

Record of Cabinet portfolio holder decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Decision made by	Cllr John Cotton
Key decision?	Yes
Date of decision (same as date form signed)	
Name and job title of officer requesting the decision	John Dobson – Science Vale Development Manager
Officer contact details	Tel: 01235 504309 or internal ext 2433 Email: john.dobson@southandvale.gov.uk
Decision	To award a draw down contract under the ESPO Consultancy Framework Panel to AMEC Foster Wheeler Environment & Infrastructure UK Ltd to carry out the role of Principal Consultant to deliver a master plan, delivery strategy and outline planning application for the Berinsfield Improvements Scheme.
Reasons for decision	<p>The Council approved £1.5m to fund the investigation of and recommendation for a range of physical, socio-economic and environmental improvements to Berinsfield by way of the appointment of consultants. Pre tendered framework</p> <p>There are a number of pre tendered, OJEU compliant consultancy frameworks available to the Council.</p> <p>The desire to move the project forward quickly and the fact that the appointment is both through an OJEU compliant pre tendered panel and re-enforced by benchmarking make this option the most appropriate.</p> <p>Of the frameworks available that the Council's procurement team is familiar with and a review has indicated that the ESPO framework is the most cost effective and tightly controlled of those available.</p> <p>AMEC Foster Wheeler</p> <p>The quality of work from the AMEC team during an initial appraisal of the needs and potential delivery options for Berinsfield is of the highest quality. The AMEC rates on the ESPO framework are the lowest in the relevant category</p> <p>On the basis that AMEC Foster Wheeler have already carried out an initial review of Berinsfield, they are able to deliver a comprehensive and proven team of consultants appropriate to the project, they are available on a pre tendered framework and are the most cost effective framework appointment it is recommended that they are</p>

	appointed as Principal Consultant.
Alternative options rejected	<p>The Cabinet approval for this project required that the Strategic Director "utilise the funding to produce a comprehensive regeneration strategy and delivery plan in the most cost effective and expedient manner"</p> <p>Use internal resources The council do not have sufficient, experienced staff to deliver a project of this scale and nature.</p> <p>Commission consultants on individual contracts This would require a significant internal management resources to procure and take several months to achieve, particularly if each element was separately tendered. On a project like this it is preferable to appoint a multi-agency team, experienced in this type of regeneration work. Co-ordination is crucially important in a project such as this.</p> <p>Tender A full open tender process would be lengthy and could require significant internal resources to manage. The process would be unlikely to deliver a better outcome than using pre tendered framework agreements designed for this type of commission.</p>
Legal implications	<p>Advice was has been obtained from Bond Dickinson prior to pursuing the ESPO option to confirm the Council would be legally justified in the appointment AMEC Foster Wheeler using the ESPO framework. From the documentation provided, and a high level understanding of the Council's requirements, the external lawyer's view is that the Council can make a direct award under the ESPO framework. In order to do so, the Council would need to satisfy itself that it can:</p> <ol style="list-style-type: none"> 1. identify the supplier which best meets its requirements: making that selection only on the prices submitted at framework tender stage and the information provided in the User Guide for the framework; and also clarify certain aspects with the proposed supplier 2. demonstrate best value - the Council proposes to obtain the various sub consultant rates and verify against recent tendered contracts. Provided that the benchmarking exercise demonstrates best value, from a procurement point of view a challenge to the appointment is unlikely. <p>On point 2 AMEC have confirmed that all sub-consultants will be charged at the same core rates as set out in the ESPO framework.</p>

	<p>The contract will be entered into and the consultant will be procured in accordance with the terms and conditions of ESPO Framework Agreement, 664-13 Consultancy Services Appendix 4 satisfying paragraph 99 a of section G Part 4 of the Constitution.</p>			
Financial implications	<p>A Cabinet decision on 7th April 2016 approved expenditure of £1.5m to produce a masterplan, delivery plan and supporting outline planning application for the Berinsfield Improvements scheme. The proposals submitted by AMEC Foster Wheeler have been negotiated from an original figure slightly in excess of £1.5m to just under £1.2m to deliver the same outcomes.</p> <p>The contract is set up in 3 phases with the Council only committed to the first phase costing £395k due to complete autumn 2016. The remaining 2 phases would take until the end of 2017 to complete and are dependent on the outcome of phase 1 and the Council's decision to proceed.</p> <p>The balance of the budget for this scheme will used to cover legal advice as it progresses, contribution to staff costs incurred managing the project and a contingency.</p>			
Other implications				
Background papers considered	Cabinet Paper			
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?	None			
List consultees		Name	Outcome	Date
	Ward councillors			
	Legal	Margaret Reed Pat Connell		
	Finance	Julie Bartlett		
	Human resources	n/a		
	Sustainability	n/a		
	Diversity and equality	n/a		
	Communications	Andy Roberts	Approved	24/06/16
	Strategic Management Board	Anna Robinson	Approved	24/06/16
Confidential decision?	No			

If so, under which exempt category?	
Call-in waived by Scrutiny Committee chairman?	No
Has this been discussed by Cabinet members?	Yes, project approved by cabinet and council
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature  Date <u>28 June 2016</u>

ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.

For Democratic Services office use only		
Form received	Date: <u>28-6-16</u>	Time: <u>10:30</u>
Date published to all councillors	Date: <u>28-6-16</u>	
Call-in deadline	Date: <u>5-7-16</u>	Time: <u>17:00</u>

Guidance notes

1. This form must be completed by the lead officer who becomes the contact officer. The lead officer is responsible for ensuring that the necessary internal consultees have signed it off. The lead officer must then seek the Cabinet portfolio holder's agreement and signature.
2. Once satisfied with the decision, the Cabinet portfolio holder must sign and date the form and return it to the lead officer who should send it to Democratic Services immediately to allow the call-in period to commence. Tel. 01235 540306 or extension 7306.
Email: democratic.services@southandvale.gov.uk
3. Democratic Services will then publish the decision to the website (unless it is confidential) and send it to all councillors to commence the call-in period (five clear working days). The decision cannot be implemented until the call-in period expires. The call-in procedure can be found in the council's constitution, part 4, under the Scrutiny Committee procedure rules.
4. Before implementing the decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If the decision has been called in, Democratic Services will notify the lead officer and decision-maker. This call-in puts the decision on hold.
6. Democratic Services will liaise with the Scrutiny Committee chairman over the date of the call-in debate. The Cabinet portfolio holder will be requested to attend the Scrutiny Committee meeting to answer the committee's questions.
7. The Scrutiny Committee may:
 - refer the decision back to the Cabinet portfolio holder for reconsideration or
 - refer the matter to Council with an alternative set of proposals (where the final decision rests with full Council) or
 - accept the Cabinet portfolio holder's decision, in which case it can be implemented immediately.

