such as pricing schedules, PCSA and form of contract) to reduce the resource and timeline required to develop these.

6.3 Consultant Novation

A design and build procurement strategy results in design that overlaps the construction stage, resulting in design that is delegated for completion by the contractor. Delegated design presents a question of who is most suitable to complete design under the main contract. There are a number of options available to BMBC;

1. Design team retained entirely, to act as trusted technical advisor (TA) as design is completed,
2. Design team fully transferred to complete design under the main contract via novation, or
3. Design team partially transferred to complete design, with less prevalent members acting as TA.
4. Contractor given the option to novate the existing design team or employ their own and essential members retained by the Client to act as TA.

Given The Seam's simplistic nature and the need for maximum commercial certainty, we recommend option 4. The option of novation in this instance will ensure consistent project knowledge whilst maintaining quality standards with the oversight of technical advisors.

Decisions surrounding which consultants will need to be novated, and which will remain as TA, will need to be carefully considered nearer to the point of main contract formation and will depend on design status and risk.

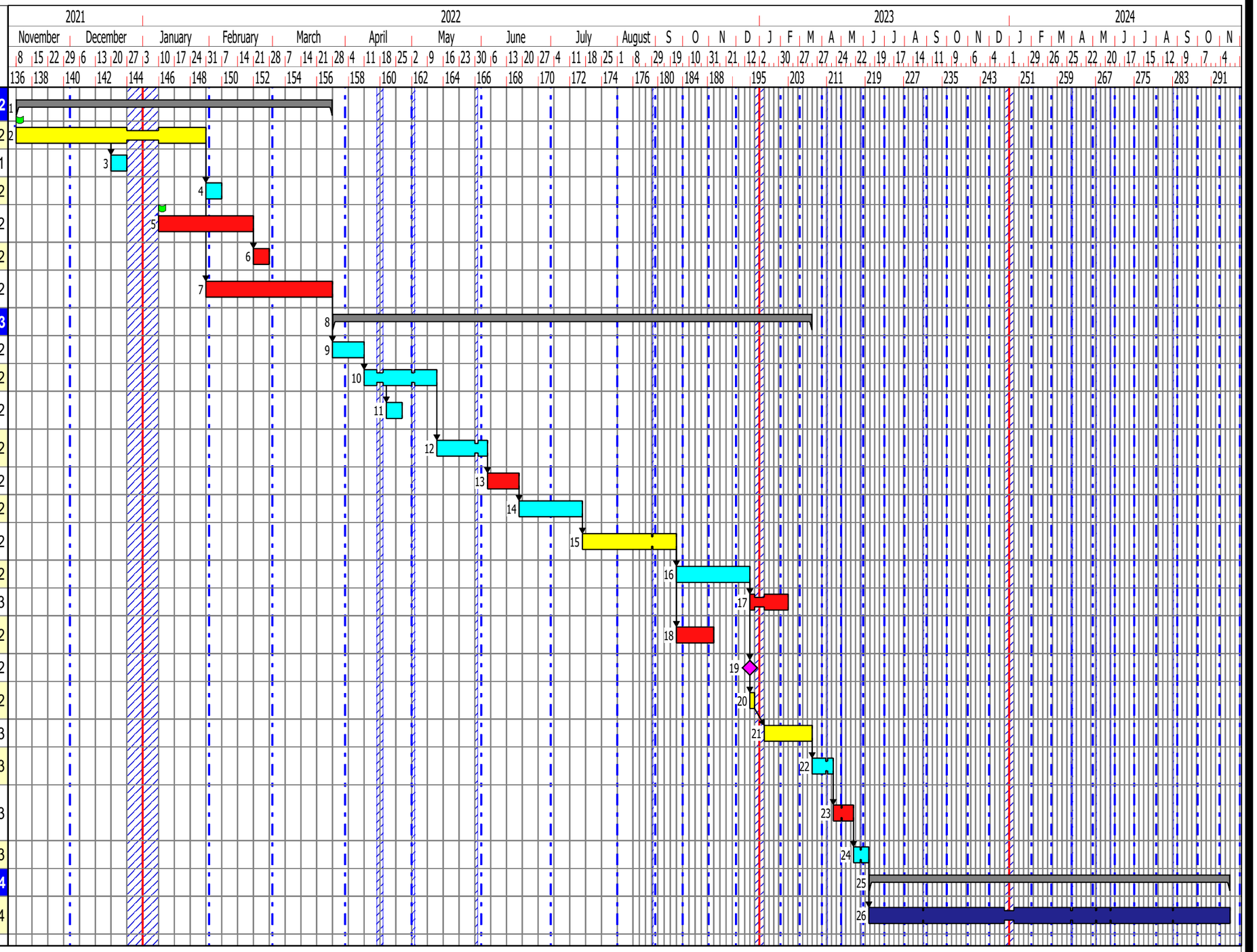
Appendix A

Programme Options Route to Market

The SEAM Master Programme - Option 1 BMBC Initial Sequence

ARCADIS Design & Consultancy for natural and built assets

Line	Name	Duration	Start	Finish
	MSCP, ATH & Public Realm	**18w**	**08/11/2021**	**25/03/2022**
