

Nottingham City Council Delegated Decision



Nottingham
City Council

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| Reference Number: | 4290 |
| Author: | Christopher Keane |
| Department: | Resident Services |
| Contact: | Christopher Keane (Job Title: Head of Highway & Energy Infrastructure, Email: chris.keane@nottinghamcity.gov.uk, Phone: 01158761363) |
| Subject: | Procurement of Supplies & Services - Commercial Services Contract |
| Total Value: | £114,000 (Type: Capital and Revenue) |
| Decision Being Taken: | To approve the dispensation (in accordance with Financial Regulations 3.29) from the need to conduct a tender process in accordance with Contract Procedure Rule 4.1.2 to award a Supplies & Services Contract to Thomas Bow Limited with a total value of £114k. |
| Reasons for the Decision(s) | <p>Highway Services are responsible for the delivery of Highway Safety & Maintenance Statutory Functions and Construction Services for Nottingham City Council (NCC), and in doing so, ensuring Value for Money is essential. To support this specialist resources are required from the construction industry, including; Early Contractor Involvement (ECI), Quantity Surveying, Specialist Advice, together with bench marking measures and reviews.</p> <p>Thomas Bow Limited (TB) have been engaged in providing commercial services support to develop the Highways internal business and to support the alignment of the service with the industry. This service is to be provided until 31 March 2021.</p> <p>TB is well established within the highways industry and have demonstrated best practice through the contracts they have been awarded, including for a number of local authorities. This will enable demonstrated VfM through benchmarking. In addition TB is a wholly owned company of NCC and as such an alignment in service processes and approach to delivery is anticipated to provide streamlining benefits.</p> |

Other Options Considered: 1) To use the Highways Framework Resources lots: The lots are suited to delivery resources and not specialist support and for this reason rejected.
2) To undertake an open tender procurement exercise for a Supplies & Services Contract: These are interim support measures in place and its essential to have continuity in service provision for a fixed period. Future requirements will be subject to review and an open tender exercise.

Background Papers: None

Published Works: None

Affected Wards: Citywide

Colleague / Councillor Interests:

Dispensation from Financial Regulations: Yes

Consultations: Those not consulted are not directly affected by the decision.

Crime and Disorder Implications: This decision is not considered to have any specific crime and disorder implications.

Equality: EIA not required. Reasons: This decision does not set out proposals for changes to policy, service or function.

Social Value Considerations: Not applicable, as the value of contract will be below EU threshold.

Decision Type: Portfolio Holder

Subject to Call In: Yes

Call In Expiry date: 28/07/2021

Advice Sought:

Legal, Finance, Procurement, Human Resources

Legal Advice:

The Council's Financial Regulations permit a dispensation from the need to conduct a quotation or tender exercise for operational reasons subject to the approval of Chief Finance Officer and Portfolio Holder. The reasons have been set out by the report author and how the services being provided have assisted the Highways Team with not only the delivery of certain specialist requirements but also developing market knowledge and skills which will benefit the department with not only their own working practices but to ensure tendering processes are set out to maximise future delivery to the Council by appointed contractors.

The value of the contract is also below the thresholds set out in legislation and therefore the provisions of the Public Contract Regulations 2015 (as amended) do not apply on this occasion.

Finally the Council must be satisfied that it is complying with its Best Value duty as established under the Local Government Act 1999. In determining Best Value consideration should not just be given to the cost or potential savings to be achieved but the application of value to all aspects of the Council's operations and having regard to a combination of economy, efficiency and effectiveness.

Advice provided by Naomi Vass (Senior Solicitor) on 18/05/2021.

Finance Advice:

The cost associated with the decision is held within the Highways Service 2021/22 resource allocation budget and is expected to be recouped by recharging the capital programme at cost or, other internal NCC departments at cost.

The Highways Service must be satisfied Best Value is considered in undertaking this decision regarding economy, efficiency and effectiveness.

Dispensation to Contract Procedure Rule 4.1.2 in accordance with Financial Regulation 3.29 (Operational Reasons) is supported as per the reasons stated by the author. Advice provided by Tania Clayton Perez (Commercial Business Partner) on 23/06/2021.

HR Advice:

No people impact is identified based on the information contained within this decision. Advice provided by Matthew Hackney (Resourcing Consultant) on 19/05/2021.

Procurement Advice:

This decision relates to services provided up to the 31st March 2021, and is thus seeking post-hoc approval, which has been discussed and agreed with the Head of Procurement. If a retrospective dispensation to Contract Procedure Rule 4.1.2 is granted under Finance Procedure Rule 3.29, then there are no direct procurement implications with the decision. Advice provided by Jonathan Whitmarsh (Lead Procurement Officer) on 24/05/2021.

Signatures

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| Rosemary Healy (Portfolio Holder Highways, Transport, Cleansing) |
| SIGNED and Dated: 21/07/2021 |
| Dave Halstead (Director of Neighbourhood Services) |
| SIGNED and Dated: 15/07/2021 |

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

SIGNED and Dated: 14/07/2021

Chief Finance Officer's Comments: This procurement does not meet best practice and ordinarily, I would NOT approve a dispensation. This work must be tendered. However, this is a retrospective request and I am left with no alternative. I will not be drafting a dispensation for 2021/22