

REPORT FROM: CORPORATE DIRECTOR

TO: POLICY AND RESOURCES COMMITTEE

DATE: 27TH MAY, 2021

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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 -

- (1) the tenders which have been received and accepted be noted;
- (2) the exemption granted from Contract Procedure Rules for Joint Venture Procurement be noted.

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 projects:-

(a) Improvements to various back streets in Nelson 2021, Phase 2

Tenderer	Tender Figure (£)
O'Callaghan Limited	33,403.24
Monk of Colne Limited	33,778.47
Colin Braithwaite Excavators Limited	34,916.20
A&G Landscapes & Groundworks Limited	36,194.97

The contract has been awarded to O'Callaghan Limited and will be funded from Nelson Town Council.

(b) Letcliffe Park, Barnoldswick – Extension of Public Footpath 34

Tenderer	Tender Figure (£)
A&G Landscapes & Groundworks Limited	11,288.71
Monk of Colne Limited	18,536.65
O'Callaghan Limited	21,815.75
Colin Braithwaite Excavators Limited	22,562.87
Marchbridge Builders Limited	39,834.11

The contract has been awarded to A&G Landscapes & Groundworks Limited and will be funded from Barnoldswick Town Council.

(c) Lomeshaye Industrial Estate Extension Phase 2 – Spoil Move

Tenderer	Tender Figure (£)
Colin Braithwaite Excavators Limited	20,295.00
Marchbridge Builders Limited	23,540.00
O'Callaghan Limited	54,524.88

The contract has been awarded to Colin Braithwaite Excavators Limited and will be funded by Lomeshaye Phase 1 Extension Funding.

Exemptions from Contract Procedure Rules (CPRs)

- 1 CPR 5 includes 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.
2. Since the last meeting of the Policy and Resources Committee, the following exemption to CPRs has been granted:-

Joint Venture Procurement

At the meeting of the Policy and Resources Committee held on 21st January, 2021, Members agreed to the re-procurement of a joint venture partnership to deliver regeneration and development projects. It was resolved that a new procurement exercise be undertaken to select a developer partner using the 'competitive procedure with negotiation' process.

As there is a need to obtain further procurement advice and support to take forward a procurement exercise, tenders to provide support in a joint venture procurement have been invited from three companies as follows –

- STAR Procurement - recommended by the company that has provided legal advice in relation to the procurement

- Brian Farrington - provided procurement advice when PEARL2 was first established
- Capita - worked with Blackburn with Darwen Council on developer procurement

Of the three companies, only STAR Procurement submitted a proposal. The other two did not wish to be considered.

From STAR Procurement's submission there will be a minimum cost of £19,600, but potentially there could be additional costs depending upon the level of interest and the amount of negotiations. This will be funded from the Growth Development Reserve from which £20,000 has already been allocated.

Given the difficulty in obtaining quotes and the fact that two of the three companies did not want to bid, an exemption to Contract Procedure Rules has been granted in accordance with CPRs 5.2(e) and 18.3 to allow the appointment of STAR Procurement.

IMPLICATIONS

- Policy:** None arising directly from the report.
- Financial:** The financial implications are as provided in the report. Assessment of awarded tender against budget provision available is part of the budget tendering exercise.
- 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