

DEVIZES ASSIZE COURT TRUST INVITATION TO TENDER		CLARIFICATION LOG
		Version 2 28/10/2019
		Clarification deadline 22/10/2019
		Clarification responses by 28/10/2019
Question		
Q1	Please confirm how many can attend the site visit?	
A1	We have asked that not more than 3 should attend and would appreciate names in advance.	
Q2	Please advise how many have been invited to tender.	
A2	10	
Q3	<p>Can you please advise if a measured survey has been completed of the building and if so, would it be possible to receive a copy in DWG format?</p> <p>Regarding research on the history of the building could you provide us with any information the Trust has previously discovered in this connection, i.e. archive drawings, paintings, historic photographs, site plans, maps and any other pertinent information?</p>	
A3	<p>The only measured survey that we have is a 1988 1:100 paper copy provided to the Trust by Vernon Gibbs Architect who at the time was working for a private client. Vernon Gibbs has retired and DACT does have his permission to use the survey. The survey appears to be accurate at the time it was undertaken but will need to be checked. You should have received a copy by post (sent 11 10 2019).</p> <p>In February 2019 the Trust commissioned a drone survey of the roof from The Downland Partnership Limited of Devizes. (Digital survey specialists) This was to provide us with a visual appraisal of the condition of the roof so that we could better identify the urgent works (which are now nearing completion). No other digital work has yet been undertaken.</p> <p>The drone survey was undertaken to show the configuration of the roof and condition and the file contains 117 very large images of small areas of the roof. Representative photographs are attached to this log as appendix A.</p> <p>We do have limited information on the history of the building as is included as Appendix 1 of the Brief: <i>Historical Importance – Statement of Significance</i> and is also on the DACT website - https://devizesassizecourt.org.uk/history A selection of 2018 photographs is also on the website.</p> <p>Recent investigations have provided us with additional external photographs some dating from the 1960's but these need to be filed and documented to be accessible. The only archive drawing that we have so far located is the County Architects' Plan dated 1934 which is illustrated on page 15 of the Brief.</p> <p>Investigations at the Wiltshire and Swindon Record Office in Chippenham reveal very limited information on the building. This is being put together to make it accessible but is not yet done.</p>	
Q4	<p>The tender docs seem to suggest a start date of 20th March 2020 but I cannot see any other programme information – is this available?</p> <p>Your stated budget of £5.8 million is inclusive of fees etc. – can you advise on any estimated construction budget for the project?</p>	

	<p>We have not seen any prescribed scope of service or draft form of contract – is this available?</p> <p>Are you able to confirm the number of teams shortlisted to this stage?</p>
A4	<p>At this stage the Trust has not set out a detailed programme. It is evident that this project will take time (some years) to deliver. DACT would expect at the outset to discuss and agree a first phase programme with the Design Team and to determine the longer-term programme taking into account the problems and opportunities that emerge.</p> <p>We have to apologise for an error in Volume1 regarding the £5.8 quoted. It should read £5.8m <u>excluding</u> fees. This was rounded up in the introduction to Schedule 2 to £6m + fees + fitting out and + VAT.</p> <p>The £8m given in Schedule 2 part 11 is based on the £6m above and is budgeted to cover build costs, fitting out and fees but excluding VAT.</p> <p>The scope of service is based on the RIBA Plan of Work as outlined in Volume 1 <i>Information Conditions of Tender</i>. The form of contract to be the RIBA Professional Services Contract 2018 – Architectural Services</p> <p>10 teams have been shortlisted to this stage (from a submission of 67)</p>
Q5	<p>1/ In line with the guidance provided in 3.1.6 and 3.1.7 of the Procurement Procedure, I would be grateful if you could confirm how many applicants have been invited to tender and on what basis?</p> <p>2/ Please could you give an indication of what is required with respect to the design proposal element of the tender in terms of quantity and media type (eg drawings, models etc). It would be very helpful to have an idea of your expectations in order for us to tender competitively.</p> <p>3/ Please could you confirm the estimated construction costs and overall project cost. Schedule 1 gives a figure of £5.8M for construction including fees, whereas Schedule 2 Introduction mentions £6M plus fees (and an £8M overall project value including fees is given in part 11.)</p> <p>4/ You have planning and listed building applications programmed for the end of Stage 2, ie Concept Design, where it would normally take place at the end of Developed Design, ie Stage 3. Is this referring to outline rather than full planning? Please could you clarify the requirements / expectation.</p>
A5	<p>1 The ten applicants invited to tender passed all “Pass” questions in the SQ and were assessed as “excellent as outlined in 3.1.6 and 3.1.7 of the Procurement Procedure. It was therefore decided that all would be invited to tender.</p> <p>2 The main consideration for the Trust will be to understand your approach to undertaking the project, the conservation of the Court building, its conversion to the new use, and extension and external works. The Trust is looking to turn several decades of blight into a scheme that provides a lasting benefit to the town and once again makes a positive contribution to the local environment. Becoming a new destination for Devizes in the emerging Wharf regeneration scheme will be integral to success.</p> <p>DACT was established in 2018 specifically to undertake the rescue of the Assize Courts and so will need to appoint an experienced team. We are not expecting to receive a design for the project because we see this evolving from a full understanding of all physical and economic issues. The Trust would look for you to explain how you would approach the task of securing the vision for the new Museum. The Trust has no preconceived ideas on presentation and you are welcome to illustrate your design approach if you think this will better explain your proposed method of working.</p>

