

To: Council

On: 27 September 2018

Report by: The Chief Executive and the Head of Regeneration

Heading: Contract Award: Paisley Museum Re-imagined - Exhibition Design Team (RC-CPU-18-002)

1. **Summary**

- 1.1 The purpose of this report is to seek the approval of the Council to award a Contract for the Paisley Museum Re-imagined - Exhibition Design Team (RC-CPU-18-002) to OPERA Amsterdam BV.
 - 1.2 The recommendation to award the Contract follows a procurement process which was conducted in accordance with the Competitive Dialogue procedure of the Public Contracts (Scotland) Regulations 2015 and the Council's Standing Orders relating to Contracts for an above EU threshold Services Contract.
 - 1.3 A Contract Strategy was approved by the Head of Regeneration and the Strategic and Commercial Category Manager on 17 May 2018.
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2. **Recommendations**

- 2.1 It is recommended that Council:

- (a) authorise the Head of Corporate Governance to award a Contract for the Paisley Museum Re-imagined - Exhibition Design Team (RC-CPU-18-002) to OPERA Amsterdam BV.
 - (b) authorise the award of the Contract in the Sum of £998,900.00 excluding VAT;
 - (c) note that the total contract period is anticipated to be 255 weeks with the starting date scheduled to be on 19 November 2018 with the estimated completion date of 13 October 2023. Timescales and dates will be confirmed in the Contract with OPERA Amsterdam BV, and
 - (d) note that the commencement of this Contract is subject to receipt of evidence to demonstrate that the Councils minimum levels of insurance provision are obtained as indicated within invitation to participate and final tender documentation and collateral warranties shall be provided throughout the duration of the Contract.
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3. **Background**

3.1 The Paisley Museum is a Category A listed building and currently houses the Paisley Central Library in addition to the main museum space.

Renfrewshire Council is taking forward a £100m investment to transform Paisley's town centre venues and cultural infrastructure over the next five years. As owners of the museum and library properties and as part of the wider cultural infrastructure programme, the Council has an ongoing project that will refurbish and extend Paisley Museum.

As part of the Project, an exhibition design team requires to be appointed to enable the redisplay of the museum collection after the refurbishment to make it more accessible physically, socially and intellectually, with a clear visitor-focus to enhance the strengths of the unique collections.

3.2 A previous procurement process to appoint an exhibition design team was undertaken via an above EU threshold restricted procedure in December 2017 however was discontinued in March 2018. The decision to discontinue the procedure was taken by the Council as they there were no offers which fully met the Council's requirements in terms of scope, quality and affordability.

The strategy to reassess the procurement approach to procuring an exhibition design team was reassessed and refocussed to tender as an above EU threshold Competitive Dialogue procedure in accordance with the Competitive Dialogue Procedure under the Public Contracts (Scotland) Regulations 2015 and following the Council's Standing Orders Relating to Contracts for an above EU threshold Services Contract.

The decision to adopt the competitive dialogue procurement procedure was taken as it would allow the Council and all potential Tenderers an opportunity discuss requirements prior to the issue of final tender submissions and increase the likelihood of the Council receiving a final tender submission that met the Council expectation in terms of scope, quality and affordability.

3.3 A contract notice for this Contract was dispatched via the Public Contracts Scotland advertising portal on 18 May 2018 with the notice published by the Official Journal of the European Union (OJEU) on 19 May 2018. The Invitation to Participate documentation was available for downloading from the Public Contract Scotland – Tender platform from the date of publication in OJEU (19 May 2018).

3.4 During the Request to Participate (RTP) stage (Stage 1), fifty-eight (58) organisations expressed an interest in the Contract. By the closing date set for submissions, 12 noon on 18 June 2018, twelve (12) Candidates had submitted an RTP Submission.

3.5 RTP submissions received were evaluated against a pre-determined set of criteria in the form of the European Single Procurement

Document (ESPD) by representatives from the Council's Corporate Procurement Unit. All twelve (12), RTP submissions satisfied the Council's minimum requirements within the ESPD selection criteria.

3.6 As part of the selection process and to reduce the number of otherwise qualified Candidates under this Competitive Dialogue process to three (3) in accordance with the Public Contracts (Scotland) Regulations 2015 Regulation 66, Candidates had to respond to three (3) questions about their previous experience in the context of their application in response to the exhibition design elements team brief for the Paisley Museum Re-imagined project.

