

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	4026
Author:	John Lee
Department:	Development and Growth
Contact:	John Lee (Job Title: rights of way officer, Email: john.lee@nottinghamcity.gov.uk, Phone: 01158765246)
Subject:	Supplier Contracts for Public Rights of Way
Total Value:	£300,000 (Type: Capital and Revenue)
Decision Being Taken:	<ol style="list-style-type: none">1) To commence a procurement process to award up to four contracts for the maintenance of the public rights of way network for a period of four years, at a total value of £300,000.2) To grant dispensation under Financial Regulation 3.29 from Contract Procedure Rule 4.1.1 to directly award contracts to continue with the current supplier arrangements for a maximum period of six months (the value of work during this period will be no more than £25,000).3) To delegate authority to the Head of Service - Traffic and Safety to award the contracts to the successful bidders.
Reasons for the Decision(s)	<p>Since 2004, work on the public rights of way network has been carried out by local suppliers, and costs and expenditure has been continually benchmarked against other regional public rights of way services to ensure value for money. In order to comply with the Financial Regulations, contracts for this work need to be in place with the suppliers. The tender and procurement process will also provide an opportunity to review current prices, investigate alternative suppliers, ensure continued value for money and identify efficiency savings. The new contracts will enable the Council to continue delivering a high quality service so the public rights of way, walking and riding network, is managed as efficiently as possible.</p> <p>The annual budget for the management of public rights of way is £75,000. This is from the Local Transport Plan (Integrated Transport Block, Walking and Cycling), which was approved by the Council's Executive Board in February 2020 for the following financial year. Over the four-year contract period, the total value is £300,000. There are no direct financial implications to the Council.</p>

Briefing notes documents:	Public Rights of Way Supplier Contracts - Briefing Note September 2020.docx, Nottingham Rights of Way Improvement Plan (ROWIP2).pdf
Other Options Considered:	1) To not renew the maintenance contracts: the public rights of way network must be managed in a safe and accessible condition, and the procurement and tendering process is the only option to appoint suppliers. To comply with Financial Regulations, contracts need to be in place with suppliers. No other options are available.
Background Papers:	None
Published Works:	None
Affected Wards:	Citywide
Colleague / Councillor Interests:	None
Dispensation from Financial Regulations:	Yes
Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	The appointment of suppliers does not have any crime and disorder implications.
Equality:	Please login to the system to view the EIA document: EIA Supplier Contracts for Minor Works on Public Rights of Way (SIGNED 21.08.2020).pdf
Social Value Considerations:	A safe and well maintained network has many benefits to citizens and the environment. It supports the Councils policy on encouraging sustainable active travel, improving health and wellbeing, access to open and green spaces, and will help deliver a Carbon Neutral City. A well maintained network has been extremely important during the COVID-19 restrictions, so citizens can exercise locally.
Decision Type:	Portfolio Holder
Subject to Call In:	Yes

Call In Expiry date:

26/10/2020

Advice Sought:

Legal, Finance, Procurement, Equality and Diversity

Legal Advice:

There are no significant legal issues regarding the proposed procurement of a four-year contract, which will be undertaken in compliance with procurement rules and the Council's Contract Procedure Rules. Formal quotations and tenders need not be sought where the estimated value of the contract is less than £25,000, as is envisaged to be the case with the interim contracts.

Advice provided by Sarah O'Bradaigh (Senior Solicitor) on 15/05/2020 (reviewed and updated 23/09/20).

Finance Advice:

The annual budget for works on Public Rights of Way is approved annually at the February Executive Board as part of setting the capital budget. Therefore, the approval of the recommendations within this decision and the required dispensation from Financial Regulations will not amend the value of the Capital Programme or incur any additional expenditure for the Council.

The 2020/21 annual budget is around £50,000 for pavements, funded from the Integrated Transport Block grant and a further around £25,000 for cycle-way maintenance, funded from the Highways Capital Maintenance Grant. The procurement contract is required to take account of the annual budget process and uncertainty of future funding.

Actual works carried out within this contract can be capital or revenue by nature, so when this project incurs revenue expenditure, funding resources will be switched from capital to revenue, ensuring no pressure is placed on the general fund on the basis that the cumulative spend is under the approved budget.

Advice provided by Tom Straw (Senior Accountant - Capital Programmes) on 10/08/2020.

Procurement Advice:

There are no direct procurement issues with the decision to be taken. The Procurement Team will work with the client to ensure that the requirement is tendered in line with Contract Procedure Rules. In the interim, as the total annual budget for works is £75,000, a dispensation to Contract Procedure Rule 4.1.1 allows for continuation of services until formal contracts are put in place.

Advice provided by Jonathan Whitmarsh (Lead Procurement Officer) on 01/05/2020 (reviewed and updated 26/08/2020).

Equality and Diversity Advice:

An Equality Impact Assessment has been checked and sent back to the author with final comments. Assessments will be required as and when repair work is carried out to ensure that any impact on public is mitigated.

Advice provided by Nasreen Miah (Equality and Employability Consultant) on 30/04/2020 (reviewed and updated 21/08/20).

Signatures

Adele Williams (Portfolio Holder for Adult Care & Local Transport)

SIGNED and Dated: 16/10/2020

Chris Henning (Corporate Director for Development and Growth)

SIGNED and Dated: 16/10/2020

Laura Pattman (Strategic Director of Finance) - Dispensation from Financial Regulations
SIGNED and Dated: 07/10/2020
Chief Finance Officer's Comments: