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THE APPOINTMENT OF A PROFESSIONAL ADVISER AND/OR LEAD CONSULTANT

1. General

- 1.1 The appointment of a professional adviser, either to undertake a Quinquennial Inspection or to plan and direct works, is an important part of every PCC's responsibility. A good relationship between the PCC and the person appointed is crucial to the building up of a successful partnership for everyone – and the church fabric!
- 1.2 The nuts and bolts of the legal background and the appointment of a professional adviser are clearly explained in guidance issued by the Church Buildings Council, which every PCC will find it useful. It is available on the ChurchCare website at: <https://www.churchofengland.org/more/church-resources/churchcare/advice-and-guidance-church-buildings/quinquennial-inspections>.
- 1.3 The National Lottery Heritage Fund (NLHF) {formerly the Heritage Lottery Fund (HLF)} and other grant providers awarding public monies, are required to follow strict procurement rules if public funds will contribute over 50% of the total funding – even if the project is phased over a number of years: -

Contract Value	Tendering procedure	Practical note
Below £10,000 excluding VAT	Obtain 1 quote	
£10,000 - £50,000 excluding VAT	Obtain 3 competitive tenders or quotes	You must provide proof of competitive tendering procedures. Your proof should be a report on the tenders you have received, together with your decision on which to accept. You must give full reasons for your choice if you do not select the lowest tender. However, decisions do not need to be made on cost alone. Instead they should be based on value for money which should take into account other factors such as quality and experience.

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Over £50,000 excluding VAT	Follow a competitive tendering process by advertising the tender opportunity publicly (in relevant journals and/or on a suitable website)	
Over £164,176 excluding VAT (Current OJEU threshold for services contract)	Competitive tendering process in accordance with EU rules	
*All grant holders must obtain their own legal advice and check whether they are subject to Public Contracts Regulation 2015 and therefore subject to additional requirements set out in the Regulation 2015 for sub-threshold contracts.		

N.B.1 Tendering will be apply to both the professional adviser and also the contractor

N.B.2 Best value does not mean that the PCC has to accept the lowest tender submitted. Other factors will influence whether that or another tender represents best value for money for the PCC.

N.B.3 Provided that the professional adviser is appointed by Competitive Tender the National Lottery Heritage Fund (NLHF) will accept that process as also being for the Lead Consultant for any grants submitted within the quinquennium (five-year period).

More information can be found at:

https://www.churchofengland.org/sites/default/files/2018-11/CCB_Procurement_Sep-2016.pdf

- 1.4 As PCCs won't know the fee level until the project has progressed sufficiently, the DAC would encourage PCC to appoint the professional adviser as well the Lead Consultant for one-off projects (e.g. alterations or a re-ordering &/or extension) by competitive tender so that, regardless of the fees to be incurred, the PCC can prove that they have sought best value for the money they are spending.
- 1.5 The DAC would also like to encourage PCCs who are appointing a professional adviser for the Quinquennial Inspection to consider adopting the same procedure.
- 1.6 The appointment process needs to be as transparent as possible. Consequently, the PCC needs to be careful that at no stage before the appointment is finally made that the impression is given, whether intentionally or unintentionally, that the outcome is in any way pre-judged.

2. Appointing a Professional Adviser to undertake the Quinquennial Inspection

- 2.1 The PCC must seek the advice of the Diocesan Advisory Committee for the Care of Churches (DAC) before appointing a professional adviser to undertake the Quinquennial Inspection. The DAC Secretary maintains a Register of Professional Advisers who have expressed an interest in undertaking Quinquennial Inspections within the Diocese of Leicester, who will be notified when an advert is placed on the Diocesan website.
- 2.2 Individuals (but not practices) can ask to be included on the Register, which only applies to the undertaking of Quinquennial Inspections.

- N.B.1** The registration process **does not consider** whether or not a professional adviser is capable of undertaking alterations to a church.
- N.B.2** It is not a requirement of being added to the Register that the professional adviser be on one of the Conservation Registers (i.e. AABC, RIBA or RICS) but being so registered is strongly encouraged.
- N.B.3** The fact that a prospective professional adviser has been included on the Register **does not mean** that a competitive tendering process has been undertaken – it merely indicates that they have the qualifications and experience necessary to undertake Quinquennial Inspections. Each PCC is responsible for making its own appointment of an architect / surveyor, which needs to be separately approved by the DAC.

2.3 When the PCC appoints a professional adviser, the DAC Secretary must be informed, **in writing**, so that the DAC's records can be kept up to date.

3. Appointing a Professional Adviser / Lead Consultant by Competitive Tender for the Quinquennial Inspection and Remedial Works

3.1 As the remedial works flagged up as urgent (i.e. within two years of the Inspection) may be eligible (particularly for structural works), the DAC would encourage PCCs to appoint the Professional Adviser by Competitive Tender so that if a grant application has to be made, this part of the process has already been completed.

3.2 The appointment should be made on the basis of an agreed: -

- Fee for the Inspection and Report
- Percentage fee for any remedial works that may be required

This would have the advantage of guaranteeing to the appointed professional adviser that they will be asked to specify and direct the works required in the light of the Inspection. By so doing, the DAC hopes that professional advisers will find the undertaking of QIs more attractive and also that the "free" advice that they often give to PCCs will be, at least to some extent, taken into account rather than taken for granted.

3.3 To make an appointment this way, the PCC will need to advertise that they wish to make such an appointment so that prospective professional advisers can express their interest in being considered. The National Lottery Heritage Fund has agreed that placing an advert in the following places will be deemed to have met this requirement: -

- Advertising for Professionals page of the Churchcare website – for which there is no charge. This can be done by emailing a copy of the advert to the Church Buildings Council (CBC). Details of how to contact them can be found at <https://www.churchofengland.org/more/church-resources/churchcare/contact-cathedral-and-church-buildings-division>.
- Diocesan website (at no cost) – please send a copy of the PCCs advert to the DAC Secretary who will: -

- Put it on the website (www.leicester.anglican.org/dac/appointment-adverts/) – an exemplar of a successful advert may be found at the end of this document
- Email all the approved architects flagging up the fact that the advert has been posted

3.4 It is quite acceptable, provided the advertisements are placed, for the PCC to send a copy of the advert to particular prospective professional advisers so that they have an opportunity to express an interest.

N.B. The letter must not be capable of being interpreted as implying that they will be especially favoured.

3.5 After the expressions of interest have been received, they need to be sifted and shortlisted carefully checking their qualifications, experience, references and that, for repair or development works, it is strongly recommended that they are on one of the following Conservation Accreditation Registers: -

AABC (www.aabc-register.co.uk/)

RIBA (www.architecture.com/JoinTheRIBA/ConservationRegister/ConservationRegister.aspx)

RICS (www.rics.org/uk/join/member-accreditations-list/building-conservation-accreditation/)

3.6 The shortlisted prospective professional advisers should then be invited to visit the church and meet members of the PCC before they submit a tender for the Quinquennial Inspection and the remedial works. They will need to see the previous QI Report.

N.B. All the information submitted as part of the tendering process needs to be treated with total confidentiality and not divulged to anybody (and that includes other tenderers).

3.7 If, having followed this procedure, the PCC decides to appoint a professional adviser who is not on one of the Conservation Accreditation Registers, and then needs to apply to NLHF or other grant bodies, the NLHF have advised me that: -

- the **lead professional** (usually an architect or a surveyor) for the grant application (i.e. the one who will be directing the works that will be) **must be**: -
 - On the one of the conservation registers i.e. AABC, RIBA or RICS
 - Appointed by competitive tender

If the professional adviser is not on a Conservation Register, the PCC would be entitled to use that professional adviser to administer the tendering process for the appointment of the lead consultant for the grant application works who is on a Conservation Register.

4. **Appointing a Lead Consultant by Competitive Tender for 'one-off' projects, e.g. alterations or a re-ordering and/or extension**

4.1 Professional Advisers for these sorts of projects do not need to be on the Diocesan Register. Theoretically, they may not need to be conservation accredited – unless the PCC is intending to at least partly fund the project through grants as some private grant making trusts will require this as a condition. However, in reality, and especially for works to churches that are Listed Grade I and Grade II*, the use of a conservation accredited professional adviser is likely to produce a far better outcome.

4.2 If a PCC is seeking to appointing a professional adviser to undertake a specific project, such as a re-ordering or an extension, PCCs should be aware that whilst most professional advisers should be competent to do the Quinquennial Inspection and Report, that does not guarantee that they have the wider vision and flair to produce really good designs for new work in Listed Places of Worship. Consequently, PCCs will need to run a separate appointment process along the same lines as set out above.

4.3 Shortlisted professional advisers will need to: -

- Visit the church and meet members of the PCC
- Be provided with drafts copies of the: -
 - Statement of Significance
 - Statement of Need
 - Options Appraisal

before they submit their tender.

4.4 Submission of the tender will probably be best done through an interview process. This might take the form of inviting each of the tenders.

N.B. All the information submitted as part of the tendering process needs to be treated with total confidentiality and not divulged to anybody (and that includes other tenderers).

4.5 If, having followed this procedure, the PCC decides to appoint an architect / surveyor who is not on one of the Conservation Accreditation Registers, and then needs to apply to NLHF or other grant bodies, the NLHF have advised me that: -

- the **lead professional** for the grant application (i.e. the one who will be directing the works that will be) **must be**: -

➤ Listed as / Registered on one of the following: -

- ❖ Register of Architects Accredited in Building Conservation (AABC) at Category A
- ❖ Specialist Conservation Architect (SCA) or Conservation Architect (CA) of the Royal Institute of British Architects (RIBA) Conservation Register

Those listed as *Conservation Registrant* are not deemed by the HLF to have sufficient suitable experience

- ❖ A Chartered Building Surveyor listed on the Royal Institution of Chartered Surveyors (RICS) Building Conservation Register

➤ Appointed by competitive tender

N.B. Failure to comply with **BOTH** of these criteria is likely to result in the PCC's application to the HLF being unsuccessful

If the QI professional adviser is not on a Conservation Register, the PCC would be entitled to use that professional adviser to administer the tendering process for the appointment of the lead consultant for the grant application works.

5. Questions the PCC needs to ask before appointing a professional adviser

5.1 In order to try and help PCCs avoid confusion and misunderstanding, the DAC has drawn up a list of questions which are suggested as a basis for finding out more about the professional adviser and the cost of her/his professional services. These are only suggestions (and much more information is outlined in the CCC's booklet) but the Committee hopes that these will give the PCC a confident base-line from which to approach sometimes rather sensitive issues.

5.2 *About the Quinquennial Inspection Report*

- What is their experience of undertaking Quinquennial Inspections and do they have experience of working with Listed Buildings
- The PCC is responsible for paying the professional adviser's fee. It is appropriate to ask your inspector: -
 - What is the fee for the Inspection and Report?
 - Does the fee include out of pocket expenses such as prints, photocopies and mileage/travelling?
 - Does the fee include the architect/surveyor meeting with the PCC to present the report and discuss questions/queries arising from it?
 - Are fees and expenses subject to VAT?

5.3 *About architectural services generally*

- Will fees be based on the RIBA conditions of engagement forms?
- On what basis will the professional adviser's fee be calculated e.g. percentage of total cost of works or on a rate per hour basis?
- What is the percentage fee?
- What is the rate for time charge?
- Do fees include out of pocket expenses and, if not, what are considered to be out of pocket expenses and how are they charged?
- Are fees and expenses subject to VAT?
- Are fees charged for initial consultations?
- How are fees to be calculated if a project is aborted before completion?
- Are additional fees incurred for amendments/revisions to design proposals once these have been drawn up in detail?
- Does the fee include: -
 - Liaising with the DAC, and, if appropriate, the Planning Authority etc.?
 - Assisting the PCC with grant applications, insurance notification etc.?
 - Measured Surveys

5.4 *Particular projects (if appropriate)*

- What are the Health and Safety implications of this work?
- Do the CDM Regulations apply to this work?
- Does the fee include the services of a Planning Supervisor? If not, will the Planning Supervisor charge an additional fee?
- What other professional disciplines are likely to be involved {e.g. structural engineer, heating/lighting consultants, quantity surveyors, archaeologist, conservator(s)?} and what are their fees?
- When will fees be invoiced?

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- What happens if the project is to be grant aided by the National Lottery Heritage Fund (NLHF)?
- Are you personally an approved member of the Register of Architects Accredited in Building Conservation (AABC), RIBA Conservation Register, RICS Building Conservation Register?
- If, in the course of works, additional work is found to be necessary: -
 - How will the fees for the additional work be calculated?
 - What might that mean for any grant awarded by the HLF and others?

Exemplar Advertisement

All Saints Church, Cossington, Leicestershire

The services of a professional adviser with conservation accreditation (AABC – cat A or similar), ideally with knowledge of the National Lottery Heritage Fund (NLHF), is needed at All Saints Church, Main Street, Cossington, Leicestershire LE7 4UU. Works relate to Repair works to floor, internal re-ordering and construction of a new single storey extension to provide kitchen, toilet and meeting facilities on Grade II* Listed village church. Associated works to electrics, heating, lighting and AV equipment. The purpose is to achieve a multifunctional community facility.

Please reply giving your contact details to – “Name & Address” to be invited for tender.

The closing date for expressions of interest is 31 July 2013. It is anticipated that tenders will be required by a closing date of 31 August 2013.

Proposed dates for interview – 20th and 23rd September

If you have any queries, please contact Name, at the above address or via email – ?@?; or by telephone on ?