2	RIBA 1 / 2	10w	08/11/2021 *	28/01/2022
3	Interim Stage 2 Cost Plan	1w	20/12/2021	24/12/2021
4	Stage 2 Cost Plan	1w	31/01/2022	04/02/2022
5	Public Consultation - time TBC	6w	10/01/2022 *	18/02/2022
6	Consultation Report	1w	21/02/2022	25/02/2022
7	BMBC Consideration & Approval	8w	31/01/2022	25/03/2022
8	**Contractor Procurement**	**48w**	**28/03/2022**	**17/03/2023**
9	Prepare First Stage Tender	2w	28/03/2022	08/04/2022
10	Tender	4w	11/04/2022	11/05/2022
11	Mid Tender Review Workshops	1w	20/04/2022	26/04/2022
12	Review Tender Returns / Interviews	3w	12/05/2022	02/06/2022
13	Council Approval of PCSA	2w	03/06/2022	16/06/2022
14	Engage Contractor	4w	17/06/2022	14/07/2022
15	Contractor RIBA 3 and prepare planning application	10w	15/07/2022	23/09/2022
16	Planning approval period	12w	26/09/2022	16/12/2022
17	Judicial Review Period	6w	19/12/2022	10/02/2023
18	BMBC Consideration & Approval of RIBA Stage 3	6w	26/09/2022	04/11/2022
19	Planning Approval		19/12/2022	19/12/2022
20	Re-mobilise design and construction team	1w	19/12/2022	23/12/2022
21	RIBA Stage 4	10w	09/01/2023	17/03/2023
22	Final pricing and lump sum offer	4w	20/03/2023	18/04/2023
23	Council approval and acceptance of lump sum offer	4w	19/04/2023	17/05/2023
24	Contractor appointment	3w	18/05/2023	08/06/2023
	Construction	**72w**	**09/06/2023**	**15/11/2024**
26	Construction (P1 exc Plots 1 & 2)	72w	09/06/2023	15/11/2024



Project Stages

- Client Approvals
- Construction / Installation
- Design / Briefing
- Summary
- Procurement & Costing
- Key Client Milestones

Milestone Appearances

- Diamond

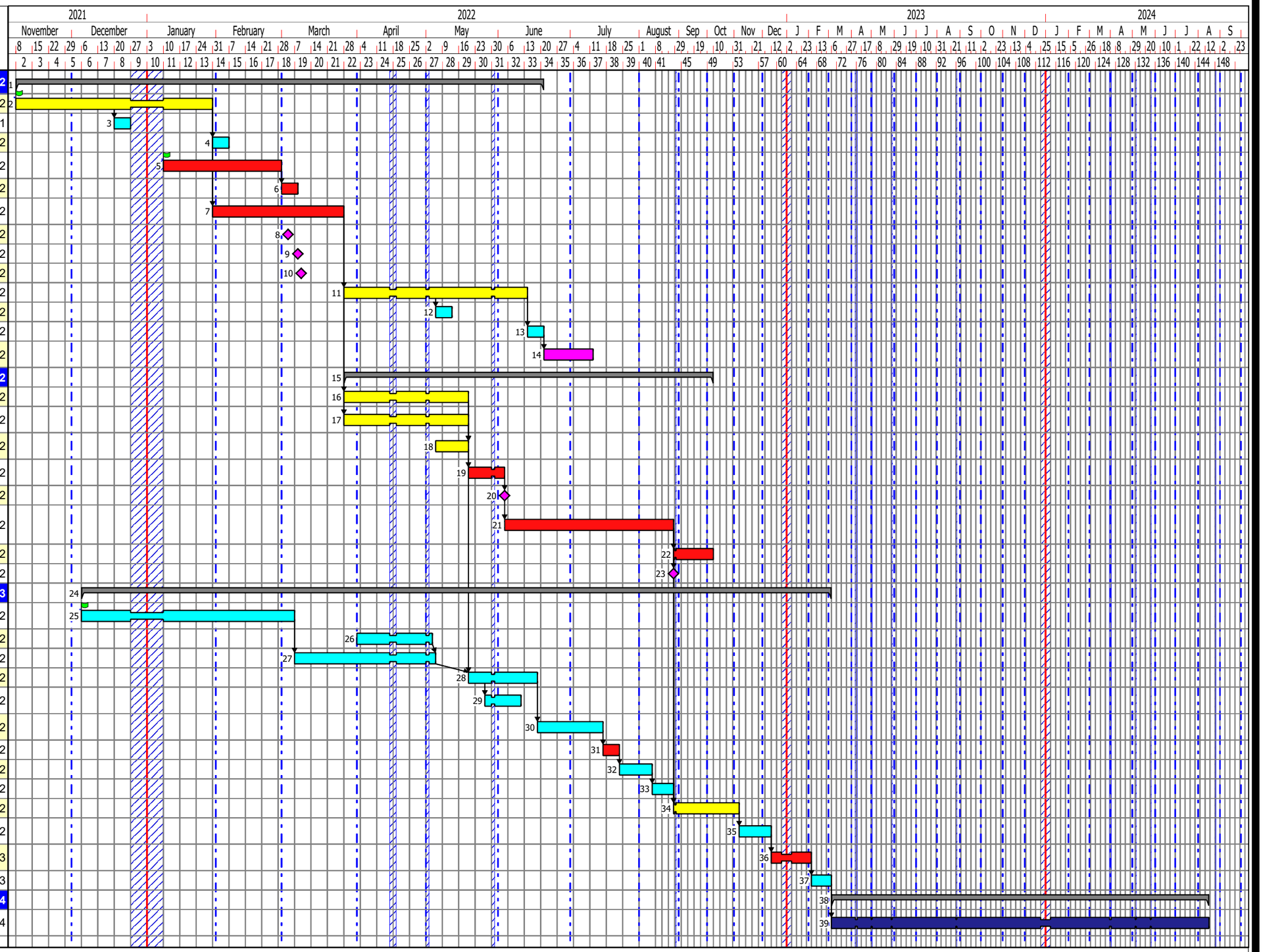
Drawn by: MT | Drawing Date: 14/01/22 | Revision: Rev01 | Comment:

File: C:\Users\thompsom8137\ARCADIS\10052406 - SEAMS Barnsley - Project Documents\06 Procurement\Revision 2 Report\SEAM Master Prog Option 1 BMBC Sequence Rev2.pp

The SEAM Master Programme - Option 2 PCSA Plus RIBA Stage 4

ARCADIS Design & Consultancy for natural and built assets

Line	Name	Duration	Start	Finish
	MSCP, ATH & Public Realm	**29w 2d**	**08/11/2021**	**20/06/2022**
2	RIBA 1 / 2	10w	08/11/2021 *	28/01/2022
3	Interim Stage 2 Cost Plan	1w	20/12/2021	24/12/2021
4	Stage 2 Cost Plan	1w	31/01/2022	04/02/2022
5	Public Consultation - time TBC	7w 1d	10/01/2022 *	28/02/2022
6	Consultation Report	1w	01/03/2022	07/03/2022
7	BMBC Consideration & Approval (Cabinet)	8w	31/01/2022	25/03/2022
8	Board Meeting		03/03/2022	03/03/2022
9	SMT		08/03/2022	08/03/2022
10	Design Panel Review		09/03/2022	09/03/2022
11	RIBA 3	10w 2d	28/03/2022	13/06/2022
12	Interim Stage 3 Cost Plan	1w	05/05/2022	11/05/2022
13	Stage 3 Cost Plan	1w	14/06/2022	20/06/2022
14	BMBC Review and approval of RIBA Stage 3	3w	21/06/2022	11/07/2022
	Planning	**27w**	**28/03/2022**	**07/10/2022**
16	RIBA Stage 2+ Design	7w	28/03/2022	18/05/2022
17	Surveys (UXO, Noise, Air, GI P2, GPRS etc)	7w	28/03/2022	18/05/2022
18	Prepare Planning Application	2w	05/05/2022	18/05/2022
19	BMBC Review Prior to Submission	2w	19/05/2022	02/06/2022
20	Submit Application		03/06/2022	03/06/2022
21	Planning Application Determination Period(based on RIBA 2+)	12w	03/06/2022	25/08/2022
22	Judicial review period	6w	26/08/2022	07/10/2022
23	Planning approval		26/08/2022	26/08/2022
24	**Contractor Procurement**	**60w**	**06/12/2021**	**03/03/2023**
25	Procurement Strategy Production and Approval	11w	06/12/2021 *	04/03/2022
26	Contractor pre-engagement	4w	01/04/2022	03/05/2022
27	Prepare First Stage Tender	8w	07/03/2022	04/05/2022
28	Tender	4w	19/05/2022	16/06/2022
29	Clarifications review and deadline	2w	26/05/2022	09/06/2022
30	Review Tender Returns / Interviews	4w	17/06/2022	14/07/2022
31	Council Approval for PCSA	1w	15/07/2022	21/07/2022
32	Standstill period	2w	22/07/2022	04/08/2022
33	Engage Contractor	3w	05/08/2022	25/08/2022
34	Contractor RIBA 4	10w	26/08/2022	04/11/2022
35	Contractor Provide Final Offer	5w	07/11/2022	09/12/2022
36	BMBC Consideration & Approval	6w	12/12/2022	03/02/2023
37	Contract Award	4w	06/02/2023	03/03/2023
38	**Construction**	**72w**	**06/03/2023**	**15/08/2024**
39	Construction (P1 exc Plots 1 & 2)	72w	06/03/2023	15/08/2024



Project Stages

Client Approvals | Construction / Installation | Design / Briefing | Summary | Procurement & Costing | Key Client Milestones

Milestone Appearances

◇ Diamond

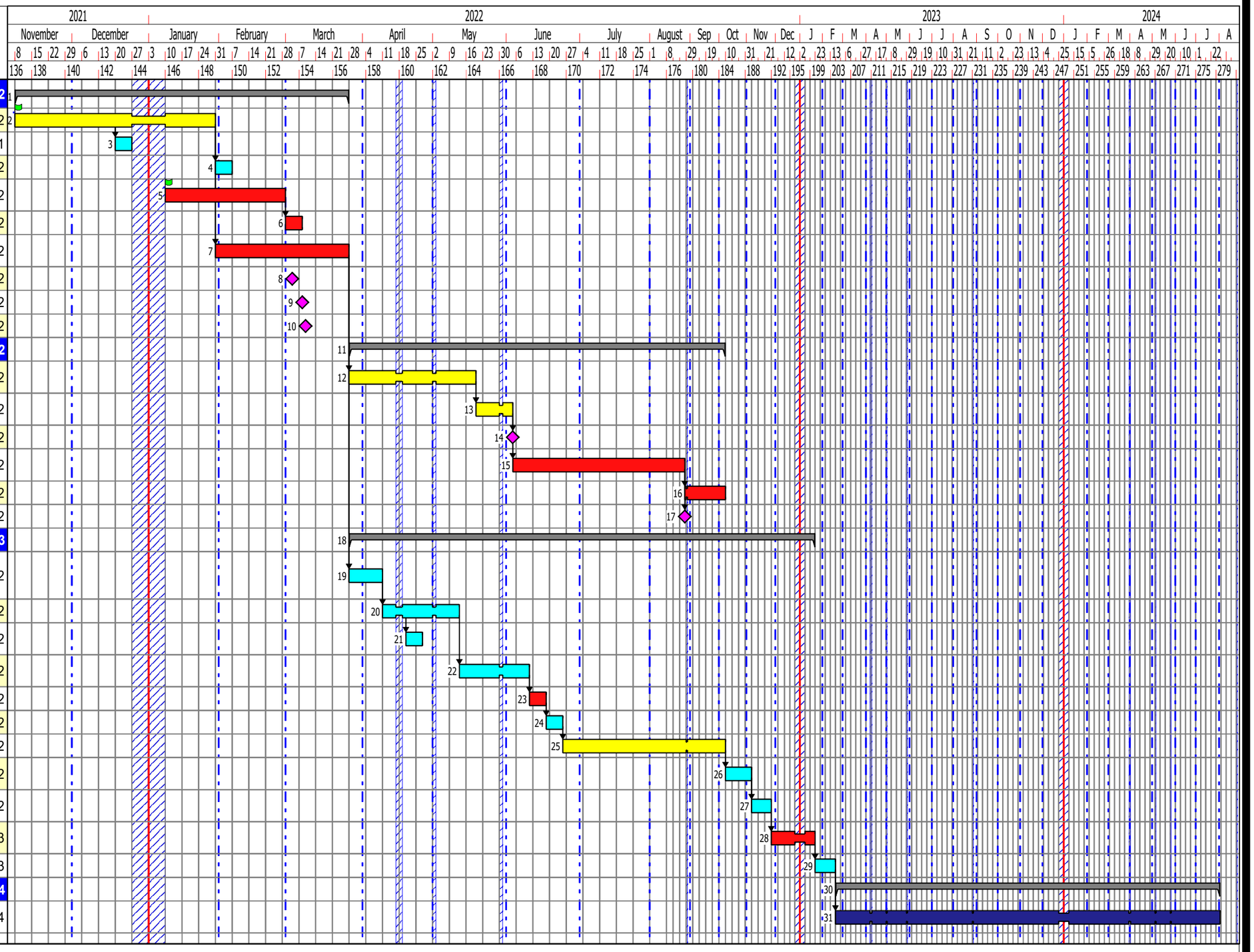
Drawn by: MT | Drawing Date: 14/01/22 | Revision: Rev01 | Comment:

File: C:\Users\thompsom8137\ARCADIS\10052406 - SEAMS Barnsley - Project Documents\06 Procurement\Revision 2 Report\SEAM Master Prog Option 2 Planning.pp

The SEAM Master Programme - Option 3 Stage 4a Lump Sum

ARCADIS Design & Consultancy for natural and built assets

Line	Name	Duration	Start	Finish
	MSCP, ATH & Public Realm	**18w**	**08/11/2021**	**25/03/2022**
2	RIBA 1 / 2	10w	08/11/2021 *	28/01/2022
3	Interim Stage 2 Cost Plan	1w	20/12/2021	24/12/2021
4	Stage 2 Cost Plan	1w	31/01/2022	04/02/2022
5	Public Consultation - time TBC	7w 1d	10/01/2022 *	28/02/2022
6	Consultation Report	1w	01/03/2022	07/03/2022
7	BMBC Consideration & Approval	8w	31/01/2022	25/03/2022
8	Board Meeting		03/03/2022	03/03/2022
9	SMT		08/03/2022	08/03/2022
10	Design Review Panel		09/03/2022	09/03/2022
	Planning	**27w**	**28/03/2022**	**07/10/2022**
12	RIBA Stage 2+ Design (incl surveys)	7w	28/03/2022	18/05/2022
13	Council review and approval of package	2w	19/05/2022	02/06/2022
14	Submit application		03/06/2022	03/06/2022
15	Planning submission and review period	12w	03/06/2022	25/08/2022
16	Judicial review period	6w	26/08/2022	07/10/2022
17	Plannning approval		26/08/2022	26/08/2022
	Contractor Procurement	**40w**	**28/03/2022**	**20/01/2023**
19	Prepare First Stage Tender preparation and obtain GMP commitment	2w	28/03/2022	08/04/2022
20	Tender	4w	11/04/2022	11/05/2022
21	Mid Tender Review Workshops	1w	20/04/2022	26/04/2022
22	Review Tender Returns / Interviews	4w	12/05/2022	09/06/2022
23	Council Approval of PCSA	1w	10/06/2022	16/06/2022
24	Engage Contractor	1w	17/06/2022	23/06/2022
25	RIBA Stage 4a (3+) Design	15w	24/06/2022	07/10/2022
26	Contractor prepare and submit lump sum offer	4w	10/10/2022	04/11/2022
27	Review and negotiation of lump sum offer	3w	07/11/2022	25/11/2022
28	BMBC Consideration & Approval of RIBA Stage 3	6w	28/11/2022	20/01/2023
29	Contractor appointment	4w	23/01/2023	17/02/2023
	Construction	**72w**	**20/02/2023**	**01/08/2024**
31	Construction (P1 exc Plots 1 & 2)	72w	20/02/2023	01/08/2024



Project Stages

- Client Approvals
- Construction / Installation
- Design / Briefing
- Summary
- Procurement & Costing
- Key Client Milestones

