

North Somerset Council

Report to the Executive

Date of meeting: 7 February 2024

Subject of report: Commissioning and Procurement Plan for construction contracts to deliver restoration works at Birnbeck.

Town or Parish: Weston-super-Mare

Member presenting: Cllr. Mark Canniford, Executive Member for Spatial Planning, Placemaking and Economy

Key Decision: Yes

Reason: The contract values are over £500,000

Recommendations

To approve this combined Commissioning and Procurement Plan to proceed to the market for the following contracts:

- (i) Specialist contracts for advanced phases of work that are required to protect public safety and the integrity of the land, buildings and structures prior to the main restoration works (up to £575k).
- (ii) Restoration and renovation works funded by LUF (up to £3.9m).
- (iii) Restoration and renovation works funded by the National Lottery Heritage Fund (c£4.5m but dependent upon grant award).

1. Summary of report

- 1.1 The restoration of Birnbeck Pier is a transformational collaboration project for Weston-super-Mare and forms part of our Levelling Up programme.
- 1.2 The Council and the Royal National Lifeboat Institute (RNLI) have entered into a formal Collaboration Agreement to work together to secure the future of the site.
- 1.3 The Council has been successful in securing grants from the governments Levelling Up Fund (LUF) and from the National Lottery Heritage fund (NLHF) for the restoration of the buildings and structures associated with the Birnbeck Pier site, with the aim of reopening the site to the public as a regional visitor attraction.
- 1.4 Further funds have been secured from the RNLI, the National Heritage Memorial Fund and Historic England for the restoration of the Pier structure. This work will be commissioned by the RNLI and is not the subject of this commissioning and procurement plan.

- 1.5 The “Birnbeck Back from the Brink” project will create a nationally unique destination that will support the regeneration of Weston-super-Mare.
- 1.6 Birnbeck is the only pier in the country that connects to an island and the only pier in the country with 130 years of service with the RNLI, who will be proudly reinstated as part of this project. Across several phases of work spanning between 4 – 6 years, the vision is to save the pier and carefully bring the island and foreshore back to life in a way that acknowledges historic significance whilst giving visitors a truly unique experience.
- 1.7 A design team has already been commissioned and work is well underway developing the detailed proposals. This Commissioning and Procurement Plan sets out the proposed route to secure appropriately qualified contractors to undertake the construction works on which the council is leading.

2. Policy

- 2.1 The project will deliver on the Corporate Plan priority of A Thriving and Sustainable Place and was identified as a commitment in the 2020-24 Corporate Plan.
- 2.2 The restoration of Birnbeck Pier is one of the transformational objectives in the Place Directorate Plan 2022/23.

3. Details

Introduction

- 3.1 This is a complex range of works which in total will be in excess of £7m and therefore there are no existing North Somerset Council (NSC) contract arrangements in place that can be used to facilitate the commissioning and procurement of this work.

Requirements

- 3.2 Due to the timescale for some of the works and the programme constraints of the funders NSC will require at least three discreet contracts to deliver the works.
- 3.3 The various contracts and their scopes will incorporate the following:
 - (i) Specialist and advanced works
 - 3.3.1 This will include asbestos removal, repair of the sea walls and safety works to the rock face at the Pier head. Headroom will be factored in to the contract to allow for possible works to vulnerable structures including the Clocktower and the 1888 boathouse. These works will be funded by LUF. It is also planned to replace the roadside fencing along Birket Road. This fencing has always been part of the Councils responsibilities and will be funded by up to £225k of monies already allocated by the structures team but will be delivered as part of the Birnbeck project.
 - 3.3.2 The nature of these works requires a variety of specialist contractors. The timescale for spend of LUF (by March 2025) means that these works will best be commissioned as separate packages so they can be delivered in advance of the main works. This approach will also make the site safe as a working

environment for, and public viewing of, the main restoration and renovation phases.

3.3.3 Estimated costs for these specialist and advanced works is in the region of £350k plus £225k for the Birket Road works.

(ii) Restoration and renovation works funded by LUF

3.3.4 The LUF grant funding of £4.47m is currently required to be spent by March 2025. This is a very tight deadline and NSC as well as other local authorities in receipt of a LUF grant offer have requested an extension but as yet the government has not made a decision on NSC's request.

3.3.5 The work covered by the LUF funding, in addition to the specialist and advanced works, includes restoration of Pier View, the former Shell Shop, the southern Toll House, the Pier Masters Cottage plus an extension to provide further space for a café and other visitor facilities, provision of new WC's, safety fencing on the island, works to the 1888 boat house and some public realm works on the island.

3.3.6 The development of the detailed proposals and the information required for planning and listed building consents for these works are currently well underway.

3.3.7 It is proposed that the LUF funded works (other than the specialist/advance works) will be let as one tender package.

(iii) Restoration and renovation works funded by National Lottery Heritage Fund

3.3.8 NSC was successful in applying to the Lottery and has secured a round 1 grant which is currently funding the detailed design work and the appointment of a Community Engagement Officer to prepare the Activity Plan. A round 2 bid will be submitted in late summer 2024 for further works to the pavilion and other structures on the island, restoration of turnstiles and other structures and further visitor improvements. The bid is likely to be in the region of £4.7m. These works will only proceed if the grant bid is successful.

3.3.9 Design development of these proposals (funded by the existing NHLF development/revenue grant) has commenced and will form the basis for a further planning application in 2024.

Procurement support

3.4 The wider design team already appointed by the council includes Arcadia providing technical project management, and quantity surveying and associated services from Greenwoods. These specialists will assemble the site information, activity schedules, JCT contracts and provide procurement support throughout the tender and appointment processes. They will also provide contract management services.

Lessons learned for previous projects

3.5 Whilst there are no previous projects specifically relating to Birnbeck Pier, guidance from the NLHF emphasises the need for specialist suppliers with experience of

working on heritage sites should be sought for this work, which will be a pass/fail evaluation criteria.

- 3.6 It is critical to the success of the Birnbeck pier project overall that quality is prioritised in this way, as it is so specialist, significant and we have one opportunity to get the best possible outcome. The quality weighting for the construction contracts is proposed to be 70%, due to the importance of ensuring the highest quality supplier is appointed on each contract. This will ensure the best possible quality is obtained and the evaluation panel will not be forced to appoint an average supplier who has submitted a low-priced bid.

Contract structure

- 3.7 The council will use the JCT form of contracts. This form of contract is the preferred / typical approach in the heritage and conservation sector because it allows for a high level of complexity without becoming overly burdensome for both the supplier and contracting authority in terms of ongoing contract administration.
- 3.8 It is currently anticipated that the main LUF funded contract will be for a duration of approximately eight months and the Lottery funded contract a further approximately eight months; these may overlap.

Market

- 3.9 The markets for the services sought are well established.
- 3.10 This is a high-profile project which we anticipate will attract a lot of interest from suitably qualified organisations and individuals. The larger contracts in particular are likely to be of national interest as a result of the projects profile.

Route to Market

- 3.11 Specialist contracts for advanced works: this will follow a single-stage, Open Tender procurement process which will allow the Council to see best value for money through a competitive process.
- 3.12 Restoration works funded by LUF and NLHF: this will follow a two-stage restricted procedure, in order to refine a broad and competitive market down to companies who are high-quality, suitably qualified and experienced in working with heritage sites. There will be a Selection Questionnaire (SQ) short-listing stage followed by an ITT stage inviting a maximum of five bidders to the tender stage.

Indicative timescales

- 3.13 Specialist contracts for advanced works:

Action	Timing
Tender advertised on the portal	March 2024
Tender Closes	April 2024
Evaluation of tenders	April 2024
Contract Award	May 2024
Contract Commences	May 2024

3.14 Restoration works funded by LUF:

Action	Timing
Publication of Selection Questionnaire (SQ)	February 2024
SQ submission deadline	March 2024
Shortlisted bidders informed	March 2024
Publication of Invitation to Tender (ITT)	June 2024
ITT submission deadline	August 2024
Evaluation of ITT	August 2024
Contract Award	September 2024
Contract Commences	October 2024

3.15 Restoration works funded by NLHF:

Action	Timing
Publication of Selection Questionnaire (SQ)	March 2025
SQ submission deadline	May 2025
Shortlisted bidders informed	May 2025
Publication of Invitation to Tender (ITT)	September 2025
ITT submission deadline	October 2025
Evaluation of ITT	October 2025
Contract Award	November 2025
Contract Commences	January 2026

Governance

- 3.16 If approved, the contracts will be managed and administered by NSC in accordance with existing internal council approval and governance processes.
- 3.17 In addition to the corporate capital programme monitoring a Project Board is established to provide internal governance of the project.
- 3.18 Additional levels of governance are in place via the reporting and monitoring process required from NSC to LUF and by the NLHF project management team. This is a requirement as the project is externally funded by LUF and NLHF. NLHF will also require their approval to any appointments funded by their grant.

Social Value, TOMs, Sustainability & VCSE

- 3.19 The two main restoration commissions will require that bidders will detail their social value commitments on the Social Value Portal.
- 3.20 In accordance with the council's Social Value Policy, 10% of the overall weighting will be for bidders to propose their tangible social value commitments. The Themes, Outcomes and Measures (TOMs) model will be used to calculate social value contributions, which enables NSC to gain a greater understanding of the value of bidders' commitments and to evaluate social value tender responses quantitatively as well as qualitatively.
- 3.21 For this procurement, the project team are proposing to use Social Value Portal to undertake both the evaluation of the social value responses and ongoing contract management of the social value commitments provided by the appointed supplier. This service will cost 0.20% of the contract value.

Evaluation criteria

3.22 Submissions for the advanced works will be evaluated based on

- 30% Price
- 70% Quality

3.23 Quality for the advanced works will be assessed using three main questions, covering the following areas:

- Experience of relevant schemes with a particular focus on challenging coastal environments
- Proposed approach to method and programme for delivery with a focus on surety of delivery within a short-timescale and challenging environment
- Details of proposed Project Team, their capability and experience.

3.24 Submissions for LUF and NLHF-funded restoration works will be evaluated on the basis of:

- 20% price
- 70% Quality
- 10% Social Value

3.25 Quality for the restoration works will be assessed using four main questions, covering the following areas:

- Proposed approach to project management and client engagement
- Proposed method and programme for delivery with a particular focus on working in the context of challenging, tidal coastal location and a focus on a tight timescale for delivery
- Details of which sub-contractors and operatives will undertake different packages of work
- Proposed Project Team, their capability and experience
- Proposed approach to address the Climate emergency
- Previous experience of heritage projects, heritage at risk projects/unsafe structures and working in difficult coastal locations will form a part of the first stage selection process.

Interviews

3.26 In addition to providing written responses to the quality questions, it is proposed to include an interview stage for the main restoration works funded by LUF and NLHF. This will require bidders to present their understanding and approach to the project. Following these interviews, we will moderate quality scores, where appropriate.

3.27 For consistency, the interview panel will comprise the same individuals that will undertake the evaluation of tenders however additional experts from Birnbeck Regeneration Trust, Historic England etc may be invited to attend to provide their guidance around scoring.

3.28 Quality questions for each of the individual procurements will be scored using the standard NSC scoring matrix set out in the table below.

Score	Classification	Award Criteria
5	Excellent	A response that inspires confidence; specification is fully met and is robustly and clearly demonstrated and evidenced. Full evidence as to how the contract will be fulfilled either by demonstrating past experience or through a clear process of implementation.
4	Good	A response supported by good evidence/examples of the Bidders' relevant ability and/or gives the council a good level of confidence in the Bidders' ability. All requirements are met, and evidence is provided to support the answers demonstrating sufficiency, compliance and either actual experience or a process of implementation.
3	Satisfactory	A response that is acceptable and meets the minimum requirement but remains limited and could have been expanded upon.
2	Weak	A response only partially satisfying the requirement with deficiencies apparent. Not supported by sufficient breadth or sufficient quality of evidence/examples and provides the council a limited level of confidence in the Bidders' ability to deliver the specification.
1	Inadequate	A response that has material omissions not supported by sufficient breadth and sufficient quality of evidence/examples. Overall the response provides the council with a very low level of confidence in the Bidders' ability to deliver the specification.
0	Unsatisfactory	No response or response does not provide any relevant information and does not answer the question.

Price

3.29 Price is attributed a weighting of 20%. It is noted that the 20% weighting for price may be considered low, however this project is unique in nature due to its unique site and heritage status, and the availability and nature of the grant funding. It is critical that the quality of work provided by the successful suppliers is the very highest, as this high profile, nationally important site reflects the status of the pier and associated buildings. It is also essential that all new build is designed and built to a standard that enhances and protects the original heritage features, as well as incorporating the very best of modern sustainable design.

3.30 Higher weightings to price can easily distort the evaluation process. A very low tender price can skew the weightings to allow a bidder with very low quality to top the rankings. Given the importance of the quality of the outcomes required for this sensitive site this is not an acceptable outcome in this case.

3.31 For evaluating the overall price from each supplier, it is proposed to use the standard cost evaluation method, which is widely used within the Council. The tender with the lowest total price will receive the maximum score of 100 (weighted at 20%) and the prices of all other tenders will be expressed as a percentage of the maximum score.

3.32 This pricing methodology will be used across all three projects detailed within this plan.

Pricing schedule

3.33 Bidders will be asked to complete a pricing schedule that sets out in detail the costs for the elements included in each commission as well as prelims and any other costs. This gives the Council the opportunity to understand the total amount of resource that is being purchased and a mechanism that can be referred back to if in due course it is felt that the contractor is under-resourcing the project.

Evaluation panel

3.34 The evaluation panel will consist of a minimum of:

- Heritage & Design Manager & Project Sponsor
- Haverstock Associates – Lead architect
- Ingham Pinnock Associates – Project Coordinator
- Artelia – Technical Project Manager
- Greenwood Projects – Quantity surveyor (this includes expertise on financial evaluation)
- Representative from LUF programme team

3.35 Where it is considered appropriate, other specialists from within the Council and its design team and/or Birnbeck Regeneration Trust may be invited to participate in evaluation.

3.36 A member/s of the Strategic Procurement Team along with a member of finance will oversee and moderate the evaluation process.

Contract management

3.37 The three contracts being procured will be managed by Artelia and Greenwoods Quantity Surveyors who are externally appointed specialists in this area.

3.38 The management of the performance of the contracts will be framed overall by an established and agreed programme for the project.

3.39 Between formal meetings, the Technical Project Manager will work closely with the Project Sponsor, Project Coordinator and the architects team and are expected to be in weekly contact about performance and progress.

3.40 The project as a whole will be required to provide detailed quarterly progress reports to the LUF via the Placemaking Steering Group and to NLHF as the principal funders. It will also be subject to a formal mid-term review by the NLHF. These progress reports will be available for the Council to review.

4. Consultation

4.1 Consultation has been carried out with the following stakeholders:

- Place Scrutiny Panel

- NLHF
- RNLI
- Historic England
- Birnbeck Regeneration Trust
- Executive Member for Placemaking & Economy
- Chair of Place, Policy & Scrutiny Panel
- Heritage Champion
- Finance
- Procurement
- Insurance
- Climate Emergency Team

5. Financial implications

5.1 This work is 100% funded via external sources at no cost to North Somerset Council.

Costs

Contract	Total
Advanced works	c350k
LUF funded construction	c£3.9m
NLHF funded construction	c£4.5m (subject to grant award)

Funding

- 5.2 Grant funding has been secured for the advanced works and the main phase of restoration works funded by LUF.
- 5.3 The NLHF construction phase is subject to a successful second round funding application. The final bid amount submitted in the second round may change subject to discussion and advice from the National Lottery Heritage Fund. The proposed works will not be tendered for unless and until the grant funding is secured.
- 5.4 Grant funding will be claimed from LUF quarterly and from the NLHF quarterly in arrears following the completion of a standard grant claim form and copies of invoices that the Council has paid; this is the NLHF standard method of grant payment.

