



ENGLISH HERITAGE

English Heritage Guidance Note on Procuring the services of an Architect/Building Surveyor

Introduction

A background to the legal framework and why you have to undertake this procurement process is set out in the form of a series of questions and answers, and is included with the other documents on our website.

We hope that you will be able to complete the process yourself, but you may wish to seek external help. You can employ an architect or quantity surveyor to help complete the advertisement and tender documents, but you should not seek assistance from any person or organisation who might later wish to tender for the job itself. If you do decide to employ someone you should ensure that any expenses you incur are included in your financial statements when completing your grant application. As an alternative to buying in help, voluntary support may be available from within your organisation or local networks.

If you have already appointed a professional adviser

We will expect you to demonstrate to us why that person is the most appropriate to undertake the work. The reasons are likely to vary in each case, but may include, for example: knowledge and experience of the nature and type of building under consideration; knowledge and understanding of the individual building under repair; knowledge and experience of the type of repair works proposed; and confirmation that they are an appropriately accredited professional.

You should send a letter explaining this (and any tendering process undertaken) to your English Heritage regional office when you accept the grant offer.

If you have not yet appointed a professional adviser

We will expect you to select and appoint a professional adviser through an open tendering process. In this context, open means that a potential advisor with the appropriate qualifications would have a reasonable chance of knowing that the work was available and therefore of submitting a proposal.

Advertisement of the role is therefore required beyond the local geographic area. The process outlined below is one that we believe will give you the best advertisement (for free!) and easiest path to procure the services of your architect/surveyor. However, you do not have to follow this process. Provided there is clear evidence that your architect or surveyor was appointed after public competition with advertising and clear criteria for selection, then you will have complied with the legislation.

Once the tenders are received you are free to select whichever tender you prefer provided the selection is made on the basis of the criteria you have set to deliver



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value for money. You are not required to choose solely on the basis of the lowest tender price. Indeed, we would expect that the emphasis will be on quality.

If you are applying for grant towards a phased programme of repairs you will not have to re-tender for each phase, provided the nature of the whole project and its phases are made clear when you advertise the work. If the project is very large you may need to advertise in the Official Journal of the European Union. Please check the [Office of Government Commerce](#) website for the latest thresholds. We can provide specific advice for any large project.

Ideally, you should tender for professional services at the same time as our detailed assessment of the applications (or earlier).

The Process

1 Advertise for lead professional adviser (architect/building surveyor)

One way of advertising for an architect or building surveyor is through the website operated by BiP solutions (www.delta-ets.com). This will allow as many people as possible to see the advert and will comply with procurement regulations. There are separate notes on this part of the process on our website.

Before you start, you will need to consider how you are going to manage the whole process. It may be advisable to appoint somebody to act as the focal point, representing you (the applicant) in dealing with the tenderers. He/she may need to be supported by a small working group to help with decision making, administration etc. You will need to arrange for meetings of this group at key points in the process, and their recommendation may need ratification by your governing body. These meetings can be set-up well in advance so as to avoid delay.

2 Receive expressions of interest

Once the advert has been placed on the website, you need to prepare for the return of the expressions of interest. The group will need to examine each of them to ensure they comply with the conditions of the advertisement. (We recommend that as a minimum you require any tenderer should meet the conditions of our grant and that they must be an architect or chartered building surveyor with conservation accreditation.) You need to record the expressions of interest received, including confirmation that they comply with the advertised conditions.

3 Reject any expression of interest not meeting advertised conditions

You may need to convene a meeting of your governing body to ratify the decision to reject any non-compliant expressions of interest. You should not reject any practice unless it does not comply with the requirements of the advertisement. The regulations seek to make the whole process transparent, and open to anyone who is technically capable and qualified to carry out the work.



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You will need to write to the unsuccessful practices informing them of the decision not to include them on the tender list.

4 Decide on selection criteria for tenders

As soon as the advertisement has been placed, you need to prepare to send out the tender documentation. You will need to decide on the criteria for the selection of the tenderers, and how much weight you will give them. The regulations require that the criteria and the weightings are given in the tender documents (see page 7 below and sections D1 and D2 of the tender document). Firstly, you need to decide what weighting to give to quality and price, i.e. is price more important than the quality of the work. We suggest:

- The maximum quality score to be 70%
- The maximum price score to be 30%

Next, the criteria for quality submission need to be agreed, together with the weightings, again our suggestion is:

	Weighting
<i>Practice and Company</i>	
Relevant experience	20%
References	20%
<i>Key project personnel</i>	
Qualifications and relevant experience of project architect/surveyor	45%
Communication skills	15%

You may wish to change the criteria for others that you consider more relevant. Other criteria you could use are:

Practice and Company

- Organisation
- Financial status
- Quality assurance
- Workload and resources
- Management systems
- Ability to innovate

Project Organisation

- Organisation of project team
- Authority levels of team members
- Logistics related to site and other consultants
- Planning and programming



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Key project personnel

Name and curriculum vitae of the Partner in charge and other key personnel
Understanding of project brief
References

Project execution

Programme, method and approach
Management and control procedures
Resources to be applied
Environmental, health and safety matters

If you decide to amend any of the criteria or the weighting, do not forget to amend the Tender Documentation and Score Sheet (see pages 7 and 8 below).

5 Produce tender documents

We have prepared a suggested tender document. This document will need to be sent to anyone who submitted an expression of interest that complies with the advertised conditions.

This tender documentation assumes you will be using “The CIC Consultants' Contract Conditions - first edition 2007” as the form of contract between you and your architect/surveyor. (Our grant conditions require that you use a relevant standard form of written contract; this is one that would fulfil that condition.) This form of contract can be used with any discipline of consultant, and is issued by the Construction Industry Council. Most other forms are published by the professional body representing the discipline e.g. RIBA for architects and the RICS for surveyors. We have therefore suggested the CIC form as it will be suitable for both architects and building surveyors without major amendment. The documentation here is only suitable for the CIC form, and will need to be re-written if you wish to use another form. The sample tender document has been completed for repairs to the fictional church of St Peter, Bridge Norton. The parts of the document that require completion by you have been highlighted in yellow.

Part A1

This defines the contract, and makes the only amendment to the contract, which is to bring it in line with the conditions of grant for the copyright (and Intellectual Property rights) of the material that is produced with grant money.

Part A2

You need to complete:

1. Your name and address as the Client under the contract.
3. The conditions are capable of being used for disciplines other than architect/building surveyor, but you will need to amend this section.



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4. Insert a brief description of your project.
5. The contract can be executed as a deed or under hand, if you intend to execute the contract as a deed you will need to amend the highlighted text to “as a deed”.
- I-1 Insert the name of the site that is the subject of the grant-aided works.
- I-2 Insert the date on the Client Brief (See Section C).
- I-3 Insert the name of your representative.
- I-4 If you wish to limit the amount of authority your representative has, insert that amount here. If your representative has unlimited authority, leave this blank.
- I-6 Delete from the list any consultant you do not intend to appoint. The CDM (Construction (Design and Management)) regulations will require you to appoint a CDM Co-ordinator, but only include other consultants that you know you will need. Because you have not included them here does not mean that you cannot appoint them later.
- I-8 We suggest a minimum level of £1,000,000 for the professional indemnity insurance to be held by your architect/surveyor. Alter the amounts highlighted if you wish to change it.
- I-9 Similarly amend the highlighted amounts if you wish to change the consultant’s liability.
- I-10 Insert your address. If you do not have a fax insert N/A or leave blank. This address is the ‘official’ address where your architect/surveyor is to address all important communications that need your attention.
- I-12 In the event of a dispute between you and your consultant, the contract allows for adjudication, the adjudicator being appointed by the president of one of the professional bodies listed in the contract. You need to indicate which. We suggest the Chartered Institute of Arbitrators.
- I-13 The contract has four optional clauses:
 - 6-1 Where the consultant undertakes design;



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- 6-2 Where the consultant is to act as contract administrator under the Works contract;
- 6-3 Where the Works contract requires an information release schedule;
- 6-4 Where the Works contract is a design and build contract and the services of the consultant are to be novated to the contractor.

6-1 and 6-2 are appropriate for your architect/surveyor

- 1-14 Insert the limit of the consultant's financial authority without obtaining prior authority.

Part 7 – THE SERVICES (Section B)

Insert your name or your organisation's name, and the brief description of the works on Page 8

You now need to confirm the services you require from your architect/surveyor. We have included a standard list of services for an architect/surveyor. Our suggestion is that you adopt all the services not highlighted, and **DELETE** the services **highlighted in blue**.

CI THE CLIENT BRIEF

The purpose of the client brief is to define the project, particularly referring to any restriction on quality, price and timing. You will need to date the document. This date will also need to be inserted at 1-2 on page 5.

