



Officer Decision Record

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

Contract Award: Delivery of Second Access and Spine Roads, Former Western School and Playing Field and relevant cabinet decision on 10th July 2019 delegating authority to the Executive Director for Environment, Economy and Resources to enable procurement of the Accelerated Construction Funding.

The Council's Regeneration Partner ENGIE, recently completed a tender exercise to appoint a contractor to deliver the above works.

The Tender was closed and advertised through the existing Highways Framework of Contractors, through the Council's procurement portal Yortender.

There were three responses, which were evaluated for price and quality. The Council and ENGIE jointly evaluated the tenders. Clarification queries were raised and once these were resolved, narrowing down the tenderers to one, offering the best value for money, whilst providing quality. Three other framework providers opted out and decided not to tender for the work.

The tender exercise had oversight from procurement within ENGIE, confirming the process was completed within current Contract Procedure Rules. Full details can be found in the Post Tender Report.

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

No

3. Details of Decision

A decision is required to award the contract to CR Reynolds.

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)

Contract awarded to CR Reynolds, enabling works to commence in April 2021.

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

Other options included providing an open tender, however this was rejected as there would be a risk to quality as all framework contractors have been assessed for quality, before being accepted on to the framework.

Self-delivery is not an option as neither NELC nor ENGIE have adequate resource and experience, to deliver these works on time and within budget.

7. Background documents considered.

The Post Tender Report can be reviewed, to evidence the decision making process.

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)

None known

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

The approach recommended is a framework contract which has the benefits of approved suppliers already meeting certain benchmarks and flagging agreement in advance to appropriate terms and conditions. Further, the Council may achieve better terms by combining its volume with the other public bodies also taking part.

There are further advantages of assurance in that any such framework by necessity must be compliant with Public Contracts Regulations 2015. A framework approach is considered good practice and comes with its own efficiencies.

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

The cost of the works is to be funded through an existing budget within the Council's approved Capital Investment Programme.

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)

Risks can be viewed in the project issue log. The main risks include delivering on time and within budget, contractors have been made aware that the project does need to be delivered on time in accordance with the Grant Funding obligations set by Homes England. Resource, the tender process reviewed having adequate, competent resource to complete the works. Availability of materials, there are no known current issues with accessing material required to develop out the second entrance or spin roads.

14. Decision Maker(s):

Name: Mark Nearney

Title: Assistant Director Housing,
Highways and Transport

Signed: Approved via email

Dated: 7th April 2021

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

Name: Councillor Callum Proctor

Title: Portfolio Holder for Economic
Development, Housing and Tourism

Signed: Approved via email

Dated: 7th April 2021

**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

From: Cllr Callum Procter (NELC) <Callum.Procter@nelincs.gov.uk>
Sent: 07 April 2021 16:33
To: Mark Nearney (NELC) <Mark.Nearney@nelincs.gov.uk>
Cc: Jacqui Wells (Engie) <Jacqui.Wells@nelincs.gov.uk>
Subject: RE: 2. ODR Western 2nd Access Spine Roads Contract Award Clean

Thanks

Callum

From: Mark Nearney (NELC) <Mark.Nearney@nelincs.gov.uk>
Sent: 07 April 2021 10:11
To: Cllr Callum Procter (NELC) <Callum.Procter@nelincs.gov.uk>
Cc: Jacqui Wells (Engie) <Jacqui.Wells@nelincs.gov.uk>
Subject: 2. ODR Western 2nd Access Spine Roads Contract Award Clean

Cllr,

I would be grateful if you can review/approve attached ODR.

I am supportive.

Thanks

Mark