

Transport for London



Our Ref:
Your Ref: 56/2015

20 November 2015

Len Duvall AM
Chair of the GLA Oversight Committee
City Hall
The Queen's Walk
London SE1 2AA

Transport for London
Internal Audit

Windsor House
42-50 Victoria Street
London SW1H 0TL

www.tfl.gov.uk

Dear Mr Duvall

GLA Oversight Committee – 22 October 2015 – Garden Bridge Design Procurement

Thank you for your letter of 2 November 2015 addressed to Clive Walker. As your office has been advised, Mr Walker is on leave that has been booked for some time and I am replying in his absence.

Taking your questions in turn:

- The audit process for Garden Bridge was not commenced by an engagement letter from the former Commissioner to the Managing Director, Planning. Sir Peter Hendy's letter to Caroline Pidgeon MBE, AM was passed to TfL's internal audit team and the scope of work for the audit was prepared by that team who subsequently issued it to the Managing Director, Planning. I attach copies of Sir Peter Hendy's letter and the scope of work for the audit. I also attach a copy of an e-mail exchange seeking the principal auditee's comments on the engagement letter. This follows the usual practice of consulting the principal auditee prior to the finalisation of the terms of engagement for an audit.
- While we would not normally consider it appropriate to disclose legally privileged advice, in the interests of transparency on this occasion, I attach a copy of the legal advice on the procurement process. As you will have noted from the audit memo, at the stage the advice was given it wasn't clear what the extent of TfL's involvement would be in the project and the advice was given on the assumption that TfL might be the delivery body for the entire project. The advice sets out a number of options for the procurement process that might be used for the selection of the design team and concludes that "a design contest or a competition through OJEU might be a suitable process." Subsequently, a decision was taken to split the procurement into two parts with the first phase being a short design exercise, to be commissioned through a tender and the second part to be procured through the existing TfL consultancy frameworks.

- I attach the file notes of meetings undertaken with the Managing Director, Planning and his team members as part of the audit fieldwork.
- The Mayor was not involved in the procurement processes. No conflicts of interest were declared by those who were involved in the procurement processes.
- TfL accepts that, as identified in the audit report, there were some instances where TfL policy and procedure with regard to communication with bidders and tender evaluation were not fully complied with but we have not identified any evidence of adverse impact on the bidders concerned.

Yours sincerely



Roy Millard
Senior Audit Manager



Caroline Pidgeon MBE AM
Leader, London Assembly Liberal Democrat Group
City Hall
The Queen's Walk
London
SE1 2AA

15 June 2015

Sir Peter Hendy CBE
Commissioner of Transport

Transport for London
Windsor House
42-50 Victoria Street
London SW1H 0TL

Phone 0343 222 0000
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Dear *Caroline*

Garden Bridge

Thank you for your recent letter setting out a number of detailed questions regarding the procurement process for the design of the Garden Bridge.

An initial Invitation to Tender (ITT) was issued in February 2013 to select a designer to develop the concept for a new bridge across the Thames in central London. A copy of this is attached to this letter. This was issued to three suitable designers/architects as at the time there was no approved TfL architectural framework in place. The value of this contract was under the OJEU threshold and therefore obtaining proposals from three nominated practices was an acceptable way forward.

The ITT document stated clearly the assessment criteria that would be used in the evaluation of bids with 75% of the evaluation based on technical criteria and 25% based on commercial criteria. For the commercial evaluation, the ITT made it clear that bids would be assessed on day rates not a fixed fee. This is quite common for an initial feasibility study where the scope is less clearly defined. In addition to this we also requested an estimate of total prices for the work, although the ITT made it clear these did not form part of the evaluation of bids. Three bids were received with technical responses, schedule of day rates and key personnel.

Whilst we are not able to reveal the exact day rates quoted by all three bidders for reasons of commercial sensitivity we can say that they were within a very narrow range, with the cost of the most expensive Principal Level or equivalent team member being less than 4% higher than the cheapest. As a result, all three submissions received the same commercial score in the evaluation.