Milestone Appearances

- Diamond

Drawn by: MT

Drawing Date: 14/01/22

Revision: Rev01

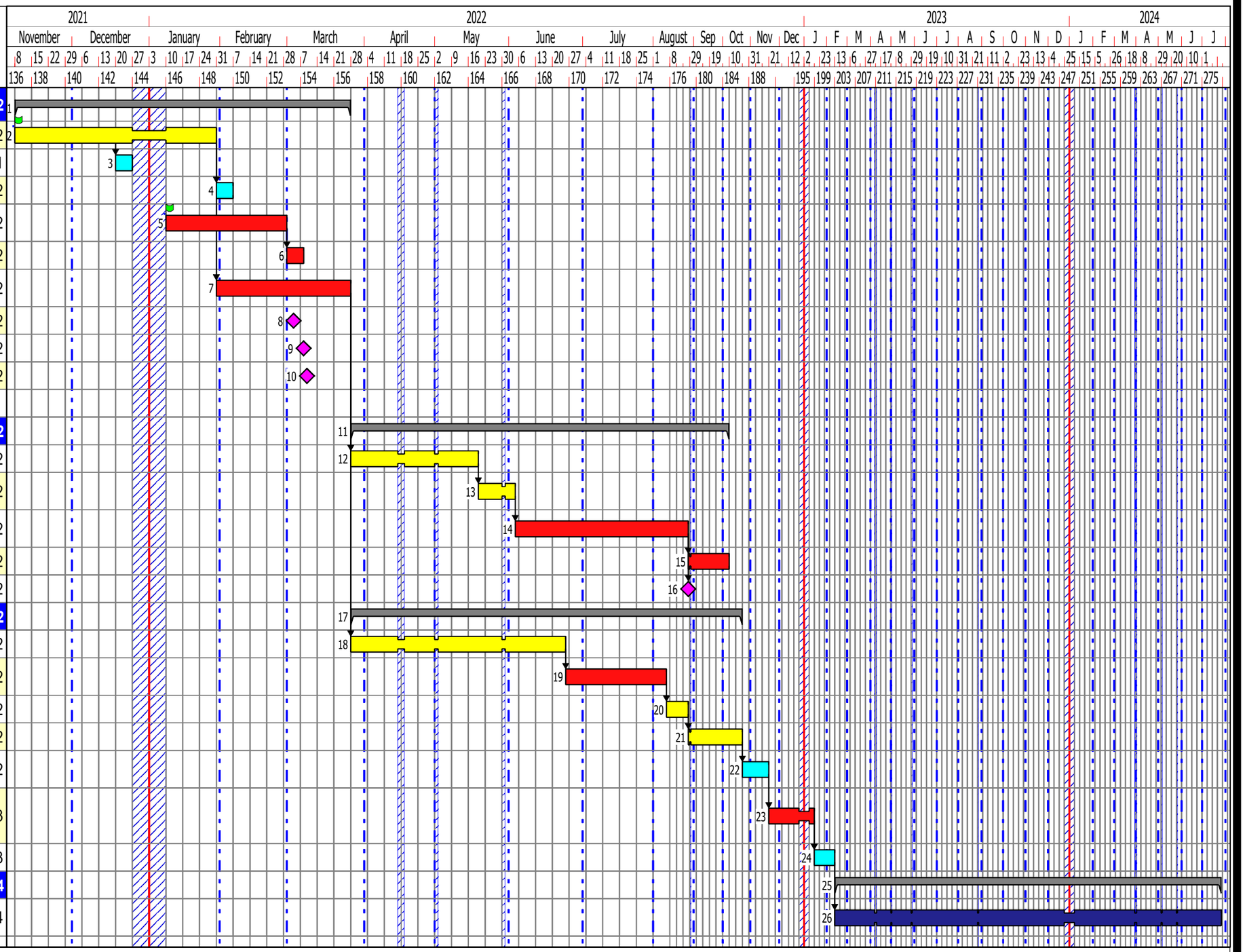
Comment:

File: C:\Users\thompsom8137\ARCADIS\10052406 - SEAMS Barnsley - Project Documents\06 Procurement\Revision 2 Report\SEAM Master Prog Option 3a Planning and 2-Stage Rev2.pp

The SEAM Master Programme - Option 4 Single Stage

ARCADIS Design & Consultancy for natural and built assets

Line	Name	Duration	Start	Finish
	MSCP, ATH & Public Realm	**18w**	**08/11/2021**	**25/03/2022**
2	RIBA 1 / 2	10w	08/11/2021 *	28/01/2022
3	Interim Stage 2 Cost Plan	1w	20/12/2021	24/12/2021
4	Stage 2 Cost Plan	1w	31/01/2022	04/02/2022
5	Public Consultation - time TBC	7w 1d	10/01/2022 *	28/02/2022
6	Consultation Report	1w	01/03/2022	07/03/2022
7	BMBC Consideration & Approval	8w	31/01/2022	25/03/2022
8	Board meeting		03/03/2022	03/03/2022
9	SMT		08/03/2022	08/03/2022
10	Design Panel Review		09/03/2022	09/03/2022
11	**Planning**	**27w**	**28/03/2022**	**07/10/2022**
12	Prepare Stage 2+ package	7w	28/03/2022	18/05/2022
13	Council review and approval of package	2w	19/05/2022	02/06/2022
14	Planning submission and review period	12w	03/06/2022	25/08/2022
15	Judicial review period	6w	26/08/2022	07/10/2022
16	Plannning approval		26/08/2022	26/08/2022
17	**Contractor Procurement**	**29w**	**28/03/2022**	**21/10/2022**
18	RIBA Stage 3+ Design	12w	28/03/2022	23/06/2022
19	BMBC Consideration & Approval of RIBA Stage 3	6w	24/06/2022	04/08/2022
20	Prepare tender documents	3w	05/08/2022	25/08/2022
21	Issue tender	8w	26/08/2022	21/10/2022
22	Post tender interviews and cost negotiation	4w	24/10/2022	18/11/2022
23	Council approval and acceptance of lump sum offer	6w	21/11/2022	13/01/2023
24	Contractor appointment	4w	16/01/2023	10/02/2023
25	**Construction**	**72w**	**13/02/2023**	**25/07/2024**
26	Construction (P1 exc Plots 1 & 2)	72w	13/02/2023	25/07/2024



Project Stages

- Client Approvals
- Construction / Installation
- Design / Briefing
- Summary
- Procurement & Costing
- Key Client Milestones

Milestone Appearances

- Diamond

Drawn by: MT | Drawing Date: 14/01/22 | Revision: Rev01 | Comment:

File: C:\Users\thompsom8137\ARCADIS\10052406 - SEAMS Barnsley - Project Documents\06 Procurement\Revision 2 Report\SEAM Master Prog Option 4 Single Stage.pp

Appendix B

Initial supply chain feedback

The Seam – Pre-Market Engagement – Contractor

1.0 Overview

The purpose of the pre-market engagement undertaken was to;

- Raise awareness amongst the market of the opportunities available and the associated time scales associated with the Seam development
- Share the aspirations of the Council for the scheme
- Share the details of the work done to date to bring the site forward
- Seek the high-level market view of this opportunity and what needs to happen next
- Provide further detail of the ways in which we would like to work with on this scheme in particular
- Give Contractors and Developer the opportunity to start building the resources required to deliver the scheme
- Engage with the market prior to any procurement activity to understand what things would encourage them to bid to make our approach as simple and attractive as possible
- Help determine the most appropriate course of action for the Council in procuring the various elements of Developer Led, construction and infrastructure and professional services to inform our options appraisal.

The pre-market engagement documents gave an overview of the Seam project as a whole but then also tailored for the following audiences;

- Developers (Focusing on the residential aspects of Phase 1)
- Contractors (Focusing on the infrastructure and construction requirements of Phase 1)
- Professional Services and Development Management Organisations (Focused on providing development management of all aspects of Phase 1 in the first instance, including the professional services required for design, cost control, contractor management of the build stage).

The opportunities were advertised via YORtender and the PAGABO and YORHub Framework operators were sent the details of the adverts to send on to their Framework Providers (For Developers, Professional Services Providers, Construction and Infrastructure) to broaden the reach.

The details were also shared with Developers and Contractors who had already expressed an interest in the scheme via the Project Team.

2.0 Level of Interest

The notice to the open market was published on 20th of April 2021 and generated expressions of interest from the following 59 organisations;

- A Coole Electrical Ltd
- Amey
- asdfg
- Balfour Beatty Civil Engineering Limited
- BAM Construction
- Bowmer & Kirkland Ltd
- Breheny Civil Engineering Ltd
- Britcon Limited
- c d potter and sons limited
- C R Reynolds Ltd
- Cheetham Hill Construction Ltd
- Clegg Construction Limited
- Colas Ltd
- Com1
- Common Lane Consultancy Ltd
- DEREK LEWIS LTD
- direct civils ltd
- DRC Property
- ENGIE Regeneration Limited
- Esh Construction Ltd
- Farrans Construction trading as a division of Northstone (NI) Limited
- Feden Services

- Fox Design Thinking Limited
- Galliford Try Infrastructure Ltd
- Harris Construction Management Limited
- Henry Boot Construction Ltd
- Henry Brothers Limited
- Hobson @ Porter
- I & H Brown Limited
- IONCAST
- ISG Construction Ltd
- Jackson Civil Engineering Group Limited
- John Graham Construction Ltd trading as Graham Construction
- Kier Construction Limited
- MAC Construction Consultants Ltd
- McLaughlin & Harvey
- Morgan Sindall Construction & Infrastucture Limited
- nmcn plc
- nmcn plc
- Ove Arup & Partners Ltd
- Rhodar Ltd
- Robert Woodhead Limited
- Robertson Construction Group Ltd
- RPS Consulting Engineers
- SEC2SECURITY LTD
- Sewell Group
- Sir Robert McAlpine
- SSE Enterprise Contracting
- Tarmac Trading Limited
- Tatnam Consulting
- The Casey Group Ltd
- Tilbury Douglas Construction Limited
- United Living (North) Limited
- VINCI CONSTRUCTION UK LTD.
- VISTRY PARTNERSHIPS YORKSHIRE LIMITED
- Wates Construction
- WestonWilliamson+Partners
- Willmott Dixon Construction Limited
- Yates's Jetting Limited

Of those the following attended the pre-market engagement session held by the Council on the 28th April 2021;

- BAM
- The Casey Group
- Wainwrights
- Hobson Porter
- Henry Boot
- Wilmott Dixon
- Britcon
- Esh Construction
- Sir Robert McApline
- Morgan Sindall
- Galliford Try
- Kier Construction
- Wates Construction (Pending YORt message)
- Balfour Beatty
- Sweco UK Ltd
- Jackson Civil Engineering
- John Graham Construction
- CR Reynolds
- Cheetham Hill
- Amey

- Tillbury Douglas (Interserve)
- Colas
- RPS
- North Midlands Construction
- Harris Construction
- Vinci Construction
- ISG
- ENGIE
- Bowmer + Kirkland Limited
- Farrans
- Arup
- Robertsons
- Clegg Construction

