

**Procurement of Design Partner  
for Haringey BSF Programme**

**Rev 1**

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## Report

### Contents

- 1.0 Background
- 2.0 Type of Agreement and Procurement
- 3.0 Summary

## Report

# 1.0 Background

The Model Mechanics Paper (MMP) proposed the 'design led' procurement route. This has been accepted by the London Borough of Haringey (LBH) as the preferred method and approach to the programme.

This paper considers the procurement of, specifically, the design partners as part of this process and analyses the merits of each approach with particular reference to the OJEU process as underpinned by EC Directive 92/50. It is important to note that the MMP proposed one design partner following a contest. It is now recognised that more than one partner is required in order to handle the volume of work and ensure a 'skill spread' to carry out both refurbishment, remodelling and new build.

## 1.1 Agreed Outputs

The procurement of the design partners will need the following outputs:-

- The engagement of a number of multi disciplined design teams to carry out pre – contract designs of school buildings within the BSF programme for LBH.
- The number of separate design teams has been seen as a minimum of three and a maximum of eight. These numbers respect the competing requirements of the need to ensure that sufficient resource is available to meet the programme and 'design demand' whilst maintaining control and establishing a design 'theme'.
- The teams individually will be Architect led and will include all disciplines necessary to deliver the schemes included within the BSF programme.
- The programme includes refurbishment, remodelling and new build and hence the mix of skills necessary is diverse. The design partners must be procured such that a mix of the relevant skills is achieved.

## 1.2 Method of Procurement

It has been agreed that the current framework agreements in place and held by LBH are largely unsuitable for the work included under the BSF programme. This is due mainly to the relatively small size and lack of diversity of the design practices on those frameworks. It is necessary therefore, to re – procure these services. The value of these services is estimated to be in excess of the threshold for the procurement of services under EC Directive and hence requires advertising in OJEU.

# 2.0 Type of Agreement and Procurement

## 2.1 Fixed Agreement

This type of agreement would mean that a practice would be awarded the task of designing a school or schools in a predefined package of work that fundamentally would be fixed. That is whilst the task could be extended or reduced it could not, as an example be broken up and awarded to others. The decision on the identity of the designer for each package of work is thus fixed at an early stage.

## 2.2 Framework Agreement

This type of agreement would mean that there is greater flexibility to award different packages of work to a variety of designers on a framework agreement. This does however require (since January 2006) a mini procurement for each 'call off' based on the individual ability of each practice to meet outputs with all partners on the framework. This is unless the terms laid down in the framework can be sufficiently precise to cover a specific call off to a specific supplier. Our experience is that this is

## Report

very difficult to undertake and would not be possible with the current stage of development of the BSF programme.

Since the packaging of the work is yet to be developed sufficiently to enable decisions to be made with regard to what the correct designer attributes are, a framework is the preferred option. It therefore follows that there should be sufficient practices on the framework to capture the desired spread of attributes that may be required. This is unlikely to be less than five practices.

### 2.3 Design Contest

Design contests can be run in order to understand more fully the qualities of the practices which are competing for a place on the framework. There is however the need to execute design contests in a prescribed manner under OJEU which can be both time consuming and expensive. Below is an outline of the process:-

- The contest requires specific rules which must be stated at the outset. There must also be a 'prize'. In this case the prize would be a position on the framework.
- The adjudicators must include a minimum of one third with suitable and similar qualifications to the practices being considered. We would therefore need to appoint a design 'champion' to populate the adjudication team which would then exclude such person or practices from the contest.
- It is usual that some consideration is given to enable competing practices to at least cover costs. This is usually in the region of £5000.00 per design task. Since we are looking to secure a spread of skills across new build, refurbishment and remodelling it would be necessary to request up to three schemes to be covered. On the basis therefore, that a minimum of say, £10,000 is awarded to each prequalifying practice, contest costs would be in the region of between £50,000 and £100,000 depending on the number of practices invited. This is on the basis that a minimum of five and a maximum of ten practices would be selected.
- Consideration of the schemes must be undertaken in a controlled manner. The volume therefore, of work would be considerable – a maximum of 30 schemes would need to be evaluated (10 practices competing on 3 schemes each).

On the basis of the above therefore, whilst the outcomes would be desirable, it is considered too inefficient in resource terms to undertake this exercise as part of the framework procurement.

### 2.4 Restricted Procurement

By procuring the framework on a conventional basis via the restricted procurement route, a team of designers can be assembled with a range of skills to suit the LBH BSF programme. We would thus propose to use packages of work on the BSF programme to run a mini competition to select the design team for each appointment. This has a range of advantages – not least the fact that we are not tied to a specific process for the selection of the design team for each call off. Provided the process is fair and reasonable and the result is the most economically advantageous, LBH would be relatively free to manage this as required.

**Report****3.0 Summary**

The LBH BSF programme requires more than one design team to undertake the design work prior to the delivery phase by selected contractors.

The programme is not well enough developed to immediately make informed decisions as to the attributes required from a design team for individual packages of work.

It is therefore necessary to engage a framework of designers with a mix of skills to satisfy the broad requirements of the programme.

It is felt that design contests offer the optimum approach for testing the skills of the design teams however, this is also a particularly cumbersome manner to engage designers on a framework agreement.

A framework, however, can initially be procured by fixing the broad commercial structure for the services required together with a fairly good test of resources and skills. Specific skills can then be tested between all of the participants once engaged on the framework . It is considered that this is the most efficient way forward.

It should be pointed out that whilst design contest costs referred to earlier would not be incurred up front, they would eventually be spent during the mini competition for each package of work. The costs, however, would be minimised since they would only be expended to those on the framework rather than on tenderers who may ultimately fail to be awarded a place.