We received a broad range of estimates for the total price from each of the bidders (Marks Barfield, £15,125, Wilkinson Eyre £49,939, and Heatherwick studio £173,000) showing that there was a very different interpretation of the scope of the brief by all three bidders. These estimates did not form part of the formal evaluation. In response to your question about redaction, the inconsistent redaction of the total prices between the three bids when information was supplied to the Architects' Journal as part of a Freedom of Information request was a simple and unfortunate case of human error and we have written to the journalist, Will Hurst to correct our mistake.

Following the assessment of all three bids, Heatherwick studio was awarded the contract based on the day rates submitted but with a capped fee of £60,000. The actual value of work undertaken under this contract was £52,000. The two evaluation reports that you refer to in your letter are in fact just different presentations of the same scores. The only difference is that one contains both the technical and commercial scores whereas the other contains just the technical scores.

A second tender was issued in April 2013 to progress the technical design of the bridge to a point where a planning application could be submitted. This procurement was for a consultant who could provide a range of technical services to progress the next stage of the work. The Invitation to Tender for this contract was issued to all 13 firms on the TfL Engineering Project Management Framework. A copy of the ITT for this procurement is attached to this letter. In response to this, we received submissions from all 13 consultants from the framework and following an evaluation of bids, Arup were appointed as lead consultant.

In this procurement, the ITT set out the scope of the technical work and made it clear that "*TfL anticipates that bidders may not have sufficient design capability in-house and has no objection to appropriately qualified designers being engaged by the Consultant as sub-contractors. This should be noted for the purpose of this tender*". In response to this and following their appointment, Heatherwick studio was retained a sub consultant as part of the Arup team, working directly to Arup.

To ensure we are being as transparent as possible, we have published all relevant documents relating to TfL's involvement in the Garden Bridge on our website at: <https://tfl.gov.uk/corporate/publications-and-reports/template-footbridge>.

In response to your letter and the general level of interest in the Garden Bridge, I have instructed a review of the overall process of procurement of the Garden Bridge design contracts, the findings of which I will publish in full.

As part of our commitment to delivering more river crossings to support London's growth I am pleased to say that we have granted funding of £170,000 to Sustrans, matched with £30,000 from businesses in the area, to investigate the potential of a new pedestrian and cycle bridge between Canary Wharf and Rotherhithe. Sustrans' detailed feasibility work is due to be completed in the summer and I await the results of their work with interest.

I trust that this response has provided the answer to your questions but if you require any further information, please do not hesitate to get back in touch.

Yours sincerely



Sir Peter Hendy CBE

Enc:

- Invitation to Tender for bridge design consultancy services – February 2013
- Invitation to Tender – Technical brief for consultancy services – April 2013

To: Richard De Cani, Managing Director of Planning

Cc: Howard Carter, General Counsel
Sir Peter Hendy, Commissioner

From: Clive Walker
Director of Internal Audit

Phone: 020 3054 1879

Date: 16 June 2015

Ref: IA 15 638

Internal Audit Work on the procurement of design and development services for the Temple to South Bank footbridge Project

Following our audit opening meeting on 9 June 2015, we have agreed the following details for this audit work.

Audit Objective

The objective of this audit is to provide assurance that the procurements of design and development services for the Temple to South Bank footbridge Project were undertaken in accordance with procurement regulations and approved procedures, and were open, fair and transparent.

Scope

This audit has been requested by the Commissioner, in response to questions raised by a member of the London Assembly.

The audit will focus on the control environment in relation to the following key risk areas in respect of the procurements of design and development services for the initial design and the detailed design and development:

- Procurement management processes and compliance with UK & EU guidance
- Selection and pre-qualification of bidders
- The process for developing and approving the Invitation to Tender, contract and associated documents
- Evaluation process for Invitation to Tender and management of bid clarifications

- Contract award and debriefing
- Arrangements for post contract award management.

The audit will be undertaken through a combination of desktop review of documentation and interviews with key personnel involved in the procurement exercise.

The output of the audit will be a memorandum, detailing our findings and providing a conclusion in relation to the audit's objective.

Planned Audit Timetable

Start of fieldwork	16 June 2015
Closing meeting	3 July 2015
Draft memorandum issued	10 July 2015
Interim memorandum issued	24 July 2015

Audit Team

The audit team will comprise:

Senior Audit Manager: Roy Millard (020 3054 1628)

Audit Manager: Mushtaq Ali

Auditor: Mark Reilly

Internal Audit and Auditee Responsibilities

In order to enable the audit process to be concluded as efficiently and effectively as possible, we make certain undertakings concerning our delivery of the audit, and we also ask you to accept certain responsibilities. The linked document contains details of our respective responsibilities together with information about the audit reporting progress.

In the event of any queries with the content of this memo or at any time during the course of the audit, please do not hesitate to contact the Senior Audit Manager or me to discuss.

Kind regards

Clive Walker
Director of Internal Audit
 Email: clivewalker@tfl.gov.uk

Curry Justine

From: Millard Roy
Sent: 06 November 2015 15:55
To: [REDACTED]
Subject: FW: Internal Audit Work on the procurement of design and development services for the Garden Bridge Project (IA 15638)
Attachments: 15638 LoE Draft v2 - Planning tracked comments.docx

From: [REDACTED]
Sent: 15 June 2015 14:03
To: Reilly Mark (Internal Audit)
Cc: Richard de Cani (MD Planning); Millard Roy; 'alimushtaq@tfl.gov.uk'
Subject: FW: Internal Audit Work on the procurement of design and development services for the Garden Bridge Project (IA 15638)

Hello Mark

Thanks for sending this through. Please find attached a version of this letter with just a couple of tracked changes.

The naming point is for consistency with how we refer to this project.

Very happy to discuss both this and the documentation that you need to make a start.

Thanks

[REDACTED]

[REDACTED]

From: Reilly Mark (Internal Audit)
Sent: Thursday, June 11, 2015 03:13 PM
To: Richard de Cani (MD Planning)
Cc: Ali Mushtaq; Millard Roy
Subject: Internal Audit Work on the procurement of design and development services for the Garden Bridge Project (IA 15638)

Richard,

Following our meeting on Tuesday we have put the attached Letter of Engagement together. Please can you review and confirm any comments you may have.

Once agree we can issue and proceed to start the fieldwork immediately.

Kind Regards,

Mark Reilly | Internal Audit

TfL | 8th Floor, Windsor House, 42-50 Victoria Street, London, SW1H 0TL

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**TRANSPORT
FOR LONDON**

EVERY JOURNEY MATTERS

To: Richard De Cani, Managing Director of Planning

Cc: Howard Carter, General Counsel

From: Clive Walker
Director of Internal Audit

Phone: 020 3054 1879

Date: Dd June 2015

Ref: IA 15 638

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Kind regards

Clive Walker
Director of Internal Audit
Email: clivewalker@tfl.gov.uk

Garden Bridge – Procurement Issues and Powers

Mayoral Direction

TfL's has a range of statutory functions and powers, as set out in the Greater London Authority Act 1999 (relating to "transport facilities and services") and as a highway authority.

It is, however, not completely clear that a footbridge is within those powers and it would be prudent to seek a delegation of the Mayors "wellbeing" powers under section 30 of the GLA Act and a direction that they be implemented, thereby incorporating the requirement into TfL's Statutory functions.

This is the approach that has been taken with cycling initiatives across TfL.

Procurement of Design Team

The procurement of the design team for the bridge will need to be subject to competition through OJEU. It will be for the appropriate procurement team to write the procurement strategy but this note addresses the options available and concludes that a design contest is likely to be the most suitable process.

While "specialty design services" do not, as a matter of regulation, have to be advertised in OJEU, they relate to interior and furniture design and the better analysis is that the services required of the design team relate to architectural and engineering design would have to be advertised in OJEU.

The nature of a bridge being procured by TfL means that all procurements in relation to it (construction and maintenance etc, as well as the design team) will be governed by the Public Contracts Regulations 2006 (as opposed to the Utilities Contracts Regulations 2006).

There are several options for the procurement process that might be used for the selection of the design team and related issues:

1. Use TfL's consultancy frameworks

While this has the advantage of speed as it requires only a mini competition between capable members of the framework, it is constraint to those members of the framework. Given the aspirations for innovative design, as well as functionality, it may be that a bespoke approach to the market through OJEU is preferable.

