

POLICY AND RESOURCES COMMITTEE - 22 JANUARY 2019

PART I - DELEGATED

13a EXEMPTION FROM PROCUREMENT PROCEDURE RULES – HLF RESTORATION WORKS – LEAVESDEN COUNTRY PARK (DCES)

1 Summary

- 1.1 To advise Members that an exemption to the Procurement process was approved by the Director of Community and Environmental Services under the Exceptional Circumstances exemption as permitted by the Council's Constitution.

2 Details

- 2.1 An exemption may be considered by the Chief Executive or a Director in exceptional circumstances. This applies in the case of the Heritage Lottery Fund Project at Leavesden Country Park for the Restoration Works – including the Orphanage Railings, Remembrance Garden, Path Works, Works to the Font and groundworks for the Zoetrope Sculpture.
- 2.2 Once approved, a report to the Policy and Resources Committee must detail the actions taken. This report is for information only to comply with the requirements of the Constitution.
- 2.3 The exemption was given to award the contract to a local supplier after three unsuccessful open tender opportunities.
- 2.4 As part of the development of the bid to the National Lottery, a Quantity Surveyor calculated what was required and set a budget for each element of the capital programme. After the first open tender for the entire package, no bids were received. When asked for feedback, contractors highlighted timescales, misunderstanding the brief and that they would have tendered if they had a little more time.
- 2.5 The tender brief and timescales were adjusted to take these points on board and was re-advertised. This time, two bids were received – one was incomplete and the other significantly over budget. Officers carried out a market check on rates and some of the prices were almost three or four times more expensive than the base price. These two bids were therefore rejected.
- 2.6 The work was then tendered a third time, broken into three Lots in the hope that specialist contractors may bid for the different elements. No bids were received for the restoration work, no bids for street furniture and two bids for the Orphanage Railings, which were both incomplete and were therefore rejected.
- 2.7 One of the contractors for the Orphanage Railings submitted a price in budget with an understanding of the brief but did not submit the required paperwork. Upon communicating this to the contractor they have since confirmed they can submit the necessary paperwork to proceed with this work.
- 2.8 The rest of the package is vital to the overall Heritage Lottery Fund project – which includes the Remembrance Garden and groundworks for the Heritage Sculpture Trail.

- 2.9 Following the unsuccessful procurement attempts and Officers unwilling to pay above market value, quotations were sought from a local contractor who has completed works for Three Rivers District Council previously. The specification and terms and conditions remain the same as those previously tendered.
- 2.10 The contractor confirmed that he did not view the e-portal for tender opportunities as he relies on word of mouth and referrals for work.
- 2.11 The quotation received comes within budget for the works, including a contingency sum.

3 Options and Reasons for Recommendations

- 3.1 The Constitution requires that a report is taken to the Policy and Resources Committee on the action taken in the event that an exemption to the procurement process is approved.

4 Policy/Budget Reference and Implications

- 4.1 The recommendations in this report are set out in Part 4 of the Council's Constitution.

5 Financial,

- 5.1 None specific as purchase can now be made within existing budgets.

6 Legal, Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

- 6.1 None Specific.

7 Risk Management and Health & Safety Implications

- 7.1 None specific.

8 Recommendation

- 8.1 That the Policy and Resources Committee note the action taken.

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Data Quality

Data sources: N/A

Background Papers

The Council's Constitution: Part 4 – Contracts Procedure Rules

APPENDICES / ATTACHMENTS

None