

Decision Maker:	Cabinet Member for Finance, Assets and Investments
Date:	21 June 2024
Classification:	Part 1 (Part Restricted – Appendix A – Part 2)
Key Decision:	Yes
Title of Report:	Appointment of main contractor for Cliffs Pavilion Refurbishment
Executive Director:	Joe Chesterton, Executive Director – Finance and Resources
Report Author:	Mark Murphy, Head of Property and Estate Management

1. Executive Summary

- 1.1 The Council has undertaken a tender exercise in accordance with Public Contract Regulations 2015 for the Construction of an Extension, Refurbishment/Upgrade to the Existing Theatre and Associated External Works at the Cliffs Pavilion.

2. Recommendation.

- 2.1 **Appoint Auburn Group Limited to undertake the construction of an extension alongside the refurbishment of existing front of house areas and associated external works at the Cliffs Pavilion subject to statutory Standstill Period.**

3. Background

- 3.1 The Council received funding from the Levelling Up Fund, alongside a funding contribution from the Council and partner funding from the Trafalgar Group (Theatre operator) to undertake major improvement and refurbishment works to the front of house facilities at the Cliffs Pavilion.
- 3.2 The project received Conditional Planning Permission on 20 October 2023 (Ref 23/01216/BC4).
- 3.2 The project will:
- Erect a two storey extension with feature canopy and roof top plant enclosure to the east side of the building to form a new main entrance.
 - Improve the internal layout of the building including the foyer, circulation space and hospitality areas within the building and provide new additional WCs and baby changing facilities.
 - Improve access to and within the building including a new internal lift, accessible bar heights and step free access.

- Alter the existing elevations including the painting of the lower-level brickwork on the north elevation and new feature signage.
- Re-landscape the external area to the east of the building to form a new public plaza including new paving, planting, lighting and art.

3.3 The tender opportunity was advertised through Find a tender and Contracts Finder and the above threshold procurement process was conducted electronically via the Council's electronic Tender Facility ProContract and in accordance with the Public Contracts Regulations 2015 via Open Procedure.

3.5 Three tenders were received and were evaluated on the basis of the most economically advantageous Tender (MEAT) in accordance with the evaluation and scoring methodology detailed below:

- 70% Price
- 30% Quality – Bidders were required to answer 5 questions with scaled weightings and the questions included a minimum score threshold of 2

3.6 Consensus scores were agreed on technical evaluation, resulting in the following overall scores below:

Contractor Name	Contractor Number	Tender Price	Tender Price Score	Quality Score	Total Tender Score
AUBURN GROUP	Contractor 1	Appendix 1	68.12	21.90	90.02
Appendix 1	Contractor 2	Appendix 1	70.00	14.70	84.70
*Appendix 1	Contractor 3	Appendix 1	48.42	5.40	53.82

*This Contractors scored less than 2 for one or more of the quality questions.

3.7 The Council has received all insurance details and accreditations (compliance documentation) from the Auburn Group and has also received appropriate financial information to enable a review of the Company's accounts. This has included the Company's accounts for the financial years ending 31 March 2023 and 31 March 2024 along with all insurance documentation. This documentation has been thoroughly reviewed and meets the pass requirements set out in the Invitation to Tender.

3.8 In relation to Social Value the Auburn Group has committed to providing the Council with £863,080 worth of social value whilst working on this project by employing 26 local people for 1 year or for the duration of this project. They have also committed to spending time visiting schools and colleges to deliver career talks, work placements, support into work for unemployed or young people through career mentoring, mock interviews, CV advice and careers guidance, 7 weeks of training opportunities and 60 weeks of apprenticeships. They will be donating £5,000 to local community projects and will spend 30 hours volunteering to help support the local community projects. In addition, they have identified a further £803,642 of economic benefit by committing to procuring a minimum of 50% of all materials within a 30 mile radius.

4. Reasons for Decision

- 4.1 To put in place a main contractor to deliver the refurbishment of the Cliffs Pavilion, using a mix of external grant (Levelling Up Fund), prudential borrowing and third party partner funding.
- 4.2 A decision is required as a matter of urgency to ensure that works can start promptly and that grant conditions and deadlines are met. A programme delay to enable a report to Cabinet would significantly delay the start, and therefore completion, of the works risking the Council's ability to draw down the external grant funding.

5. Other Options

- 5.1 The Council considered other procurement route options including use of an existing Framework but this was discounted as it would reduce competition and limit opportunities for local supplier engagement.
- 5.2 A Restricted (Two Stage) tender process was considered but it was considered that this would not result in best value being achieved due to limiting engagement in the competitive stage.

6. Financial Implications

- 6.1 The works will be funded through a combination of grant secured through the Levelling Up Fund scheme, a third party partner contribution from the Trafalgar Group (theatre operator) and Council prudential borrowing in line with the budget set out in the Council's approved Capital Investment Programme.
- 6.2 The funding through the Government's Levelling Up Fund must be defrayed (spent) by 31 March 2025 under the existing agreement but partner (Council and Trafalgar Group) funding may be defrayed beyond this date. It is considered that the deadline will be achieved for the required spend of Levelling Up Funding.
- 6.3 The Most Economically Advantageous tender has been submitted by Auburn Group Limited.

7. Legal Implications

- 7.1 The Council is required to ensure compliance with all Health and Safety Legislation as well as existing and emerging obligations through the Building Safety Act.

8. Other Implications

- 8.1 There are no further implications arising as a result of this report.

9. Appendices

9.1 Appendix A – Financial Return Details.

10. Report Authorisation

This report has been approved for publication by:		
	Name:	Date:
S151 Officer	Joe Chesterton	21/06/2024
Monitoring Officer	Susan Zeiss	20/06/2024
Executive Director(s)	Joe Chesterton	21/06/2024
Relevant Cabinet Member(s)	Cllr Paul Collins	21/06/2024