6. Legal Powers and Implications

- 6.1 The procurement will be compliant with the Public Contract Regulations 2015. It is proposed to use the JCT Contract for these contracts.
- 6.2 This form of contract is the industry standard for this type of construction work and will be familiar to the type of organisations we wish to attract.

7. Climate Change and environmental implications

- 7.1 The work that will be delivered by the three contracts will deliver environmental sustainability in the Birnbeck Pier project. One of the key aims of the project is to deliver a scheme that is highly sustainable and the brief for the design team in

particular has sought to incorporate measures into the site that minimise negative environmental and carbon impacts.

- 7.2 A Climate Emergency Risk Assessment was carried out for all three contracts and risks were identified, primarily around the use of building materials, sourcing of materials and future proofing/adaptations of the scheme. The specification reflects sustainability as a key pillar of this project and multiple quality questions, including presentation stage, specifically relate to sustainability and the bidder's understanding of the specification, therefore successful suppliers will need to demonstrate a strong understanding and commitment to this.

8. Risk management

Risk	Detail of risk	Inherent risk	Inherent risk treatment	Mitigating / exploiting actions	Residual risk
Capital budget for the project exceeded.	Inflation is high, so anticipate high likelihood of tenders being above budget.		Mitigate	Consider most cost effective methodology, reductions in scope, discussions with funders.	
Structural stability	Due to the neglect, many of the buildings and structures are in a very poor condition.		Mitigate	Early phase of works to stabilise most risky structures.	
CDM phasing overlaps	RNLI lead works likely to overlap with LUF and NLHF works, meaning different contractors requiring working areas. Also impacts of programme overlaps.		Mitigate	Careful planning and ongoing dialog with RNLI team to address any impacts.	
Bids being higher than grants available.	Inflation impacts on contractor pricing.		Mitigate	Clear indication in tender documents of the available budgets for the contracts. Reductions in scope/ methodology. Seek funder agreement.	
Ability to comply with funders programme requirements.	LUF has a very tight programme of completion by March 2025. This will be very difficult to comply with.		Mitigate	Request to LUF to extend the delivery programme PM in place to ensure adherence to	

Risk	Detail of risk	Inherent risk	Inherent risk treatment	Mitigating / exploiting actions	Residual risk
				contractor programme.	
NHLF round 2 bid unsuccessful.	NHLF round 2 to be submitted in August 2024, decision in December so can't be guaranteed.		Mitigate	Works proposed to be funded by NHLF would not be able to proceed unless other funding secured.	

9. Equality implications

9.1 A Stage 1 EIA has been completed. No risks were flagged for any groups. A detailed Stage 2 EIA is being developed and prepared as part of the Development Phase work which will inform the round 2 Lottery bid. As well as complying with NSC EIA policy requirements, this will include any additional outcomes required by the National Lottery Heritage Fund.

10. Corporate implications

10.1 This project will deliver on the Council's Placemaking objectives for Weston-super-Mare. NSC has a ten-year plan for Weston based on consultation with thousands of businesses, visitors and residents. The strategy aims to reposition Weston, addressing the long-term decline in the traditional retail-led high street and changes to visitor patterns. The plan focuses on wellbeing and recreation, being green and low carbon, a great place to live, work and study, and critically helping the visitor economy.

10.2 The regeneration of Birnbeck Pier is a central part of this plan, recognised as being capable of having a major impact on the town by creating a visitor attraction that is higher-quality and higher value added helping to develop higher skilled, higher wage jobs.

11. Options considered

The option of utilising existing Framework Agreements to which the council has access was discounted because this work is of a specialist nature and, given the high profile of the project, we believe it will attract significant interest from suitably qualified organisations.

Author:

Rachel Lewis
Heritage and Design Manager
01934 426465

Background papers:

COU 86 Birnbeck Pier [Agenda for Council on Tuesday, 9th November, 2021, 6.00 pm | North Somerset Council \(modern.gov.co.uk\)](#)