Provide a short description of the work. You will need to amend the form of contract if you intend using another for the Works.

Check the dates for the offer of grant etc. The date of offer for the project development or one-off repair grants is usually six months after the deadline for the grant application.

D INSTRUCTIONS TO TENDERERS AND SELECTION CRITERIA

- D1.1 If you have decided to change the weighting between quality and price, the change will need to be made here.
- D2.1 Again if you have decided to change any of the selection criteria, or their weightings, you need to amend them here.
- D4.1 Insert the address for the return of tenders.



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D4.2 Insert the date for the return of tenders. A realistic tender period would be 3 – 4 weeks. You will need to make sure the information given here matches that you have given in the Tender Letter.

D7.1 Insert the contact details for the arranging of site visits.

SECTION E – CONSULTANTS OFFER

On page 20 insert your name and the date of the letter inviting tenders.

6 Issue invitations to tender

Once you have prepared the tender documentation you will need to send it to anyone who submitted an expression of interest that complies with the advertised conditions. A suggested invitation letter is included. You will need to insert a suitable title, your name, where the tenders are to be returned to and the date of return. A realistic tender period would be 3 – 4 weeks. You will need to make sure that the instructions for returning tenders matches that you have given in the Tender Document (Section D pages 16/17).

7 Receive tenders

You will again have to make provision to receive the tenders. They should not be opened until the time for return, and should be opened together. You will need to keep a record of the tenders received.

8 Sift tenders and select

You now come to the most important part of the tender process, the selection of your consultant. You must examine the tenders, and score the quality submissions. This would best be done by the working group (and they will need to set aside time to do this).

A score sheet (an Excel document) is available from our website to help you. You will need to complete the cells that are not highlighted. Cells that are highlighted blue should only be altered if you are amending the quality assessment criteria or the weighting.

You will need to give it a suitable title, and enter the estimated amount of the repairs on the top of the sheet. Then you need to enter the names of the architects/surveyors tendering, if there are less than six tendering, leave the extra ones blank. If there are more than six you will need to copy the last two columns and insert the copied columns (if you are unsure how to do this you we can help you, or put you in contact with someone who can!). Also, if you have decided to amend any of the selection criteria, or the weightings, do not forget that you must make the appropriate amendments to the spreadsheet.



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You must now carefully read all the quality submissions, and score each of the quality criteria for each consultant out of 10. Enter the score in the appropriate box. The formulas in the spreadsheet will automatically weight and total the quality scores.

The price details can now be entered. These should come directly from page 20 of the Tender Document. Enter the lump sums for such items that will be required (for example, an access audit or costed maintenance plan) on the box provided, and then the percentage fee.

The whole of the sheet will now provide the total score for each of the consultants, and give a ranking.

The tender documentation allows for you to interview the tenderers. You do not have to do this; but we would strongly recommend it. We would not recommend that you interview more than the three highest scoring consultants. You will need to make sure that the proposed project architect/surveyor, not just a representative of the practice, attends the interview. You will need to score the interviews in the same way you scored the submissions (using the same criteria and weightings) on a separate copy of the score sheet. This will then give you the final results.

9 Receive EH decision

We suggest that you do not make the appointment of the architect/surveyor until you have received the grant offer from English Heritage. If you do not receive an offer of grant you must decide what to do. You may decide not to appoint, and you will need to write to each consultant explaining the position and thanking them for participating. However, if you intend to continue with the project and reapply for grant, it may be more sensible to appoint now, explaining the position (change of timetable etc.), so that you will not have to carry out the same process after the next application.

10 Appoint lead professional adviser

You are now in a position to appoint your architect/building surveyor. A suggested award letter is included. You will need to insert a suitable title, your name, and the name and contact information of your representative dealing with the consultant (this should be the person named at 1-3 on page 5 of the Tender Document). A letter will also need to go to the unsuccessful tenderers, informing them that they have not been successful, and thanking them for their participation in the tendering process.

11 Brief and instruct lead professional adviser

You now need to instruct your newly appointed architect/building surveyor to start work on the project. He/she will have a fairly tight timescale to complete all the work necessary within the set timescales. You should ensure they have copies of the grant offer documentation. In particular they will need a copy of the EH Report that outlines the work to be carried out as part of the grant, and a copy of the 'Managing



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your grant' document. You may also consider giving them a copy of the grant contract so they are aware of all your obligations under the contract.

Notes

RIBA is the Royal Institute of British Architects

RICS is the Royal Institution of Chartered Surveyors