

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

3126

Author:

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Department:

Development and Growth

Contact:

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Subject:

Approve the use of a single supplier for the mitigation of Great Crested Newts to enable works at the Nottingham Enterprise Zone.

Total Value:

Up to £40,000. (Type: Capital)

Decision Being Taken:

To dispense with Contract Procedure Rule 5.1.1 in accordance with Financial Regulation (3.29) (Operational Issues) to allow for a direct award of a contract to deliver mitigation for Great Crested Newts for a period of time whilst construction work is taking place in a recognised Newt habitat.

Reasons for the Decision(s)

The Council is working with Alliance Boots to open up their site and enable sustainable access to the Nottingham Enterprise Zone (Boots campus). A key element of these proposals is the construction of a walking and cycling bridge over the Midland Main Line connecting Nottingham Science Park with the Boots Campus.

In gaining approval for these works the Council worked with local specialist EMEC Ecology to achieve planning permission to build the bridge. This involved the identification of measures that have agreed by the Planning Authority. These must be implemented to allow the Council to lawfully and safely translocate Great Crested Newt ahead of invasive construction work.

The following reasons have brought about the need for the direct award:

- The funding and timescales available to deliver the scheme are time limited. Mitigation measures to deal with the Newts need to be implemented as soon as possible following the granting of a licence from English Nature. This will allow the collection/translocation of Newts ahead of the breeding season.
- If not put in place it will result in delays to the delivery contract (value circa £3.5 million) resulting in compensation claims from the contractor. This will cause additional expense to the Council.
- EMEC are a recognised supplier of the required services. They have valid licenses to move Newts and they are currently working on our behalf to agree a methodology with English Nature as to how the work should be undertaken. EMEC were the recommended contractor by the Parks and Open Spaces Team, as recognised specialists in this area of work.
- The costs provided by EMEC were checked by the Parks and Open Spaces Team, who agree they are a fair price for the work. Some negotiation has taken place on certain elements of the costs and where possible these have been reduced - this is reflected in the final value of this report.
- EMEC know the site and are trusted to work on the site by Boots. If a new supplier were to be brought in, they would need to repeat some of the survey work undertaken by EMEC. This would result in additional costs and time delays to the project.

Briefing notes documents:

1700231NFUL3 Decision Notice (2).pdf

Other Options Considered:

- Using the Council's internal resources to undertake physical works This was rejected, as it is essential Natural England approve the mitigation measures and methods. The works need to be undertaken/supervised by the holder of a newt licence which would involve paying a specialist contractor such as EMEC.
- Tender the works. Rejected. EMEC know the site and have put forward proposals, which have been accepted by Planning. The costs have been sense checked and negotiated with some savings achieved. They are agreed to be fair. An internet search for other consultancies with the capabilities and qualifications to undertake the work show that EMEC are the only ones solely based in Nottingham City. This has meant costs such as travel and briefing a new consultancy are reduced.
- Do nothing. This was rejected the Council cannot legally build the scheme without translocating the Newts.

Background Papers:

Location plan

Published Works:	Executive Board report 18 October 2016 - Nottingham Enterprise Zone: Boots Campus
Affected Wards:	Dunkirk and Lenton
Colleague / Councillor Interests:	
Dispensation from Financial Regulations:	Yes
Consultations:	This decision relates to a specific detail/aspect of procurement required to deliver a project which has been through wider consultation as part of the Executive Board approval process.
Crime and Disorder Implications:	N/A wider issues were discussed as part of the Executive Board process.
Equality:	EIA not required. Reasons: A specific issue relating to Great Crested Newts. Where EIA issues apply Exec Board and Planning Permission have been sought and agreed.
Decision Type:	Officer
Executive Decision?	Yes
Scheme of Delegation Reference Number or Other Source of Delegation:	1
Subject to Call In:	No The call-in procedure does not apply to the decision because the value of the decision is below the call in threshold.
Advice Sought:	Legal, Finance, Procurement
Legal Advice:	This report raises no significant legal issues provided the terms of the Enterprise Zone grant are complied with. The financial value is below the applicable threshold for the purposes of the Public Contracts Regulations 2015 and so a direct award is permissible. Advice provided by Andrew James (Team Leader Contracts and Commercial) on 22/03/2018.

Finance Advice:

This decision seeks approval to commission EMEC Ecology to deliver works to the value of £0.040m. In commissioning EMEC Ecology to carry out these works, dispensation from contract procedure rule 5.1.1 is required under financial regulation 3.29 for operational reasons.

The costs will be funded from the Nottingham Enterprise Zone Sustainable Transport Package grant as approved to spend in Executive Board report 18 October 2016.

Advice provided by Chanelle Poyser (Commercial Business Partner) on 22/03/2018.

Procurement Advice:

The report does not raise any significant procurement issues, although a decision to dispense with Contract Procedure Rule 5.1.1 in accordance with Financial Regulation (3.29) (Operational Issues) to allow for a direct award of the contract is required.

EMEC Ecology are a city based supplier.

Advice provided by Paul Ritchie (Lead Procurement Officer) on 19/03/2018.

Signatures:

David Bishop (Deputy CEO/Corporate Director Development and Grow)

SIGNED and Dated: 03/04/2018

Theresa Channell (Head of Corporate and Strategic Finance) - Dispensation from Financial Regulations

SIGNED and Dated: 09/04/2018

Chief Finance Officer's Comments: