



RECORD OF CABINET PORTFOLIO HOLDER DECISION

CONTRACT AWARD

1. Decision Reference No.	PH 041
2. Decision made by	Portfolio Holder for Growth & Prosperity
3. Name and job title of Officer requesting the decision (inc Officer email address)	James Morris Corporate Property Asset Manager jmorris@melton.gov.uk
4. Title / Subject Matter:	Award of Contract – Lake Terrace Drainage
5. Type of Decision:	Public
6. Key Decision?	Yes
7. Decision Taken: <ol style="list-style-type: none">1. To award a design and build contract for remedying the defective surface and underground drainage at the Lake Terrace Waste Depot Site, Melton Mowbray, by way of a direct award via a call off from the Scape framework. This is to address the needs of the Biffa operation at the Lake Terrace waste depot site and also to comply with the requirements set out in the Environment Agency report relating to drainage at this site.2. To enter into any necessary documentation to effect the award.3. To liaise with the stakeholders as necessary, this is to include any statutory authorities from whom consent is required for the new drainage connections, and landowners where applicable, as well as Biffa as operators of the waste depot at Lake Terrace.	

8. Reasons for Decision:

Surveyors acting for both the council and Biffa and by successive Environment Agency (EA) inspections of the Biffa site have resulted in reports for action to be taken to repair the defective surface and underground drainage. The Environment Agency inspection carried out on 11th June to conduct a general check of compliance with the environmental permit EAWML 43461 identified a breach in the drainage condition and advised an action for the Council- 'You must take the measures to fix the issues with the drainage system on site to prevent the pooling of water and potential off-site pollution. Provide evidence of completion to the Environment Agency by the due date.'

Under the terms of the Biffa lease the council as landlord is responsible for providing adequate drainage to the site and is responsible for the repair and maintenance of the same.

To do nothing would leave the surface and below ground drainage at the waste depot site defective and this would not comply with the requirements of the council's Asset Management Plan (currently being updated) to maintain its assets and furthermore it would not comply with the requirements of the Environment Agency who regulate, by licence, the activity from the waste depot and have formally reported on the defective drainage at the Lake Terrace site and have set a timetable for its remedy by April 2022 (unless there are extenuating circumstances and a new timetable is agreed with the EA).

A direct award via a Call Off from the Scape framework for the design and build contract is required to remedy the defective drainage at the Lake Terrace site and this is in compliance with the contract procedure rules, and all necessary due diligence has been carried out by the Council Officer.

9. Authority / Legal Power:

Legal – See below

10. Background Papers attached?

(Background papers are to be attached (unless exempt))

Yes

11. Alternative options available / rejected:

(Briefly summarise what other options, if any, are available or considered and why they were rejected.)

1. Do nothing. This would leave the surface and below ground drainage at the waste depot site defective and this would not comply with the requirements of the council's Asset Management Plan (currently being updated) to maintain its assets and furthermore it would not comply with the requirements of the Environment Agency who regulate, by licence, the activity from the waste depot and have formally reported on the defective drainage at the Lake Terrace site and have set a timetable for its remedy by April 2022 (unless there are extenuating circumstances and a new timetable is agreed with the EA).
2. Alternative routes for procurement include an Open Invitation To Tender and a Further Competition via a different framework. These options are not being considered due to the fact that the appointment is time sensitive (timetable directed by the Environment Agency), and the Scape Framework provides the flexibility required to appoint professional services, including the option of using a flexible supply chain to use suppliers who are familiar with the requirements of the project.

12. Implications:

<p>Legal</p>	<p>The Council has the power to enter into contracts in order discharge its functions (Local Government Act 1972, s111 and the Local Government (contract) Act 1997, s1). The Local Government Act 1972 requires the Council to have regulations for how it enters into contracts. In addition to complying with all relevant UK and EU legislation every contract entered into on behalf of the Council must also comply with the Council's Contract Procedure Rules and the Council's Financial Regulations</p> <p>The Council's Contract Procedure Rules permit a contract of any value to be procured via a framework agreement or DPS, compliance with these Rules and relevant national and EU law is achieved through compliance with the framework agreement/DPS terms and conditions.</p> <p>The resultant contract must be added to the Council's Contract Register to ensure compliance with Transparency Regulations. The Officer is responsible for the subsequent storage and safe keeping of the signed contract.</p> <p>If the above criteria is satisfied, using a framework agreement will reduce the risk of challenge for the Authority.</p> <p>[Legal approval 10/08/21]</p>
<p>Finance</p>	<p>This work is included in the approved capital programme.</p> <p>[Finance Approval 090821]</p>
<p>HR</p>	<p>N/A</p>
<p>Procurement</p>	<p>The appointment of Perfect Circle is a Direct Award to the Scape framework. As all professional services are being allocated via the framework (Gleeds and SMP as part of the supply chain of Perfect Circle) it will be required to ensure an appropriate contract is agreed with Scape and to remain within the scope of the framework.</p> <p>Once the contract has been awarded, the Council Officer will notify the Welland Procurement Lead Officer, to request contract details be entered onto the Council's Contract Register, and publish a Contracts Finder Award Notice.</p> <p>[Approval by Head of Procurement 100821]</p>
<p>Other</p>	<p>The following checks have been carried out in relation to the contract provider:</p> <ul style="list-style-type: none"> - Financial credit checks - Insurance certificates - Health and safety policies

13. Signature of Officer with authority to sign (See Section 9):	Email approval received Pranali Parikh Director for Growth & Regeneration
14. Officer Responsible for Procurement	I confirm compliance with the Contract Procedure Rules Amy Myers Head of Procurement
Call In Waived by Scrutiny Committee Chair? (Under urgency Procedures)	N/A
Has this been discussed by Cabinet Members?	-
Cabinet Portfolio Holder Signature	Email approval received Councillor Leigh Higgins Portfolio Holder for Growth & Prosperity
Declarations/conflict of interest?	-

Please send all decisions for publication to: Democratic Services at democracy@melton.gov.uk. All decisions with exempt information should be referred to MonitoringOfficer@melton.gov.uk