2. Use the restrictive (or competitive dialogue or negotiated) procedure and place an OJEU notice

This approach has the benefit of addressing the market as a whole on a bespoke basis. It is, however, ordinarily expected that a restricted procedure (without negotiation) is used and this may not lend itself to the assessment of high quality design concepts. Even if the use of the competitive dialogue or negotiated procedure can be justified on the basis that the nature of the requirement means it can't be precisely specified (other bases are unlikely to

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apply here), it may still be difficult to accommodate the assessment of high quality design concepts within the process.

3. Use a design contest

This is a specialist procedure that can be used following an OJEU process. While, administratively, the process is similar to any other OJEU based process and clear evaluation criteria etc will still be needed, it enables consideration of design concepts by a “jury”.

There are certain rules about the qualifications and composition of the jury and care will be needed if GLA representatives are involved to ensure that they do not compromise any planning decisions that may be required of the Mayor in due course.

The “prize” of the contest is generally the contract for the full design of the structure concerned. It is possible to give a monetary prize without the long term design contract, although intellectual property and collateral warranties would need thorough control to ensure any subsequent advisors (who would also have to be procured competitively) can rely on the winning design.

The nature of design proposals means that it is often the case that the ideal solution is the one prepared by the winner of the design contest, with elements of other proposals. It may be appropriate, therefore, to secure certain intellectual property of all the final stage contestants and to pay for that. In a similar vein, there is nothing to prevent the award of honoraria to final stage contestants if that is thought appropriate to secure sufficiently detailed submissions.

It should be noted that the rules on design contests remain largely unchanged in the proposed new procurement Directives due to come into force in the UK around 2014.

Given the design contest process is tailored to the sort of circumstances presented by the garden bridge, it seems the most suitable process to follow.

4. Relationship between design team members

It is anticipated that the bridge design team is unlikely to comprise a single organisation and at least disciplines relating to concept, engineering and architectural design will be required. These can be undertaken as separate appointments (with an appropriate structure of collateral warranties in place). It would, however, be simpler to appoint a single organisation to take liability and sub-contract the others; this may be less preferable to bidders than the multiple appointment approach but the procurement process could be designed to ensure that it is delivered.

5. Combination with other projects

TfL is considering building another footbridge across the Thames to connect the Vauxhall/Nine Elms/Battersea area with the northern side of the river.

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An analysis in relation to procurement of the design team for that project will be broadly similar to that for the garden bridge and there is merit in considering having a single design contest process with two “prizes” available.

The approach would be similar to that taken with lots under other procurement processes, whereby there could be a separate winner for the design work for each project or a single winner for both.

Consideration will need to be given to possible timing of the projects as it will be important to ensure that design concept work is not undertaken so early that it is out of date by the time at which consents are sought and construction undertaken.

6. Level playing field

We are aware that Thomas Heatherwick has already raised with the GLA and TfL the possibility of a garden bridge across the river between Temple and South Bank and care will be needed to ensure that, particularly in relation to timing of the competition and its specification, other bidders have an equal opportunity to pull together all the relevant disciplines and to put their ideas forward.

7. Consents

Consents for both bridge projects will need to be considered in due course. Whatever the approach for seeking consents, undoubtedly, consultation will be required and it will be important to ensure that it is not, and does not appear to be, the case that decisions have already been made about the proposed structures.

8. Announcements

Any announcements about proposals for either bridge that take place before consultation is underway should be limited to the design contest and be speculative as to the final outcome, noting that consultation is required.

No specific details of the design contest itself that could be construed as giving anyone an unfair advantage should be made public before the contest is started.

9. Timing

The design contest process is not likely to be quicker than other OJEU based procurement processes and it should be noted that it is prudent to allow additional time for the logistics of administering the “jury” process, particularly if there are representatives from multiple organisations. It would be prudent to allow around nine months for the process.

TfL Legal
8 January 2013

Meeting Notes

Audit No: 15638 Garden Bridge

Attendees:

██████████, Planning (██████████)

Mark Reilly, Internal Audit (MR)

Meeting Date: 19 June 2015

Reason for Meeting

Review of invoices and commercials relating to the 2 contracts

Summary of Meeting

Introduction

MR gave an overview of the audit and process

Purchase Orders

3 POs have been raised in relation to the 2 contracts, they are:

Thomas Heatherwick ██████████

Arup ██████████

Arup (Specialist Services) ██████████

1st Contract

The first PO ran from March – July 2013 and was set up at £70k, but final bill was £52k.

2nd contract

The first PO covered Arup only work and related to the Arup submission
The second PO (*502) relates to the specialists services provided by Arup sub consultants. Of which Thomas Heatherwick was one. The final PO value of this was £7.0m of which £6.9m has been invoiced.

All contractual relationships with Arup stopped in April 2015. At this point the garden bridge trust took over managing them.

Management of the contract

The invoices and costs were reviewed by ██████████ prior to being approved for payment.

TfL did not receive invoices from Heatherwick after the first contract.

Action(s) to be taken

■ to provide PO and invoice information to MR

Meeting Notes

Audit No: 15638 Garden Bridge
Attendees: [REDACTED] Planning ([REDACTED]) Mark Reilly, Internal Audit (MR)
Meeting Date: 19 June 2015

Reason for Meeting

Review of the management of the procurement and the project

Summary of Meeting

Introduction

MR gave an overview of the audit and process

[REDACTED] role

[REDACTED] got involved in the project at the procurement stage of the Arup contract

This was shortly after TfL were asked to progress the engineering design

Procurement

Done through the EPMF framework, managed by [REDACTED] in Procurement
Bidders were asked not to approach Heatherwick during the process

Expression of Interest then followed by an ITT

13 bids were returned and considered

[REDACTED] and 3 others from Planning undertook the technical evaluations of the bids, and [REDACTED] lead the commercial evaluation.

There was then a round of interviews with c.5 companies, this was in May/ June 2013.

Arup were appointed to undertake the design services contract.

The nature of the contract (and how little TfL knew about what was happening) meant that this was a "partnering" arrangement with Arup, to help develop.

Garden Bridge Trust

There were issues with the establishment of the trust and this led to TfL leading the project for longer than was ever envisaged.

TfL asked to take to planning, but this changed following discussions with the Mayor and TfL asked to keep the project running.

Once formed the trust becomes the Sponsor / Promoter of the scheme and TfL involvement remains but more of a light touch.

In practice TfL ran the project until April 2015.

The trust are now in full control.

Conflict of Interest

■■■■ remembers that there were discussions on who was the trustee of the garden bridge and the impact this may have on contracts (Joanna Lumley and Thomas Heatherwick)

Legal were involved with this and the best person to speak to is ■■■■ and Richard de Cani.

Procurement

The prices submitted against the scope in the ITT was used as the estimate set up.

The use of Heatherwick by Arup is something we should speak to RdC about. ■■■■ remembers Arup requested them and managed them as a sub consultant.

TfL role

The TfL role in the management of the project was never expected to be to the extent it turned out.

TfL always intended to handover to GBT asap, but there were some issues in getting them to the appropriate capability.

■■■■ worked with TfL Finance to ensure GBT was capable of managing this project, and this was part of the funding agreement.

■■■■ confirmed that project assurance was not involved in this project.

Action(s) to be taken

text

Meeting Notes

Audit No: 15638 Garden Bridge

Attendees:

██████████, Planning (████)

Mark Reilly, Internal Audit (MR)

Mushtaq Ali, Internal Audit (MA)

Meeting Date: 24 June 2015

Reason for Meeting

Following review of the procurement file, a meeting was held to clarify several points on the procurement of Arup in 2013

Summary of Meeting

Introduction

MR also set out the findings and the questions that IA had.

Did TfL consider Arup relationship with Heatherwick as a potential conflict?

████ not aware that this was seen as an issue.

Was aware there were discussions previously on the trust, but not on this.

Arup said they weren't involved with THS at the bidding stage

In the evaluation of the tenders, there are rough workings and final workings, why is this? (And the changes in the commercial scores)

████ doesn't what the files are we are discussing as he wasn't involved in collating the evaluation scores.

████ does not know why the commercial scores changed.

████ wasn't involved in the scores and there was a second submission.

Any questions on the commercials we should ask █████

Was there a second submission from Arup?

████ not aware of second submission on the tender

Was there contact with Arup about their commercial score?

████ does not remember, if it was it would be by commercial

Why has only Arup been marked up on the technical scores?

████ view was that Arup were clear leaders in the interviews

The reason the others went down, is "from memory" there were some questions on the way they answered the questions.

How were the interviews conducted?

The interview panel was [REDACTED], [REDACTED], [REDACTED] and [REDACTED].

Everyone scored separately and then there was a look across the scores. Similar to the first evaluation meeting.

Who has the individual evaluation sheets prepared during the evaluation?

[REDACTED] is not sure who has them

The ones he has he thinks have been lost in office moves.

[REDACTED] cannot remember if they were put onto soft copy.

[REDACTED] remembers that [REDACTED] had a laptop with him and that he captured the scores.

Use of THS by Arup

Arup requested that THS be brought on board is how [REDACTED] remembers discussion.

With regard to the language in the Commercial Summary from Arup, [REDACTED] feels that it is open to interpretation. And disagrees with the IA view.

[REDACTED] view is that we should speak to RdC on the THS role.

Action(s) to be taken

Meeting Notes

Audit No: 15638 Garden Bridge
Attendees: [REDACTED], Planning ([REDACTED]) Mark Reilly, Internal Audit (MR)
Meeting Date: 30 June 2015

Reason for Meeting

Review of role in evaluation process for Arup contract

Summary of Meeting

Introduction

MR gave an overview of the audit and process

Role

[REDACTED] was part of TW team doing the technical evaluation

[REDACTED] was looking at engineering scores
Others at the other 4 areas being submitted

Wasn't involved in any other part of the procurement

The evaluation was split into technical and commercial and [REDACTED] never saw the commercial submissions.

Review process

7th May – team met and the process was explained. [REDACTED] circulated the submissions and scoring sheets

10th May – met for consensus meeting

From [REDACTED] memory Arup were not the best on Engineering but were on the other areas.

Arup were top overall after the technical submission

4 companies brought forward for interview

14th May 09:00 Atkins

14th May 15:00 Motts

14th May 09:00 Rambolls

16th May 09:30 Arup

There was then a meeting to review the scores.

Arup were not the overall winners at this point

■ believes that contact was made with Arup to revise their prices.
Believes RdC spoke to Arup about their prices.

■ not sure the exact date of the contact with Arup on prices

Financials were not discussed at the interviews as far as ■ can remember.

Evaluation scores

The scores were captured by ■ at the meeting.

■ can't remember what happened to the individual score papers.

Action(s) to be taken

Meeting Notes

Audit No: 15638 Garden Bridge

Attendees:

██████████ Planning (██████████)

Mark Reilly, Internal Audit (MR)

Meeting Date: 2 July 2015

Reason for Meeting

Review of role in evaluation process for Arup contract

Summary of Meeting

Introduction

MR gave an overview of the audit and process

Role

██████████ had no specific role in the project prior to the evaluation

Had advised earl on regarding potential consent routes and issues – relating to a generic crossing

Was part of the technical evaluation team – looking at the environment area mainly

Review process

Remembers that technically Arup was a well written bid, can't remember exactly how he scored it

There was a mixed bag of submissions – some did well, some poorly

There were variances in strengths and weaknesses

██████████ would have scored the bids in relation to the criteria

██████████ focus on Environmental side of the bids

Wash up meeting

Wash up was held with the technical evaluation team and the commercial

There were general discussions on the scores and a consensus was reached at this meeting

██████████ can't remember who scored highest at this meeting

Thinks Arup scored well, but can't remember

Interview selection

█ doesn't remember how this was decided
not involved in the commercial side of scoring

Memory tells him that Arup were expensive, but not really involved in that side

Interview process

The point of the interview was to pick up on uncertainties in the written submissions – where the uncertainty remains this may impact the scores

Remembers 2 in particular, Arup & Ramboll

At the interview Arup were very strong – thinks due to their involvement in the bridge development prior to the tender process

Came across very strongly – put an experienced and respected team together

Doesn't recall Ramboll giving a bad interview

On the environment side they were a little weak, Arup on this came across stronger

Didn't recall Ramboll being poor

Remember Arup and Ramboll were the strongest

There was a discipline in Ramboll that had some uncertainty, transport █ thinks

Arup were very good

Engagement with bidders

█ had no involvement in the commercial assessment
No knowledge of any engagement with the bidders

Does not recall any pressure on the team during the process

Action(s) to be taken

Meeting Notes

Audit No: 15638 Garden Bridge

Attendees: Roy Millard, Internal Audit (RM)

Mushtaq Ali, Internal Audit (MA)

Mark Reilly, Internal Audit (MR)

Richard de Cani, TfL Planning (RdC)

Meeting Date: 7 July 2015

Reason for Meeting

Meeting with Richard to seek clarification on the issues identified during the audit.

Summary of Meeting

Introduction

RM gave an overview of the work to date and the progress made.

Procurement of Heatherwick

RdC gave an overview of the procurement and what were some of the key points.

Timing was critical

The mayor wanted to explore whether the bridge was feasible

The challenge was to get something new / innovative

There was a real time pressure to get some ideas

The 3 bidders were chosen from tfl knowledge

Heatherwick email of the 08 February 2013 – brief sent

THS had been to see the mayor

RdC was keeping them informed because of their discussions with the Mayor

Wanted to make sure they knew the process and the timescales that would be applied

The email was to do this

Clarification email 26 February

RdC not clear on this one

Remembers that it was about their rates and the people in the bid document

Joanna Lumley role in the design? What would she do?

Stuart Wood was the main contact for THS on this, not Thomas Heatherwick

THS confirmed the rates and the approach they would take

RdC not sure what documentation he has on this

Evaluation of the bids

Aware that [REDACTED] had been involved, **does not remember specific legal advice**

The evaluation was on day rates as per the ITT, not the estimated cost

Need to check with commercial on who did the day rate analysis

Scoring should always be commercial

RdC did not do the commercial scoring – cant comment on scores

With this being a small study, the approach used would have appropriate for a £60k piece of work.

Would have done a different approach with hindsight.

The approach adopted was because we had previous experience of all parties involved.

There was pressure from the mayor to get something out quickly

Now TfL has a panel in place for this type of work to address this

Context of the timing needs to be considered

THS had no view as to how this would develop

A design competition is the preferred route now

Award of Contract

RdC remembers that the THS request to be lead designer and own IP was rebutted

TfL maintained both at this point

Invoice values

RdC was asked why there was someone charged at £1875/day but this wasn't included in the evaluation

RdC not sure why

RdC view was that spend was within the scope and the output was good and appropriate.

TfL got what it wanted and within cost.

Contract with Arup

██████████ running the project for the Arup procurement

██████████ was spoken to (RdC knows the question we are going to ask)
RdC confirms that he approached Arup to reduce their price – commercial were fully aware of this move

RdC comments that this may not be approved by audit

Arup were the technically best output and TfL got them for a cheaper price – RdC view is that this action saved £1.5m

Arup originally did not want to reduce their fee, but they subsequently did

██████████ was supportive of this approach – revised fees submitted, RdC thinks to but we will need to check.

RdC can't remember exactly what we told ARUP in on this

Use of THS by Arup

A lot of legal time on this one on the role of the designer

Arup were contracted to work up the design

Arup requested that they use THS and DPA on the project

Arup wanted TfL to contract with THS and DPA directly. TfL said no and this reflects the language used in the commercial summary.

██████████ gave the legal input into the ITT.

We knew this may happen, and the audit needs to understand how and why this happened.

Recommendations

There was a discussion with RdC on his views on potential recommendations from this review.

RdC thinks that a design competition is how work like this should be done now.

Need to consider how TfL deals with the activity that goes on outside of the project (GLA, etc)

Get a longer view on where procurements may go

Capability of commercial for this type of work

Action(s) to be taken

Following the meeting RdC sent through an explanation of why the documents relating to the evaluation were no longer available.