

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

2913

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Department:

Development and Growth

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Subject:

Dispensation from Contract Procedure Rules within Financial Regulations for the Procurement of Concrete Repair Work for Broadmarsh Bridge Structure

Total Value:

Up to £500,000 (Capital) (Type: Capital)

Decision Being Taken:

**To undertake concrete repair work to the Broadmarsh bridge structure that supports the highway of Collin Street and Middle Hill; and
To dispense with Contract Procedure Rules within Financial Regulations to make a direct contract award for carrying out these works.**

Reasons for the Decision(s)

The City Council as Local Highway Authority is responsible for the maintenance of the bridge structure that supports the highway of Collin Street and Middle Hill and forms part of the curtilage of the Broadmarsh Shopping Centre which includes trading and back of house retail units.

Work has recently been undertaken to repair the defective bridge expansion joints and undertake concrete column repairs in key areas of the bridge structure that have been affected over the years by water ingress.

The City Council is currently undertaking an inspection of the bridge structure and further specialist concrete repair work will be required in a time critical manner in order to minimise potential health and safety issues relating to the structural integrity of the bridge structure as well as reducing the impact on commercial activity in, and the redevelopment of the intu shopping centre. The extent of this work will only be understood as each area is inspected.

The services of a specialist contractor need to be engaged to carry out an unspecified amount of work that will be determined by the on-going inspections, virtually immediately. It is proposed to appoint CRL Limited and dispensation is being sought from Contract Procedure Rules within the Financial Regulations for their appointment without undertaking an open tender procurement exercise due to the requirement to react immediately to on-going findings from the bridge inspection.

CRL Limited were commissioned to undertake initial repair works and are now in the unique position that they have already assessed and worked on the bridge structure, having completed the concrete column repairs that have been undertaken in the last few months, as well as emergency repairs to the adjoining Broadmarsh car park. They have the knowledge of the bridge structure condition, the skills and expertise to carry out this work, and have the flexibility to work in the manner required. The repair of concrete structures is specialist work, and the long term effectiveness of the repair is a combination of using both appropriate materials as well as applying a high standard of workmanship. Therefore employing this reputable company with a knowledge of the structure and proven track record of delivering specialist concrete repair work will reduce the risks to the Council. Should CRL Limited be appointed, contractual procedures will be put in place to ensure value for money is secured.

Briefing notes documents:

DDM Concrete Repair Broadmarsh Bridge Structure Briefing Note For Info Not for Publication.docx

Other Options Considered:

- 1) **Do nothing** - If the identified repairs to the bridge structure are not undertaken in a timely manner the City Council will not be meeting its responsibilities as a bridge maintenance authority . There is a risk that the longer the work to remedy the repairs are left, the higher the impact will be on commercial activity and traffic in the area as repairs are undertaken.
- 2) **Undertake a full open tender procurement exercise on completion of the bridge survey** - The bridge inspection could be completed in full to identify the full extent of work required which could then be tendered on the open market. This procurement process would take some time during which there may be further degradation of the bridge structure.

Background Papers:

None

Published Works:	'Medium Term Financial Plan 2017/18-2019/20' report to Executive Board 21 February 2017. Minute number 71
Affected Wards:	Bridge
Colleague / Councillor Interests:	None
Dispensation from Financial Regulations:	Yes
Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	None
Equality:	EIA not required. Reasons: Decision does not set out proposals for changes to a policy, service or function
Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	14/08/2017
Advice Sought:	Legal, Finance, Procurement
Legal Advice:	The proposals set out in the report raise no significant legal issues and on the basis of the rationale set out herein the proposed decision is supported. Advice provided by Malcolm Townroe (Director of Legal and Governance) on 23/07/2017.

Finance Advice:

At Executive Board December 2015 the Council agreed a programme of capital works called the Southside Transport Strategy where the value of the decision was £13.425m. These Southside Transport works include a number of smaller projects, one of which was repairs to the Bridge Structure on Collin Street and Middle Hill, the spend within this decision paper is included in December's report.

More recently at February 2017 Executive Board a forecast was made of £3.510m for 2017/18 expenditure on the Southside Transport Strategy. The works within this decision form part of the £3.510m forecast and is to be funded from LGF Grant.

Depending on the outcome of the on-going inspections, should the spend be greater than £0.500m further approval will be required. An analysis will be needed regarding additional costs to identify if these costs and funding can be contained within the original approval, or if further approval / funding will be required.

This decision seeks approval to commission CRL Limited to deliver works up to the value of £0.500m. In commissioning CRL Limited to carry out these works, dispensation from contract procedure rule 5.1.2 is required under financial regulation 3.29 for operational reasons.

Advice provided by Tom Straw (Senior Accountant - Capital Programmes) on 21/07/2017.

Procurement Advice:

If the dispensation is granted, there are no procurement implications with this decision. The value of the decision is below the OJEU threshold for works, and dispensation from the requirement to seek tenders in accordance with Contract Procedure Rules is allowed under Finance Procedure Rule 3.2.9 on operational grounds. Corporate Procurement will continue to advise and assist the client as necessary. Advice provided by Jonathan Whitmarsh (Lead Procurement Officer) on 11/07/2017.

Signatures

Jon Collins (Leader & PH Strategic Infrastructure & Comms)
SIGNED and Dated: 07/08/2017
David Bishop (Deputy CE, CD for Development and Growth)
SIGNED and Dated: 27/07/2017
Geoff Walker (Strategic Director Finance/CFO) - Dispensation from Financial Regulations
SIGNED and Dated: 01/08/2017
Chief Finance Officer's Comments: