

Agenda Item No 7 (b)

DERBYSHIRE COUNTY COUNCIL

CABINET

23 February 2016

Report of the Strategic Director for Children's Services

URGENT DECISIONS TAKEN BY THE CHIEF EXECUTIVE

**APPROVAL TO AWARD A CONTRACT TO PROVIDE A HYDROTHERAPY
POOL FOR ALFRETON PARK SPECIAL SCHOOL – (CHILDREN'S
SERVICES)**

1. Purpose of Report

To note an urgent decision taken by the Chief Executive in accordance with the Scheme of Delegation contained in the Council's Constitution.

2. Information and Analysis

Approval was sought to award a contract for a scheme to provide a hydrotherapy pool at Alfreton Park. The scheme had been tendered and an acceptable proposal received. Taking this decision under the Chief Executive's urgent decision has allowed the project to proceed without delay, such that a new facility should be available for the start of the academic year 2016/17. A copy of the report of the Director of Children's Services setting out the background to this decision is included at Appendix 1.

The decision was taken by the Chief Executive on 18 December 2015.

3. Legal Considerations

The Chief Executive's decision was taken in accordance with the Scheme of Delegation contained in the Council's Constitution which provides:

'notwithstanding any other provisions of this Constitution, the Chief Executive shall have power, after discussion, if practicable with the Leader of the Council or the relevant Cabinet Member or Chair, to take such actions deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the timescales involved, or

the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next meeting of the Council, Cabinet, Cabinet Member or Committee'.

As a matter of good practice, Cabinet is being informed of the decision that has been taken under this provision.

4. Other Considerations

In preparing this report the relevance of the following factors has been considered – prevention of crime and disorder, equality of opportunity, environmental, financial, health, human rights, human resources, transport and property considerations.

5. Key Decision

No

6. Call-in

Is it required that the Call-in period be waived in respect of the decisions being proposed within this report? No.

7. Strategic Director's Recommendation

That the report be noted.

Ian Johnson
Strategic Director for Children's Services

DERBYSHIRE COUNTY COUNCIL

URGENT DECISION TAKEN BY THE CHIEF EXECUTIVE

18th December 2015

APPROVAL TO AWARD A CONTRACT TO PROVIDE A HYDROTHERAPY POOL FOR ALFETON PARK SPECIAL SCHOOL

1. Purpose of the Report

To request authorisation of the Chief Executive using his delegated powers to award a contract for a hydrotherapy pool for Alferton Park Special School.

2. Information and Analysis

On 4 September 2012 Cabinet approved an allocation of £900,000 to provide a replacement hydrotherapy pool for Alferton Park Special School. It proved impossible to provide the necessary scheme in this location within that amount and in June 2014, Cabinet agreed an additional allocation of £400,000. The project has been combined with another allocation to the school from March 2011 of £150,000 to provide a temporary classroom. In addition the school has agreed to contribute £42,650 for certain additions to the project. The overall budget for the project now stands at £1,492,650.

This project was tendered on Source Derbyshire and three tenders were returned. These tenders were assessed and checked and as a result subsequent amendments were made.

In addition to this the tenderers were also required to attend a presentation to clarify the site arrangements, construction programme, local opportunities and initiatives involving the school.

The tenders were assessed in accordance with the tender requirements with the following results:

<u>Name</u>	<u>Revised Tender</u>	<u>Tender Score</u>	<u>Presentation Score</u>	<u>Total Score</u>
Henry Brothers	£1,286,792	58.37	23.00	81.37
A&S Construction	£1,167,692	65.00	13.00	78.00
Geda Construction	£1,172,773	64.72	10.00	74.72

The most economical and advantageous tender was submitted by Henry Brothers (Magherafelt) Ltd. with the total cost of this scheme as set out below:

Tender	£1,286,792
Fees, surveys, planning costs	£197,847
Furniture and equipment	£7,500
Total cost	£1,492,139

A procurement exercise for this scheme had been carried out under the East Midlands Procurement Alliance Framework. This resulted in a submitted tender cost for the building works which made the scheme unaffordable. As a consequence and on the basis that the Council does not have to make an award of contract under the framework a decision was taken to procure the project via an open tender. The EMPA framework tender cost was £123,621 higher than the tender subsequently received from Henry Brothers.

Under the financial regulations approval of tenders above £172,514 is the responsibility of Cabinet. This figure has been set as it is an OJEU threshold. The OJEU limit for capital works is £4,322,012 as a consequence this proposal was not advertised on OJEU.

The next available Cabinet meeting is on 26 January 2016. The contractor is able to start construction in mid-January provided he receives an order before Christmas. This would result in the new facility being available for the start of the academic year. If approval is not given until late January, the new facility will be delayed and the school will face the disruption of taking on a new facility during the academic year. It is most likely be at October half term, so two months of use would have been lost.

3. Financial Considerations

The selected tender is within the budget for the scheme which is therefore affordable within existing resources.

4. Legal Considerations

The Council's Constitution provides that the Chief Executive shall have power, after discussion, if practicable with the Leader of the Council or the relevant Cabinet Member or Chair, to take such actions deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the timescales involved, or the need to safeguard the interests of the County Council, cannot be dealt with by

submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee.

5. Other Considerations

In preparing this report the relevance of the following factors has been considered: - prevention of crime & disorder, equality of opportunity, and environmental, health, human rights, human resources, property and transport considerations.

6. OFFICER'S RECOMMENDATION

That the Chief Executive exercises his powers under the Council's Constitution to give approval for the Council to enter into a contract with Henry Brothers (Magherafelt) Ltd to undertake construction of a new hydrotherapy pool at Alfreton Park Special School.



18. 12. 15.

