

Appendix A – previous report to Executive  
EAST HERTS COUNCIL

EXECUTIVE – 8 OCTOBER 2019

REPORT BY: BY THE EXECUTIVE MEMBER FOR WELLBEING AND THE  
DEPUTY LEADER & EXECUTIVE MEMBER FOR FINANCIAL  
SUSTAINABILITY

REPORT TITLE: CONTRACT PROCEDURE RULES: EXEMPTION REPORT

WARD(S) AFFECTED:            BISHOP’S STORTFORD MEADS/ ALL

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**Purpose/Summary of Report**

- To advise Executive of a contract procedure exemption

<b><u>RECOMMENDATIONS FOR EXECUTIVE: That:</u></b>	
<b>(A)</b>	<b>The contract procedure exemption be noted</b>

- 1.0 Background
- 1.1 This report is to advise the Executive of an exemption to the formal tender procedure normally required for contracts with a value of between £50,000 and the EU threshold.
- 1.2 It relates to the engagement of RPS Consulting Services Ltd to provide specialist services to manage and to assess the impact of an archaeological dig on the proposed site of the new Grange Paddocks Leisure Centre.

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- 1.3 The matter is being reported to the Executive in accordance with para 4.4 of Part 4H of the Councils Constitution: Contract Procedure Rules. The exemption has been approved by the Head of Legal and Democratic Services, in consultation with the Head of Strategic Finance and Property, as required by para 4.4. However, in addition, the regulations require that the matter is reported to the next Executive to support the action taken.
  
- 2.0 Report
  
- 2.1 Grange Paddocks Leisure Centre (GPLC) is a key council project in which Council has approved significant capital funding for the delivery of a new leisure centre, located to the south of the existing centre, to support the delivery of the council's corporate priority of improving the health and wellbeing of its communities.
  
- 2.2 As part of the planning application considerations and in order to allow development to take place, a number of surveys have to be undertaken. An archaeology survey was one of the surveys required. A desktop archaeology study was instructed in February 2019.
  
- 2.3 The desktop study generated a recommendation that archaeological trenching take place, at pre-application stage, based on the Roman history of the site. Three trenches were excavated on the proposed footprint of the leisure centre, to ascertain the potential archaeological features identified through the surveying and Ariel photographs. This was carried out on in May 2019 over three days.
  
- 2.4 Following an evaluation of the trenching results, a full footprint excavation of the new leisure centre site is now required, prior to the commencement of development. The GPLC programme did not envisage that a full excavation of the proposed footprint would be required as part of this project.

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- 2.5 Procurement of specialist services to deliver the archaeological dig of the site could have been undertaken through the Pre-construction Service Agreement (PCSA) that the council have in place with the constructor; Wilmott Dixon. However, under Wilmott Dixon's corporate policy they have to provide site supervision for any works undertaken on site, even though for this project they are not necessarily required. This would incur an additional cost of approximately £25k which does not represent good value.
- 2.6 Due to the above, the council wishes to procure the specialist services for the archaeological dig. The work is estimated to take 6-8 weeks, with RPS having capacity to start in the middle of September. The duration of the work could extend beyond 8 weeks, depending on the findings. On the basis of this time period, the dig must commence as soon as possible in order to allow it to be discharged as a planning condition and not delay the planned start on site date in early 2020.
- 2.7 It is due to this requirement to carry out the archaeological dig prior to commencement of the development, that this exemption request is being made. This is in accordance with para 4.6 (g) unforeseen works or circumstances where delay will adversely impact on service delivery for the council or access to external funds. If the work is not completed to the timescales above, this will have an impact on the programme and therefore have an impact on the expected revenue being generated from the leisure operator contract.
- 2.8 Due diligence has been done in obtaining quotations, and five quotations in total were obtained. The procurement officer has stated: 'although at this value the Contract Procedure rules expect an open tender process, the fact that 5 quotes have been obtained gives comfort that value for money has been obtained.' This offers reassurance that value for money has been achieved.

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2.9 Costs are expected to be £82,417. As a result, the £50,000 threshold in total will be breached.

### 3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

### Background Papers

None

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