

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	3680
Author:	Adele Margetson
Department:	Development and Growth
Contact:	Adele Margetson (Job Title: Finance Business Analyst, Email: adele.margetson@nottinghamcity.gov.uk, Phone: 0115 8763706)
Subject:	Midlands Engine appointment of ADE Regeneration Ltd
Total Value:	£33,600 (Type: Revenue)
Decision Being Taken:	<p>1) To dispense with Contract Procedure Rule 5.1.1 in accordance with Financial Regulation 3.29 to allow for a direct award to ADE Regeneration Ltd to deliver essential short term interim support for major contract management for the Midlands Engine without undertaking a formal quotation process.</p> <p>2) To delegate authority to the Director of Economic Development to finalise the details, award and sign the relevant contract, and authorise the expenditure.</p>
Reasons for the Decision(s)	<p>This is an urgent piece of work required by the Midlands Engine to commence as soon as possible, concluding on or before 31 March 2020. The agency appointed will need to be able to develop the work within required timescales to the required standards.</p> <p>The short term interim contract management is necessary to represent the Midlands Engine as "client" on a portfolio of major projects, and on behalf of the Programme Director - this is an essential and highly visible area within the team. It combines both proactive and reactive contract leadership elements and will involve close working with a wide range of partners. Providing expert advice and implementing contract management best practice to enable successful progress of key accounts. Informal quotations have been received and ADE Regeneration Ltd are deemed the preferred supplier based on value, quality and ability to meet the requirements within the given timescales.</p> <p>Nottingham City Council are the Accountable Body for the Midlands Engine Partnership (DD 2598) and are acting on behalf of a decision taken by the Midlands Engine Operating Board.</p>
Other Options Considered:	<p>Option1 - Not awarding the Midlands Engine contract. This option was rejected as it would impact on major contracts already in place.</p> <p>Option 2 - Go out to formal quotation. This option was rejected due to the limited timescales.</p>

Background Papers:	None.
Published Works:	None.
Affected Wards:	Citywide
Colleague / Councillor Interests:	None.
Dispensation from Financial Regulations:	Yes
Use of Consultants	Number of Days:84 Rate per Day:400 Total value:33600 Start date:30/09/2019 End date:31/03/2020
Reason for using a consultant:	The use of a consultant is necessary due to a vacancy within the Midlands Engine Team
Other options considered:	Option 1 - Recruit to the vacant post. This option was rejected due to timescales the recruitment process would have taken to long and would affect major contracts with partners that are already in place. Option 2 - Go out to formal quotation. This option was rejected due to limited timescales
Name of consultant:	ADE Regeneration Ltd
Reason for selection?	ADE Regeneration Ltd are considered the preferred supplier based on value, quality, the ability to meet the requirements within the given timescales, and proven track record.
Has the consultant previously completed work for the City Council?	Yes - ADE Regeneration Ltd have previously worked for the Midlands Engine (from September 2018 to June 2019).
Specific activities to be undertaken by the consultant are:	Short term interim contract management as "client" on a portfolio of major projects. It combines both proactive and reactive contract leadership elements and will involve close working with a wide range of partners. Providing expert advice and implementing contract management best practice to enable successful progress of key accounts.
Period of engagement:	September 2019 to March 2020
By what process was the consultant selected?	The selection process was based on an informal tender process carried out by Midlands Engine due to the timescales involved.

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

Crime and Disorder Implications: There are no crime or disorder implications arising from this decision

Equality: EIA not required. Reasons: EIA not required as no new or changing policies involved.

Relates to staffing: Yes

Decision Type: Portfolio Holder

Subject to Call In: No
The call-in procedure does not apply to the proposed decision because the delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The Chair of the Overview and Scrutiny Committee (or Vice-Chair) in his/her absence has been consulted and agreed both that the decision proposed is reasonable in all circumstances and that it should be treated as a matter of urgency.

Person Consulted: Cllr Anne Peach

Consultation Date: 25/09/2019

Exception from call in was requested because the contract is required due to a vacancy in the team and cover is needed urgently because the short term interim contract management is necessary to represent the Midlands Engine as "client" on a portfolio of major projects, and on behalf of the Programme Director - this is an essential and highly visible area within the team. It combines both proactive and reactive contract leadership elements and will involve close working with a wide range of partners.

Advice Sought: Legal, Finance, Procurement, Human Resources

Legal Advice: This report does not raise any significant legal issues as the value of the services is below the applicable financial threshold in the Public Contracts Regulations 2015. However it is noted that ADE Regeneration Ltd has recently undertaken Midlands Engine work and it is important that work should not be given to them in tranches intentionally or unintentionally to prevent the work from falling within the scope of the Public Contracts Regulations 2015.

Advice provided by Andrew James (Team Leader Contracts and Commercial) on 30/09/2019.

Finance Advice:

The decision to seek dispensation from financial regulations is supported in order to complete the necessary Midlands Engine work within the required timescales and to the required standards.

The decision to select ADE Regeneration Ltd can be financially justified in terms of value, quality and proven track record to deliver. The appointment will enable the development of key relationships with a wide range of partners in order to achieve the aims and ambitions of the Midlands Engine.

Nottingham City Council are the Accountable Body for the Midlands Engine and is responsible for ensuring compliance to grant conditions and Nottingham City Council Financial Regulations and Contract Procedure Rules, ensuring adequate records are maintained.

An Accountable Body Manager is responsible for meeting the terms of grant conditions and ensuring the correct processes are followed, in order to reduce the risk to the council.

Advice provided by Roma Patel (Commercial Business Partner) on 30/09/2019.

Procurement Advice:

A dispensation from Contract Procedure Rule 5.1.1 in accordance with Financial Regulation 3.29 to allow for a direct award to ADE Regeneration Ltd to deliver essential short term interim support for major contract management for the Midlands Engine without undertaking a formal quotation process is required due to the urgency of this requirement and is supported by the Procurement Team. However, any future requirements should be tendered in line with the Councils Financial Regulations and Contract Procedure Rules.

Advice provided by Mabs Karim (Procurement Officer) on 02/10/2019.

HR Advice:

The decision to appoint a consultant is supported given the urgency to complete the work within the required timescales and to the required standards.

Nottingham City Council are the Accountable Body for the Midlands Engine Partnership and are acting on this occasion on behalf of a decision taken by the Midlands Engine Operating Board.

The Accountable Body Manager is responsible for ensuring compliance with the rules relating to use of consultants including IR35.

Advice provided by Shilpa Arya (HR Consultant) on 01/10/2019.

Signatures:

David Mellen (Leader/ PH Regeneration, Safety and Communications)
SIGNED and Dated: 16/10/2019
David Mellen (Leader/ PH Regeneration, Safety and Communications)
SIGNED and Dated: 16/10/2019
Chris Henning (Corporate Director for Development and Growth)
SIGNED and Dated: 16/10/2019

Laura Pattman (Strategic Director of Finance) - Dispensation from Financial Regulations
SIGNED and Dated: 16/10/2019
Chief Finance Officer's Comments: