

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

4006

Author:

Sarah Lake

Department:

Development and Growth

Contact:

Christopher Deas

(Job Title: Director of Major Projects, Email: chris.deas@nottinghamcity.gov.uk, Phone: 01158764205)

Subject:

Further essential Health and Safety Works at Broadmarsh Centre

Total Value:

£176,048 (Type: Capital and Revenue)

Decision Being Taken:

To grant dispensation from Contract Procedure Rule 4.1.2, in accordance with Financial Regulation 3.29, to extend the existing appointment of Sir Robert McAlpine due to the urgency of the works required to the Broadmarsh Centre.

To delegate the authority to the Corporate Director of Development and Growth to award contracts to those detailed in the Reasons and circumstances section below.

Reasons for the Decision(s)

Following the recent demise of intu and the winding up of those group companies associated with the Broadmarsh Centre the Official Receiver has disclaimed the headlease, resulting in the control of Broadmarsh Centre returning to the Council as the freehold owner of the site. A delegated decision was approved on the 31st July 2020 to sanction costs to cover immediate Health and Safety issues that needed to be addressed on the demolition site and to allow the public right of way between Lister Gate and Collin Street to be reopened.

A report will be presented to Executive Board on the 20th October 2020 setting out the way forward for the redevelopment of the Broadmarsh Centre. In the interim, costs are required to be expended to cover a continuation of existing site arrangements and for essential site safety measures required to hold the site for in a safe and secure state. The works and costs are detailed as follows:

- 1. To extend the contract awarded under DDM (3944) to Sir Robert McAlpine (SRM) to allow them to continue as Principal Contractor and to undertake physical work to hold the site in a safe and secure way. Dispensation to Contract Procedure Rule 4.1.2 is sought to extend the existing appointment of SRM due to the urgency of the works. (£116,048)
- 2. Appointment through the Perfect Circle framework of the professional team to provide services to develop the scope and design of further demobilisation works that are required to ensure the site can be held in a stable state for the medium term, and to assist with initial work for the LEP grant offer for the proposed Phase 1 demolition contract. Some of these cost will ultimately be recovered from the LEP in the event we are successful in concluding an early drawdown of fees (£30,000)
- 3. Works to facilitate signage to the Lister Gate right of way (£10,000)
- 4. Works to remediate defective floor coverings in Lister Gate right of way, clearance of debris, and ongoing statutory surveys. (£20,000)

Other Options Considered:

As the control and responsibility for this building now sits with the Council there are no other options at this moment in time.

Background Papers:

None

Published Works:

Delegated Decision 3944

Affected Wards:

Castle

Colleague / Councillor Interests:

None

Any Information Exempt from publication: Yes

Dispensation from Financial Regulations: Yes

Exempt Information:

Description of what is exempt: Financial comments

An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972

3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The public interest in maintaining the exemption outweighs the public interest in disclosing the information. It is not in the public interest to disclose this information because it may adversely impact the future trading.

Documents exempt from publication:

200915 - BMSC Further Health Safety - Finance Comments.docx

Use of Consultants

Number of Days:55
Rate per Day:545.45
Total value:30000
Start date:17/08/2020
End date:31/10/2020

Reason for using a consultant:

The consultants named within this report were either previously engaged on the project for intu or are involved in the wider Broadmarsh roadspace Public realm, library and car park works, and have extensive knowledge of the site.

Other options considered:

Use of in-house services. This option has been rejected due to insufficient resource to undertake the duties.

Name of consultant:

Harris TPS, Pick Everard, MPN

Reason for selection?

