

REPORT FROM: DEMOCRATIC AND LEGAL MANAGER

TO: EXECUTIVE

DATE: 10TH DECEMBER, 2015

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TENDERS

PURPOSE OF REPORT

To report, for information, tenders which have been received and accepted and to report any exemptions from the requirements of the Contract Procedure Rules.

RECOMMENDATION

That the Executive -

- (1) notes the tender which has been received and accepted;
- (2) determines whether to accept the highest offer for land at Branch Street, Nelson or to proceed with the offer of £5,000 which was originally accepted;
- (3) notes the exemption granted from Contract Procedure Rules for project management consultancy in relation to the Spa reinstatement at Pendle Wavelengths.

REASONS FOR RECOMMENDATION

To agree acceptance of tenders in accordance with Contract Procedure Rules.

ISSUE

Award of Contracts

1. Following the relevant procurement process, tenders have been received and accepted in relation to the following projects:-

(a) Resurfacing works at Lower Clough Fold, Barrowford

Tenderer	Tender Figure (£)
O'Callaghan Limited	8,125.86
Monk of Colne Limited	8,205.86
Colin Braithwaite Excavators Limited	9,779.79

The contract has been awarded to O'Callaghan Limited and will be funded from Barrowford and Western Parishes Committee and residents' contributions.

(b) Improvements to Footpath Numbers 341, 342 and 343, Accrington

Tenderer	Tender Figure (£)
Colin Braithwaite Excavators Limited	22,326.42
O'Callaghan Limited	22,380.21
Monk of Colne Limited	22,345.74

Pendle Council has been commissioned by Lancashire County Council (LCC) to procure this on their behalf. The contract has been awarded to Colin Braithwaite Excavators Limited and will be funded from Lancashire County Council.

Sale of Assets

2. Following the relevant process offers have been received in relation to the following site:-

Land at Branch Street, Nelson

The Executive agreed at its meeting on 1st September, 2014 to declare the land at Branch Street, Nelson surplus to the Council's requirements in order for it to be marketed for sale for an alternative use, subject to planning permission. Liberata advertised the property without a guide price, with sealed bids to be submitted by 27th February, 2015. One offer was received at £5,000 and this was approved by the Executive on 28th May, 2015 subject to the purchaser obtaining planning permission for the proposed use. The proposed use is car parking for his premises on Lonsdale Street which do not have any off street parking.

The planning application was determined at Nelson Committee on 7th September, 2015 and it was resolved that planning consent be granted following receipt of an ecology survey from the purchaser. On 16th September, 2015 a local resident submitted a late bid of £7,500 to retain the land as public amenity. Planning permission was granted on 8th October, 2015 following an ecology survey.

As the late offer was higher than the £5,000 and the Council is required to obtain best consideration, best and final sealed bids were invited by 20th November, 2015 from both parties and from the owner of the nearby Bowling Mill building who had also expressed an interest in submitting a bid.

Three bids have been received at £5,000, £10,100 and £15,100 each with a 10% deposit. The bid of £5,000 is from the party who has already obtained planning permission and the two highest bids are to retain the land as public amenity which they would maintain at their own expense. For the lowest bid it is understood that the proposed car parking would increase potential for expansion and job creation in addition to creating parking for the existing use of his premises.

The Executive is requested to determine whether to accept the highest offer or to proceed with the offer of £5,000 which was originally accepted.

Exemptions from Contract Procedure Rules (CPRs)

3. CPR 5 includes provision for exemption from the requirements to comply with CPRs in circumstances where it is considered justifiable, value for money is maintained and such action does not contravene EU and domestic legislation. Exemption from CPRs is, however, subject to the prior approval of the Corporate Director and Financial Services Manager provided that details of such exemptions granted are reported to the next possible meeting of the Executive.
4. Since the last meeting of the Executive, the following exemption to CPRs has been granted:-

Appointment of Project Management Consultancy for the Spa reinstatement at Wavelengths, Nelson

The loss adjuster appointed by Zurich Municipal, the Council's insurers, has proposed the appointment of Thomasons to inspect and provide an opinion on the most appropriate method of procuring and managing a cost and time effective reinstatement scheme following the fire at Wavelengths. Thomasons are an independent civil and structural engineering consultancy with experience in the reinstatement of Spa facilities. They have also supported other reinstatement projects on behalf of Zurich Municipal clients. It is proposed to retain Thomasons to provide a full project management service through to completion of the Spa reinstatement under which the following Professional Consultancy Services will be provided:

Project Management
Structural Engineering
Building Surveying
Cost Control
Mechanical & Electrical Engineering
CDM Coordination
Contract Administration

Their fee proposal is based on a % of the works contract. Dependent on the works contract value this could exceed the threshold above which tenders are required. The contract for works will separately be subject to a competitive procurement process. Thomasons have been proposed by the loss adjusters and an exemption has been agreed to facilitate this. The Council will be reimbursed for the cost of reinstatement works and professional fees under its insurance policy with Zurich Municipal.

IMPLICATIONS

Policy:	None arising directly from the report.
Financial:	The financial implications are generally as provided in the report.
Legal:	None arising directly from the report.
Risk Management:	None arising directly from the report.
Health and Safety:	None arising directly from the report.

Sustainability: None arising directly from the report.

Community Safety: None arising directly from the report.

Equality and Diversity: None arising directly from the report.

APPENDICES: None