

To: Jenny Jackson[jackson@kctmo.org.uk]; dgibson@kctmo.org.uk[dgibson@kctmo.org.uk]; Sasha Kulidzan[skulidzan@kctmo.org.uk]
Cc: CASH Simon[simon.cash@uk.arteliagroup.com]
From: BOOTH Philip
Sent: Fri 8/16/2013 12:51:43 AM
Subject: Grenfell Tower refurbishment programme - OJEU Notice CHANGES NEEDED
[DRAFT OJEU notice.pdf](#)
[130815 PQQ evaluations criteria report.doc](#)
[Contractor PQQ Client Ref form.xls](#)
[PQQ - Grenfell Tower.docx](#)
[PQQ initiation letter.doc.docx](#)

Jenny and David,

Good to meet you the other day and review the OJEU PQQ.

Please find attached drafts for your comment and review:

- 1. OJEU notice
- 2. PQQ report
- 3. PQQ questionnaire
- 4. PQQ letter
- 5. Reference form

Please let me have your comments please by Monday so I have an opportunity to review ahead of publishing the notice on my final day before holiday (Tuesday next week).

I will review myself tomorrow for any late night mistakes I may have made.

Kind regards
Philip



Philip Booth

Associate Project Manager

ARTELIA UK

Tubs Hill House • London Road • Sevenoaks • Kent • TN13 1BL • United Kingdom

Tel : [REDACTED] Mob : [REDACTED] www.uk.arteliagroup.com



From: Jenny Jackson [mailto:jackson@kctmo.org.uk]

Artelia_00001647

ART000008935/1
ART000008935_0001

Sent: 14 August 2013 10:24
To: BOOTH Philip
Subject: FW: Grenfell Tower refurbishment programme - OJEU Notice CHANGES NEEDED
Importance: High

Needs spell checking

From: Jenny Jackson
Sent: 13 August 2013 22:36
To: David Gibson
Subject: Grenfell Tower refurbishment programme - OJEU Notice CHANGES NEEDED
Importance: High

The drafting of 11.1.5 should be improved (most of it follows my “stream of consciousness” drafting which was just given as an example). Is Grenfell occupied by 120 residents or are there 120 residential units? Big difference.
“KCTMO are looking” is repeated 3 times!
Alternative wording attached. It is VERY important that this wording is professional and appealing so the “best” contractors apply.
This took ages so please be impressed!!

I hope you have press release ready for when the OJEU goes out. Have we briefed the Press Office (this is a public notice so likely to be some calls)? Have we thought about an article in Social Housing? This is £10m – so get some good publicity out of it!!!

J

From: David Gibson
Sent: 13 August 2013 16:51
To: Jenny Jackson
Subject: FW: RBKC TMO - Grenfell Tower refurbishment programme - OJEU Notice [TH-CNST.FID131589]

Jenny, most recent OJEU notice after 2 rounds of Trowers comments. Still needs decision on who to return to.

David Gibson
Head of Capital Investment



t: [REDACTED]
m:
a: The Network Hub, 292a Kensal Road, London, W10 5BE
 Before printing, please think about the environment

From: BOOTH Philip [<mailto:philip.booth@uk.arteliagroup.com>]
Sent: 09 August 2013 11:20
To: David Gibson
Cc: Sasha Kulidzan
Subject: RE: RBKC TMO - Grenfell Tower refurbishment programme - OJEU Notice [TH-CNST.FID131589]

David and Sasha,

Please find attached updated OJEU notice with my notes below in red. I understand we are going to meet on Monday at your offices at 1pm to review this and the PQQ draft and programme previously sent. I have also got the initial comments from Jenny which I will review for discussion on Monday.

Kind regards

Artelia_00001647

Philip



Philip Booth

Associate Project Manager

ARTELIA UK

Tubs Hill House • London Road • Sevenoaks • Kent • TN13 1BL • United Kingdom

Tel : [REDACTED] Mob : [REDACTED] · www.uk.arteliagroup.com



From: David Gibson [<mailto:dgibson@kctmo.org.uk>]

Sent: 02 August 2013 15:16

To: BOOTH Philip

Cc: Sasha Kulidzan

Subject: FW: RBKC TMO - Grenfell Tower refurbishment programme - OJEU Notice [TH-CNST.FID131589]

Philip, final comments.

I will try to get back to you on Monday re communication lead/ address.

regards

David Gibson

Head of Capital Investment



t: [REDACTED]

m:

a: The Network Hub, 292a Kensal Road, London, W10 5BE

Before printing, please think about the environment

From: John Forde [<mailto:JForde@towers.com>]

Sent: 02 August 2013 14:01

To: David Gibson

Cc: Christopher Pedder; Sasha Kulidzan

Subject: RE: RBKC TMO - Grenfell Tower refurbishment programme - OJEU Notice [TH-CNST.FID131589]

Artelia_00001647

ART00008935/3
ART00008935_0000

Hi David

Further to our correspondence this morning, I enclose our comments on the revised OJEU Notice. Our comments follow the paragraph numbering of the OJEU Notice.

II.1 – As noted earlier, if Artelia or another consultant is going to be the main contact point for bidders and issue PQQs, then their details need to be completed in Annex 1 of the Notice. I haven't put anything in on this yet awaiting your confirmation.

II.1.5 – The first paragraph is fine, though we note a number of references to design innovation and looking for a contractor with a strong design flair. As the project appears to be being designed by the KCTMO's architect, whose appointment will be novated to the contractor, it is likely that the contractor will simply be asked to construct a pre-existing design, rather than provide their own design team and submit new designs to KCTMO for approval. With that in mind, the focus on design in these paragraphs may be misleading to bidders. Can I suggest that this section be redrafted to give a more precise explanation of what the contractor is expected to do re design? Wording adjusted

II.1.6 – The first CPV code, 45211000 (Construction work for multi-dwelling buildings and individual houses) is not relevant as this project doesn't involve construction for individual houses, and should be deleted. The final CPV code, 45453100 (Refurbishment work) is not needed as you already have a CPV code for "Overhaul and refurbishment work". The remaining CPV codes are acceptable, though somewhat generic. As per our earlier comments we recommend that you add additional CPV codes for the specific work types being undertaken – windows replacement, external cladding, roofing, mechanical and electrical works. This will be far more helpful to bidders as it will give them a steer as to the works being undertaken. (A lot of bidders will search OJEU Notices on the basis of CPV codes rather than the narrative description, so it is important to get this section as accurate as possible). Codes changed as advised and additions added.

IV.3.3 – This should be completed. Based on the narrative elsewhere about PQQs being available up to a week before the return date, this should be 2 September 2013 at 1pm. Done but will need changing depending on date of issue.

IV.3.4 – This date is acceptable, but do make sure to check before the OJEU Notice is despatched for publication that you have given at least 30 calendar days for bidders to return PQQs, and that this date is consistent with the return date stated in the PQQ itself.

VI.3 – The first three sentences in this section are not necessary and can be deleted. Complete

VI.4.1 – A postal address should be given for the High Court. Complete

VI.4.3 - A postal address should be given for the Cabinet Office. Complete

Annex 1 – As above, this should be completed if you have a body other than KCTMO as the main contact point for bidders. To be completed when advised.

Please let me or Chris know if you have any questions about any of the comments.

Kind regards

John Forde

Senior Associate
Trowers & Hamlin LLP
3 Bunhill Row
London
EC1Y 8YZ
DX 774 Lon/City

d
m
t
f

www.trowers.com

From: David Gibson [<mailto:dgibson@kctmo.org.uk>]

Sent: 02 August 2013 10:56

To: John Forde

Cc: Christopher Pedder; Sasha Kulidzan

Subject: FW: RBKC TMO - Grenfell Tower refurbishment programme - OJEU Notice [TH-CNST.FID131589]

John,

Artelia_00001647

ART00008935/4
ART00000000_0004

We now have a revised OJEU for hopefully final comment.

I believe most of your comments have been taken on board. We have however, given an upper limit of tenders, but have allowed for a minimum of 5.

