

Bolsover District Council

Special Executive

13th February 2015

Outcome of tender exercise to procure a consultant to undertake the Sustainability Appraisal and Habitats Regulation Assessment for the Local Plan for Bolsover District

Report of Cllr D Kelly, Portfolio Holder for Environment

This report is public.

Purpose of the Report

- To seek Executive approval to appoint a consultant to undertake the Sustainability Appraisal and Habitats Regulation Assessment for the Local Plan for Bolsover District.

1 Report Details

Background

- 1.1 Bolsover District Council has resolved to commence the preparation of a new Local Plan to fully replace the current development plan, the saved policies of the Bolsover District Local Plan (February 2000).
- 1.2 As a result, the Council is required to undertake Sustainability Appraisal and Habitats Regulations Assessment during the preparation of the new Local Plan. The legal compliance of the Sustainability Appraisal and Habitats Regulations Assessment processes will form part of the Government Inspector's Examination of the Council's Local Plan for Bolsover District.

Tender Exercise

- 1.3 Based upon the Council's timetable for the preparation of the Local Plan for Bolsover District, as set out in the Local Development Scheme approved in October 2014, it is expected that the appointed consultant will be in place until September 2018.
- 1.4 As a result, the value of the contract over its lifetime has been estimated to be above £50,000 and thus a tender exercise has been carried out with the assistance of the Joint Procurement Unit. The tender exercise was carried out as an open tender through the Source Derbyshire online system and the period for submissions was 28th November 2014 to 9th January 2015.
- 1.5 Due to the expected length of the contract and the difficulty in predicting the exact number of options that the Council may require the appointed consult to appraise, it

was concluded that the financial value of the tender submissions alone would not be the best guide as to which consultant should be appointed.

- 1.6 For this reason, the Invitation to Tender document required interested parties to provide cost information on a variety of stages within the Sustainability Appraisal and Habitats Regulation Assessment processes, such as Scoping Report, Sustainability Appraisal of the Council's identified preferred options and reasonable alternatives, and time at the Hearing. Information was also requested on how many days the consultants expected each stage to take and also on their proposed team's day rates. Taken together, this cost information enabled an assessment to be made of the overall value for money.
- 1.7 In relation to quality, the Invitation to Tender document required information on experience, testimonials from past clients, CVs of their proposed team and their methodology for delivering the Council's requirements. Taken together, this quality information enabled an assessment to be made of the overall ability to deliver the commission successfully.
- 1.8 Tenders were received from seven companies and these have been evaluated and scored at a Tender Evaluation Panel held on the 16th January 2015.
- 1.9 Based on this approach, the assessment has been structured to give 40% of the score to the information provided on costs and 60% of the score to the information provided on quality. The outcome of this assessment is as follows:

	Cost score	Quality Score	Overall Score
Company 1	24	44	68
Company 2	35	57	92
Company 3	N/C	47	47
Company 4	28	46	74
Company 5	31	53	84
Company 6	29	44	73
Company 7	N/C	42	42

Note: Companies 3 and 7 did not provide the required information to enable their cost scores to be assessed and thus they were discounted and not considered at the Tender Evaluation Panel.

- 1.10 The outcome of the Tender Evaluation Panel is that the most economically advantageous tender is from Company 2: AMEC Foster Wheeler Environment & Infrastructure UK Limited.

2 Conclusions and Reasons for Recommendation

- 2.1 Based on the outcome of the Tender Evaluation Panel, it is recommended that AMEC Foster Wheeler Environment & Infrastructure UK Limited be appointed to undertake the Sustainability Appraisal and Habitats Regulation Assessment for the Local Plan for Bolsover District.

3 Consultation and Equality Impact

- 3.1 Other Officers involved in the preparation of this report were: Procurement Category Manager and Principal Policy Planner.
- 3.2 Members consulted during the preparation of the report: Cllr Kelly (Cabinet Member for the Environment) and Cllr McGregor (Chair of Local Plan Steering Group).
- 3.3 An Equality Impact Assessment will be required in advance of publishing a new Local Plan.

4 Alternative Options and Reasons for Rejection

- 4.1 Following the decision to commence a new Local Plan, the Council is required to undertake the Sustainability Appraisal and Habitats Regulation Assessment of the preparation of the Local Plan for Bolsover District by the:
- European Union Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (the SEA Directive), its transposing regulations (the Environmental Assessment of Plans and Programmes Regulations 2004) and associated guidance;
 - European Union Directive 1992/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive), its transposing regulations (the Conservation of Habitats and Species Regulations 2010) and associated guidance.
- 4.2 Local authorities in general aim to comply with these requirements either by commissioning specialist consultants to undertake the work or to undertake the work in-house. Experience from across the country shows that both options can be successful and unsuccessful at Examination and so neither option is in general more appropriate than the other.
- 4.3 However, in terms of resources there are not sufficient specialist staff resources with the Planning Policy Team to undertake this work without causing delays to the approved timetable. For this reason, undertaking the work in-house has been rejected as an alternative option.
- 4.4 The only other alternative option would be to not comply with the Directives and Regulations, which would have the effect of undermining the legal compliance of the Council's new Local Plan at the outset. For this reason, it is considered that this alternative option is not appropriate.

5 Implications

Finance and Risk Implications

- 5.1 Costs associated with this proposed appointment can be funded from existing budgets. It is important that this budget is maintained in future years.

Legal Implications including Data Protection

- 5.2 The Council has a statutory duty to undertake the Sustainability Appraisal and Habitats Regulation Assessment of the preparation of the Local Plan for Bolsover District.

Human Resources Implications

- 5.3 It is essential that the Planning Policy team has sufficient staffing resources to deliver the Local Plan in a timely manner. The work programmes and timetables reflect this.

6 Recommendations

- 6.1 That Executive:

- 1) Notes the issues set out in the report;
- 2) Agrees to appoint AMEC Foster Wheeler Environment & Infrastructure UK Limited to undertake the Sustainability Appraisal and Habitats Regulation Assessment for the Local Plan for Bolsover District.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	Yes
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	The District Council's Local Plan will set out the vision, key principles and policies that will underpin the sustainable development of each district. It will cover a wide range of economic, environmental and social issues. As such it links to all Corporate Plan priorities.

8 Document Information

Appendix No	Title
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	

Report Author	Contact Number
Helen Fairfax	Ext 2299 / 7168

Report Reference –