

1.0 OBJECTIVE

1.1 To establish, implement, and maintain a procedure to define the requirements for the appointment of consultants.

2.0 SCOPE

2.1 This procedure applies to the processes relating to the appointment of contractors, as utilised by the Development department.

3.0 RESPONSIBILITY

3.1 The Management Representative is responsible for the implementation and maintenance of this procedure.

3.2 The Director is responsible for ensuring that any issues raised by the Management Representative in relation to this procedure are addressed in a timely and effective manner.

4.0 RELATED DOCUMENTS

4.1 Refer to procedure and appendix

4.2 Scheme audit checklist

4.3 DfC Housing Association Guide:

<https://www.communities-ni.gov.uk/collections/housing-association-guide>

5.0 DEFINITIONS

5.1 IMS: Integrated Management System (QMS and EMS)

5.2 DfC: Department for Communities

6.0 INTRODUCTION

6.1 Apex Housing Association ('the Association') is governed by public law and as such is subject to the regulatory and policy framework that applies to the procurement of Consultants by grant funded organisations operating in Northern Ireland. The key regulatory and policy areas are as follows:

- The Public Contracts Regulation 2015
- The Department's Procurement Section of the Housing Association Guide (HAG)
- Northern Ireland Public Procurement Policy Version 8 dated October 2012
- Procurement Strategy for the Social Housing Development Programme dated October 2008
- Procurement Guidance Notes (PGN) - The Procurement section of the HAG includes a number of PGNs that set out policy and procedures for all aspects of public procurement.

The Association is committed to the principles of equal opportunities and fairness for all and will endeavour to ensure this when implementing the following policies and procedures regarding the appointment of Consultants. Selection will be on the basis of a Consultant's ability to undertake and successfully complete the services required to deliver works contracts.

7.0 PRINCIPLES

7.1 The appointment of all Consultants will be made by the Association on a fair and equitable basis. The Association will appoint an appropriate Consultant(s) in writing for all contracts as follows:

Band	Value	Procedure
1	Up to £5,000	Association must demonstrate that value for money achieved by carrying out a price check with a minimum of 2 suppliers.
2	>£5,000 <£30,000	Association to invite a minimum of two tenders or quotations.
3	>£30,000 <EU Procurement Threshold	Publicly advertised tender competition
4	EU Procurement Threshold	All tenders above £173,934 for services contracts to be advertised in Official Journal of European Union (OJEU) and, where appropriate, advertised locally.

PGN 05/12¹ will also apply for all contracts above £30k and below the EU Procurement threshold. Only those Consultants registered with Constructionline will be considered. Where a Consultant is not registered with Constructionline or the Active Status is no longer in place, a PQQ1A Financial Addendum must be completed by the Consultant and assessed by Constructionline to determine if that same Consultant has the required notation.

7.2 In considering the appointment of Consultants the primary consideration of the Association will be that they have the necessary technical expertise and resources to complete the commission to the required standard and within the required time frame.

7.3 Frequently particular factors associated with a proposed project or with the site/property being developed will influence the Association's decision when making an appointment. Subject to the requirements of the Public Contracts Regulations 2015 and Procurement Section of the HAG, such factors may include the following circumstances:

- (i) Where a specific technical expertise is an important factor in the project; and
- (ii) Where major renovations or extension are being considered to an existing scheme, the original Consultants may retain important proprietary information about design issues.

7.4 In considering any appointment the previous and present performance of the firm in respect of earlier work for Apex and/or housing association work generally will be a consideration. This applies particularly in respect of:-

- (i) Their ability to control costs;
- (ii) The level of expertise offered from within the practice; and
- (iii) Ease of communication and rapid response.

¹ PGN 05/12 Simplified Approach to Procurement over £30k and Under Threshold

7.5 All Consultants appointed by the Association must have:

- (i) adequate professional indemnity insurance
- (ii) Relevant qualifications and experience for the range and scale of expertise required
- (iii) a written statement in respect of the firms health and safety policy
- (iii) must not be an unqualified person for the purposes of the Fair Employment (NI) Act 1998
- (iv) Constructionline registration
- (v) Health and Safety – as a condition of appointment, all consultants to achieve a rating of not less than 2 in all categories of the Health & Safety Executive's self-assessment of Commitment Duties under the CDM Regulations.

7.6 All appointments must comply with the Public Contracts Regulations 2015 (where relevant).

8.0 PROCEDURES

Framework Agreement for an Integrated Design Team for New Build Projects

8.1 The Association shall procure and manage the Framework Agreement of Integrated Design Teams (IDT) for the provision of professional construction services for New Build schemes for the following disciplines:

- (i) Architect and Lead Consultant
- (ii) Quantity Surveyor
- (iii) Mechanical & Electrical Engineer
- (iv) Civil & Structural Engineer
- (v) CDM Co-ordinator
- (vi) Code for Sustainable Homes Assessor (where appropriate)

8.2 This Framework Agreement will be used for all IDT appointments for new build projects that are included in the Social Housing Development Programme and funded by the Department. The appointment of an IDT will be made following a mini-competition process or direct award (where applicable) for the following Bands:

Band	Description
1	Projects with an estimated construction value of up to £300,000 will be made by direct award. Projects with an estimated construction value greater than £300,000 but less than £3,000,000 will be made following a mini-competition.
2	Projects with an estimated construction value greater than £3,000,000 but less than £6,000,000 will be made following a mini-competition.
3	Projects with an estimated construction value greater than £6,000,000 will be made following a mini-competition.

- 8.3 The decision to appoint an IDT from this Framework Agreement will be made by the Director of Development & Procurement and subsequently endorsed by the Development Committee on behalf of the Board of Management.
- 8.4 The Association will monitor the performance of an IDT in accordance with PGN 01/12². The performance of the IDT will be monitored and reported to Construction line. Any unsatisfactory performance will also be brought to the immediate attention of the Development Committee and a record retained for future appointments.
- 8.5 In addition to verbal briefing, the IDT appointed from the framework agreement will be provided with a written brief at the time of appointment.

Framework Agreement for an IDT for Planned and Cyclical Maintenance

- 8.6 The Association shall procure and manage the Framework Agreement of Integrated Design Teams (IDT) for the provision of professional construction services for Planned and Cyclical Maintenance for the following disciplines:
- (i) Architect or Building Surveyor and Lead Consultant
 - (ii) Quantity Surveyor
 - (ii) Mechanical & Electrical Engineer
 - (iv) Civil & Structural Engineer
 - (v) CDM Co-ordinator
- 8.7 This Framework Agreement will be used for all IDT appointments for Planned and Cyclical Maintenance; Existing Satisfactory Purchases (ESP) and Stock Condition Surveys. The appointment of an IDT will be made as follows:

Description	Contract Award Procedure
ESP Professional Construction Services	Direct Award
Carrying out of Stock Condition Surveys'	Direct Award
Works with an estimated construction value of less than £30,000	Direct Award
Works with an estimated construction value of more than £30,000.	Mini-competition

- 8.8 The Association will monitor the performance of an IDT in accordance with PGN 01/12. The performance of the IDT will be monitored and reported to Construction line. Any unsatisfactory performance will also be brought to the immediate attention of the Development Sub Committee and a record retained for future appointments.
- 8.9 In addition to verbal briefing, the IDT appointed from the Framework Agreement will be provided with a written brief at the time of appointment.

² PGN 01/12 Contract Management Procedures and Principles

9.0 FORM OF CONTRACT

It is requirement of the HAG that the Association use the suite of NEC3 forms of contract for the procurement of construction works and services (excluding OTS). Forms of contract other than NEC should only be used for the construction works and services if they demonstrably add value in comparison to NEC3. The prior approval of the Head of Procurement, NIHE is also required if NEC3 is not being used by the Association.

Revision status

Issue No.	Section	Description of Change	Changed By	Date
1	All	First issue		Feb 1996
2	All	Revised		Jan 2009
3	All	Format revised to match ISO procedures. Reference to HA guide and Scheme Audit Checklist added.	T Doherty	15 Nov 10
4	All	North & West replaced by Apex.	T Doherty	14 Dec 10
5	All	Procedure revised to reflect current practice	T Doherty	12 Apr 11
6	All	Procedure revised to reflect current practice	T Doherty	14 Nov 12
7	8.2 and 8.7	Tables updated to reflect current practice.	T Doherty	24 Nov 15
8	All	DSD updated to DfC	T Doherty	23 Aug 17
9	All	Procedure reviewed. No change. Next review date updated	T Doherty	20 Nov 18
10	All	Procedure updated to reflect current practice.	T Doherty	02 Dec 20

Next Review: December 2021