

**REPORT FROM: CORPORATE DIRECTOR**

**TO: EXECUTIVE**

**DATE: 19<sup>TH</sup> OCTOBER, 2017**

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## **TENDERS AND OTHER CONTRACT RELATED MATTERS**

### **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 notes the exemption granted from Contract Procedure Rules for the BMX Pump Track, Swinden Playing Fields, Cravendale Avenue, Nelson.

### **REASONS FOR RECOMMENDATION**

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

### **ISSUE**

#### **Exemptions from Contract Procedure Rules (CPRs)**

1. CPR 5 include provision for exemption from the requirements to comply with CPRs in certain 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.
2. Since the last meeting of the Executive, the following exemption to CPRs has been granted:-

#### **BMX Pump Track, Swinden Playing Fields, Cravendale Avenue, Nelson**

Planning permission has been granted for the formation of a BMX Track at Swinden Playing Fields, Cravendale Avenue, Nelson.

Due to the complexities of the design and construction of the BMX track, a specialist contractor is required to carry out the works. BMX Pump Track Design and Build tender documents were therefore sent to five contractors from the British Cycling approved list.

Of the five contractors, only Dirtworks has responded. Dirtworks constructed the existing BMX track at Swinden Playing Fields and has done a number of excellent schemes for neighbouring authorities.

Funding of £55,000 is available for the scheme, but the tender has come in over budget. However, some of the costs are luxuries i.e. benches and shelter which can be filtered out, or preliminaries which can be reduced.

As there has been no response from the other contractors it is assumed that the geographical location and the relatively small nature of the scheme is not of interest to them.

CPR 18.3 permits an exemption where the relevant number of quotations has been sought, but fewer have been obtained.

In view of the above, an exemption to the requirements of Contract Procedure Rules has been granted.

Approval has been given for a negotiated contract in accordance with CPR26 with Dirtworks using open-book accounting for a scheme costing no more than £55,000.

This will be funded as follows –

Lancashire Environmental Fund: £30,000

New Ground: £5,000

Barrowford & Western Parishes Committee Capital Programme: £2,000

Nelson Committee Capital Programme £2,000

Tesco Bags for Help: £1,000

Community Safety Partnership: £3,000

Lancashire County Council: £600

Pendle Borough Council Neighbourhood Services: £11,400

## **IMPLICATIONS**

<b>Policy:</b>	None arising directly from the report.
<b>Financial:</b>	The financial implications are generally as provided in the report.
<b>Legal:</b>	None arising directly from the report.
<b>Risk Management:</b>	In accordance with CPR19, an assessment of the Contractor's Financial Standing will be carried out. A contract will only be awarded if the result of this assessment is deemed satisfactory by the Financial Services Manager.
<b>Health and Safety:</b>	None arising directly from the report.
<b>Sustainability:</b>	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