

NORTH EAST DERBYSHIRE DISTRICT COUNCIL

**RECORD OF DECISION TAKEN BY THE
DIRECTOR OF GROWTH AND ASSETS**

16/05/2022

**CONTRACT AWARD FOR THE DESIGN WORKS FOR
RAISING THE FREEBOARD, WINGERWORTH LIDO**

Authority for decision	Paragraph 4.1 (d) The contract is for the execution of work or the supply of goods or services certified by the appropriate Senior Officer to be required so urgently as to preclude the invitation of tenders. The appropriate Portfolio Holder shall be kept informed of such decisions and a record of the decision must be placed on the project file.
Decision	To award the Design Works to JBA Consulting
Exemption Paragraph (if needed)	Not Exempt



Reasons	<p>The works are required under the Reservoirs Act 1975, and must be completed (including the construction) by 15th November 2022.</p> <p>Wingerworth Lido is classed as a large raised reservoir under the Reservoirs Act and as such we are required to appoint a Panel Engineer to inspect and oversee the maintenance of the reservoir. These are specialist works and must be carried out under the supervision of a registered Supervising Panel Engineer (who are appointed by DEFRA). There are currently 21 companies in the UK, not including government bodies or Water Authorities, who can carry out this type of work.</p> <p>As we had no prior information on likely costs, we assumed that they would be in the region of £10-15,000. We sent an RFQ to three companies, two of whom we have worked with previously and knew to be good value, to request a quote for the works. We received a quote for design and supervision from our current Supervising Engineer of £31,196+VAT, attached, (who had also carried out the initial option study) but the other two companies declined to quote, one verbally and one by email. One company explained that it is not best practice to produce plans based on other company's calculations; the other declined as recently as 25th April 2022 after agreeing to quote for the works. We have since approached another six companies (who work locally), to ensure we have a benchmark for the costs but only one responded to say that they would quote. This quote has not yet been received</p> <p>The works are required to be carried out by 15th November 2022 – including the implementation of the scheme. It is likely to take six months for the design, tender and implementation of the scheme. Due to the time restraints for the works to be carried out and the risk of prosecution, we do not have sufficient time to carry out the standard procurement procedure.</p>
Alternative options considered and rejected	Don't appoint JBA and carry out a full tender through procurement. This would result in us failing to comply with the requirements set out in the Section 10 Report, and would lead to either a "warning", "formal caution" or "prosecution".
Conflicts of interest and any dispensation	None



Please complete the following where relevant:

Key Decision?	No
Do General Exception or Special Urgency Rules apply to this decision?	Yes
Consultation has taken place with the Section 151 & Monitoring Officer?	Yes
The Leader, Deputy Leader or relevant Portfolio Member have been consulted?	Yes

Authorising Signature: ..

Job title: ..Director of Growth and Assets

Unique Reference Number: ..DD/044/22/VV.....

Date decision may be implemented following call in (if necessary):16 May 22.....

Circulation to:
Head of Paid Service
Monitoring Officer
Section 151 Officer
Scrutiny Officer
Internal Audit