3.7 The responses to three (3) questions posed within the ITP from each of the twelve (12) RTP submissions were evaluated by a panel formed of employees from Renfrewshire Leisure Ltd (the "Project Team"). The three (3) Candidates with the highest selection score were selected to take part in dialogue. The selection score for each Candidate within the RTP Stage is noted below:

		Selection (100%)
1	Atelier Bruckner GmbH	83.00%
2	OPERA Amsterdam BV	64.00%
3	Kvorning Design & Communication ApS	57.00%
4	Event Communications Limited	54.00%
5	Ralph Appelbaum Associates Inc.	54.00%
6	ZMMA Limited	41.00%
7	Nissen Richards Studio Limited	36.00%
8	Real Studios Limited	33.00%
9	Mather & Co Limited	30.00%
10	PHASE3 Architecture & Design Limited	24.00%
11	PiM.studio Architects	20.00%

12	Stand Limited	16.00%
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- 3.8 An Invitation to Take Part in Dialogue (ITPD) was issued on 25 June 2018 via the Public Contracts Scotland – Tender platform for downloading by the three (3) Candidates selected to participate in the dialogue with the first round (of the two anticipated sessions) dialogue sessions held individually with each of the three (3) Candidates (then known as “Participants”) between 27 - 29 June 2018.
- Within the first dialogue session, each Participant undertook a guided tour of Paisley Museum and the Paisley Museum Store as well as holding lengthy and comprehensive discussions regarding the Project brief, an overview of the Paisley Museum Re-imagined project, available budget, Council governance and legalities, resourcing and an opportunity for the Participant to detail their intended approach.
- 3.9 Following the first round of dialogue sessions, Participants were issued within an Invitation to Submit Outline Solutions (ISOS), The ISOS documentation was made available for downloading by each of the three (3) Participants via the Public Contracts Scotland – Tender platform on 03 July 2018. By the closing date of 4pm on 16 July 2018, all three (3) Participants submitted their respective outline solution to deliver the requirements of the Contract.
- 3.10 Following review of the three (3) outline solutions received from Participants by the Project Team, the second round of dialogue sessions were held respectively on the 23, 26 and 27 July 2018. As part of the second dialogue session Participants were requested to provide a presentation of their submitted outline solution which allowed the Project Team to clarify any elements identified and which enabled the Project team to give the individual Participant constructive feedback on their proposal. Additionally, with each Participant the Project Team had discussions regarding the scope of requirements / published brief, an overview of questions identified to be included in the final tender documentation and a workshop to discuss the creative element of the final tender process.
- 3.11 Following the second round of dialogue meetings, Participants were each issued within an Invitation to Submit Detailed Solutions (ISDS), The ISDS documentation was made available for downloading by the three (3) Participants via the Public Contracts Scotland – Tender platform on 03 August 2018. By the closing date of 3pm on 14 August 2018, all three (3) Participants had each submitted their respective detailed solution to deliver the requirements of the Contract.

3.12 Once each of the three (3) participants detailed solutions had been received and reviewed by the Project Team, the Project Team provided each Participant with final feedback on their submitted solution via a separate online Skype meeting held on the 24th and 27th August 2018 respectively. Participants were then notified that the dialogue stage of the procurement process had formally closed on 29 August 2018.

3.13 An Invitation to Submit Final Tenders was issued on 29 August 2018 via the Public Contracts Scotland – Tender platform for downloading by the three (3) Participants. By the closing date of 12 noon on 13 September 2018, three (3) Participants (then known as “Tenderers”) had each submitted a Final Tender.

3.14 The three (3) Final Tenders received were evaluated against the published award criteria based on an overall weighting of 80% Quality and 20% Price.

A high percentage weighting was placed upon the Quality element within the Award Criteria to ensure that the Project Team’s aspirations to deliver a world class visitor experience would be met by the successful design team with proven capability in delivering similar services in major cultural / museum projects.

3.10 The scores relative to the Award Criteria for each Tenderer is noted below:

		Quality (80%)	Price (20%)	Total (100%)
1	OPERA Amsterdam BV	50.47%	18.24%	68.71%
2	Kvorning Design & Communication ApS	33.29%	19.47%	52.75%
3	Atelier Bruckner GmbH	38.15%	9.09%	47.24%

3.11 The evaluation of Final Tenders received identified that the Final Tender submitted by OPERA Amsterdam BV. was the most economically advantageous final tender submission.

3.12 A capital budget of £1,000,000 was made available by the Council for these services. Based on the Contract Sum stated at 2.1 (b) above, this represents a non-cashable saving of circa £1,200 against the allocated budget.

- 3.13 Community Benefits were requested as part of the procurement process and OPERA Amsterdam BV advised within their Tender Submission that the following Community Benefits would be made available to the Council for this Contract:

Community Benefit Description	No of People / Activity
Further Education Visits	2
School Visits	2
Non-Financial Support for a Community Project	6

Implications of the Report

1. **Financial** – The financial status of OPERA Amsterdam BV was assessed by undertaking a Dun and Bradstreet evaluation and it confirmed that the company satisfied the Council's requirements in relation to financial stability.
2. **HR & Organisational Development** – No TUPE implications have arisen or are anticipated.
3. **Community/Council Planning**
 - Our Renfrewshire is fair – Tenderers were assessed within this stage 2 of the procurement process regarding their approach to ensuring fair working practices throughout their organisation and supply chain i.e. payment of the living wage, training and development opportunities etc.
 - Reshaping our place, our economy and our future – As the signature project of Paisley's heritage led regeneration strategy, the strategic aims and outcomes of the Paisley Museum Reimagined Project are to deliver a visitor experience of international quality which promotes cultural tourism, restores

civic pride and re-establishes Paisley's profile as a creative, innovative and radical place with the Museum at its heart.

- Creating a sustainable Renfrewshire for all to enjoy – OPERA Amsterdam BV has committed to deliver numerous Community Benefits as detailed within section 3.13 of this report.

4. **Legal** – The procurement of this Services Contract was conducted in accordance with the Competitive Dialogue Procedure of the Public Contracts (Scotland) Regulations 2015 and Council's Standing Orders relating to Contracts for above EU Threshold Services Contracts.

OPERA Amsterdam BV are a non-UK based company registered in Netherlands. With the UK set to leave the European Union in March 2019 and UK governments stance on fair trade, work visas, currency position etc. still unknown, there may be additional issues in delivering requirements of this Contract following "Brexit". The Council identified potential risks following the outcome of the ITP stage of the procurement process and will work with OPERA Amsterdam BV to mitigate any issues, risks etc. that may arise to ensure as smooth a delivery of service as possible.

5. **Property/Assets** –The contract award will be fundamental to the full renovation and restoration of the existing Grade-A Paisley Museum and Library building, the Coats Observatory, Transit House, the Grade C-listed Observatory House, Philosophical Society Buildings together with the provision of a new-build extension and landscaped garden.

The resulting works throughout the project will revitalise the Museum and associated buildings by repairing the building external and internal fabric, stitching together the campus and presenting the whole experience as a more considered, coherent and welcoming attraction.

6. **Information Technology** – No Information Technology implications have arisen or are anticipated.
7. **Equality & Human Rights** – The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because for example it is for noting only. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** – OPERA Amsterdam BV health and safety credentials were evaluated by Corporate Health and Safety and met the Council's minimum requirements regarding health and safety.
9. **Procurement** –The procurement procedures outlined within this report shall ensure that the Council meets its statutory requirements in respect of procurement procedures, efficiency and modern Government.
10. **Risk** – OPERA Amsterdam BV have committed to obtain the Councils minimum levels of insurance coverage. On receipt of insurance certification from OPERA Amsterdam BV, it will be assessed prior to commencement of the Contract to confirm that they have met the minimum requirements regarding insurable risk.
11. **Privacy Impact** – No Privacy Impact implications have been identified or are anticipated
12. **Cosla Policy Position** – No Cosla Policy Position implications have arisen or are anticipated

List of Background Papers

- (a) *Report to Economy and Jobs Policy Board, 11 November 2015, Regeneration of Paisley Town Centre - Paisley Museum.*
 - (b) *Report to Leadership Board, 8 June 2016, The Regeneration of Paisley Town Centre – Paisley Museum Project.*
 - (c) *The Paisley Museum: Vision and Masterplan, and Outline Business Case prepared by Metaphor and BOP Consulting.*
 - (d) *Report to Leadership Board, 30 November 2016, The Regeneration of Paisley Town Centre – Paisley Museum Project*
 - (e) *Report Leadership Board, 20 June 2017, The Regeneration of Paisley Town Centre – Paisley Museum Project*
 - (f) *Report to Council, 28 September 2017, Paisley Museum Project*
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