



Officer Decision Record

1. Subject and details of the matter (to include reasons for the decision)

Street Lighting Term Maintenance Contract (TMC)

In 2017 NELC awarded J McCann (Nottingham) Ltd the Street Lighting TMC via an EU compliant tender exercise. The contract awarded was for an initial period of three years with two further two-year extensions (3+2+2) if the contractor performs. All rates quoted at the tender stage are protected for the seven year period.

The initial three-year contract period will expire on 31 October 2020 and this ODR is to enact the extension as per Cabinet decision dated 12 April 2017.

The contractor's performance has been excellent over the first three years, meeting all of the KPIs within the contract, therefore we propose to exercise the first two-year extension option within the contract.

2. Is it a Key Decision as defined in the Constitution?

No

3. Details of Decision

Approval to award the first two-year extension of the Street Lighting Term Maintenance contract.

4. Is it an Urgent Decision? If yes, specify the reasons for urgency Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.

No

5. Anticipated outcome(s)

That the decision be approved to extend the street lighting term maintenance contract for a further two years and issue of a contract variation letter to the current supplier.

6. Details of any alternative options considered and rejected by the officer when making the decision

Due to the high performance levels of the existing term maintenance contractor the alternative option to retender the contract is not recommended.

If the recommended two-year extension is not approved, we would need to notify the current contractor that we would not be extending the contract, and give them a formal end date of when their services are going to end. A retender exercise would then need to be undertaken. This may result in a period of loss of service.

7. Background documents considered

On the 12th April 2017 Cabinet approved the below 'TMC Approval'.

- (1) That approval be granted to commence an EU-compliant procurement tender process.**
- (2) That authority be delegated to agree the award of tender for the Installation and Maintenance of Road Lighting, Traffic Signs and Bollards contract to the Director of Economy and Growth, subject to a compliant bid being received and the preferred tender being within the approved revenue budget for the service.**
- (3) That the Monitoring Officer be authorised to complete all requisite legal documentation in relation to the matters outlined above.**

8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

N/A

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

N/A

10. Monitoring Officer Comments (Monitoring Officer or Deputy Monitoring Officer)

The recommendation follows an original EU compliant tender process and is also consistent with the Cabinet decision of 12th April 2017 and subsequent delegations. The contract delivers value for money and meets the needs of the service needs and therefore a 2-year extension is supported.

11. Section 151 Officer Comments (Deputy S151 Officer or nominee)

As the contract is a continuation of an existing arrangement there are no additional financial implications as a result of this decision. The original tender process was undertaken in order to ensure value for money from the contract award.

12. Human Resource Comments (Strategic Workforce Lead or nominee)

There are no direct HR implications

13. Risk Assessment (in accordance with the Report Writing Guide)

The quality of service delivered by the current contractor, who consistently meets set KPIs may be at risk should the existing contract not be extended. It may also result in a loss of good working relationships and they may not wish to re- tender for future contracts.

There is a risk that a new contractor may charge additional upfront set up costs which could result in higher contract rates for the street lighting TMC.

Due to the current situation with COVID-19, it may be difficult to be able to carry out a full EU compliant tender process before the initial term expires and may result in a loss of service.

14. Decision Maker(s):

Name: Mark Nearney

Title: Assistant Director Housing and
Interim Assistant Director of Highways,
Transport and Planning

Signed: Approved via email

Dated: 4th November 2020

**15. Consultation carried out with
Portfolio Holder(s):**

Name: Councillor Stewart Swinburn

Title: Portfolio Holder for Environment
and Transport

Signed: Approved via email

Dated: 4th November 2020

**16. If the decision is urgent then
consultation should be carried out
with the relevant Scrutiny
Chair/Mayor/Deputy Mayor**

Name: N/A

Title: N/A

Signed: N/A

Dated: N/A

APPENDIX 1 – EMAIL APPROVAL

----- Original message-----

From: Cllr Stewart Swinburn (NELC)

Date: Wed, 4 Nov 2020 17:57

To: Mark Nearney (NELC);

Cc: Holly Hall (Engie);Martin Lear (Engie);Richard Dannatt (Engie);Christina Tabor (Engie);

Subject:RE: ODR for monitoring comments

Thanks,

I am supportive.

Cllr swinburn

From: Mark Nearney (NELC) <Mark.Nearney@nelincs.gov.uk>

Sent: 04 November 2020 10:41

To: Cllr Stewart Swinburn (NELC) <Stewart.Swinburn@nelincs.gov.uk>

Cc: Holly Hall (Engie) <Holly.Hall@Nelincs.gov.uk>; Martin Lear (Engie)

<Martin.Lear@nelincs.gov.uk>; Richard Dannatt (Engie)

<Richard.Dannatt@Nelincs.gov.uk>; Christina Tabor (Engie)

<Christina.Tabor@nelincs.gov.uk>

Subject: FW: ODR for monitoring comments

Cllr,

I am supportive.

Please can you review/approve and advise via email – thanks.

Holly,

Confirmation email will need sending to Dem Services, if approved by Cllr.

Ta

Mark Nearney, Assistant Director of Housing
and Interim Assistant Director of Highways, Transport and Planning
North East Lincolnshire Council
Municipal Offices , Town Hall Square, Grimsby, DN31 1HU
Tel: 01472 324122 Mobile: 07826 344556
Email: Mark.Nearney@nelincs.gov.uk /www.nelincs.gov.uk

Stay alert. Control the virus. Save lives.

From: Holly Hall (Engie) <Holly.Hall@Nelincs.gov.uk>
Sent: 04 November 2020 10:33
To: Mark Nearney (NELC) <Mark.Nearney@nelincs.gov.uk>
Cc: Luke Greaves (Engie) <luke.greaves@nelincs.gov.uk>; Martin Lear (Engie) <Martin.Lear@nelincs.gov.uk>; Richard Dannatt (Engie) <Richard.Dannatt@Nelincs.gov.uk>; Christina Tabor (Engie) <Christina.Tabor@nelincs.gov.uk>
Subject: FW: ODR for monitoring comments

Morning Mark

Please find attached ODR with completed monitoring comments for approval please.

Thank you

Kind regards

Holly Hall IEng FIHE
Highway Asset Team Manager
Highway Asset Team
Places & Communities North – NEL
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