

REQUEST FOR EXEMPTION TO CONTRACT STANDING ORDERS

Contract Standing Orders (CSOs) requires certain steps to be followed when carrying out procurement exercises. Exemptions to CSOs can be authorised by Council / Cabinet upon report and separately by officers with the approval of certain senior officers. An exemption can only be relied upon in certain circumstances (as detailed in CSOs Rules 3.1 – 3.5) but in any event cannot be used where the EU Procedure applies.

This form is intended to be used by officers to obtain an exemption to using CSOs.

Name: Tom Buxton-Smith	Date: 03.08.2020
Service: Streetscene	Team: Engineers
Total contract value: £ 62,514.50	

Background (including product and supplier details, costs etc:

Sidmouth and East Beach BMP is EDDC’s project to better protect homes and businesses from storm flooding and erosion. The scheme has been much delayed primary due to lack of funding, however now the project is likely to be fully funded, so we can move forward.

Due to changes in government funding, we need to update the business case to match the revised funding methodology. This includes further study to enable claiming of additional benefits which will likely mean more central government grant available. The current consultant (Royal HaskoningDHV) has completed a draft business case for the previous funding, so is best placed to update the business case. Appointing a new consultant would increase delivery time, and risk a knowledge gap. The current consultant hold all the models and data to ensure a quick turnaround of the project.

Of the £62k package, approximately £30k is updating the business case to the latest requirement, including additional study and updating the environmental impact assessment. £6k is for a series of pubic exhibitions (virtual) to help inform and design the splash wall. £5k is for assistance in putting together tender documents to deliver the next phase of the project (to help speed up delivery)

£22k is for a further study into beach shingle volume analysis. This was originally due to be in addition to the previous project, but has been brought into this contract. It’s addition was supported by the Sidmouth and East Beach BMP Sub-Finance group. The aim of the analysis is to identify at which trigger points the beach will need to be replenished in the future to maintain the standard of protection. This will help plan future maintenance, and is hoped will bring whole life costs down.

The current programme for an updated business case is to be signed off by the end of October 2020.

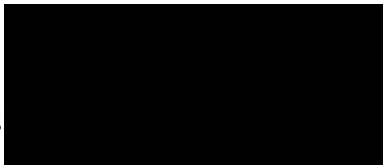
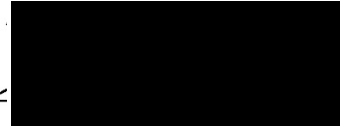


<u>Business Reasons for an Exemption:</u>		
Although the following are justifiably accepted as valid reasons for an exemption to Contract Standing Orders, they are closely monitored and should be applied only in cases where a full procurement exercise is not a viable option. (Tick appropriate boxes)		
	✓	Which CSO rule?
An Emergency		
Goods or Services to existing systems or kit	✓	
Purchase or repair of patented or proprietary articles sold only at a fixed price		
Effective competition is prevented by government control		
Goods and/or Services recommended by a Central Government Department		
Extension to an existing contract for the purpose of achieving Best Value	✓	
Purchase or Sale by Auction		
Where the Contract is with a Public Utility Company or other organisation which will assume liability for the works on completion e.g. sewer adoption		
Other Reasons (please provide details)		

<u>Business Benefits for an Exemption:</u>
<p>We could open tender this work, however it is likely to add another 3 months of procurement time onto the project, which will delay the BMP further. Going to open tender has no guarantee of reducing costs, as other consultants will come in from a cold start so require more time to get up to speed, repeating a lot of the existing work that has been carried out.</p> <p>Now that the funding gap for Sidmouth BMP is removed, we are keen to progress this as quickly as possible to reduce flood and erosion risk. The sooner we can implement the BMP, the sooner we can better protect Sidmouth.</p> <p>The existing consulting engineers (RH) have the scenario modeling base data already and are fully briefed on the project, understanding the context of the further modelling we require as well as project constraints and iterations. They have written the draft OBC, and it is parts of this document which also need updating and further completing, therefore it is unlikely we could achieve best value or a timely delivery of the project by starting again with a new consultant.</p>

<u>What are the implications to the following:</u>
Finance: The additional £62k is covered within EDDC's overall project contribution of £500k
Human Resources: None
ICT: None

Asset Management:
Strategic and/or Operational Objectives: Outstanding homes and communities Outstanding place and environment Progress Beach Management Plans for Exmouth, Seaton and Sidmouth including East Beach to maintain coastal defences and reduce the rate of coastal and cliff erosion.

<u>Risk Assessment:</u>
Financial: Direct awarding does not give an opportunity to directly check for a competitive price or programme. However the consultant has broken down its costs, and they compare favourably to similar costs in the original competitive tender. Therefore the risk is small. Modelling: There is always a risk that the modelling is inaccurate, or provides unfavourable results. Potentially there may be no savings on whole life costs if the modelling indicates that fully recharged beach is required more often than not. <p style="text-align: right;">Or attach print from the RM system</p>

<u>Signature of line manager or service head</u> 
<u>Supporting signature of Strategic Lead - Finance</u> 
 <u>signature of Strategic Lead – Governance and Licensing</u> 

PLEASE NOTE:

Where the Contract value is £20,001 or above then Rule 3.2 requires you to prepare a report for Cabinet to note their support for the action taken.

The Council is required to keep a Register of Exemptions. **Please ensure that a signed copy of this form is provided to the S.151 Officer.**