

OAK TREE HOUSING ASSOCIATION LTD.

Development Policy

Adopted

June 2013

Last Reviewed M

May 2017

Next Review Due May 2022

CONTENTS

ITEM

PAGE NO

1.0	INTRODUCTION	1
2.0	POLICY AIMS & OBJECTIVES	1
3.0	STRATEGIC GOALS	2
4.0	GUIDING PRINCIPLES	2
5.0 5.1 5.2 5.3	VIABILITY OF POTENTIAL DEVELOPMENT PROJECTS Development Strategy Assessment Criteria Final Assessment	3 3 4 4
6.0	DESIGN CRITERIA	4
7.0 7.1 7.2 7.3 7.4 7.5	PROCUREMENT OF DEVELOPMENT PROJECTS Selection of Procurement Route Selection of Consultants and Contractors (Regulated Procurement) Selection of Consultants and Contractors (Non-regulated Procurement) Framework Agreements Negotiated Appointments	5 5 8 8 8
8.0	FORMAL APPOINTMENT OF CONSULTANTS & CONTRACTORS	9
9.0	PAYMENT OF CONSULTANTS AND CONTRACTORS	9
10.0	PERFORMANCE MONITORING OF CONSULTANTS AND CONTRACTORS	10
11.0	CONTROLLING COSTS AND VARIATIONS	10
12.0 12.1 12.2 12.3 12.4	QUALITY CONTROL Clerk of Works Handover of Properties Defects Liability Period and Final Defects Review of Specification	10 10 10 10 10
13.0 13.1	LIQUIDATION OF CONTRACTORS Financial and Competency Checks	11 11
14.0	RISK MANAGEMENT	12
15.0	POLICY REVIEW	12
16.0 16.4 16.5 16.6	SCHEME OF DELEGATION 16.1 Responsible Committee 16.2 Formulation and Monitoring of Policy 16.3 Formulation and Monitoring of Procedures Amendments to Policy Monitoring of Statutory Requirements Implementation of Policy	12 12 12 12 12 12

1.0 INTRODUCTION

This policy covers all aspects of the Association's development service, from the Identification of potential sites to the handover of properties from the contractor.

In order to secure development funding social housing projects must meet the requirements of Inverclyde Council's Strategic Housing Investment Programme (SHIP) and the Local Housing Strategy (LHS) and the Association will consult fully with the Council's housing/development representatives and the Housing Investment Division of the Scottish Government to ensure it has their support before proceeding with negotiations to acquire a potential site.

In the procurement of all its development work the Association is governed by European Procurement Legislation and guidance from the Scottish Government, including The public Contracts (Scotland) Regulations. At all times the Association will follow the spirit as well as the rule of the relevant legislation.

2.0 POLICY AIMS & OBJECTIVES

The main aims and objectives of the Policy are:

- (a) To improve all property to maintain the Scottish Housing Quality Standard (SHQS).
- (b) To improve all property to meet the Energy Efficiency Standard for Social Housing (EESSH).
- (c) To provide affordable housing in a range of tenures suited to the needs of the community.
- (d) To build new housing for those for whom tenemental improvement is unsuitable.
- (e) To carry out backcourt and other environmental improvements to help complete the regeneration of the area.
- (f) To promote resident and tenant involvement in all aspects of work
- (g) To be a caring and responsive landlord and employer.
- (h) To provide housing to enable those with special needs to stay in the community.
- (i) To provide a quality service in the development, management and maintenance of stock.

To achieve these aims and objectives the Association will:

- 2.1 Maintain its present contribution to the eradication of BTS stock by:
 - (a) Operating as agents for Inverclyde Council.
 - (b) Providing project management services for repairs contracts.
- 2.2 Maximise the benefits of available gap sites by:
 - (a) Repeating the success of mixed tenure projects.
 - (b) Considering alternative initiatives such as Care in the Community
 - (c) and Special Needs]
 - (d) Looking at developing such sites through innovative methods of procurement.
- 2.3 Work with others active in the community to:
 - (a) Contribute to the development & management strategy of their areas.
 - (b) Provide guidance to the Association and its consultants on the wants and needs of the community.
- 2.4 Endeavour to create a healthy and attractive environment to:

- (a) Contribute to a strong sense of community.
- (b) Maintain residents' confidence in the Association as Landlord and Factor.
- 2.5 Assist Inverciyde Council to deliver the requirements of the Empty Homes Initiative by:
 - (a) Identifying suitable property.
 - (b) Facilitating improvements in line with specified standards.
 - (c) Manage lets on behalf of the property owners.

3.0 STRATEGIC GOALS

Our strategic goals will incorporate broad themes to allow us to co-ordinate and programme projects so they complement and reinforce each other.

- 3.1 Community regeneration will be a key issue and the Association will therefore:
 - (a) Continue to access private and public sector funding to aid its development programme.
 - (b) Create an attractive environment and regenerate areas suffering from blight.
 - (c) Strive to increase the quality of housing and living conditions, but also maintain value for money.
 - (d) Increase the choice of tenure to help those with special housing needs.
 - (e) Combat social exclusion, reduce poverty and increase the confidence of residents within the community.
- 3.2 The Association will endeavour to remain strategically aware by keeping up to date with current issues and problems in the community and political arena. To this end:
 - (a) The Association will maintain a positive presence at relevant conferences and forums.
 - (b) The Association will ensure that subscriptions are made to appropriate organisations such as SFHA, SHARE, SCORE, FEDERATION FOCUS, etc., to keep abreast of funding authorities changes in Policies and Procedures.
 - (c) The Association will take Scottish Government Guidance and best practice into consideration when determining all future development policy.

4.0 GUIDING PRINCIPLES

The undernoted basic principles will underpin the Associations development activities:

4.1 <u>Co-ordinating</u>

The Association will provide the lead role, in conjunction with consultants to execute agreed strategic goals.

4.2 <u>Community Involvement</u>

The Association will support the fullest involvement and participation by local people and community organisations in the development, management, implementation and evaluation of its strategy and activities.

4.3 <u>Private Sector</u>

The Association will harness and maximise the expertise and resources of the private sector as well as improve its own capacity to respond to the needs of the community.

4.4 Openness and Transparency

The Association's links and communications with other partnership members should be clear and unambiguous. Sharing of information and ideas is of mutual benefit.

4.5 <u>Steadfastness and Determination</u>

The Association shall be prepared to face up to and tackle any threats and challenges.

4.6 <u>Flexibility and Adaptability</u>

The Association will adapt to change and adjust to and take advantage of new opportunities which arise, i.e. changes in procurement methods and technological advances within the construction environment.

4.7 <u>Procurement</u>

The Association regards fair competition as the cornerstone of good practice in procurement and will ensure that the procurement strategies adopted for development related activity offer value for money, good quality, reduced maintenance and minimal risk to the Association and its development partners. The association will ensure that it follows the guiding principles set out in its procurement strategy and Financial Regulations and that it remains aware of changes in procurement legislation.

5.0 VIABILITY OF POTENTIAL DEVELOPMENT PROJECTS

5.1 <u>Development Strategy</u>

A potential development opportunity may be brought to the Association's attention by a variety of means and the prospective project may be a traditional or design and build contract. Regardless of the proposed procurement method a full viability and risk assessment of the development will be undertaken prior to making any formal recommendation to Committee on whether to proceed with the project.

The viability assessment will normally be undertaken following confirmation in principle from the Council & Scottish Government of their support for affordable housing on the identified site.

The Association has an obligation to ensure that all development projects it embarks upon are both financially and technically viable and that they will meet the needs of its current and prospective tenants. It is also essential to identify the nature and level of risk attached to any potential project. The Association's strategy for assessing potential new development opportunities will be formulated in a manner that ensures provision meets demand. It will also aim to develop each individual site with the most appropriate house types and construction methods, in the most cost effective manner.

This viability assessment will be undertaken by the Development and Technical Services Manager in conjunction with the Housing Management and Finance Sections.