Of those the following submitted responses to the questionnaire we provided to give their views on how the scheme is best managed;

- Britcon
- Balfour Beatty
- Bowmer Kirkland Ltd
- Breheny Civil Engineering
- CR Reynolds
- Cheetham Hill
- Clegg Construction
- Colas Siac Ltd
- KCR Group
- Engie
- Esh Construction
- Harris Construction
- Henry Boot
- Galliford Try
- ISG Construction Ltd
- John Graham
- Kier Construction Ltd
- MAC Construction Consultants Ltd
- Morgan Sindall
- NMCN Plc
- Robertson
- Sec2Security Ltd
- VINCI Construction
- Tilbury Douglas Construction Ltd
- RPS

3.0 Summary of Responses and Key Themes

The following questions were asked and all those who expressed an interest were invited to respond;

Question	Heading	Question
1	Design Development	Do you have any views on what stage the design development should be done to before the Council look to go to market and appoint a Contractor? Why would you prefer this approach, what are the advantages? What do you see as the disadvantages to the alternative?
2	Procurement	Do you have any view on whether the procurements would be best managed in terms of restricted, single stage, two stage process? Do you have any examples you could share of similar projects elsewhere which have been run successfully? Are there any processes which would mean you would be unlikely to bid?
3	Procurement	How long would you need to respond to opportunities of this type (Based on the process you have outlined above)? Is there anything you would say would restrict you from bidding?

4	Form of Contract	Do you have a view on the most suitable form of contract for these works and reasons why you would prefer this? Do you have any forms of contract you would not be happy to work within for this type of work?
5	Innovation	Do you consider that there are any innovative options available for the delivery of this type of works (Infrastructure and Construction) ?
6	Level of Interest	What factors are likely to influence your organisation's interest in any future procurement exercise? Do you expect there to be a lot of opportunities for contracts of this type available in the next 2-3 years? Will this influence the ones which your organisation bids for?
7	Level of Interest	Please identify any issues, concerns or risks that might prevent your organisation from participating in any future procurement exercise to provide these works
8	Additional Benefits	Please describe any other benefits or functionality that your organisation and service could offer the Council, which have not already been covered above, e.g. value added services

The key themes of the responses received were as follows;

Question	Responses/Key Themes
Do you have any views on what stage the design development should be done to before the Council look to go to market and appoint a Contractor? Why would you prefer this approach, what are the advantages? What do you see as the disadvantages to the alternative?	Early engagement at RIBA stage 2 & 3, with consideration for design team novation. For infrastructure RIBA Stage 1 engagement would be a benefit Would suggest optioneering completed (RIBA Stage 2). This way the cost and time of the contractor can be focussed on the development of a single design solution reducing any wastage from the early contractor involvement fees. This will allow us to focus on risk mitigation and buildability along with delivering the best value solution to meet the specific scheme objectives and council priorities At commencement of RIBA3 the advantages of early appointment can be summarised as follows: -Early advice on buildability, efficient and an opportunity to bring in specialist contractors at a very early stage to allow designs to be optimised -Detailed cost certainty with access to specialists across the supply chain -Early programme and preliminary advice If not looking to engage early consensus seems to suggest developed designs to RIBA 4 and a D&B contract
Do you have any view on whether the procurements would be best managed in terms of restricted, single stage, two stage process? Do you have any examples you could share of similar projects elsewhere which have been run successfully? Are there any processes which would mean you would be unlikely to bid?	We have seen many successes for both client and contractor by applying the two-stage tender process, allowing both client and contractor to de-risk and add value to the project early in the tender process. Would prefer a direct award via a framework i.e. MHA, Scape, YORcivils or CCS Two-stage open book tender process with an early down select and an ECI period Stage One-Quality and Commercial Bid followed by ECI Appointment to develop concept and budget. Stage Two-Detailed Design and Pricing with selected tenderer two stage procurement with an SQ to determine the ITT bidders. We would be unlikely to bid on an open tender basis and/or if building construction was included in an infrastructure tender. Current levels of construction activity dictate that contractors are having to be selective with regard to the number of tenders that they can seriously consider. The two stage tender process traditionally involves limited resource commitment at Stage One, guaranteeing heightened levels of interest compared with that for a Single Stage Bid. For the civils & build we would suggest a hybrid two stage approach where cost plan validation by the contractor forms part of the scoring mechanism and elements such as OH&P, project specific preliminaries and any preconstruction costs are market tested with the tendering contractors

	Would propose a two-stage tender where the preferred contractor is appointed under a PCSA to allow collaborative working to deliver best value to both. Projects unlikely to bid for; • Single Stage design and build refurbishment projects • Tender lists exceeding (6nr for a two-stage tender) or 5nr for a single stage tender. • Either case – design team to be novated (excluding MEP) Less attracted to opportunities that are procured under a Single Stage Design & Build process or a Traditionally priced Bill of Quantities process. Both these routes in recent times, especially for high value projects, have been found to produce less surety as the quality of both the design and cost assumptions have been found wanting, laden with risk which attracts unnecessary cost and often an expectation that the contractor will sort things out. We would be unlikely to bid single stage if; • The competition was an open procedure • There were a high number of bidders (more than 4) • The project provided significant risk at tender and/or disproportionally high bidding costs • There were a number of undefined risks, i.e. ground investigation reports not available • Full survey information was not available, meaning we had to commission our own reports which would increase bidding costs • Unrealistic tender timescales - sufficient time is needed to understand scope, articulate this to our supply chain, receive their bids and compile our methodology/price
How long would you need to respond to opportunities of this type (Based on the process you have outlined above)? Is there anything you would say would restrict you from bidding?	Would like further pre market engagement in advance of the tender to allow time to plan and allocate resources to bid Would like 6-8 weeks notice of issuing the documents If a Restricted Stage 1 (Selection Questionnaire) 4-6 weeks If a 2 stage process stage 1 4-6 weeks (To appoint a preferred contractor to take to Stage 2) Stage 2 10 -20 weeks (Dependant on the level of design development) Single stage with RIBA 4 info 8-12 weeks A lot of organisations saying that they would rank our project Restrictions from bidding; • Lack of procurement programme visibility and Client not being in a position to maintain published timescales (i.e. bid resources challenge) • Unfair share of risk to contractor in contract amendments • Splitting of project to sub £5m value packages • Contractor being asked to take the risk on planning • Duration of project v risk of inflation • Taking responsibility for significant risks that are out of our control or unquantifiable (i.e. contaminants) • Onerous PQQ process that requires lots of bespoke case study writing for example • There is no qualitative element to the tender selection (i.e. the focus is on lowest price) • Price being favoured over quality evaluation
Do you have a view on the most suitable form of contract for these works and reasons why you would prefer this? Do you have any forms of contract you would not be happy to work within for this type of work?	Form of contracts – we are happy to process on NEC3/4 or JCT design and build. We have found project teams benefit from early engagement meetings to agree standard wording of contracts. We would anticipate that infrastructure element of these works would be delivered successfully under an NEC3/4 Option A / B or C contract. The JCT Form of Contract, probably D&B with as few amendments as possible We would suggest the council considers collaborative procurement suites of contract such as NEC3/4 option C, Standard JCT or PPC2000 contracts

Do you consider that there are any innovative options available for the delivery of this type of works (Infrastructure and Construction) ?	Could be something as simple as using waste material from a building demolition to using backfilling service trenches or creating design innovation from our civils expertise in to a building foundation solution. This type of scheme does lend itself to a number of innovations that could be achieved during the ECI/design stage which would offer best value but also provide sustainability benefits e.g. reduction of waste, sustainable construction transport plan. We will consider modern methods of construction ie offsite modular build to add value to the scheme and also maximise the inclusion of digital technologies in the process. Offsite Manufacturing Options within the Value Engineering section and look forward to discussing in detail during the negotiation phase. There may be some opportunity for innovation with materials to reduce carbon footprint in the infrastructure works such as warm (rather than hot) surfacing materials, recycled aggregates, ground improvement techniques, thick walled drainage precast drainage chambers and other similar products. Material recycling opportunities during demolition and remediation works, using low carbon emission construction plant, equipment and welfare facilities to promote net zero carbon minimal impact approach
What factors are likely to influence your organisation's interest in any future procurement exercise? Do you expect there to be a lot of opportunities for contracts of this type available in the next 2-3 years? Will this influence the ones which your organisation bids for?	We do expect similar opportunities coming available in a number of town centres throughout the North of England, however to date the SEAM document directs us towards Barnsley as there is clear visibility of future development / build opportunities. The long-term opportunity for a strategic relationship with the customer will directly impact our decisions to tender. The Procurement method and form of contract would be a key influencer along with evaluation method (Price/Quality split), and opportunities to collaborate Utilisation of a framework and confidence that full funding is in place would influence our interest Having sufficient notice to properly plan bidding and delivery resources, utilising a collaborative procurement process and the council embracing a long-term perspective on the appointment of delivery partners for the whole programme of works Other factors that we take into account include the following :-Method of procurement -Knowledge and experience with members of the client's team -Specific project risk factors -Market conditions -Anticipated time to site -Geographical locations -Security of funding Would be interested in this opportunity if it was procured as an ECI, Design & Build or Construct only that was phased separately between Infrastructure Construction works and Building Construction works phases. The local authority construction procurement market is difficult to predict as a lot of planned works can slip a planned timeline for many reasons.
Please identify any issues, concerns or risks that might prevent your organisation from participating in any future procurement exercise to provide these works	There are two things that might prevent us from taking this exercise forward; one is that the council do not take on board the feedback from this exercise, and two, the awareness that, to date, Henry Boot has undertaken a lot of successful work within the town centre. A balance of competitiveness will need to be maintained/demonstrated. Would not take part in an open tender procedure due to unknown amount of competition and low cost driven outcome rather than a focus on quality and stability of the contractor Combining the package of works for the construction and infrastructure Unreasonable conditions of contract where the provision of site information and contract data is insufficient for the contractor to make an informed decision on risk allocation and responsibility. Onerous damages, penalties and obligations.

	Delivering to an unrealistic programme. An unrealistic procurement timescale. Targeting projects where risk, arising from both the nature of the works, and the associated contract conditions, is restricted to a minimum. Risk Profile: Allocating significant risk onto the contractor with onerous conditions often causes us to takea step back, whereas a more balanced approach where the risk is appropriately distributed amongst all parties involved is certainly favourable. Price Only Submissions: In our opinion this prevents achieving best value for a scheme and we typically steer away from tendering price only projects. Resources: Comes back to needing clear information and some degree of certainty around timescales, so workload and resources can be allocated in advance. Capacity in supply chain

Arcadis (UK) Limited

Suite 1A, 4 Piccadilly Place
Manchester
M1 3BN
United Kingdom

arcadis.com