



**REPORT FROM: CORPORATE DIRECTOR**

**TO: POLICY AND RESOURCES COMMITTEE**

**DATE: 28<sup>TH</sup> MAY, 2019**

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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 Policy and Resources Committee notes:-

- (1) the tenders which have been received and accepted;
- (2) the exemption granted from Contract Procedure Rules relating to the former Colne Health Centre building, Market Street, Colne.

### **REASONS FOR RECOMMENDATION**

To agree acceptance of tenders/offers 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 project:-

#### **(a) Improvements to Brierfield Back Streets 2019**

##### **Tenderer**

##### **Tender Figure (£)**

Monk of Colne Limited

25,336.16

Colin Braithwaite Excavators Limited

27,023.31

O'Callaghan Limited

29,852.88

The contract has been awarded to Monk of Colne Limited and will be funded from Brierfield Town Council and Brierfield and Reedley Committee's Capital Programme.

**(b) Improvements to Footpath 489, Whitworth**

<b>Tenderer</b>	<b>Tender Figure (£)</b>
O'Callaghan Limited	17,605.61
Monk of Colne Limited	17,869.45
Colin Braithwaite Excavators Limited	21,142.55

Pendle Council has been commissioned by Lancashire County Council (LCC) to procure this on their behalf. The contract has been awarded to O'Callaghan Limited and will be funded by LCC.

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

2. 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 Chief Financial Officer provided that details of such exemptions granted are reported to the next possible meeting of the Policy and Resources Committee.
3. Since the last meeting of the Policy and Resources Committee, the following exemption to CPRs has been granted:-

**Former Colne Health Centre Building, Market Street, Colne**

The former Colne Health Centre building on Market Street was acquired from the NHS by Pendle Council on 16<sup>th</sup> February, 2016. The Executive agreed funding for the demolition of the building on 30<sup>th</sup> June, 2016 and for a public consultation to be carried out to consider the future use of the site.

At its meeting on 8<sup>th</sup> February, 2017 the Executive agreed that the site could be sold to PEARL based on an independently assessed value. It was also agreed that the consultation responses be passed to PEARL for consideration. These were considered as part of the planning scheme which subsequently received approval for retail units and apartments to be constructed on the site.

The sale of the site has not yet taken place as discussions have been ongoing between PEARL and registered providers about the purchase of apartments in the new building. There has also been an issue of potential claw back if the building was sold within three years.

To date the former health centre building has not been demolished as it was felt that a vacant site in the centre of Colne would have a negative impact on the Town Centre. However, due to break-ins at the site and anti-social behaviour there is now a need to progress the demolition.

Carrying out demolition in advance of the site being sold to a private company will mean that there are no State Aid implications, provided that the site is sold at market value.

The price of the site is currently being negotiated as PEARL should be able to take a development forward shortly.

It is felt that it would be more efficient to have the same contractor responsible for both demolition and future development due to such considerations as to how much material to take off site, Party Wall Act Notices and the position of security fencing/entrance ways into the site after demolition. Therefore, as the development will be carried out through PEARL it is felt that it would be best for Barnfield to manage the demolition rather than Pendle Council. Barnfield will be required to obtain three quotations from demolition contractors.

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

## **IMPLICATIONS**

<b>Policy:</b>	None arising directly from the report.
<b>Financial:</b>	The financial implications are as provided in the report. Assessment of awarded tender against budget provision available is part of the budget tendering exercise.
<b>Legal:</b>	None arising directly from the report.
<b>Risk Management:</b>	None arising directly from the report.
<b>Health and Safety:</b>	None arising directly from the report.
<b>Sustainability:</b>	None arising directly from the report.
<b>Community Safety:</b>	None arising directly from the report.
<b>Equality and Diversity:</b>	None arising directly from the report.

**APPENDICES:** None