5.2 Assessment Criteria

The following criteria must be examined when considering the viability of a potential development project:

- (a) Demand and housing need
- (b) Technical viability
- (c) Community and wider role benefits
- (d) Financial viability

It should be noted that it would not be expected that every development will receive a positive assessment within each category and the final evaluation of the overall viability of the project will be based on a balance of the positive and negative factors.

The above list is not exhaustive and there may be other relevant issues to address in any given project. It should also be noted that in some cases a number of these items can only

be fully addressed once the project has commenced and the design is being progressed. For example, the full financial viability assessment cannot be carried out until more is known about the project and the likely build costs. However, for projects where other significant difficulties are foreseen a desk top financial viability assessment can be carried out, using historical data from other projects. A more thorough and accurate financial assessment would then be carried out as the project progresses. Further, as a project evolves there may be significant changes to funding availability, demand or site constraints and, if this is the case, further viability checks must be undertaken to ensure the Association is aware of and addressing any new risks. Committee will be kept fully informed of any changes that affect the viability of the project.

5.3 Final Assessment

As noted above the final assessment of the proposed project will be based on an evaluation of the viability and perceived risks involved and the measures the Association can take to alleviate any risks. There may also be political or other relevant reasons for taking forward (or, indeed, not taking forward) a development that would override the results of the technical, financial and letting viability assessment and these must also be taken into account.

Following the viability evaluation, the Development and Technical Services Manager will present a report to Committee with a recommendation on whether or not to proceed with the development.

6.0 DESIGN CRITERIA

All development projects will be designed in accordance with the Association's current Design Guide. This Guide sets down the design parameters and specification requirements for all the Association's newbuild properties and is regularly reviewed to reflect good practice, changes in legislation and lessons learned from previous projects.

In principle, all developments must meet the following criteria:

- (a) Current Building Standards (Scotland) Regulations
- (b) Housing for Varying Needs
- (c) Secure by Design
- (d) Current best practice
- (e) Maximise environmental efficiency
- (f) Embrace innovation

Detailed requirements are provided in the Design Guide.

7.0 PROCUREMENT OF DEVELOPMENT PROJECTS

(this section of the Policy is to be read in conjunction with the Association's Procurement Strategy)

7.1 <u>Selection of Procurement Route</u>

Procurement of development projects can vary depending on circumstances and could therefore include any of the following methods:

- (a) Traditional competitive tendering with full bills of quantities
- (b) Competitive design & build
- (c) Negotiated design and build

- (d) Partnering between client, design team and contractor
- (e) Management Led

Under normal circumstances there will be an element of competitive tendering in the procurement of all projects and the selection will be made on the basis of best value. However, where a site will be purchased directly from a developer or a developer has a holding interest in the site, and the European Procurement Rules permit it, a design and build contract may be negotiated with that developer.

Under the design and build option where the Association owns the site the developer may provide all services from the outset. Alternatively the Association may appoint design consultants to prepare the initial tender documentation and then novate these appointments to the successful contractor.

Once a development project is accepted within the Association's programme Committee will agree, on the basis of advice from the Development and Technical Services Manager, the most appropriate method of procurement. As a general (but not restrictive) rule the negotiated design & build option will be considered only where the Association acquires the site directly from the developer or where the developer has a holding interest in the site.

Regardless of the procurement method the Association will encourage a partnership ethos within the whole project team – the Association, its consultants and contractors - to minimise confrontation and steer the team towards achieving a quality and best value development.

7.2 <u>Selection of Consultants and Contractors (Regulated Procurement)</u>

The Association receives public funding for its development work and, under the terms of European Procurement Legislation, it is considered a body governed by public law. The Association is, therefore, required to abide by the terms of European Procurement Law and The Public Contracts (Scotland) Regulations and must appropriately advertise the procurement of works, goods and services, including the appointment of consultants and contractors for development works.

The main aim of the European Procurement Rules is to create a free and competitive European market and the Association will, at all times, work within the spirit of the legislation to ensure fairness and equal opportunity to prospective tenderers.

For projects' above certain financial thresholds the Association is required to advertise appointments for consultants and contractors in the Official Journal of the European Union (OJEU). Financial thresholds are reviewed regularly and the Development and Technical Services Manager will monitor these to ensure the Association abides by the legal requirements before embarking on any appointment process.

Current OJEU threshold values are:

(a)	Works	£4,551,413 (€5,548,000)
(b)	Services	£181,302 (€221,000)

Current PCS regulated procurement threshold values are:

(a)	Works	£2,000,000
(b)	Goods & Services	£50,000

For consultant and contractor appointments above the EU & Public Contract (Scotland) Regulation threshold values the Association will follow the procurement guidance set down by the relevant European directives and Public Contracts (Scotland) Regulations that give timescales and procedures for advertising, assessing and awarding contracts. These procedures are set out in the Public Contracts Scotland (PCS) website (New Procurement Journey User Guide).

The new European Single Procurement Document ESPD-Scotland document (ESPD) must be used where the contract value is equal to or greater than the OJEU threshold. This document supersedes the use of pre-qualification questionnaires. The purpose of this document is to gain as much knowledge as possible about the prospective consultant / contractor's skills and experience, relevant to the project and to reduce the administration burden on bidders and to remove some of the barriers to participation in public procurement, especially for small to medium sized enterprises (SMEs

Each applicant will also be issued with an outline brief (or synopsis of the project for contractors) that will provide as much information as possible on the site and the Association's requirements, both physical and in programming terms. Consultants will also be issued with a copy of a relevant Schedule of Services.

Consultant and contractor ESPD responses will be assessed by Technical Services staff to confirm bidder's suitability to tender for the project. A committee member will generally be invited to the second stage of the tender selection process depending on the size and nature of the works or services. This second stage for consultants will generally take the form of an interview or more detailed project questionnaire and the submission of a fee bid. For contractors' the second stage will generally comprise an interview or more detailed project questionnaire and the submission of a full tender for the works or framework contract.

All consultant and contractor assessments subject to regulated procurement for development projects will be undertaken on a quality and price basis to ensure the Association achieves best value for money. In order to meet this goal the principles of the CIB Publication – Selecting Consultants for the team: Balancing Quality and Price – will generally be followed.

At the outset of the selection process the Association will determine the quality / price ratio to be applied:

Type of project	Indicative quality / price ratio	
Feasibility studies	85/15	
Innovative projects	80/20	
Complex projects	73/30	
Straightforward projects	60/40	
Repeat work	30/70	

Consultants and contractors will be notified of the quality / price ratio that will be applied at the outset of the selection process.

As noted above prospective consultants might be interviewed by a panel comprising the Development and Technical Services Manager and generally two members of Committee. Committee may delegate authority to appoint consultants to Technical Services staff, where this is deemed appropriate.

If considered appropriate, Tendering contractors will be interviewed by a panel comprising the Development and Technical Services Manager and appropriate members of the design team (generally the Architect and / or Quantity Surveyor). Up to two Committee members

will generally be invited to participate in interviews, although authority to select contractors may be delegated to staff where this is deemed appropriate by Committee.

Consultant's and contractor's performance at interview will be scored by the interview panel. Each panel member will be required to score responses / presentations and marks will be collated by the Development and Technical Services Manager to give the total quality score for each candidate.

Consultants will be required to submit a fee quotation following interview. This fee will be marked following the Balancing Quality and Price scoring mechanism and combined with the quality score to give a total score for each candidate.

Contractors' tenders will be reviewed by the project Quantity Surveyor or Employers Agent for errors, omissions and qualifications and, following receipt of their tender report, will be scored by the Development and Technical Services Manager in line with the Balancing Quality and Price scoring mechanism. The price score will be combined with the quality score to give a total score for each tenderer.

The interview panel will have delegated authority to select consultants and contractors following the assessment procedure and the firm with the highest final score will generally be appointed. The appointment will be reported to the next appropriate Committee meeting. Where the appointment has been advertised in the OJEU or Public Contracts Scotland website the appropriate standstill period must be observed before the required Contract Award Notice is posted providing details of the successful firm.

7.3 <u>Selection of Consultants and Contractors (Non-regulated Procurement)</u>

Where works or services fall below the EU & Public Contract (Scotland) Regulation threshold values and the works or services are not of a specialist nature where selective tendering would be more suitable and there is no relevant framework in place, then the Association will adopt the following procedures:

- (a) For consultant services where the contract value is likely to be below the £50,000 Public Contracts (Scotland) Regulations threshold, a minimum of 3 consultants will be invited to tender through the Public Contracts Scotland (PCS) Quick Quote facility.
- (b) For works contracts where the contract value is likely to be below £500,000, a minimum of 3 contractors will be invited to tender through the Public Contracts Scotland (PCS) Quick Quote facility.
- (c) For works contracts where the contract value is likely to be between £500,000 -£2,000,000, a minimum of 3 contractors will be invited to tender using the procedures set out in the Public Contracts Scotland (PCS) website (New Procurement Journey User Guide).

7.4 Framework Agreements

Under the terms of the European Procurement Legislation the Association can also appoint from a framework of consultants and contractors for development projects. Framework agreements generally run for a maximum of four years. They are designed to provide a bank of firms from which call-offs or mini tender exercises can be undertaken for development work. If the value of works and services to be covered under a framework agreement exceed the EU thresholds the procurement of a framework agreement must be advertised in the OJEU and the selection process must follow the rules set down by European Procurement legislation. The selection of any consultant or contractor onto the a framework agreement put in place by the Association will follow the balancing quality and price principles set down above.

The Association may appoint a consultant or contractor from an existing framework (if the framework has been set up to allow the Association to use it) in accordance with the pricing

principles and terms and conditions agreed at the outset of the framework agreement. Depending on how the framework has been set up this could include a direct call-off of a particular consultant or contractor or alternatively the Association might be able to invite all or some of the framework members to tender for a particular appointment. Generally the Association will utilise existing frameworks where possible where they can demonstrate that best value can be obtained for the Association.

7.5 <u>Negotiated appointments</u>

Under certain circumstances – for example, where it embarks on a previously unforeseen second phase of a development – the Association may negotiate an extension to an original consultant appointment. In these cases the Association must be confident that any fee agreement reached can be proved to provide best value for money.

On occasion the Association may be approached by a contractor who owns a site or has a holding interest in a site and wishes to negotiate a design and build contract. Under European Procurement legislation the Association cannot enter into such negotiations where the value of the contract and / or professional fees is expected to exceed the EU thresholds. Likewise, the Association would not look to negotiate a design and build contract if the construction cost was likely to exceed the PCS regulated procurement thresholds. Where it can be demonstrated that the contract and fee value will fall below the thresholds then, with the consent of the Scottish Government and Inverclyde Council, the Association can enter into discussions with the developer to acquire the site and negotiate the terms of a design and build contract.

Where the Association has a current framework of development contractors and is approached by a member of the framework who owns a site then it may enter into negotiations for a design and build contract with that contractor, if the value of the works is likely to remain below EU and PCS regulated procurement thresholds.

8.0 FORMAL APPOINTMENT OF CONSULTANTS & CONTRACTORS

All consultant appointments will be confirmed in writing by the Development and Technical Services Manager and will clarify the following details:

- (a) Services to be provided
- (b) Project brief
- (c) Statement of fees
- (d) Stages for payment

The Contract Administrator (usually the Architect or Employers Agent's) will normally act as lead consultant for the project team and be expected to co-ordinate the input of other consultants. This will generally be the first appointment made. The Principal Designer role will generally be included in the lead consultant/ (contractor's in terms of appointment to assist the Association in fulfilling its legal obligations to assess the competency of consultants in relation to the Construction (Design & Management) Regulations (CDM Regulations). The Associations CDM Regulations Policy should be consulted in this regard.

Throughout the term of the appointment the Association will maintain a record of consultants' professional indemnity insurance, including any renewals. Information provided by the consultant should include the level, type and extent of cover.

Contractor appointments will be confirmed in writing generally by the Contract Administrator, on behalf of the Association, and in full accordance with the relevant building contract.

Copies of the relevant insurances for the contractor will be maintained by the Contract Administrator and project Quantity Surveyor, where appropriate.

9.0 PAYMENT OF CONSULTANTS AND CONTRACTORS

At appointment stage the Association will agree stages for payment with each consultant, based on good practice, and guidance from each discipline's professional body. Payment will be made on completion of work stages within agreed terms for payment and the Association will not adopt a 'pay when paid' philosophy on fees.

Contractor payments will be made on issue of a valid Architect's Interim Certificate (for traditionally tendered contracts) or a valuation by the Employer's Agent (for Design & Build contracts) and within the stated terms for payment set down within the contract.

Records of all payments for each project will be held on record, logged on the spend profile spreadsheet for that development. Evidence of payments may be required by funders (either private lenders or the Scottish Government) when drawing down funding.

10.0 PERFORMANCE MONITORING OF CONSULTANTS AND CONTRACTORS

Throughout the course of a development project the Development and Technical Services Manager, in consultation with the Clerk of Works as appropriate, will assess the performance of each consultant and contractor. At Practical Completion, a formal performance assessment will be recorded against relevant performance criteria and each firm will be given an overall rating for their performance. A full report of consultant and contractor performance, will be presented to Committee for consideration. Each consultant and contractor will also receive a copy of their performance assessment, for their information.

11.0 CONTROLLING COSTS AND VARIATIONS

It is fundamental to the success of every construction project (new build, rehabilitation or major repair) that the Association retains full control of both costs and variations. The methods for achieving this control during each of the project stages are set out in the Associations Policy for Controlling Costs and Variations.

12.0 QUALITY CONTROL

12.1 Clerk of Works

Development projects will generally be serviced by the Association's in-house Clerk of Works to oversee the progress of works on site. The Clerk of Works will work in conjunction with the Development and Technical Services Manager and project team to monitor the quality of workmanship and adherence to the contract drawings and specification.

12.2 Handover of Properties

Prior to acceptance of handover of completed properties' the Clerk of Works and relevant consultants will undertake a full snagging inspection of each property and all common areas to ensure the quality of finish meets the Association's criteria. Full details and requirements for this process are given in the Association's Handover Procedures.

12.3 <u>Defects Liability Period and Final Defects</u>

The contractor is responsible for any defects that arise during the course of the year's Defects Liability Period (DLP) following completion of the works. The method of processing and recording defects reported during this time are set down in the Association's Defects Policy.

At the end of the DLP the Association will undertake a tenant design satisfaction survey and will report the findings, along with any recommendations, to Committee.

12.4 <u>Review of Specification</u>

As part of its ongoing commitment to ensure it provides best quality affordable housing the Association will undertake a full review of the Design Guide and Standard Specification following completion of each development project and the post completion surveys. This review will also take account of any management or tenancy issues that have arisen, as a result of a particular design or specification item.

The Post Completion Survey will be undertaken 6 months after practical completion and a report on the outcome will be presented to Committee.

13.0 LIQUIDATION OF CONTRACTORS

The Association will take all possible steps to ensure that only contractors who have a sound financial footing shall be considered for any tender list or design and build contract. In the unfortunate circumstances of a contractor going into receivership while working on one of its projects the Association shall take all steps to minimise the financial and disruptive impact on the organisation. These steps are detailed in the Contractor's Liquidation Policy.

13.1 Financial and Competency Checks

The Association will carry out a credit check on all prospective contractors. If the Association is in any way concerned about the results of this check then the contractor will not be selected for the final tender list or, in the case of a negotiated contract, the Association will proceed no further in its negotiations with that contractor.

It is presumed that a competent contractor is less likely to fail than a poor contractor, therefore, the Association will also check that a contractor is competent by taking up references if the contractor has not been used before or recently. These references will always be in writing. The existence and adequacy of the contractor's health and safety policies and equal opportunities policies will also be checked.

Where appropriate the Association will also take advice from the Design Team if they consider the stability or competence of any prospective contractor to be in question.

It should be noted that credit checks are only a "snap shot" of a company's performance and the financial position of any contractor can change very quickly during the term of a contract. All of the above checks cannot guarantee that a selected contractor will not fail and regular reviews will be undertaken of the financial status of each successful contractor. The Association will therefore maintain a Dun and Bradstreet account to ensure regular financial monitoring takes place.

It is recognised that problems with cash flow are one of the main contributors to a company's financial failure, therefore, certificates will be paid promptly in accordance with the payment terms of the contract. Contractors and consultants will also be made aware of any relevant funding requirements from lenders so that valuations may be co-ordinated to suit, where appropriate.

If, for any reason, the Association feels that certificates or invoices should not or cannot be honoured, then the contractor will be notified immediately in writing of the detailed reasons for this. If a contractor informs the Association that he is experiencing a financial problem due to cashflow then the Association subject to Committee approval may consider modifying the time-period between valuations to help ease this problem in the short term.

Consultants are requested to inform the Association if they suspect any potential financial problems with contractors.

If a Contractor does go into liquidation during a contract the steps set out in the Contractors Liquidation Policy must be taken immediately. In summary, these include:

- (a) Notifying Housing Investment Division of the Scottish Government, the Council and, if appropriate, private lenders.
- (b) Notifying all members of the project team.
- (c) Inform the Association's solicitors.
- (d) Taking appropriate action to safeguard site security.
- (e) Instructing the Project Team to quantify work completed since the last valuation and prepare a report and Certificate for the liquidators (the question of additional fee liability will also have to be considered).
- (f) Requesting a meeting with the contractor, receiver or other agent to confirm the termination of the contract

The following steps will be taken as soon as possible:

- (a) Instruct the Project Team to prepare documentation for tender issue for the remaining works.
- (b) Report to the Housing Investment Division of the Scottish Government, the Council and lenders on the action taken and the proposed route to complete outstanding works.

If the Association is operating a framework agreement of contractors any framework contractor that goes into liquidation will be removed from the framework agreement.

The Association will take advice from the project team on any further action to be taken in accordance with the building contract and will consider the appointment of an additional consultant if specialist advice is required.

14.0 RISK MANAGEMENT

This document is intended to safeguard the Association against the following risks:

- (a) Contravening legislation and best practice.
- (b) Embarking on a development project that is neither financially nor practically viable, with
- (c) resultant financial effect.
- (d) Failing to achieve best value for money in the procurement of works and services in capital projects.
- (e) Failing to control costs within its development programme.
- (f) Not achieving required quality criteria in its development projects.
- (g) Incurring high costs as a result of not carrying out adequate assessment of quality and whole life costing.
- (h) Suffering financial loss, poor reputation and negative publicity as a result of a contractor going into liquidation or the Association's Project Team's inability to deliver projects on time, to specification and within budget.

15.0 POLICY REVIEW

15.1 This Policy will be reviewed by the Housing and Technical Services Sub-Committee (or relevant appointed Sub-Committee at the time). The review period will be 5 years or sooner if new legislation and/or guidance dictate otherwise.

16.0 SCHEME OF DELEGATION

- 16.1 <u>Responsible Committee</u> Housing & Technical Services Sub-Committee
- 16.2 <u>Formulation and Monitoring of Policy</u> Housing& Technical Services Sub-Committee
- 16.3 <u>Formulation and Monitoring of Procedures</u> Housing & Technical Services Sub-Committee
- 16.4 <u>Amendments to Policy</u> Housing & Technical Services Sub-Committee
- 16.5 Monitoring of Statutory Requirements
- 16.5.1 Housing & Technical Services Sub-Committee & Development & Technical Services Manager
- 16.6 <u>Implementation of Policy</u> Development & Technical Services Staff