We have yet to make a final decision regarding administration and who it will be returning to.

Over to you and thanks in anticipation

regards

David Gibson
Head of Capital Investment



t: [REDACTED]

m: [REDACTED]

a: The Network Hub, 292a Kensal Road, London, W10 5BE

Before printing, please think about the environment

From: BOOTH Philip [<mailto:philip.booth@uk.arteliagroup.com>]
Sent: 02 August 2013 00:25
To: David Gibson
Cc: Sasha Kulidzan
Subject: RE: RBKC TMO - Grenfell Tower refurbishment programme - OJEU Notice [TH-CNST.FID131589]

David,

I have adjusted the OJEU notice as per the 2 emails you forwarded to me.

Please find attached revised revision for your approval.

I couldn't make John Forde's comments about sections IV.4.4 or IV.3.7 as neither numbers were available to complete on the OJEU electronic notice I was preparing?

Depending on when we can get approval I will need to amend the return date. At the moment it is 10th September but that assumes approval by 2nd Aug, which is very short.

Please advise if you wish me to manage the returns and questions, in which case I will complete Annex A or TMO will and I will need the name, address, email, phone etc.

Kind regards

Philip

Philip Booth



Associate Project Manager

ARTELIA UK

Tubs Hill House • London Road • Sevenoaks • Kent • TN13 1BL • United Kingdom

Tel : [REDACTED] Mob : [REDACTED] www.uk.arteliagroup.com

Artelia_00001647

ART00008935/5
ART00008935_0000



From: David Gibson [<mailto:dgibson@kctmo.org.uk>]

Sent: 31 July 2013 16:56

To: BOOTH Philip

Cc: Sasha Kulidzan

Subject: FW: RBKC TMO - Grenfell Tower refurbishment programme - OJEU Notice [TH-CNST.FID131589]

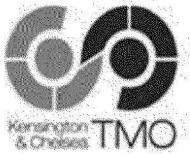
Philip, quite a lot of comment here. I will let you digest and amend as necessary.

We can discuss in our meeting tomorrow.

I will also forward some commentary separately from our in-house procurement person. It won't be amended so you will see the comments in their raw state. We need to take account of the points which are valid.

regards

David Gibson
Head of Capital Investment



t: [REDACTED]

m:

a: The Network Hub, 292a Kensal Road, London, W10 5BE

Before printing, please think about the environment

From: John Forde [<mailto:JForde@towers.com>]

Sent: 31 July 2013 11:30

To: David Gibson

Cc: Christopher Pedder

Subject: FW: RBKC TMO - Grenfell Tower refurbishment programme - OJEU Notice [TH-CNST.FID131589]

Dear David

By way of introduction, I am a senior associate solicitor in the Projects & Construction department, and I am working with Chris Pedder on this procurement.

Further to your emails to Chris, we have received the OJEU Notice prepared for the Grenfell Tower refurbishment contract. We have restricted our comments to suggestions for amendments, though please let us know if you would like us to undertake any redrafting of the Notice. We have also reviewed Jenny Jackson's comments on the Notice, and have added our comments to these where relevant.

Our comments are as follows, following the paragraph numbering in the Notice:

Artelia_00001647

I.1 – This section has been incorrectly completed. The details here should only relate to the TMO. If Artelia UK is to be the main contact point for bidders, then Annex A.1 will need to be completed, and the "Other" option should be selected in the last three questions in this section. However, if the TMO will be the main contact point, then Artelia's details should be deleted from this section.

I.2 – The TMO has been classified as a local authority. This is not correct, as the TMO is owned by tenant members rather than the Council, and it should therefore be classified as a "Body governed by public law". However, if the contract is being procured on behalf of the Council, with the Council to be the signatory on the contract, then this should be stated in the OJEU Notice.

