



Councillor Mark Stephenson
312a Old Road
Clacton-on-Sea
Essex
CO15 3NP

Property Services
Corporate Services Department
Town Hall
Station Road
Clacton on Sea
Essex CO15 1SE

Tel: (01255) 686933
Email: awhite@tendringdc.gov.uk

30 December 2018

Our Ref : ARW

Dear Councillor Stephenson

**Delegated Power Ref: Part 3, Schedule 3
Request for Consent to use 'Special Urgency' Procedure**

I propose to make the following key decision that not in the Council's Forward Plan:-

Appointment of Gipping Construction Limited to carry out extension work at Barnes House as part of the Office Transformation project.

I enclose a letter seeking the concurrence of the Portfolio Holder in relation to this matter for your assistance. You will also recall the Decision of Cabinet on 16 December 2016 approving the principle of the transformation and delegating delivery to the Chief Executive, subject to business case and the Chief Executive's decision on 14 September 2017 to approve the business case including overall and site estimated costs.

The business case clearly set out that works required at Barnes House/Pier Avenue would need to be carried out by an external contractor due to the nature of the works and the projected costs would be in the sum of £269,500.

The Council's Building Services Team has designed the element of the project including the extension of Barnes House and the linking of it to the other Pier Avenue Offices. The team has taken the roofing element from the Pier Avenue work package and added it to the Barnes House one for practical reasons. The result of the tender exercise is set out in the attached letter. Following the receipt of tenders the Building Services Team has negotiated a reduction in the cost of the project with the lowest tender by adjusting contingency and provisional items in order to provisionally agree a Contract sum of £291,932.80 + VAT.

As you will see from the letter attached colleagues have obtained the Portfolio Holder's concurrence to the placing of a contract on the presumption that the key decisions had been made in the past. However, the Monitoring Officer's legal advice

is that the proposed award of contract is a key decision due to the level of expenditure, which that has not been published in advance.

This decision cannot be reasonably deferred to allow publish the proposed decision in the forward plan for 28 days before making the decision because it would delay the start of the project until mid-January. This delay would have a knock-on effect of a month long delay through the programme. Alternatively, subject to your agreement the contract could be awarded in early December and allow facilitating work on means of escape to be completed prior to the Christmas break and a clear start in Construction in early January 2019.

In the light of the earlier decisions, approval of the budget and business case I propose to take the decision using the 'Special Urgency' procedure in Rule 16 of the Access to Information Procedure Rules in Part 5 of the Council's Constitution. The Monitoring Officer is satisfied that this is a reasonable approach due to the level of information contained within the detailed business case. I would be grateful if you would sign the attached Consent Form indicating whether you agree with this course of action.

Yours faithfully

Andrew R White
Head of Property Services

Property Services
Corporate Services Department
Town Hall
Station Road
Clacton on Sea
Essex CO15 1SE

Councillor Mark Stephenson
312a Old Road
Clacton-on-Sea
Essex
CO15 3NP

Dear Mr White

**Access to Information Procedure Rules: Part 5 - Rule 15 (part 5.8)
Request for Consent to use 'Special Urgency' Procedure**

I refer to your letter dated 30 November 2018 concerning exercising the delegated power in relation to the appointment of Gipping Construction Limited to carry out extension work at Barnes House as part of the Office Transformation project.

In view of the urgency of this decision, I note your request to use the Special Urgency procedure contained in Rule 15 of the Access to Information Procedure Rules in Part 5 of the Council's Constitution.

I agree / ~~do not agree~~* that the 'Special Urgency' procedure should be followed in this case.



.....
Councillor M Stephenson
Chairman of the Resources and Services Overview and Scrutiny committee

Dated 30/11/2018

* Please delete as appropriate.

Additional comments (if any)