	<p>3 Regarding costs please see the answer in A4 above</p> <p>4 DACT recognises that putting together a viable and acceptable project will require consultation with the community and statutory bodies and has therefore determined that the planning and listed building applications should be submitted at the end of stage 2. Achieving consent is also seen as beneficial in terms of project funding.</p> <p><i>(See also this extract from the RIBA Plan of Work information “Full planning application services are listed under the Architect/Consultant’s services in stage 3 of the Services, as this is the anticipated norm for a standard project. However, for certain projects a full planning application may be submitted at the end of stage 2”.</i></p> <p>DACT sees the need to ensure that all planning considerations are resolved early in the process particularly as full consultation with Wiltshire Council and Historic England will be required as the scheme design is developed. The reference above to Stage 2 is taken from the RIBA Standard Professional Services Contract 2018 – Architectural Services.</p> <p>Because the building is listed grade II* the local planning authority and Historic England will require full applications.</p>
Q6	<p>For the quality criteria questions- i.e. Design Team, Understanding of the Brief, etc. you don’t appear to have set a word or page limit. Can I confirm there are no limits we need to adhere to?</p> <p>Are we able to provide the quality criteria answers in our own format as long as the questions are clearly labelled?</p>
A6	<p>We are looking for you to submit your response in a way that you think best demonstrates your capability, capacity and experience to perform the contract as outlined in the Brief and deliver a notable project. We have not imposed a page/word limit but please make your response concise and in particular address the issues outlined in the documents.</p> <p>Because we are looking for evidence that those submitting a tender have all the skills needed to deliver a high quality project we are willing to accept such information in your own format which will be seen as providing further information on your design approach.</p>
Q7	<p>The Volume Two (3) Applicant’s Offer requires us to submit information that isn’t compatible with the required format. Would it be possible to provide this information (for example CVs, programme, etc) within appendices outside the format?</p>
A7	<p>Yes we are willing to receive the information in another format. We will if possible forward a word copy of the Applicants Offer.</p>
Q8	<ol style="list-style-type: none"> 1. Please can you send a copy of the Terms and Conditions Form of Contract referred to on page 4 of Volume 1? 2. Can you please clarify the reason for the extended period between the Tender Return Deadline and the evaluation period and interviews? 3. Is there a page limit in which to answer the questions in Volume Two (3)? 4. Volume One (1) page. 23/24 notes that documents should be completed and submitted in the format in which they currently appear. Are we permitted to format our responses as a separate document to allow the inclusion of imagery, and the concept drawings and outline programme referred to in Delivery Method and Programme question?

	<ol style="list-style-type: none"> 5. The initial appointment is noted as being for services covering RIBA Stage 1 & 2 and to include the submission/approval of applications for Planning Permission and Listed Building Consent. We would typically submitted Planning and Listed building Consent during RIBA Stage 3. Is the expectation that the planning and LBC applications will be made by the end of RIBA Stage 2? 6. Is the Trust required to re-tender the professional services after RIBA Stage 2? 7. During the site visit reference was made to a drone survey of the existing building. Can this be made available please? 8. Is there any further survey information available for the existing building (i.e. structural survey, dry-rot, below ground services etc...)? 9. Page 4 of the briefing document notes that Land Registry information will be made available, Can this be provided please. Are there any rights of way/easements that exist for the site. 10. Are there any details available on the initial discussions held with the Conservation Officer and Planning Officer and Historic England referred to on page 10 of the briefing document?
A8	<ol style="list-style-type: none"> 1. The form of contract to be the RIBA Professional Services Contract 2018 – Architectural Services. We do not have a copy but the sample can be downloaded at https://www.architecture.com/knowledge-and-resources/resources-landing-page/riba-standard-professional-services-contract-2018 2. The extended period outlined has been determined to enable to DACT Trustees to be fully involved in the process and to allow for decisions to be ratified by the full board of Trustees at Board Meetings that dates for which were agreed some time ago. 3. We have not imposed a page/word limit but please make your response concise and in particular address the issues outlined in the documents. See A6 above. 4. Yes we are willing to receive the information in another form 5. It is the expectation that the planning and LBC applications will be made by the end of RIBA Stage 2. Please refer to answer 5.4 above for more detail. 6. It may not be a decision by the Trust but may be influenced by or a requirement of others (especially grant funders). We are aware that NLHF has on occasions insisted on a re-tender. This is outlined in 2.1.2 in Volume 1 as follows: <i>Development of the project beyond this stage will depend on securing grants from public and private sources and this will also determine the rate of progress. It is possible that the appointed design team will be employed for the whole project, but this will be for a later decision and will depend on satisfactory performance and on the Trust securing sufficient funds to move to RIBA stages 3 to 7 (stage 3 Developed Design; 4 Technical Design; 5 Construction; 6 Handover; and 7In use).</i> 7. The drone survey was undertaken to show the configuration of the roof and condition and the file contains 117 very large images of small areas of the roof. Representative photographs are attached to this log as appendix A. 8. The emergency works to prop the structure have been carried out as directed by a structural engineer. There is as yet no comprehensive structural survey. <p>A recent dry rot investigation has been undertaken and will be placed on the DACT procurement section of the website as soon as possible.</p> <p>There is no up-to-date information on below ground services.</p>

	<p>9. DACT Solicitors are in the process of assessing the access rights. Vehicular / pedestrian access is available on the narrow roadway to the west. We are informed that that pedestrian access is available to the east and this is being checked. The courtyard to the east is in the ownership of Wadworth Brewery – as shown on the plan on page 4 of the Brief.</p> <p>10. Outline discussions were held with Wiltshire Council and Historic England in 2016 and 2017.</p> <p>The Council and Historic England are, in principle, supportive of the project and Historic England has provided a grant towards the cost of the urgent works. Brief comments are attached as Appendix B</p>
Q9	Does the requested museum display area (468 sq m) include the temporary exhibition space (100 sq m)?
A9	The 100 sq m for the temporary exhibition is in addition to the 468 sq m.
Q10	<p>Do you have any more information on current and anticipated storage requirements on and off site?</p> <p>Can you please clarify whether exhibition design / interpretation consultants will be procured separately?</p>
A10	<p>The requirements on site are for 136 sq. metres of storage. Further details are not available at this stage. Discussions are in progress with third parties concerning off-site requirements which have yet to be resolved.</p> <p>It is the intention to procure museum design consultants later in the process but it is recognised that may need to be reviewed and we would expect to discuss options at the Brief review stage at the beginning of the project.</p>
Q11	<ol style="list-style-type: none"> 1. Proposed NLHF: Have the Trust have been in contact with the NLHF to establish if the method of selection of the design team services will comply with their guidelines for tendering projects, without the need for advertisement in the EU Journal? Also, have the NLHF confirmed what might happen should Brexit occur during or before the contract? 2. Scoring Tender Submission: In the Trust's assessment of the tenders, is there an agreed weighting of quality and price in the marking? 3. Fit out of the galleries: We are assuming that this tender does not include the fit out and designs for the exhibitions within the galleries, ie does the Trust expect a Gallery / Exhibition Designer to be part of the main design team? 4. Lighting design: Do we need to provide the services of a specialist lighting designer within the team, this would be for lighting the exhibits / display cases etc. 5. Volume Two (3) Applicant's Offer: Could you clarify the text on p9, item 3.8?
A11	<ol style="list-style-type: none"> 1 The Trust has been in discussion with NLHF and Historic England to ensure that the selection of the design team is fully compliant with current procurement rules. We have not however had any exchanges concerning Brexit. 2 The weighting is 70% quality 30% price 3 Your assumption is correct; the tender does not include the fit out and designs for the exhibitions and the Trust does not expect an exhibition designer to be appointed at this stage.

	<p>4. Similarly lighting design for displays is not anticipated at this stage.</p> <p>5 3.8 is incomplete and should read</p> <p>Error! Reference source not found. will be assumed to be an acceptance of this condition. Applicant's whose price review proposal differs from the Trust's expectations under this Error! Reference source not found. must state their proposal below.</p>
Q12	<p>Please can you clarify:</p> <p>Where text responses are requested, must these be written in full within the 'Applicants Offer' pdf (if so, may we request a word document please), or can a reference be given to text within the supporting information?</p> <ul style="list-style-type: none"> ▪ if the supporting information submitted can be attached to the 'Applicants Offer' pdf as an appendix? ▪ Also please can you confirm if the submission should be emailed to: info@devizesassizecourt.org.uk as previous submission or info@devizesassizecourtrust.org.uk as indicated in volume 1 Information and Conditions of Tender, page 7.
A12	<p>Reference can be given in the text with supporting information and we will send a word version</p> <p>Supporting information as an appendix is perfectly acceptable</p> <p>We are sorry that the address info@devizesassizecourtrust.org.uk as included in Volume 1 was an error.</p> <p>The correct address for submission is info@devizesassizecourt.org.uk</p>

Drone Survey 2019

Taken on 28 February 2019



Roof plan



View from the north



View from the south



View from the east



View from the west

Precis of Wiltshire Council officer comments 2016

The importance of this building on both a national and local scale is recognised in its listing at grade II*. The recent, and regrettable, history of the building is clearly well known; it has been on the Register of Buildings at Risk for some considerable period and all involved are of course keen to see a new use for the property which will secure its repair and provide it with a sustainable future.

The building is the subject of current permissions for conversion to residential use which remain valid. (Since expired) However, when the Trust commissioned an options appraisal for the building in 2007 the preferred option which emerged was a community use, which it was suggested would allow a greater maintenance of the remaining fabric and spatial volumes which characterise the building and which would also be in keeping with the original use of the building in allowing continuing public access. Taking into account previous planning history, it is clear that a general acceptance has been reached that there will be a need to accept some subdivision of the court rooms. Whilst the last permissions were intensive in their use of the space within the building they required only minimal development in terms of extensions to the building, although earlier schemes had also accepted a level of infilling to the rear of the building in the space between the court rooms.

The NPPF outlines current government policy towards the historic environment. In determining planning applications the local planning authority is required to take account of "the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation" (Paragraph 131). Proposals which would harm the significance of a heritage asset (either via direct alteration or via development within their setting) are required to be justified and the harm weighed against any potential public benefit. In addition there are statutory obligations under the Act to give special regard to the desirability of preserving the building or its setting (S66) and to the desirability of preserving the character and appearance of the conservation area (S72).

Clearly, in this case the building has deteriorated to such an extent that there would be huge benefits to the area and to the building itself in implementing any reasonable use which could deliver the repairs which are urgently required and which could ensure an economically viable use for the building in future. In the case of the proposed museum use I would hope that a potential requirement for a greater level of extension to the rear and between the two courtrooms could be offset by a corresponding reduction in the intensity of the subdivision internally and by the benefits to the public of continuing access to the building. Overall I think it unlikely that a compelling case could not be made for the approval of a well detailed scheme for the museum use. The current approvals include general specifications for the repair of the building and it would obviously be helpful if a similar level of detail were included to support a new scheme, in order to allow confidence that proposals were feasible and capable of delivering the retention of the building.

The Area development Manager has already indicated that he does not anticipate any potential issue with the proposed use in planning policy terms. In practical terms it can perhaps be anticipated that parking issues may stir up some angst with local people and it would perhaps be as well to ensure that a positive strategy for dealing with this were articulated in any public consultation and application which were to be undertaken/submitted. On a separate issue which has caused concerns in the past, a community rather than residential use would appear to involve less conflict with the operation of the neighbouring brewery and seems likely to bring a reduction in the requirements to meet the concerns of Environmental Health. You may wish to note that the previous scheme was also subject to requirements in respect of protected species, renewable energy and for a level of community involvement during the formulation of the scheme.

In summary, it seems highly unlikely that a compelling case could not be made to support proposals for a change of use and conversion to accommodate the museum. However, this does not mean to say that anything goes without question....proposals should be robustly tested and questioned to allow the conclusion to be reached that they represent the most appropriate match between the needs generated by the use and the presumption in favour of preserving the significance and special interest of the building.

NB. It should be noted that the contents of this email constitute the opinion of an officer only and cannot be considered as a formal determination or taken as binding upon any formal decision that may be required to be made by the Council in the future.

Precis of Historic England officer comments

Pre-application Advice

ASSIZE COURT, DEVIZES

The Former Assizes Court was designed by TH Wyatt in 1835 as part of the 19th century development of Assizes as a local administrative centre. It was used as a Crown Court until the mid-1970's and as a Magistrates Court until 1982 when it was sold by Wiltshire County Council. It has since that time been unused and has fallen into disrepair. It is Grade II* and, therefore, is within the top 8.5% of listed buildings in the country.

The building fronts the main road to the north of the central Market Place and has an imposing Grecian style frontage with a central portico, behind which is a central double height entrance hall which gave access to two spacious rear court rooms and two front rooms that probably functioned as the Grand Jury room and a room for counsel.

There are a number of smaller ancillary rooms around these principal spaces, and stairs to access galleries within the court rooms. It is essentially single storey but the main rooms are of a grand scale typical of a 19th century civic building.

The building is included on the National *Heritage at Risk Register* and despite a number of permissions being granted they have not been implemented. The building remains in a neglected and vulnerable state. Historic England is supportive of finding an alternative solution for this building.

The proposals presented are very much at the concept stage and these comments are therefore high-level and are supplied without the benefit of having visited site.

Sub-division of principal spaces would be of concern, but given that permission exists for a far more intensive (residential) subdivision, we would not object to an approach that would represent a significantly less harmful approach than that consented.

We do not object to the principle of a courtyard, or of a rear extension, on the basis that they have the potential to deliver a scheme which secures the future of the building as a community asset which will potentially benefit the regeneration of this important historic part of Devizes. As you appreciate any intervention will have to be carefully considered in order to minimise the impact on the significance and special interest of this highly graded listed building, and the setting of other designated heritage assets.

Next Steps

We are supportive of the broad principles of the proposals presented at our recent meeting, although clearly they are at an early stage. We will be more than happy to comment again as the scheme develops, and hope that it represents a real possibility of bringing this important historic building back into a meaningful and sustainable use.