

## POLICY AND RESOURCES COMMITTEE - 9 DECEMBER 2019

### PART I - DELEGATED

#### 6. EXEMPTION FROM PROCUREMENT PROCEDURE RULES – MULTI USE GAMES AREA REFURBISHMENT, HORNHILL RECREATION GROUD, MAPLE CROSS (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 Limited Market exemption as permitted by the Council's Constitution.

##### 2 Details

- 2.1 An exemption may be considered by the Chief Executive or a Director when there is Limited Market. This applies in the case of the Multi Use Games Area Refurbishment at Hornhill Recreation Ground, Maple Cross for the refurbishment works.
- 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 two unsuccessful open tender opportunities.
- 2.4 As part of the development of the bid to the HS2 Community Fund, initial quotes were sought for the works to set the budget and the amount of funding required from HS2. After the first open tender, one tender was received which did not meet the requirements of the specification. When asked for feedback from contractors who chose not to bid, they highlighted they were unable to tender due to build timescales of when the work had to be completed. They explained they would have tendered if the installation date was delayed until January 2020.
- 2.5 The timescales were adjusted to take these points on board and was re-advertised. Only one tender was received, which included two options: one which did not meet the specification requirements, and the other met the requirements of the specification, but was significantly over budget. Conditions of the HS2 Award Agreement requires at least 3 quotes for the works to be provided.
- 2.6 Due to the requirements of the Award Agreement to receive at least 3 quotes and Officers unwilling to pay above market rate, 6 quotations were sought from 6 contractors who specialise in Multi-Use Games Areas and have completed work for TRDC previously. The specification and T&Cs were exactly the same as those previously tendered.
- 2.7 Two companies approached were unable to meet the requirement of the specification within the allocated budget and did not provide a quote. Four Companies submitted quotations to the specification and after the evaluation process, a local contractor was chosen.
- 2.8 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.

Report prepared by: Freddy Chester, Active Development Officer

**Data Quality**

Data sources: not applicable

**Background Papers**

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

**APPENDICES / ATTACHMENTS**

None