II.1.5 – This section is the main opportunity for the contracting authority to give details of the procurement. It currently has only two lines providing a basic outline of the works, which is not adequate to give the market a steer as to the subject matter or scope of the contract. This section should explain, at a minimum:

- The form of EU procedure to be used
- The number of contractors to be appointed
- The duration of the project
- The form of delivery contract to be entered into
- Details of the location of the works
- The cost breakdown of each element of the works (cladding, windows, etc)
- Any special requirements (eg. Environmental considerations, resident involvement, etc)
- Details about the appointment of the design team and supply chain (are you expecting the contractor to have their own team, or will you be asking them to take novations of existing consultant appointments?)
- Details of variant bids and how this will work.

II.1.6 – The first two CPV codes (45211000 and 45211100) are the same. Neither of these are relevant as they refer to new build construction work for houses, whereas this programme is for refurbishment of a tower block. The third CPV code (45211300) is also not relevant. The fourth and fifth CPV codes are acceptable, but very generic, and won't give bidders much of a steer as to the nature of the works. We recommend that additional CPV codes are provided to describe the specific types of work being undertaken (cladding, window replacements, etc).

II.1.7 – On the assumption that the TMO is entering into the contract independently of the Council, the correct answer here is "no". If the contract is being entered into on behalf of and for the benefit of the Council, then the correct answer will be "yes".

II.1.8 – It is stated that the contract is not being advertised in Lots, and that there will be a single contract awarded. We assume that the TMO is happy with this.

II.1.9 – Variant bids have been opted for. This needs to be explained further, as it will have an impact on the evaluation of tenders. In para II.1.5, there should be an explanation of which aspect of the programme variant bids will be considered for.

II.2.1 – The contract value has been given as a value between £7 - £10m. This range needs to be explained to bidders. We also suggest that relative values should be given for each component of work, so bidders can get a sense of how much cladding/windows work there will be, etc.

III.1.1 and III.1.2 – Just state "As set out in the tender documents".

III.1.3 – This section covers what happens when a consortium wins the contract. Jenny has commented that a consortium must form a single legal entity. This is not quite correct, as the EU Regulations allow the contracting authority to specify a range of legal structures for a consortium. We usually state here that the consortium members should give joint and several liability for their work. However, if there is a particular reason why you would want a single legal entity to complete the work, it should be stated here.

III.2.1 – III.2.3 – This should state "As set out in the tender documents". "Questionnaire" is misspelled throughout. In III.2.2 and III.2.3, the contracting authority has the opportunity to set minimum financial and quality standards to be able to bid for the contract, so the TMO should confirm whether they want to set these.

IV.1.2 – The minimum number of bidders invited to tender must be 5, to comply with the EU Regulations. We suggest not adding an upper number of bidders, to give the evaluation team flexibility to decide this at the time.

IV.3.1 – If the TMO have an internal reference number for this procurement, they can add this here.

IV.4.4 – This section should be filled in. There is text in para VI.3 that purports to set this deadline, but it should be stated as a date here).

IV.3.4 – The deadline for receipt of PQs is stated as per an OJEU Notice publication date of 24 June 2013, so this date is now obsolete. This will need to be recalculated to be at least 30 calendar days from the date that the OJEU Notice is despatched for publication.

IV.3.7 – If possible, this section should be completed to state that bidders must stand by their tender for a minimum of 6 months.

Artelia_00001647

VI.3 – The first three sentences can be deleted, as these refer to dates that should be stated elsewhere in the Notice. In the fourth sentence there is a reference to the award of a framework agreement which is not relevant and which should be deleted so as to avoid confusing bidders.

VI.4.1 and VI.4.2 – This should be a reference to the High Court of England and Wales.

VI.4.3 – This should be a reference to the Cabinet Office.

Annex A.1 – If Artelia UK are to be the main contact point for bidders, this section needs to be filled in with their details.

Please let me or Chris know if you would like to discuss any of the points raised above, or if you would like us to provide some redrafting for the Notice.

Kind regards

John Forde

Senior Associate
Trowers & Hamblins LLP
3 Bunhill Row
London
EC1Y 8YZ
DX 774 Lon/City

d
m
t
f

www.trowers.com

From: Christopher Pedder
Sent: 30 July 2013 10:38
To: John Forde
Subject: FW: OJEU

John

Attached is draft OJEU. We have been asked to do a health check so for present its comments only. Suggest email with comments and say we can provide drafting/text as required

You can ignore the LHC guide

I'm getting a file made up.

Christopher Pedder

Trowers & Hamblins LLP
3 Bunhill Row
London
EC1Y 8YZ
DX 774 Lon/City

d
m
t
f

www.trowers.com

From: David Gibson [<mailto:dgibson@kctmo.org.uk>]
Sent: 25 July 2013 16:38
To: Christopher Pedder
Cc: Paul Dunkerton
Subject: FW: OJEU

Chris,

Artelia_00001647

I have been passed your name by my Director of Assets and Regeneration, Peter Maddison, whom I think you have worked with previously.

We are about to commence procurement of a package of works to an existing tenanted tower block. The works involve new cladding to the tower, a new heating system, and new housing to the lower floors. There are leaseholders, but no recharges are to be made, and hence no section 20 notices will be served. The build cost is likely to be circa £9m

We were in negotiations via an i-easy framework with Ledbitters who are developing an adjacent school and leisure centre for RBKC. Negotiations have been protracted, and we are over our budget as advised by our cost consultants Appleyards. We have informed Ledbitters of our intention to procure on the open market, and they have raised no objections, and it seems unlikely they will tender.

We have considered tapping other frameworks, but are leaning towards posting our own OJEU notice with Appleyards leading for us on the procurement.

We would like a fee proposal from you for a health check on the initial OJEU notice (draft attached). The fee proposal should also allow for giving us an overview of documentation at key stages of the procurement.

I understand you are not in the office today, and there is probably much more detail you need from me. Perhaps we can discuss tomorrow. I am likely to be free between 11.00 and 12.00. If this is not suitable perhaps you can offer me some alternative times. I have a meeting on site first thing, but should be back in the office circa 11.00. I will be picking up e-mails.

Hopefully we can arrange a convenient time. I am keen to get some initial advice in parallel to agreeing the overall fee proposal

Regards

David Gibson
Head of Capital Investment



t: [REDACTED]

m:

a: The Network Hub, 292a Kensal Road, London, W10 5BE

Before printing, please think about the environment

From: BOOTH Philip [<mailto:philip.booth@uk.arteliagroup.com>]

Sent: 24 July 2013 17:39

To: David Gibson; Paul Dunkerton; Peter Maddison

Cc: CASH Simon; POWELL Robert

Subject: OJEU

David,

We spoke this morning about OJEU and LHC Framework. We have previously compare the two procurement routes and these are programmed on our attached near term action plan. The timescales are not too dissimilar but the OJEU route was considered a great way of demonstrating value for money as it is a open procurement method.

I attach the LHC framework procurement guide for your information. It details the scope of the framework and the contractors on there. I know from speaking to Simon that some of the contractors on the frameworks were not very interested in the Grenfell Tower project and there are some that are not very desirable to you as the client.

We still recommend the OJEU procurement route. To this end I have prepared a draft notice for issue. There are some queries I have:

Section 1.2 – what type of contracting Authority are TMO? I may have got this wrong?

Artelia_00001647

ART00008935/9
ART00008935_0000

Section II.2.1 – I have inserted a value range £7-10M
Section II.3 – I have assumed a 14 month build programme.
Section IV.3.4 – I have put 10th Sept as the PQQ return date and explained this in Section VI.3.

If you are still wishing to proceed with an OJEU notice please can you forward to your legal team for review. Could we have a response to this notice by Friday please?

Kind regards

Philip



Philip Booth

Associate Project Manager

ARTELIA UK

Tubs Hill House • London Road •
Sevenoaks • Kent • TN13 1BL •
United Kingdom

Tel : [REDACTED] Mob : [REDACTED]
[REDACTED]
www.uk.arteliagroup.com



From: CASH Simon

Sent: 06 June 2013 17:00

To: BOOTH Philip; POWELL Robert

Subject: Grenfell Tower_LHC Framework Procurement Guide

This e-mail message has been scanned for Viruses and Content and cleared by **MailMarshal**

DISCLAIMER:

This E-mail and any files transmitted with are intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the System Administrator. This message may contain confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate,

Artelia_00001647

ART00008935/10
ART00008935_0010

distribute
or copy this email.

Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Kensington & Chelsea TMO Ltd Finally, the recipient should check this email and any attachments for the presence of viruses. Kensington & Chelsea TMO Ltd accepts no liability for any damage caused by any Virus transmitted by this email.

This email (including any attachments), is confidential and intended only for the use of the addressee(s). It may contain information covered by legal, professional or other privilege. If you are not an addressee, please inform the sender immediately and destroy this email. Do not copy, use or disclose this email. Please note that we do not accept service of court proceedings or any other formal notices by email unless specifically agreed by us in writing.

Trowers & Hamlins LLP is a limited liability partnership registered in England and Wales with registered number OC 337852 whose registered office is at 3 Bunhill Row, London EC1Y 8YZ. Trowers & Hamlins LLP is authorised and regulated by the Solicitors Regulation Authority. The word "partner" is used to refer to a member of Trowers & Hamlins LLP or an employee or consultant with equivalent standing and qualifications or an individual with equivalent status in one of Trowers & Hamlins LLP's affiliated undertakings. A list of the members of Trowers & Hamlins LLP together with those non-members who are designated as partners is open to inspection at the registered office. For further information see our website, www.trowers.com. Unless it is clearly personal, the sender has sent this email on behalf of Trowers & Hamlins LLP. If the content of this email is personal or otherwise unrelated to our business, we accept no responsibility for its contents.

Email transmission cannot be guaranteed to be secure or error free. We do not accept liability for any errors or omissions in the contents of this message which arise as a result of email transmission. If verification is required please request a hard copy version.

This e-mail message has been scanned for Viruses and Content and cleared by **MailMarshal**

DISCLAIMER:

This E-mail and any files transmitted with are intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the System Administrator. This message may contain confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this email.

Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Kensington & Chelsea TMO Ltd Finally, the recipient should check this email and any attachments for the presence of viruses. Kensington & Chelsea TMO Ltd accepts no liability for any damage caused by any Virus transmitted by this email.

This e-mail message has been scanned for Viruses and Content and cleared by **MailMarshal**

DISCLAIMER:

This E-mail and any files transmitted with are intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the System Administrator. This message may contain confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this email.

Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent

Artelia_00001647

ART00008935/11
ART00000000_0011

those of Kensington & Chelsea TMO Ltd Finally, the recipient should check this email and any attachments for the presence of viruses. Kensington & Chelsea TMO Ltd accepts no liability for any damage caused by any Virus transmitted by this email.

This e-mail message has been scanned for Viruses and Content and cleared by **MailMarshal**

DISCLAIMER:

This E-mail and any files transmitted with are intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the System Administrator. This message may contain confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this email.

Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Kensington & Chelsea TMO Ltd Finally, the recipient should check this email and any attachments for the presence of viruses. Kensington & Chelsea TMO Ltd accepts no liability for any damage caused by any Virus transmitted by this email.

This e-mail message has been scanned for Viruses and Content and cleared by **MailMarshal**

DISCLAIMER:

This E-mail and any files transmitted with are intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the System Administrator. This message may contain confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this email.

Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Kensington & Chelsea TMO Ltd Finally, the recipient should check this email and any attachments for the presence of viruses. Kensington & Chelsea TMO Ltd accepts no liability for any damage caused by any Virus transmitted by this email.

This e-mail message has been scanned for Viruses and Content and cleared by **MailMarshal**

DISCLAIMER:

This E-mail and any files transmitted with are intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the System Administrator. This message may contain confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this email.

Please note that any views or opinions presented in this email are solely those of the author and do not necessarily

Artelia_00001647

represent
those of Kensington & Chelsea TMO Ltd Finally, the recipient should check this email and any attachments for the presence
of viruses. Kensington & Chelsea TMO Ltd accepts no liability for any damage caused by any Virus transmitted by this
email.