They have existing knowledge of the site

Has the consultant previously completed work for the City Council?	Although MPN were previously engaged on the project, Nottingham City Council had no direct involvement with them as they were employed by intu. Harris TPS have been working on the Broadmarsh Car Park for Galliford Try Build since their appointment and have now done early survey work on the Broadmarsh Centre. Pick Everards are commissioned by the Council on the Broadmarsh Car Park and library projects
Specific activities to be undertaken by the consultant are:	Harris TPS: Fire consultants, preparing fire safety report and fire policy documentation. Preparation of fire safety policy and commenting on fire risk assessments. Pick Everards: Act as Principal Designer on demobilisation contract MPN Civil and Structural engineering: Transportation work
Period of engagement:	17th August - 31st October 2020
By what process was the consultant selected?	Pick Everard, Harris TPS and MPN from the Perfect Circle framework; SRM as an extension to their existing Repair and Maintenance contract
Consultations:	Date: 17/07/2020 Ward Councillors: Sam Webster, Angharad Roberts No concerns
	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	The emergency works to protect and make safe the site will reduce the opportunities for crime and disorder
Equality:	EIA not required. Reasons: These works are emergency works to make the site safe and have no EIA implications
Social Value Considerations:	N/A
Relates to staffing:	Yes
Relates to Council Property Assets:	Yes
Relates to Building Services:	Yes
Decision Type:	Portfolio Holder
Subject to Call In:	No

The call-in procedure does not apply to the proposed decision because the delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The Chair of the Overview and Scrutiny Committee (or Vice-Chair) in his/her absence has been consulted and agreed both that the decision proposed is reasonable in all circumstances and that it should be treated as a matter of urgency.

Person Consulted: Cllr Anne Peach

Consultation Date: 02/10/2020

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Advice Sought:

Legal, Finance, Procurement, Human Resources, Property, Building Services

Legal Advice:

There are no significant legal concerns arising from this report. All the requirements are in accordance with the Council's constitution and the reasons for the decision have been clearly set out in the body of the report.

Advice provided by Naomi Vass (Senior Solicitor) on 24/09/2020.

Finance Advice:

**This advice is exempt from publication and is contained within an exempt appendix
Advice provided by Tom Straw (Senior Accountant - Capital Programmes) on 18/09/2020.**

Building Services Advice:

Building Services are already involved in this projects and replacing defective flooring and fully support this proposal which is essential for site safety. Advice provided by Trevor Bone (Property Maintenance Manager) on 15/09/2020.

Our advise remains the same. Advice provided by Trevor Bone (Property Maintenance Manager) on 24/09/20.

Procurement Advice:

There are no direct procurement issues with the decisions being sought:

- 1) Appointment of Perfect Circle JV under the Scape BECS framework is a compliant route to engage a consultant, and the costs for the remediation etc. in Lister Gate are below the value at which formal quotations are required.**
- 2) If the dispensation to Contract Procedure Rule 4.1.2 to make an award without tendering is approved, then a direct award to Sir Robert McAlpine is compliant with Contract Procedure Rules as the total value of works awarded to date is below the threshold at which an OJEU-compliant tender would be required.**

It would seem to be a sensible approach to use the existing contractor and consultants given their level of familiarity with the building to carry out these urgent works to stabilise and make safe the site while the longer-term options are being put in place. Advice provided by Jonathan Whitmarsh (Lead Procurement Officer) on 16/09/2020.

HR Advice:

Proposals have been reviewed with our internal design and safety teams within building management, confirmation given that capacity and skills are not held in house and use of consultants is supported. As per building services comments, the service is engaged and supporting the project. Proposal is therefore supported. Advice provided by Paul Slater (Service Redesign Consultant) on 23/09/2020.

Property Advice:

The Head Lease on the Broadmarsh Shopping Centre was disclaimed by the Administrator on 3 July 2020; the City Council, as freeholder, is now responsible for managing the property. The works set out in this report are considered essential to ensure the partially demolished building complies with health and safety regulations in the medium term and will enable the walkway between Collin Street and Lister Gate to be kept open for use by members of the public. The recommendations are supported by Property. Advice provided by Richard Cox (Property Projects Manager) on 15/09/2020.

Signatures:

David Mellen (Leader/ PH Regeneration, Schools, Communications)
SIGNED and Dated: 02/10/2020
David Mellen (Leader/ PH Regeneration, Schools, Communications)
NOT SIGNED
Chris Henning (Corporate Director for Development and Growth)
SIGNED and Dated: 01/10/2020
Laura Pattman (Strategic Director of Finance)
SIGNED and Dated: 28/09/2020
Laura Pattman (Strategic Director of Finance) - Dispensation from Financial Regulations
SIGNED and Dated: 28/09/2020
Chief Finance Officer's Comments: