

Portfolio Holder decision record sheet

Name of decision maker: Cllr Graham Sutton

Portfolio: Planning and Regeneration

Date of Portfolio Holder decision: xx October 2016

Title of decision:

To approve an exemption to comply with the Council's commissioning & procurement standing orders and award a contract directly without the need to carry out a competitive tendering process

Part I:

Part II reason:

Decision:.

1. To retrospectively approve the suspension of the Council's commissioning & procurement standing orders to enable the direct appointment of David Carr Consulting Engineers Ltd to provide Structural Engineer consultancy advice to the Building Control Service without undertaking a tendering process
2. The Council's commissioning & procurement standing orders permits the suspension and states that the special circumstances justifying the exception must be noted and recorded in a PH decision record.

Reason

David Carr provides specialist skills and expertise that is needed for the discharge of the Council's Building Control function under the Building Act 1984 that are not present in-house and not required on a day to day basis which might justify a permanent appointment to the Council's staffing establishment.

The overall value of the expenditure with David Carr has only recently been highlighted and there is a need to ensure that this retrospective expenditure is covered by the Council's governance arrangements.

Reports considered: (here reference can be made to specific documents)

N/A

Officers/Councillors/Ward Councillors/Stakeholders consulted:

Mark Gaynor, Corporate Director Housing and Regeneration
Ben Hosier, Group Manager Commissioning, Procurement and Compliance
Sara Whelan, Group Manager Development Management and Planning
Andrew Howard, Team Leader Building Control

Monitoring Officer comments:

This retrospective suspension of standing orders requires an exemption to procurement standing orders to be granted from the Portfolio Holder responsible for the service in accordance with paragraph 20 of the Commissioning and Procurement Standing Orders. The special circumstances requiring the suspension are noted in the body of the report. Officers must ensure that the appointment is tendered in accordance with standing orders for 2017/18.

Portfolio Holder decision record sheet

Deputy Chief Financial Officer comments:

The spend for 2014/15 and 2015/16 has been recorded in the approved statement of accounts for each year. The 2016/17 spend is being reported through the normal budget monitoring process and any financial pressures will need to be reported and appropriate mitigation put in place.

Implications:

Risk:

This is a specialist service and the risk of not appointing is that the Council cannot properly discharge its obligations under the Building Act

Value for money:

The rates provided by the supplier are considered to be competitive. The supplier is local and this is an important factor given the quick response that the Council requires in respect of urgent work on dangerous structures.

Options considered and reasons for rejection:

Create an in-house post.

The Council previously employed a Structural Engineer but this was removed on the previous post holder's retirement on the basis of cost effectiveness in favour of occasional use of consultancy support. Since then, the cost of such professional expertise has risen considerably and the Council would be unable to recruit against current pay scales.

Portfolio Holder's signature:

Date:

Details of any interests declared and any dispensations given by the Standards Committee:

For Member Support Officer use only

Date decision record sheet received from portfolio holder:

Date decision published:

Decision no:

Date of expiry of call-in period:

Date any call-in received or decision implemented:

Background

Services provided by David Carr have been used successfully now to provide Structural Engineer support to run the service and this has worked well.

Prior to the former in-house Structural Engineer retiring, David Carr's services were used as back up to in-house provision. The service has continued to use David Carr when required since then.

The expenditure with David Carr for providing agency staff to check building regs applications during 2014/15 was **£34,086** in 2015/16 it was **£26,610** and in 2016/17 it currently is **£23,707**

This brings the total value of expenditure with David Carr to **£84,403**.

This report seeks authority to retrospectively award the contract for these services to David Carr from 2014/15 up until the remainder of 2016/17. It is envisaged that the value of this contract will not be higher than £100k.

Portfolio Holder decision record sheet

The service will need to be tendered in accordance with the commissioning and procurement standing orders prior to the end of 2016/17 ready for 2017/18.