

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

4251

Author:

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Department:

Growth and City Development

Contact:

Christopher Deas

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

Subject:

Broad Marsh Advisory Group - consultancy support

Total Value:

£185,000 (Type: Capital)

Decision Being Taken:

1. To grant dispensation from Contract Procedure Rule 4.1.2 under Finance Procedure Rule 3.29 on operational grounds to seek quotes instead of tenders for design/architectural services.
2. To delegate authority to the Corporate Director of Growth and City Development (interim) to award the contract for designer/architect services following the procurement process set out in this report.

Reasons for the Decision(s) A report was approved at 20th October 2020 Executive Board setting out the way forward for the redevelopment of the Broadmarsh Centre. This included establishing an advisory panel to work with the Council to help build an ambitious vision for the Greater Broad Marsh area.

The Greater Broad Marsh Advisory Group will consider and build on the submissions received during the "Big Conversation" public engagement and has been asked to make recommendations on two crucial aspects for the future of the Broadmarsh area: a creative vision and a delivery strategy.

A requirement for designer/architect services has been identified to support the development of the creative vision and strategy. Due to operational constraints it is necessary to seek a dispensation from Contract Procedure Rule 4.1.2 under Finance Procedure Rule 3.29 to ensure the designer/architect is able to start in line with the project plan. A procurement process will however be undertaken with at least three quotes requested to identify the most economically advantageous supplier to meet the Council's requirements.

This report seeks approval to grant this dispensation and to delegate authority to the Corporate Director for Growth and City Development (interim) to award the contract following the procurement process.

LEP funding has been allocated to fund the procurement of this consultancy support.

Other Options Considered: Use of in-house services: this option has been rejected as there is insufficient resource internally to provide the technical support required.

Background Papers: None

Published Works: Broadmarsh - Next Steps (Exempt report) - Nottingham City Council Executive Board October 2020

Affected Wards: Citywide

Colleague / Councillor Interests: None

Dispensation from Financial Regulations: Yes

Use of Consultants

Number of Days: 0
Rate per Day: 0
Total value: 0
Start date: 01/06/2021
End date: 30/09/2021

Reason for using a consultant:	To support the development of the Greater Broad Marsh Advisory Group's creative vision and delivery strategy.
Other options considered:	Use of in-house services: this option has been rejected as there is insufficient resource internally to provide the technical support required
Name of consultant:	Pending procurement process
Reason for selection?	Pending procurement process
Has the consultant previously completed work for the City Council?	To be confirmed
Specific activities to be undertaken by the consultant are:	Architectural and design activities
Period of engagement:	June - September 2021
By what process was the consultant selected?	Quotation process.
Consultations:	Date: 14/05/2021
	Chief Finance Officer: Clive Heaphy
	Appraised of procurement process by Head of Contracting and Procurement
Crime and Disorder Implications:	The redevelopment of the Broadmarsh area will significantly transform the vitality and viability of the southern part of the city centre for Nottingham's citizens and visitors. Redevelopment of the site will reduce opportunities for crime and disorder.
Equality:	EIA not required. Reasons: No EIA necessary as decision does not relate to new or changing policies, services or functions.
Social Value Considerations:	The location and scale of the Broadmarsh site means it is important to the population of the City and wider region. The market on its own is unlikely to deliver an optimal solution, given the uncertainty and complexity around the site and its potential value. Public sector intervention, at this stage, has the ability to overcome this market failure and create value for residents of and visitors to the City Centre.
Relates to staffing:	Yes
Relates to Council Property Assets:	Yes

Decision Type: Portfolio Holder

Subject to Call In: Yes

Call In Expiry date: 23/06/2021

Advice Sought: Legal, Finance, Procurement, Human Resources, Property

Legal Advice:

The Contract procedure Rules set out the procurement processes to be undertaken when the Council is purchasing any goods, services or works. For the value of this contract it is expected that a tendering process be completed. The value is such that it is below the EU threshold and therefore not subject to procedures set out in the Public Contracts Regulations 2015 (as amended).

Financial Regulations permit a dispensation for operational reasons subject to the agreement by the Chief Finance Officer in consultation with the relevant Portfolio Holder. The operational reasons are as set out in the report by the author.

As there is to be a quotation process undertaken this would demonstrate that the Council is seeking and discharging its Best Value duty under the Local Government Act 1999.

Finally, a review on the appointment terms needs to be undertaken and advice provided as appropriate.

Advice provided by Naomi Vass (Senior Solicitor) on 25/05/2021.

Finance Advice:

The expenditure indicated within this decision is already budgeted within the approved Capital Programme (approved at Executive Board February 2021), and is fully funded by external grant. Therefore, following approval of this decision no amendment to the Capital Programme is required.

As this expenditure is already within the current Capital Programme it does not require endorsing by the Capital Board, prior to committing the Council to capital spend. In addition to this as the expenditure is entirely funded by external grant it is outside the current amended scheme of delegation.

Dispensation from financial regulations is requested for operational reasons. However, the Project Manager is required to be able to evidence that the Council has achieved Value for Money as part of this decision.

Advice provided by Tom Straw (Senior Accountant - Capital Programmes) on 26/05/2021.

Property Advice:

This decision is supported by Property Services as it will ensure high quality technical advice is provided. Advice provided by Beverley Gouveia, Development & Disposals Manager 19.05.2021. Advice provided by Beverley Gouveia (Estates Surveyor) on 17/05/2021. Advice provided by Beverley Gouveia (Estates Surveyor) on 19/05/2021.

Procurement Advice:

In order to meet the operational requirements of the project the request for dispensation with Financial Regulations 3.29 and Contract Procedure Rule 4.1.2 is accepted. Rather than obtaining three tenders it is proposed to obtain three quotes in electronic form from at least three suppliers with a minimum of one from a local supplier. These quotes will be used to ascertain the most economically economic advantageous proposal on a combination of quality and price. Procurement will advise the project team on the best way to receive the quotes. Advice provided by Steve Oakley (Head of Contracting and Procurement) on 24/05/2021.

HR Advice:

HR Advice is contained within the attached document. Advice provided by Labeeb Aslam (HR Consultant) on 24/05/2021.

Advice documents: HR Comments on DDM - Consultancy Support.docx

Signatures:

David Mellen (Leader/ PH Strategic Regeneration Communications)

SIGNED and Dated: 15/06/2021

David Mellen (Leader/ PH Strategic Regeneration Communications)

SIGNED and Dated: 15/06/2021

Michael Wayne Bexton (Interim CD for Growth & City Development)

SIGNED and Dated: 10/06/2021

Clive Heaphy as Chief Finance Officer (Chief Finance Officer) - Dispensation from Financial Regulations

SIGNED and Dated: 10/06/2021

Chief Finance Officer's Comments: