

## Cabinet (Resources) Panel

26 April 2023

<b>Report title</b>	Procurement – Award of Contracts for Works, Goods and Services
<b>Decision designation</b>	AMBER
<b>Cabinet member with lead responsibility</b>	Councillor Obaida Ahmed Resources and Digital City
<b>Key decision</b>	Yes
<b>In forward plan</b>	Yes
<b>Wards affected</b>	All Wards
<b>Accountable Director</b>	Claire Nye, Director of Finance
<b>Originating service</b>	Procurement
<b>Accountable employee</b>	John Thompson    Head of Procurement Tel                    01902 554503 Email                John.Thompson@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	Directorate Leadership Team

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### Recommendations for decision:

The Cabinet (Resources) Panel is recommended to:

1. Delegate authority to the Cabinet Member for Resources and Digital City, in consultation with the Director of Strategy, to approve the award of a contract for a Microsoft Enterprise Agreement when the evaluation process is complete.
2. Delegate authority to the Cabinet Member for Governance and Equalities, in consultation with the Chief Operating Officer, to approve the award of a contract for Translation and Interpretation Services when the evaluation process is complete.
3. Delegate authority to the Cabinet Member for City Environment and Climate Change in consultation with the Director of Resident Services, to approve the award of a contract for Carriageway Surfacing when the evaluation process is complete.
4. Delegate authority to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of Resident Services, to approve the award of a contract for the Repair and Maintenance of Playground Equipment when the evaluation process is complete.

5. Delegate authority to the Cabinet Member for City Environment and Climate Change in consultation with the Director of Resident Services, to approve the award of a contract for Surface Treatment Works when the evaluation process is complete.
6. Delegate authority to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of Regeneration, to approve the award of a contract for Wholesale Market Redevelopment Scheme when the evaluation process is complete.

## 1.0 Councillor Obaida Ahmed, Cabinet Member for Resources and Digital City

### 1.1 Delegated Authority to Award a Contract – Microsoft Enterprise Agreement

Ref no:	CWC23029
Council Plan aim	Driven by Digital
Originating service	Digital & IT
Accountable officer	Jai Ghai, Head of Digital & IT (01902) 552072
Leadership Team approval	16 February 2023
Accountable Lead Cabinet Member	Cllr Obaida Ahmed, Cabinet Member for Resources and Digital City
Date Lead Cabinet Member briefed	17 March 2023
Procurement advisor	Barry Greenwood, ICT Procurement Business Partner

### 1.2 Background

1.3 Microsoft Licensed Software is used extensively within the City of Wolverhampton Council (CWC) and underpins CWC's Digital and IT infrastructure as well as all operational activities.

1.4 Microsoft charge an annual licence fee for the use of its products, and this is addressed through its Enterprise Agreement which is arranged through an approved re-seller that provides added value administrative and professional services.

Proposed Contract Award	
Contract duration	Three years
Contract Commencement date	1 July 2023
Annual value	£1.950 million
Total value	£5.850 million

### 1.5 Procurement Process

1.6 The intended procurement procedure will be a Call Off Contract from the Crown Commercial Services (CCS) Framework in accordance with Public Contract Regulations 2015.

- 1.7 This route to market has been determined as it provides an efficient, effective, and compliant procedure using a further competition against suppliers that have already been pre-approved by CCS under agreed Framework terms and conditions. The Wolverhampton Pound was considered when identifying the route to market, due to the specialist nature of the requirement it was determined that there is limited competition locally.
- 1.8 The evaluation scoring balance will be 75% price, 25% quality. Any amendments to the procurement procedure will be reported in an Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director in accordance with the delegation within this report.
- 1.9 The evaluation team will comprise:

Name	Job Title
Chris Jones	Technical Architect Manager
Oliver Bradley	Data Centre and Asset Manager
Chris King	Domain Architect (Data & Network)

#### **1.10 Evaluation of alternative options**

- 1.11 The first alternative option would be to use the CCS Aggregation Programme. Due to ongoing discussions CCS recommended use of the framework.
- 1.12 The second alternative option would be to do nothing, however, the risks involved in not establishing a new contract would result in functionality issues with CWC's Digital and IT infrastructure.

#### **1.13 Reason for decisions**

- 1.14 CCS recommend the use of their frameworks for Microsoft Licensing as this offers the most cost-effective route to market with standard licencing terms already agreed. Public Sector discounts will be applied to pricing submitted under the framework.

#### **1.15 Financial Implications**

- 1.16 There is a provision of £2.2 million within the existing Digital and IT revenue budget to accommodate the annual forecasted spend of £1.950 million, for the duration of the contract in the amount of £5.850 million.

#### **1.17 Legal implications**

- 1.18 The procurement will be an above threshold procedure in accordance with the Public Contract Regulations 2015 and Council's Contract Procedure Rules.

### **1.19 Equalities implications**

- 1.20 The equalities team have been consulted and agree a full equalities analysis is not required due to licensing being a core service that builds on other software and therefore does not have direct equalities implications.

### **1.21 All other implications**

- 1.22 There are no other implications arising from the recommendations of this report.

### **1.23 Recommendation**

- 1.24 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for Resources and Digital City, in consultation with the Director of Strategy, to approve the award of a contract for a Microsoft Enterprise Agreement when the evaluation process is complete.

## 2.0 Councillor Paula Brookfield, Cabinet Member for Governance and Equalities

### 2.1 Delegated Authority to Award a Contract – Translation and Interpretation Services

Ref no:	CWC22149
Council Plan aim	Fulfilled lives for all with quality care for those that need it
Originating service	Translation and Interpretation
Accountable officer	Jin Thakkar, Head of Equality, Diversity, and Inclusion (01902) 554650
Core Services Team approval	15 March 2023
Accountable Lead Cabinet Member	Cllr Paula Brookfield, Cabinet Member for Governance & Equalities (01902) 551218
Date Lead Cabinet Member briefed	22 March 2023
Procurement advisor	Sheena Douglas, Procurement Buyer

## 2.2 Background

- 2.3 CWC has a responsibility to meet the communication support needs of all service users and employees and to provide appropriate access to interpretation, translation and transcription services when needed.
- 2.4 CWC is now looking to commission Interpretation, Translation and Transcript services. CWC will select one tenderer to be appointed as the contracted provider of services as specified in this document.
- 2.5 The service will cover a wide range of community languages, taking account of the diversity that exists within the city. Census data has identified that there is an increased level of ethnic minority communities living in Wolverhampton (45%). Data is also available through 'Wolverhampton on Profile' [Census 2021](#). We believe there are approximately 80 spoken languages in Wolverhampton.
- 2.6 The service will support client departments across CWC, including Adult Social Care and Children's Services where sensitive /complex interpretation and translations will be required for service users with support requirements/communication needs.

<b>Proposed Contract Award</b>	
Contract duration	Four years (2+1+1)
Contract Commencement date	1 September 2023
Annual value	£80,000
Total value	£320,000

## 2.7 Procurement Process

- 2.8 The intended procurement procedure will be an above threshold open tender in accordance with Public Contract Regulations 2015 and the Council's Contract Procedure Rules. This will ensure that the opportunity is open to local providers to bid supporting the Wolverhampton Pound.
- 2.9 The evaluation scoring balance will 40% price 60% quality. Any amendments to the procurement procedure will be reported in an Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director in accordance with the delegation within this report.
- 2.10 The evaluation team will comprise:

<b>Name</b>	<b>Job Title</b>
Jo Patel	EDI Advisor
Santush Chaunkria	EDI Advisor
Yeukai Chingwena	Senior Social Worker Manager, Adults Services
Leah Arnold	Service Manager, Children's Social Care

## 2.11 Evaluation of alternative options

- 2.12 The first alternative option would be to do nothing, however, the risks involved in not establishing a new contract would leave us non-compliant with our responsibilities to meet the communication support needs of all our service users and employees and to provide appropriate access to interpretation, translation and transcription services when needed.
- 2.13 The second alternative option would be to undertake the service in-house. There is no provision available in-house for this service, therefore if a new external supplier isn't sourced, it leaves us with no contract in place to deliver the translation and Interpretation service.

#### **2.14 Reason for decisions**

2.15 Procuring via an open tender for translation and interpretation service has been decided as the most suitable route. This route to market has been decided because it is the most appropriate and cost-effective method for the type of contract needed and to ensure it is awarded within the project timeline while giving any local companies the opportunity to bid.

#### **2.16 Financial implications**

2.17 Translation service budgets are held by a range of services across CWC, with the combined total easily sufficient to cover this anticipated annual contract cost of £80,000.

#### **2.18 Legal implications**

2.19 The procurement will be an above threshold procedure in accordance with the Public Contract Regulations 2015 and Council's Contract Procedure Rules.

#### **2.20 Equalities implications**

2.21 An initial equalities impact assessment has been undertaken and a full assessment of the impact of the bidder's proposals will be undertaken prior to awarding the contract.

#### **2.22 All other implications**

2.23 There are no other implication arising from the recommendations of this report.

#### **2.24 Recommendation**

2.25 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for Governance and Equalities, in consultation with the Chief Operating Officer, to approve the award of a contract for Translation and Interpretation Services when the evaluation process is complete.

**3.0 Councillor Steve Evans, Cabinet Member for City Environment and Climate Change**  
**3.1 Delegated Authority to Award a Contract – Carriageway Surfacing Term Contract**

<b>Ref no: CWC23001</b>	
Council Plan aim	Thriving economy in all parts of the city
Originating service	Planned Highway Maintenance
Accountable officer	Carl Rowntree, Senior Highway Technician (Planned Maintenance) (01902) 551439
Leadership Team approval	14 March 2023
Accountable Lead Cabinet Member	Cllr Steve Evans, Cabinet Member for City Environment and Climate Change (01902) 861498
Date Lead Cabinet Member briefed	17 March 2023
Procurement advisor	Anna Du-Mont, Procurement Manager (01902) 551099

**3.2 Background**

3.3 CWC has a regular requirement for carriageway resurfacing works to ensure that CWC highways are maintained and kept in a good condition. Due to the restrictive nature of the market, Dudley Metropolitan Borough Council (DMBC) have put in place a regional framework for use by the four black country local authorities, including CWC. This report therefore seeks delegated authority to award call off contracts during the term of the framework.

<b>Proposed Contract Award</b>	
Contract duration	Five years (3+1+1)
Contract Commencement date	1 May 2023
Year 1 value	£2.750 million
Year 2-5 annual value	£2.300 million
Total value	£11.950 million

### 3.4 Procurement Process

- 3.5 The intended procurement procedure will be a framework call off using the schedule of rates included in the Dudley Carriageway Surfacing Framework in accordance with Public Contract Regulations 2015. This route to market has been decided because the regional framework offers a competitive route to market that allows CWC to be responsive to required resurfacing works. The framework tendered by DMBC also supports the West Midlands economy and Wolverhampton Pound as the framework offered the open market an opportunity to tender for works to be delivered within Wolverhampton, Dudley and Sandwell.
- 3.6 The evaluation scoring balance will be 100% price. Any amendments to the procurement procedure will be reported in an Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director in accordance with the delegation within this report.
- 3.7 The evaluation team will comprise:

Name	Job Title
Carl Rowntree	Senior Highway Technician (Planned Maintenance)
Khalid Akhtar	Senior Highway Technician

### 3.8 Evaluation of alternative options

- 3.9 Evaluations were carried out on several schemes that showed significant cost savings could be made by utilising the Dudley Carriageway Surfacing Framework over the existing Black Country Framework Contract. Delivering the schemes in-house is an unfeasible option due to the resources and skills required to complete each scheme. CWC are currently developing a new approach to asset management which focuses on the use of intelligent data relating to road condition. This will potentially signpost earlier interventions to prolong asset life such as surface dressing, micro asphalt, and other thin surfacing options. This could potentially offset the need for extensive surfacing schemes in the future.

### 3.10 Reason for decisions

- 3.11 The Dudley Carriageway Surfacing Contract will deliver better value for money over the existing Black Country Framework Contract due to it being a specialist framework for surface treatments. All contractors involved have the relevant experience and knowledge over using an inhouse workforce. The framework offers significantly more competitive rates than use of internal contracts or other frameworks due to scales of economy achieved through greater work volumes.

### 3.12 Financial Implications

- 3.13 As part of the City Region Sustainable Settlement (CRSTS) programme Wolverhampton receives an annual capital grant allocation (S31 Transport Highways Maintenance Fund)

from the West Midlands Combined Authority. The annual allocation from CRSTS is £3.3 million, in 2023-2024 this is combined with grant carried forward from 2022-2023 to give a total allocation of £4.4 million and the allocation for 2024-2025 to 2026-2027 is £10.0 million. From these allocations the current capital programme for 2023-2024 has £2.8 million allocated for carriageway resurfacing work and £2.3 million per annum estimated for 2024-2025 to 2026-2027. Based on these allocations, an annual transport capital programme is developed in conjunction with the finance team and subsequently presented to Cabinet for approval. All schemes identified for delivery within this contract will form part of this annual process, final approval of projects to be delivered through this contract will be subject to the appropriate approval process and to funding being available.

### **3.14 Legal implications**

3.15 The procurement procedure will be a framework call off contract utilising the schedule of rates included in the Dudley Carriageway Surfacing Framework in accordance with Public Contract Regulations 2015 and Council's Contract Procedure Rules. 3.16 Section 41 of the Highways Act 1980 contains the duty to maintain the highway. The proposed work delivered through this contractual arrangement contributes to the highway authority's ability to discharge this duty.

### **3.16 Equalities implications**

3.17 A review of the relevant policies and procedures has been conducted as part of the Dudley Carriageway Surfacing Framework and a further review will also be undertaken locally, in order to take account of any EDI implications and due regard of the Equality Act 2010 – public sector duty.

### **3.18 All other implications**

3.19 There are no other implications applicable to this report.

### **3.20 Recommendation**

3.21 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for City Environment and Climate Change in consultation with the Director of Resident Services, to approve the award of a contract for Carriageway Surfacing when the evaluation process is complete.

#### 4.0 Councillor Steve Evans, Cabinet Member for City Environment and Climate Change

##### 4.1 Delegated Authority to Award a Contract – Repair and Maintenance of Playground Equipment

Ref no:	CWC22065
Council Plan aim	Healthy, inclusive communities
Originating service	Environment Services
Accountable officer	Peter Johnson, Parks, Landscape and Countryside Manager (01902) 558991
Leadership Team approval	14 March 2023
Accountable Lead Cabinet Member	Cllr Steve Evans, Cabinet Member for City Environment and Climate Change (01902) 861498
Date Lead Cabinet Member briefed	17 March 2023
Procurement advisor	Laura Bould, Procurement Manager (01902) 558452

#### 4.2 Background

4.3 Within the city, there are at present 88 play areas and 26 outdoor fitness areas. These are made up of 50 traditional playgrounds, nine natural play areas, 24 multi-ball games areas (MUGA), and five skate parks. CWC seeks to appoint a single provider to carry out the repair and corrective maintenance of the equipment situated in these play areas and outdoor fitness areas.

4.4 The scope of works will extend minor and structural repairs, refurbishment of equipment, and in some cases replacement of pieces of equipment that are beyond the point of economical repair. The number of play area sites may vary throughout the contract period. All works will be ordered in line with identified wear and tear as part of CWC's play area inspection regime.

Proposed Contract Award	
Contract duration	3 years with an optional 2 year extension
Contract Commencement date	1 July 2023
Annual value	£128,000
Total value	£640,000

#### 4.5 Procurement Process

- 4.6 The intended procurement procedure will be an open procedure in accordance with Public Contract Regulations 2015. This route to market has been decided in order to ensure that the opportunity is open to local providers to bid supporting the Wolverhampton Pound.
- 4.7 The evaluation scoring balance will be 70% price, 20% quality, and 10% social value. The winning tender would be required to have a quality/social value score in excess of 50% of the maximum available points.
- 4.8 Any amendments to the procurement procedure will be reported in an Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director in accordance with the delegation within this report.
- 4.9 The evaluation team will comprise:

Name	Job Title
Peter Johnson	Parks, Landscape, and Countryside Manager
Vanessa Church	Senior Parks Development & Engagement Officer
Phil Bourne	Technical Officer

#### 4.10 Evaluation of alternative options

- 4.11 An alternative option to tendering would be to carry out this work with an in-house team. However, this would require considerable upfront investment to achieve. This is due to the specialist nature of the play area equipment and the legislation in relation to its install and repair, additional staff (some jobs would require two but not all), the requirement for considerable training, resources such as vehicles, plant and equipment, secure storage, as well as a workshop to carry out fabrications etc.
- 4.12 In addition to this, currently we don't order enough work to keep a team employed full time which could result in the equipment and staff being underutilised, unless alternative works of a similar nature could be identified.

#### 4.13 Reason for decisions

- 4.14 We have decided to tender this work out as, because of the specialist nature of the work, few authorities provide this service in-house and due to economies of scale we feel a specialist company would provide better value for money. This is because they would have multiple contracts so could hold and turnover parts quickly, get better prices for materials by buying in bulk and reduce their overheads by utilising their staff and equipment more efficiently.

#### **4.15 Financial Implications**

- 4.16 Demands vary dependant on wear and tear, vandalism, and service expectation. The amount quoted in this report is based on the average spend for the last five years.
- 4.17 Funding for the contract is within the budgets for Parks - East Area Management (£130,510) and Parks - West Area Management (£108,830). These budgets are not only earmarked for the repair of play areas but also include other features such as fencing, bins, footpaths, gates, trip rails, bollards, signs, pest control, assisting Friends Groups and the replacement of locks and chains etc. and the contract will be managed balancing these demands within the budgets.
- 4.18 Additional funding may also be available from the following sources: -
- Landscape and Section 106 Capital projects.
  - Other Capital Grants.
  - Friends Group Projects/ Grant applications.
  - Recharge repairs for Wolverhampton Homes Play Areas.
  - Ward Member contributions, donations, and sponsorship.
  - Other budget holders who may use this contract.

#### **4.19 Legal implications**

- 4.20 The procurement will be an above threshold procedure in accordance with the Public Contract Regulations 2015 and Council's Contract Procedure Rules.

#### **4.21 Equalities implications**

- 4.22 The Equalities Team have looked at this contract and though advising that an equality analysis was not required, have provided the following advice:
- 4.23 We need to recognise that our procurement and commissioning functions are effective in achieving equality and equality of opportunity in the following areas: -
- Supplier recruitment and selection, for example encouraging small and medium sized enterprises; social enterprises and the voluntary and community sector from diverse or underrepresented backgrounds to participate and our weighting criteria.
  - Staff working conditions, ensuring staff working for suppliers are treated fairly and paid appropriately.
  - Service provision, ensuring contractors are able to meet the needs the of Wolverhampton's diverse services users, residents, and citizens; and
  - Encouraging good practice in workforce equality and diversity.
- 4.24 So, the contractors who secure/awarded this contract must consider, the above and their Social Value, to provide positive impacts on the community through Procurement and Commissioning and these may be directed to address inequalities and local priorities.
- 4.25 This will be covered as part of the tender evaluation process.

#### **4.26 All other implications**

- 4.27 An Information Governance analysis was carried out and the Information Governance Team made the following assessment:
- 4.28 There is no processing of personal data in respect of this project as it relates to repairs to the City's play areas located in parks and public open spaces. Information collated in respect of the suppliers as part of the procurement process and subsequent service delivery does not represent any high-risk processing of personal information.
- 4.29 From a Health & Safety perspective, without this service we are at risk of having unsafe play areas which would put children and young people at risk of injury. This would open the authority up to litigation which would be impossible to defend, as well as potentially causing reputational damage. One of the purposes of this contract is to mitigate against these risks.

#### **4.30 Recommendation**

- 4.31 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of Resident Services, to approve the award of a contract for the Repair and Maintenance of Playground Equipment when the evaluation process is complete.

**5.0 Councillor Steve Evans, Cabinet Member for City Environment and Climate Change**  
**5.1 Delegated Authority to Award a Contract – Surface Treatments Term Contract**

<b>Ref no: CWC23040</b>	
Council Plan aim	Thriving economy in all parts of the city
Originating service	Planned Highway Maintenance
Accountable officer	Carl Rowntree, Senior Highway Technician (Planned Maintenance) (01902) 551439
Leadership Team approval	14 March 2023
Accountable Lead Cabinet Member	Cllr Steve Evans, Cabinet Member for City Environment and Climate Change (01902) 861498
Date Lead Cabinet Member briefed	17 March 2023
Procurement advisor	Anna Du-Mont, Procurement Manager (01902) 551099

**5.2 Background**

5.3 CWC have a regular requirement for carriageway surface treatment works to ensure that CWC highways are maintained and kept in a good condition. Due to the restrictive nature of the market, Dudley Metropolitan Borough Council (DMBC) have put in place a regional framework for use by the four black country local authorities, including CWC. This report therefore seeks delegated authority to award call off contracts during the term of the framework.

<b>Proposed Contract Award</b>	
Contract duration	Four years (3+1)
Contract Commencement date	1 May 2023
Year 1 value	£1.702 million
Year 2-4 annual value	£1.000 million
Total value	£4.702 million

#### 5.4 Procurement Process

- 5.5 The intended procurement procedure will be a framework call off using the schedule of rates included in the Dudley Surface Treatments Contract in accordance with Public Contract Regulations 2015. This route to market has been decided because the regional framework offers a competitive route to market that allows CWC to be responsive to required surface treatment works. The framework tendered by DMBC also supports the West Midlands economy and Wolverhampton Pound as the framework offered the open market an opportunity to tender for works to be delivered within Wolverhampton, Dudley and Sandwell.
- 5.6 The evaluation scoring balance will be 100% price. Any amendments to the procurement procedure will be reported in an Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director in accordance with the delegation within this report.
- 5.7 The evaluation team will comprise:

Name	Job Title
Carl Rowntree	Senior Highway Technician (Planned Maintenance)
Khalid Akhtar	Senior Highway Technician

#### 5.8 Evaluation of alternative options

- 5.9 Evaluations were carried out on several schemes that showed significant cost savings could be made by utilising the Dudley Surface Treatments Contract over the existing Black Country Framework Contract. Delivering the schemes in-house is an unfeasible option due to the resources and skills required to complete each scheme. CWC are currently developing a new approach to asset management which focuses on the use of intelligent data relating to road condition. This will potentially signpost earlier interventions to prolong asset life such as surface dressing, micro asphalt, and other thin surfacing options. This could potentially offset the need for extensive surfacing schemes in the future.

#### 5.10 Reason for decisions

- 5.11 The Dudley Surface Treatments Contract will deliver better value for money over the existing Black Country Framework Contract due to it being a specialist framework for surface treatments. All contractors involved have the relevant experience and knowledge over using an inhouse workforce. The framework offers significantly more competitive rates than use of internal contracts or other frameworks due to scales of economy achieved through greater work volumes.

#### 5.12 Financial implications

- 5.13 As part of the City Region Sustainable Settlement (CRSTS) programme Wolverhampton receives an annual capital grant allocation (S31 Transport Highways Maintenance Fund) from the West Midlands Combined Authority. The annual allocation from CRSTS is £3.3

million, in 2023-2024 this is combined with grant carried forward from 2022-2023 to give a total allocation of £4.4 million and the allocation for 2024-2025 to 2026-2027 is £10.0 million. From these allocations the current capital programme for 2023-2024 has £1.7 million allocated for carriageway surface treatment and £1.0 million per annum estimated for 2024-2025 to 2025-2026. Based on these allocations, an annual transport capital programme is developed in conjunction with the finance team and subsequently presented to Cabinet for approval. All schemes identified for delivery within this contract will form part of this annual process, final approval of projects to be delivered through this contract will be subject to the appropriate approval process and to funding being available.

#### **5.14 Legal implications**

5.15 The procurement procedure will be a framework call off contract utilising the schedule of rates included in the Dudley Surface Treatments Contract in accordance with Public Contract Regulations 2015 and Council's Contract Procedure Rules. 5.16 Section 41 of the Highways Act 1980 contains the duty to maintain the highway. The proposed work delivered through this contractual arrangement contributes to the highway authority's ability to discharge this duty.

#### **5.16 Equalities implications**

5.17 A review of the relevant policies and procedures has been conducted as part of the Dudley Surface Treatments Contract and a further review will also be undertaken locally, in order to take account of any EDI implications and due regard of the Equality Act 2010 – public sector duty.

#### **5.18 All other implications**

5.19 There are no other implications arising from the recommendations of this report.

#### **5.20 Recommendation**

5.21 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for City Environment and Climate Change in consultation with the Director of Resident Services, to approve the award of a contract for Surface Treatment Works when the evaluation process is complete.

## 6.0 Councillor Steve Evans, Cabinet Member for City Environment and Climate Change

### 6.1 Delegated Authority to Award a Contract for the Wholesale Market Redevelopment Scheme

Ref no:	CWC23046
Council Plan aim	Thriving economy in all parts of the city Climate Conscious
Originating service	Resident Services
Accountable officer	Ballal Raza, Programme Director
Leadership Team approval	2 July 2021
Accountable Lead Cabinet Member	Cllr Steve Evans, Cabinet Member for City Environment & Climate Change (01902) 861498
Date Lead Cabinet Member briefed	5 June 2021
Procurement advisor	Florence Ahiante, Procurement Manager

### 6.2 Background

6.3 CWC are proposing to undertake the conversion of the existing Wolverhampton Wholesale Market site to a mixed used site for CWC accommodating the following facilities:

- New wholesale market building
- Fleet services electric vehicle workshop and associated vehicle parking provision
- Passenger transport parking and storage
- Shared office and welfare facilities for fleet services and passenger transport staff

6.4 The Wholesale Market building will provide existing and new market traders approximately 3,200 sqm floorspace comprising individual unit spaces, a buyers' walk with selling pitches, external storage, communal facilities, car parking and cycle parking provisions. While the Council's Fleet Services building, and ancillary space will accommodate the Council's electric vehicle fleet alongside its existing fleet as CWC transitions to an electrified vehicle fleet.

<b>Proposed Contract Award</b>	
Contract duration	14.5 months
Contract Commencement date	18 December 2023
Total value	£11.4 million

## 6.5 Procurement Process

6.6 The intended procurement procedure will be the Open Procedure, above the Works threshold in accordance with Public Contract Regulations 2015. This route to market has been selected to provide opportunity supporting the Wolverhampton Pound. The evaluation scoring balance will be 60% price and 40% quality & social value.

6.7 Any amendments to the procurement procedure will be reported in an Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director in accordance with the delegation within this report.

6.8 The evaluation team will comprise:

<b>Name</b>	<b>Job Title</b>	<b>Organisation (if not WCC)</b>
Ballal Razza	Programme Director	
Arfan Mohammed	Project Manager	
Benjamin Hadley	Senior Project Manager	Virtus Consulting
Jason Lloyd	Architect	Halliday Meecham Associates
Tim Farmworth	Principal Designer	Halliday Meecham Associates
David Cheeta	Mechanical Engineer	Crookes Walker Consulting
David Titterton	Quantity Surveyor	Mascot Management

## 6.9 Evaluation of alternative options

6.10 Do Nothing – This would constitute reputational damage to CWC, which has already committed to this scheme, and undertaken extensive consultations with the market traders and other stakeholders.

6.11 The option for CWC to undertake the works was not considered due to the lack of inhouse resources, knowledge and expertise required for the management and implementation of this scheme.

#### **6.12 Reason for decisions**

6.13 This scheme is part of a wider development plan for CWC, and the development proposals are to demolish the existing Wholesale market site, and redevelop the site in phases to incorporate two separate buildings to re-home the Wholesale Market, Traders and the Council's fleet services teams. Which is aligned to CWC's obligation to ensure that all assets are maintained, operational and fit for purpose.

6.14 The Open Tender Procedure has been selected as the preferred procurement process, because it will enable this opportunity to reach the wider market, and generate greater interest in the participation of this tender exercise. As with the proposed traditional contractual route which will give the Council greater control over such a large scheme, promote design integrity with a fully scoped design, and a better degree of cost certainty with a bill of quantities to be issued with the specification during the tender process.

#### **6.15 Financial implications**

6.16 Cabinet on 28 July 2021 and Full Council 15 September 2021 approved a capital budget of £16.2 million for the redevelopment of the Wholesale Market site to allow relocation of services from Culwell Street depot. This is funded through various sources including Towns Fund grant, West Midlands Combined Authority (WMCA) Single Commissioning Framework (SCF) funding and Council resources. The proposed contract for the development works of £11.4 million can be accommodated within this budget.

#### **6.17 Legal implications**

6.18 The procurement will be an above threshold procedure in accordance with the Public Contract Regulations 2015 and the Council's Contract Procedure Rules.

6.19 The City of Wolverhampton Council will ensure that it complies with the applicable statutory and other processes when awarding the contract.

#### **6.20 Equalities implications**

6.21 An Equality Analysis was undertaken earlier on this scheme, and consideration will be given to addressing the needs of the specified groups, ensuring that any potential negative impacts are mitigated as far as practicable. It was also established that the current Culwell Street and Wholesale Market sites disadvantaged those with physical disabilities, due to the lack of accessibility across all areas of the facility, and the new depot facility will enable the Council to promote equality within the workforce, ensuring that facilities are designed and built to appropriate accessibility guidelines

6.22 Consultation with key stakeholders will be an ongoing process throughout the scheme with continued consultation being carried out using mechanisms such as Workstream Delivery Groups set up as part of the governance structure.

**6.23 All other implications**

6.24 There will be environmental implications, because the proposed works are geared towards improvements to the physical environment and wellbeing of community at large, and at the same time assist in carbon reduction.

6.25 There are also other implications arising from the need to implement the temporary relocation of traders to different units on the same site, of which there will be consultations with those affected

**6.26 Schedule of background papers**

6.27 Brewers Yard Phase 1 Culwell Street Cabinet Report – Funding approved 28 July 2021

**6.28 Recommendation**

6.29 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of Regeneration, to approve the award of a contract for Wholesale Market Redevelopment Scheme when the evaluation process is complete.

## **7.0 Financial implications**

7.1 All financial implications are included within the relevant section of the report.  
[EM/17042023/V]

## **8.0 Legal implications**

8.1 All legal implications are included within the relevant section of the report.  
[SZ/13042023/P]

## **9.0 Equalities implications**

9.1 The relevance to equalities and progress in terms of equality analysis will vary for each proposal included in this report. Accountable officers have and will ensure that evidence is collected and used to demonstrate compliance with CWC's legal obligations under the Equality Act 2010.

## **10.0 All other implications**

10.1 All other implications are included within the relevant section of the report.

## **11.0 Schedule of background papers**

11.1 All background papers are included within the relevant section of the report.