

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	3179
Author:	Sarah Lake
Department:	Development and Growth
Contact:	Christopher Deas (Job Title: Director of Major Projects, Email: chris.deas@nottinghamcity.gov.uk, Phone: 01158764205)
Subject:	Greater Broadmarsh Programme
Total Value:	Exempt (Type: Capital)
Decision Being Taken:	To approve funding and use of consultants to progress the Greater Broadmarsh Programme. To grant dispensation from contract procedure rule 5.1.2 under Financial Regulation 3.29 to extend the appointment of existing consultants design commission to the wider Public Realm area and to extend the dispensation period in respect of the appointment for Project Management Support for the Greater Broadmarsh Programme.
Reasons for the Decision(s)	<p>1st June 2017 Executive Board approved development funds and use of specialist consultants to progress the Greater Broadmarsh Programme, in particular to pursue the Council's involvement in the redevelopment of the intu Broadmarsh Shopping Centre (BMSC), the design and construction of a new Broadmarsh Car Park and bus station (BMCP), and associated highway and public realm developments.</p> <p>Since June Board, although progress has been made, procurement timescales have been slightly extended for both BMCP and BMSC.</p> <p>Approvals to date, cover expenditure up to the previously targeted date of January 2018. This report is seeking approval for the additional costs and use of consultants (see Appendix A) to take the BMCP project up to award of contract targeted as the end of July 2018. This report is also seeking approval to cover intu development costs to October 2018 (the targeted start on site date).</p> <p>This report also seeks approval to grant dispensation from contract procedure rule 5.1.2 under Financial Regulation 3.29 to extend the appointment of existing consultants on the Greater Broadmarsh Programme, as detailed in Appendix A. This is to avoid delay in procurement and associated increase in costs, and to ensure continuity.</p>

Other Options Considered:	<p>Deferring the decision to continue investment: this would have a detrimental impact on the redevelopment and subsequent economic transformation of the Broadmarsh area. For this reason, this option was rejected.</p> <p>Do Nothing: this is not an option due to various lease and contractual commitments in relation to the BMSC and BMCP.</p>
Background Papers:	None
Published Works:	<p>Executive Board Report 1 June 2017 - Broadmarsh Shopping Centre and Car Park and Associated Matters: http://committee.nottinghamcity.gov.uk/ieListDocuments.aspx?CId=177&MId=6750&Ver=4</p> <p>Executive Board Report 22 Dec 2015 - Southside Transport Strategy Capital Programme Spending Approval - Key Decision: http://committee.nottinghamcity.gov.uk/ieListDocuments.aspx?CId=177&MId=5040&Ver=4</p> <p>Delegated Decision 2480 7 June 2016 - Collin Street redesign: http://committee.nottinghamcity.gov.uk/ieDecisionDetails.aspx?ID=3749</p>
Affected Wards:	Bridge, Radford and Park
Colleague / Councillor Interests:	None
Any Information Exempt from publication:	Yes
Dispensation from Financial Regulations:	Yes
Exempt Information:	<p data-bbox="387 1134 2123 1246">Further background information relating to the wider Broadmarsh development</p> <p data-bbox="387 1209 2123 1246">Finance advice</p> <p data-bbox="387 1289 2123 1364">An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972</p>
Description of what is exempt:	

3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The public interest in maintaining the exemption outweighs the public interest in disclosing the information because the Appendix includes information relation to the wider Broadmarsh development and these are subject to commercial negotiations which would be prejudiced by prior publication of our expectations.

Documents exempt from publication:

Exempt Broadmarsh Finance Comments -180504.docx, Exempt Appendix A 010518.docx

Use of Consultants

Number of Days:426

Rate per Day:0

Total value:0

Start date:06/06/2017

End date:31/07/2018

Reason for using a consultant:

To assist the Council in progressing the Broadmarsh Shopping Centre, Broadmarsh Car Park and other associated highway and public realm works

Other options considered:

Use of in-house services. This option has been rejected due to insufficient internal resources to undertake the duties. The considerable amount of knowledge held by the consultants currently appointed for the BMCP and BMSC means it is considered best value for money for the Council to retain their services until the schemes are completed.

Name of consultant:

As set out in Appendix A

Reason for selection?

This approval is seeking an extension to existing appointments, brought about by delays to the programme as noted earlier in the report, and to appoint consultants providing services that are unable to be fulfilled in house.

Has the consultant previously completed work for the City Council?

The consultants have previously completed work for the City Council on a number of projects e.g. Leisure Transformation Programme, Highfields HLF Restoration, BSF Programme, Bioscience and business hub, NCC Condition works, Waterside Regeneration, Creative Quarter Property Strategy etc

Specific activities to be undertaken by the consultant are:

Design Services, Employers Agent, Quantity Surveying, Legal Services, Project Management consultancy. Highway structure, design and specification, management and co-ordination of works. Utilities co-ordination. Programme Management support

Period of engagement:

June 2017 - July 2018

By what process was the consultant selected?

PAGABO Framework, Perfect Circle, EM Lawshare, NCC Project Management Framework, Midlands Highway Alliance PSP2 (Professional Services Contract), Design Competition

Consultations:

Those not consulted are not directly affected by the decision

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 and would result in an enhanced leisure and retail experience for Nottingham's citizens and visitors, and maintain employment in the city's service sector.

Equality:

EIA not required. Reasons: No EIA necessary as decision does not relate to new or changing policies, services or functions.

Relates to staffing:

Yes

Relates to Council Property Assets:

Yes

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

15/06/2018

Advice Sought:

Legal, Finance, Procurement, Human Resources, Property

Legal Advice:

This report does not raise any significant legal issues and the dispensations are supported. Following discussions with the report author it is understood that the contracts with consultants and providers who are on frameworks can be extended. It is understood the value of the contracts to be extended for the two consultants which require a dispensation are currently in aggregate below the applicable value for the Public Contracts Regulations 2015. Any further proposal to extend these contracts should be for a financial value which remains in aggregate below the applicable threshold of £181K.

Advice provided by Andrew James (Team Leader Contracts and Commercial) on 08/03/2018.

Finance Advice:

This advice is exempt from publication and is contained within an exempt appendix.

Advice provided by Tom Straw (Senior Accountant - Capital Programmes) on 04/05/2018.

Property Advice:

The proposals in this report are supported; the continued engagement of the named consultants is considered prudent given their previous involvement and specialist knowledge of the Greater Broadmarsh projects.

Advice provided by Richard Cox (Property Projects Manager) on 23/02/2018.
(confirmed correct as of 06/06/2018).

Procurement Advice:

The recommendations set out in the report do not pose any significant procurement issues, however close monitoring should be in place to ensure that the aggregated value for the two consultants requiring a dispensation remains below the EU service threshold of £181k.

Advice provided by Sue Oliver (Category Manager - Procurement) on 09/03/2018.

HR Advice:

The use of consultants is necessary due to the specialist knowledge needed and amount of resource available in the Council at present. In addition to that it is better to use the same consultants in terms of value for money and continuity purposes.

Advice provided by Hannah Gemmill (HR Business Partner) on 01/03/2018.
(confirmed correct as of 07/06/2018)

Signatures:

Jon Collins (Leader of the Council)
SIGNED and Dated: 05/06/2018
David Bishop (Deputy CE, CD for Development and Growth)
SIGNED and Dated: 23/05/2018
Laura Pattman (Strategic Director of Finance) - Dispensation from Financial Regulations
SIGNED and Dated: 16/05/2018