

ED2. EXECUTIVE DECISIONS BY A CABINET MEMBER OR AN OFFICER

A. Report Title: Highways Maintenance Contract – Waiver for extension of contract term.

B. Report Author(s): Les Burns
 Planning & Transportation
B. Report Author(s): Les Burns
 Planning & Transportation
Tel: 01375 652393
E-mail: lburns@thurrock.gov.uk

C. Decision Maker: Councillor J Kent

D. Position held: Council Leader

E. Key decision: Yes
F. Delegation ref: Decision is being taken by Leader without Cabinet decision.

G. Is the decision urgent? Very Urgent Decision as set out in Constitution Chapter 3, Part 4, section 3.2 and Chapter 8 section 15.

H. If yes, state why. The contract extension is required to provide continued highway service, to allow placing out of highway maintenance work whilst legal & procurement work to provide a new contract is undertaken.

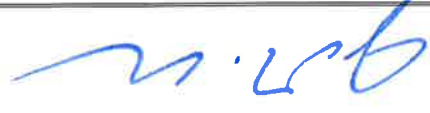
I. DECISION (strike out whichever does not apply) :

- I agree the recommendations in the attached report for the reasons given in the ~~report;~~ report;
- My decision is: To authorise a waiver to allow the extension of the Highways maintenance contract from 1 June 2014 for a period of 7 months and a budget of £750k. This is in addition to a current extension of £1.1m giving a total contract extension value of £1.85m.

*The reason for my decision is:

This decision allows for the continued placing and carrying out of highway maintenance work whilst new contract arrangements are completed.

* Continue overleaf or on an additional sheet if necessary.

Signed:  Date: 30/1/14.

URGENCY

Democratic Services will arrange for the completion of the following:

A GUIDE TO THE PROCEDURE FOR MAKING AND RECORDING DECISIONS BY A CABINET MEMBER OR AN OFFICER

INTRODUCTION

The essential principle is that a decision by a Cabinet Member or an Officer takes the place of a conventional decision taken by the Cabinet. It must therefore be based upon an **Officer report** following the usual requirements for both content and consultation with the relevant Head of Service and Director, together with implications having been completed by the Diversity, Finance and Legal teams. The report should contain a clear recommendation in the form of a resolution.

The report template must be used and this can be found at:

J:\Thurrock\Corporate Templates.

A and B. TITLE AND AUTHORS OF THE REPORT

These should be the same as in the accompanying report and the Officer's contact details included.

C. NAME OF DECISION TAKER

Please include the full name of the person making the decision

D. POSITION AND RESPONSIBILITY HELD

This will be the title of the portfolio held by a Cabinet Member or the job title of an officer.

E. KEY DECISION

The definition of a key decision is contained in Chapter 1, Part 2, Article 1 of the Council's Constitution. If a Key decision is to be taken, this should be done in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

At least 28 clear days notice is required of the intention to take a Key Decision, and a corresponding period of notice is required if the decision is to be taken in a private meeting.

Different procedures apply if compliance with the above Regulations is impracticable, for example, in the case of an urgent or very urgent decision needing to be taken.

If in doubt, please consult Legal & Democratic Services.

F. DELEGATION REFERENCE

If the decision is being made by a Cabinet Member, the delegation will appear under the name/title of the Cabinet Member in Chapter 3, Part 4 of the Constitution. If the decision is to be made by an Officer, quote the relevant number in the Officer Delegation Scheme in Chapter 6 of the Constitution, together with any delegation recorded in the scheme of delegations prepared and held locally by Directors. If the form is being completed by an officer that has been given delegated authority by the Cabinet to implement a decision, such as the final award of a contract, you should the Minute number, decision number and date of the Cabinet meeting where this authority was given.

G and H. URGENCY

You should indicate whether the decision to be made is Urgent. For a definition of Urgency, please see Chapter 8, Rules 14 and 15 of the Constitution.

If the decision is not to be taken under the Urgency or Special Urgency provisions, if you should simply enter "No" in box G. This means that the normal call in rules will apply and the decision, once made, cannot be implemented for 5 working days.

If "Yes" is indicated the reason for the urgency must be stated in box H. Democratic Services will contact the Chairman of the relevant Overview and Scrutiny Committee or the Mayor to agree that the matter is urgent and that, therefore, the usual call-in provisions will not apply.

I. DECISION

This box is for completion only by the person making the decision. If the recommendations in the accompanying report are correctly drafted, the decision will in the great majority of cases accord with the recommendation made in the report.

J. OVERVIEW AND SCRUTINY CHAIRMAN

Democratic Services will consult the Chairman of the Overview and Scrutiny Committee or Vice-Chairman (or if they are unavailable the Mayor) to agree that a matter is urgent and cannot await call-in and scrutiny.

ACTION REQUIRED

An Officer seeking a decision from a Cabinet Member or an Officer with the Delegated powers to make a Key Decision shall send a copy of the report together with this ED2 form to Democratic Services.

Democratic Services will check that it complies with procedures and then send two copies to the decision-maker (one for the decision-maker's retention) together with a return envelope and circulate the report in accordance with Administration Rules 141 and 12. The decision-maker will be asked not to make the decision until five

clear days have passed (to allow time for representations) unless the special urgency procedures apply.

On receiving a signed decision from the decision-maker, Democratic Services will publish it. The implementation date (subject to call-in) will then be a further 5 working days later. The Officer seeking the decision will be notified as soon as the decision is cleared for implementation.

Please note that taking a delegated decision should always be done in consultation with Legal & Democratic Services – no delegated decision should be taken without their advice.

(Form ED2 can be found in J:\Thurrock\Corporate Templates)

FORM A	APPROVAL TO PROCEED TO TENDER
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For use in seeking the approval to proceed to tender stage (for service contracts above £75,000 and works contracts above £499,999) (Council Constitution, Chapter 9, Part 2, Contract Procedure Rules, Rules 7 and 8)
 This Form A is not used for Service Contracts/Purchases below £75,000 or Works Contracts below £500,000 - tendering is not required in that case but rather a minimum of three written quotes are required (and at least one quote if below £10,000) and approvals are usually by the Head of Service/Director or their delegate (as per the particular Directorate's Scheme of Delegation)

To	Note – Approval to be received from: Director and Portfolio Member if full contract value is £750,000 or below Director if full contract value is £500,000 or below Head of Service if £350,000 or below. If above £750,000 then a report to Cabinet is required (rather than this Form A) unless the Director has been delegated the authority.	From	Les Burns, Chief Highway Engineer	CC	- Director of Finance and Corporate Governance/s151 Officer - Head of Procurement - Head of Service for Responsible Officer	Date	28 May 2014	Project Title	Highway Maintenance
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1. Full description of the proposed tendering exercise (including description of Goods, Works or Services)	<p>The provision of Highway Maintenance work for Thurrock Council from 1 June 2014 until 31 December 2014. The work will be delivered and payment made in accordance with the expired Thurrock Contract with Henderson & Taylor.</p> <p>Cabinet Report 4 September 2013 approved the placing of contracts for a number of these contracts and agreed "that delegated authority to the Director of Planning & Transportation, in consultation with the Portfolio Holder to seek tenders to replace the existing Henderson & Taylor contract for reactive maintenance work and the Eurvra contract for major resurfacing, and award the subsequent contracts after the completion of a competitive process in accordance with the Council's contracting procedures."</p> <p>It is proposed that the interim short-term contract with Henderson & Taylor is extended to allow drawdown for individual commissions for 7 months, from 1 June 2014 to 31 December 2014, giving a total of £750k. A previous waiver up to 30 May 2014 for a value of £1.1m will expire.</p>
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<p>2. Is E.U. Tendering required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>3. Is tendering to be by way of: a. An existing Framework or Purchasing Scheme? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No b. Single Source Tender? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 4. If you answered yes to Question 3a or 3b above, please confirm that a Waiver (Procurement Approval Form D) is attached. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 5. Is there any political sensitivity? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" insert details here 6. Any further details attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Insert details here</p>		<p>7. Estimated Start Date : 1 June 2014</p> <p>Estimated End Date : 31 December 2014</p>
<p>8. Commissioning Report</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Please confirm that the Commissioning Report is attached</p> <p>(A Commissioning Report in an approved format must be appended (see Rule 8.2(b) of the Contract Procedure Rules, Chapter 9, Part 2 of the Constitution).</p>		<p>9. Commissioning Report Checklist (Please confirm whether the following details are included in the Commissioning Report)</p> <p>9.1. Background <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No please insert reasons why</p> <p>9.2. Business case <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No please insert reasons why</p> <p>9.3. Draft Specification <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No please insert reasons why</p> <p>9.4. Project Management Arrangements <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No please insert reasons why</p> <p>9.4.1 User/Stakeholder involvement and communication <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No please insert reasons why</p> <p>9.4.2 Risk and Opportunity Assessment /Register <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No please insert reasons why</p> <p>9.4.3 Contingency plans <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No please insert reasons why</p> <p>9.4.4 Project management record keeping procedures <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No please insert reasons why</p> <p>9.5. Contract Management Arrangements <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No please insert reasons why</p> <p>9.5.1 User/Stakeholder involvement and communication <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No please insert reasons why</p> <p>9.5.2 Risk and Opportunity Assessment/Register <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No please insert reasons why</p> <p>9.5.3 Contingency plans (including civil contingency plans) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No please insert reasons why</p> <p>9.5.4 Post contract evaluation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No please insert reasons why</p> <p>9.5.5 Proposed contract management (inc monitoring) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No please insert reasons why</p> <p>9.6. Confirmation from Legal, Finance and Procurement that they have been consulted and agree with the commissioning report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No please insert reasons why</p> <p>9.7. Confirmation by Responsible Officer Rule 5 complied with and related sections completed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No please insert reasons why</p>

<p>Approval must be signed off by:</p> <ul style="list-style-type: none"> • The relevant Director acting in conjunction with the Cabinet Member of the relevant portfolio if the full contract value is £750,000 or below • The relevant Director if the full contract value is £500,000 or below • The relevant Head of Service if the full contract value is £350,000 or below. <p>If above £750,000 a report to Cabinet is required, (rather than this Form A) unless the Director has been delegated the authority.</p>	<p>Approval to Proceed to Tender: In accordance with Rule 8 of the Council's Contract Procedure Rules, authority to proceed to tender is provided by the following signatories:</p>
<p>Name: Signature: Date:</p>	<p>Head of Service</p>
<p>Name: APRIL GULL Signature: [Signature] Date: 30-May-14</p>	<p>Director</p> <p>If the contract value is £500,000 - £750,000 the Director confirms that they have consulted with the Cabinet Member of the relevant portfolio.</p>

FORM B	COMMISSIONING REPORT
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To be attached to Approval to Proceed to Tender (Form A) for service contracts above £75,000 and works contracts above £499,999 or Cabinet Report (if over £750,000)

PS/2014/774

Highways Maintenance

1 INTRODUCTION AND BACKGROUND TO THE PROPOSED COMMISSIONING

EXERCISE/TENDER

Thurrock Council uses a number of specialist highways maintenance contracts for delivering the highways service. Cabinet approval to seek tenders was given at the 4 September 2013 meeting. Whilst this tender process is proceeding and before award and mobilisation of the successful tenderer it is necessary to extend the existing Thurrock contract with Henderson & Taylor for Highways Maintenance

2 BUSINESS CASE

Thurrock Council uses a number of specialist highways maintenance contracts for delivering the highways service.

Cabinet Report 4 September 2013 approved the placing of contracts for a number of these contracts and agreed "that delegated authority to the Director of Planning & Transportation, in consultation with the Portfolio Holder to seek tenders to replace the existing Henderson & Taylor contract for reactive maintenance work and the Eurovia contract for major resurfacing, and award the subsequent contracts after the completion of a competitive process in accordance with the Council's contracting procedures."

A current extension waiver expires on 30 May 2014 and it is proposed that this waiver provides a drawdown for Henderson & Taylor allowing individual commissions be set up for 7 months, from 1 June 2014 to 31 December 2014, to a total of £750,000. This is to allow time to carry out the new competitive tendering process as described in the above paragraph

INSERT DETAILS OF CONSIDERATION TO ECONOMIC, SOCIAL OR ENVIRONMENTAL WELLBEING DURING PRE-PROCUREMENT STAGE.

PLEASE SET OUT BRIEFLY HOW ANY SERVICES PROCURED MIGHT IMPROVE THE ECONOMIC, SOCIAL AND ENVIRONMENTAL WELLBEING OF THE AREA OVER WHICH THEY HAVE RESPONSIBILITY AND HOW THE COUNCIL WILL CONDUCT THE PROCESS OF PROCUREMENT APPROPRIATELY TO SECURE THE BENEFITS IDENTIFIED.

Insert details of the estimated previous spend on this Service. Information relating to estimated future financial spend on this Service will be contained in the exempt part of this report to ensure parties to the tender process provide an unbiased estimate of their fees therefore ensuring the council achieves Best Value.

Note – Officers should contact Finance for details of an appropriate Business Case format.

Financial Summary:

2.1 Details of previous spend

The previous spend was based on the work commissioned paid according to the terms of the expired contract. This commission will continue to use the terms of the expired contract.

2.2 Details of Estimated Contract Cost

See Exempt Schedule 1

3 DRAFT SPECIFICATION

The provision of highway maintenance work for Thurrock Council from 1 June 2014 until 31 December 2014.

The work will be delivered and payment made in accordance with the expired Thurrock Contract with Henderson & Taylor.

KEY EVENT	DATE
Publication of Contract Notice	[N/A]
Issue PQAs [Omit if not applicable]	[N/A]
Evaluation of PQAs [Omit if not applicable]	[N/A]
Issue of Invitation to Tender	[N/A]
Pre-Submission Clarification Meetings [Omit if not applicable]	[N/A]
Closing date for Tender submissions	[N/A]
Post-Submission Clarification Meetings [Omit if not applicable]	[N/A]
Interviews [Omit if not applicable]	[N/A]
Notification of result of evaluation	[N/A]
Standstill period	[N/A]
Expected date of award of Contract	[N/A]
Contract Commencement	[N/A]

The proposed timetable above is in draft form only; it is subject to change and is provided by way of guidance only. The Council's Responsible Officer will be updating and developing this working with Procurement Services.

This commissioning is to provide continuity of service whilst a separate contract and tendering process is carried out.

5 PROJECT MANAGEMENT ARRANGEMENTS

- 5.1 Users/Stakeholders involvement and Communication Plans**
Continuation of existing service levels and so no stakeholder & communication plan required.
- 5.2 Risk and Opportunity Assessment and Register**
See Exempt Schedule 3
- 5.3 Contingency Plans**
See Exempt Schedule 3
- 5.4 Project Management Record Keeping Procedures (which must comply with the Council's documentation retention policy)**
All commissioning and payment documentation will be retained in accordance with Thurrock Council's policy.

6.1 Users/Stakeholders involvement and Communications Plans Not required.

6.2 Risk and Opportunity Assessment/Register See Exempt Schedule 4

6.3 Contingency Plans (Including Civil Contingency Plans) See Exempt Schedule 4

6.4 Proposed Arrangements for Post Contract evaluation Contract terms and rates as current provider

6.5 Proposed Contract Management (Including Monitoring arrangements) Contract management will be by Thurrock Transportation & Highways

6.6 Contract Management Record Keeping Procedures All commissioning and payment documentation will be retained in accordance with Thurrock Council's policy. FULL DETAILS WILL NEED TO BE INSERTED HERE

7 Procurement Implications

Procurement

Implications verified by: paul french
Telephone 01375 652207
email pfrench@thurrock.gov.uk

To ensure continuity of essential works whilst a new OJEU tender exercise is being undertaken, it is necessary to extend the interim contract with Henderson & Taylor which expires on 30 May. The value of the extension to the interim contract will take the total contract value above the Council's Constitution threshold for a single source tender but below the EU threshold of £4.3 million for Works. A waiver form must therefore be completed

EXEMPT SCHEDULE 1

Financial Summary

Estimated Total Cost: £750k		Recommended Tender: Henderson & Taylor				
Breakdown of Estimated Contract Cost	13/14	14/15	15/16	Later £000's	Total £000's	
Contract	750	750			750	
Fees						
Other (Specify)						
Total Cost	750	750			750	
Is the proposed Tender budgeted in the current Approved Capital and Revenue programme? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No						
Funding Identified	13/14	14/15	15/16	Later	Total	
1. Revenue Budget <Specify Code>	*					
2. Capital Budget	*					
Supported Borrowing						
Unsupported Borrowing (see note below)						
Grant						
Capital Receipts (Specify)						
Other (Specify)						
Total						
<p>Other Financial Implications:</p> <p>Note: If supported borrowing is to be used, please show under other financial implications how revenue savings can be made to fund the financing costs.</p> <p>*The funding will come from the agreed Transportation & Highways revenue and capital allocations. This contract is for the delivery of these programmes of work.</p>						

EXEMPT SCHEDULE 2

DRAFT EVALUATION CRITERIA

9

Current service supplier to be engaged to provide continuity of service

Please note that the above evaluation criteria is in draft form only; it is subject to change and is provided by way of guidance only. The Council's Responsible Officer will be amending and developing the evaluation criteria in conjunction with Procurement Services as the tendering exercise progresses.

EXEMPT SCHEDULE 3

RISK AND OPPORTUNITY ASSESSMENT AND REGISTER 10

Relating to the proposed tendering exercise

Risk	Likelihood A. Very High B. High C. Significant D. Low E. Very Low F. Almost Impossible	Impact I. Critical II. Significant III. Marginal IV. Negligible	Level of Risk. High or Lower High – A1,B1,A11,B1,B11, CII Lower = Other	Potential Negative Impact	Management and Mitigation of Risk
	D	!!	Other		

Contingency Plans

Use of existing provider who has provided the service for a number of years.

EXEMPT SCHEDULE 4

RISK AND OPPORTUNITY ASSESSMENT AND REGISTER

Relating to the ongoing provision of works/services under the contract

11



Risk	Likelihood	Impact	Level of Risk. High or Lower	Potential Negative Impact	Management and Mitigation of Risk
ion delivery	A. Very High B. High C. Significant D. Low E. Very Low F. Almost Impossible	I. Critical II. Significant III. Marginal IV. Negligible	High – A1,B1,A11,B1,B11, CII Lower = Other		

Contingency Plans

Provider has proved reliable over a number of years.

EXEMPT SCHEDULE 5

12 CONFIRMATION FROM LEGAL, FINANCE AND PROCUREMENT


Commissioning Report (Responsible Officer should sign section 13 below, and then pass to Legal, Procurement and Finance services to sign off below that they have been consulted and agree with the Commissioning Report insofar as it relates to their respective areas)	
Confirmed by Legal insofar as it relates to Legal implications	Officers Name: <u>MARK LOMIS</u> Signature:  Date: <u>30-5-14</u>
Confirmed by Finance insofar as it relates to Finance implications	Officers Name: <u>KM GOODARC</u> Signature:  Date: <u>29/5/14</u>
Confirmed by Procurement Services insofar as it relates to Procurement implications	Officers Name: <u>PAUL RENCH</u> Signature: <u>PR</u> Date: <u>29/5/14</u>

EXEMPT SCHEDULE 6

CONFIRMATION BY THE RESPONSIBLE OFFICER THAT RULE 5 OF THE CONTRACT PROCEDURE RULES HAS BEEN/WILL BE MET

The Responsible Officer Les Burns confirms that Highways Maintenance has been carried out in accordance with Rule 5 of the Councils Contract Procedure Rules (Chapter 9, Part 2 of the Constitution) and in particular the following duties have been/will (as appropriate) be met by the Responsible Officer

<p>The Responsible Officer has or will ensure duties have been met (Re 5.3 of the Contract Procedure Rules)</p>	<p>Responsible officer must tick this box and sign below to confirm compliance</p> <p>Waiver required to provide continuity of service.</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>IN PARTICULAR:</p>	<p>Waiver required to provide continuity of service.</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>Compliance will occur with all regulatory or statutory provisions and the Councils decision making requirements</p>	<p>Responsible Officer must inform Services of the contract so that Procurement Services can update the Register</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>Inclusion on Council's Contract Register</p>	<p>Give details eg most economically advantageous tender awarded?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Use of current service provider to maintain continuity of service whilst competitive tendering process completed.</p>
<p>Value for Money will be achieved</p>	<p>Please provide details of any bond/guarantee required</p> <p>Payment will be for work carried out in arrears as set out in the contract.</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>Advice has or will be sought from Director of Finance & Corporate Governance as to appropriate security (bond/guarantee) required</p>	<p>Council's Document Retention Policy (ie for tender and contract documents) is available on in-</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>Document Retention Policy has/will be complied with</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>

	form
<p>Financial evaluation will be made of the proposed tenders including the winning tenderer/proposed contractor</p>	<p>Required for all tenders over £75,000</p>
<p>Advice has been and will be sought and followed from Procurement, Finance and Legal Services</p>	<p>If no, this request will require reconsideration</p>
<p>The Responsible Officer confirms that this project will be carried out in accordance with Rule 5 of the Councils Contract Procedure Rules (Chapter 9, Part 2 of the Constitution) and in particular the above duties have been/will (as appropriate) be met by the Responsible Officer</p>	<p>Responsible Officer (Responsible Officer should sign here and then pass to Legal, Finance and Procurement to sign it off in section 6 above)</p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Name Les Burns</p> <p>Signature </p> <p>Date 30 May 2014</p>

FORM C	CONTRACT AWARD REQUEST
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For use in seeking the approval to award a contract (Council Constitution, Chapter 9, Part 2, Contract Procedure Rules, Rules 7 and 8). This Form C is not used for approvals for contracts for more than £750,000 (such contracts need to go to Cabinet for approval by way of a Cabinet Report) unless a Director/Portfolio Holder has been delegated the authority – in which case this Form C should accompany an ED2 Form (see Democratic Service).

To	Ann Osola, Head of Transportation & Highways	From	Les Burns, Chief Highway Engineer
Note – Approval to be received from a Head of Service if £350,000 or below or Director if full contract value is £500,000 or below, or Director in conjunction with Portfolio Member if £750,000 or below. If above £750,000 then a report to Cabinet is required.	Cc	- Head of Procurement	Planning and transportation Directorate, Transportation & Highways Dept
Date	28 May 2014		
Subject	Award of Contract for (Highways Maintenance)		

Full Description of the Contract and Goods, Works or Services to be provided under the Contract:

Unique Contract Reference Number (See Procurement Services) : PS/2014/774

Description of Contract

The provision of Highways Maintenance work for Thurrock Council from 1 June 2014 until 31 December 2014.

The work will be delivered and payment made in accordance with the expired Thurrock Contract with Henderson & Taylor

Description of Goods, Services or Works

The provision of Highways Maintenance work for Thurrock Council from 1 June 2014 until 31 December 2014.

The work will be delivered and payment made in accordance with the expired Thurrock Contract with Henderson & Taylor

Further Details attached?

Yes No
 Yes No

Is there any political sensitivity?

If so provide details

Basic Checklist of Attached Documents Required:

1.. If contract value between £10,000 and £74,999 for service or supply contract or £10,000 and £499,999 for works contract

Yes No

1.1. Copy of minimum 3 written quotes attached

2. If contract value is £75,000 or above for a service/supply contract or £500,000 or above for a works contract:

Yes No

2.1. Approval to proceed to tender report attached

Yes No

2.2. Scoring Matrix for the tendering exercise

Yes No

2.3. Commissioning report

Yes No

2.4. Details of all changes to strategy in Commissioning Report

If any of the above are not attached, explain why:

Scoring Matrix is not yet prepared

Cost of Contract per Annum:

Total Value of Contract (including initial term and extension periods):

Total value of contract £1,850,000 including this approval for £750,000.

Name of Supplier / Contractor to be used:

Henderson & Taylor

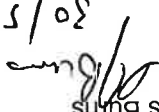
Duration of Contract:

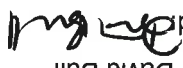
Extension provision: (if applicable length of extension)

7 months from 1 June 2014 to 31 December 2014

<p>The Responsible Officer has ensured duties have been met (Re 5.3 of the Contract Procedure Rules)</p>	<p>Responsible officer must tick this box and sign below to confirm compliance</p>	<p>Contract waiver required as service requires continuity of service</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>IN PARTICULAR:</p>		
<p>Compliance with all regulatory or statutory provisions and the Councils decision making requirements</p>		<p>Contract waiver required as service requires continuity of service</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Inclusion on Council's Contract Register (All Contracts over £10,000)</p>	<p>Responsible Officer must inform Procurement Services of the contract so that Procurement Register Services can update the Register</p>	<p>Use of existing contract whilst new Thurrock tender completed.</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Value for Money achieved</p>	<p>Give details ie most economically advantageous tender awarded?</p>	

<p>Where appropriate, advice sought from Director of Finance & Corporate Governance as to appropriate security (bond/guarantee) required</p> <p>Please provide details of any bond/guarantee required</p> <p>Terms as existing contract</p> <p>Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/></p>		
<p>Document Retention Policy has/will be complied with</p> <p>Council's Document Retention Policy (ie for tender and contract documents) is available on in-form</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>		
<p>Financial evaluation has been made of the proposed tenders including the proposed contractor</p> <p>Required for all tenders over £75,000</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>		
<p>Where appropriate, advice has been sought and followed from Procurement, Finance and Legal Services</p> <p>If no, this request will require reconsideration</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>		
<p>FURTHER MATTERS:</p>		
<p>Contract above £150,000.00</p> <p>Note: Any contract valued at or above £150,000 must be executed as a deed – please contact Legal to assist</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>		
<p>Contract below £750,000.00</p> <p>Note – If the full value of the contract is above £750,000, this form is insufficient and a report to Cabinet is required, unless authority has been delegated to a Director/Portfolio Holder in which case this form should be attached to an ED2 form (Democratic Services)</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>If yes Specify</p>	<p>External Consultants instructed (if appropriate)</p>

<p>Contract Award requested by the Responsible Officer, who confirms that the details in this form are correct:</p> <p>Name: Les Burns Signed:  Dated: 30/5/2014</p>	<p>Responsible Officer</p>	<p>In accordance with Rules 7 and 8 of the Contract Procedure Rules we authorise this contract award as requested above.</p>
<p>Name: Ann Osola Signed: Dated:</p>	<p>Head of Service</p>	

<p>Name: David Bull Signed:  Dated: 30-5-14</p>	<p>Relevant Director</p> <p>If the contract value is £500,000 - £750,000 the Director confirms that they have consulted with the Cabinet Member of the relevant portfolio.</p>	<p>Note – Approval to be received from: Director acting in conjunction with the Cabinet Member of the relevant portfolio if the full contract value is £750,000 or below. Director if the full contract value is £500,000 or below. Head of Service if the full contract value is £350,000 or below If above £750,000 then a report to Cabinet is required unless authority has been delegated to a Director/Portfolio Holder in which case this form should be attached to an ED2 form (Democratic Services)</p>
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FORM D	WAIVER REQUEST
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For use in seeking the approval to waive the requirements of the Council's Contract Procedure Rules (Council Constitution, Chapter 9, Part 2, Contract Procedure Rules, Rules 8 and 13)

To	Note – Approval to be received from: • If above £750,000 then a report to Cabinet is required (unless the Director has been delegated the authority) and this form should be attached to that report. • The relevant Director acting in conjunction with the Cabinet Member who holds the relevant portfolio if the full contract value is £750,000 or below • The relevant Director if full contract value is £500,000 or below • The relevant Head of Service if the full contract value is £350,000 or below.	Cc	- Director of Resources and Corporate Governance - relevant Head of Service - Head of Procurement	Dept Tel No.	Planning & Transportation, Transportation & Highways 2393	Date 28 May 2014	Project Title Highways Maintenance
From	Ann Osola, Head of Transportation & Highways	Les Burns, Chief Highway Engineer					

Brief Description of Goods, Works or Services, and existing Contract:

Insert description below:
 Thurrock Council uses a number of specialist highways maintenance contracts for delivering the highways service.
 Cabinet approval to seek tenders was given at the 4 September 2013 meeting.
 Whilst this tender process is proceeding and before award and mobilisation of the successful tenderer it is necessary to extend the existing Thurrock contract with Henderson & Taylor for Highways Maintenance. This work needs to continue until a new Thurrock contract is put in place. It is proposed that the interim short-term contract with Henderson & Taylor is extended to allow a total of £750k. A previous waiver up to 30 May 2014 for a value of £1.1m will expire.
 This will allow the highway service to continue to provide network management for safety and congestion minimisation.

This will allow the highway service to continue to provide network management for safety and congestion minimisation.
 Insert Unique Contract Number (see Procurement Services): PS/2014/774

Type of Waiver requested:

Waiver of requirement to seek three quotes? Yes No

(ie for contracts up to £75,000 for service contracts and for contracts up to £499,999 for works contracts) *If yes provide details*

Use of existing contractor and the expired contract.

Waiver to allow for Single Source Tender? Yes No

(ie for service contracts over £75,000 and works contracts over £499,999)

If yes Approval to Proceed to Tender form and Commissioning Report must be attached

Waiver of other requirement?

If yes provide details

Waiver of other requirement? Yes No

Further Details attached?

Further Details attached? Yes No

Is there any political sensitivity?

If so provide details

Is there any political sensitivity? Yes No

Total Value of Contract (including initial term and extension periods)

Total value of contract is £1,850,000 including the current £750k approval request

Name of Supplier / Contractor to be used:

Henderson & Taylor

Grounds for Waiver Request:

Authorisation is sought to the waiver of the Council's Contract Procedure Rules on the grounds that (select row as appropriate – as taken from Rule 13.1 Part 2 Contract Procedure Rules) :

a) For contracts which are not subject to the EU Rules, the work, supply or service is required as a matter of urgency and a delay would be likely to lead to financial loss, personal injury or damage to property; or

b) The circumstances set out in EU Regulation 14 apply (whether or not the contract is of a type which is subject to the application of the EU Rules); or

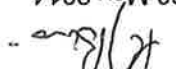
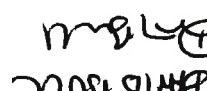

c) The contract is awarded under a Purchasing Scheme of a type where a competition has already been undertaken on behalf of the Council; or



d) at the discretion of the relevant Director who may proceed in a manner most expedient to the efficient management of the service/Council with reasons recorded in writing;

Evidence of Grounds:

Thurrock Council uses a number of specialist highways maintenance contracts for delivering the highways

service.
 Cabinet approval to seek tenders was given at the 4 September 2013 meeting.
 Whilst this tender process is proceeding and before award and mobilisation of the successful tenderer it is necessary to extend the existing Thurrock contract with Henderson & Taylor for Highway Maintenance.
 This work needs to continue until a new Thurrock contract is put in place.

Waiver requested by:		Note – Approval to be received from the relevant Director acting in conjunction with the Cabinet Member who holds the relevant portfolio if full contract value is £750,000 or below, Director if full contract value is £500,000 or below, or a Head of Service if £350,000 or below. If above £750,000 then a report to Cabinet is required(unless the Director has been delegated the authority) and this form should be attached to that report.
Responsible Officer Name: Les Burns Signed:  Dated: 28 May 2014	Head of Service Name: Signed: Dated:	
Relevant Director Name:  Signed:  Dated: 31-5-14	In accordance with Rules 8 and 13 of the Contract Procedure Rules we authorise the waiving of the Council's Contract Procedure Rules as requested above.	

If Single Source tendering exercise, please state below reasons why		a) It is known (not assumed) that only one supplier can meet the requirement? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Current supplier using the expired contract whilst new tendering process completed. no basis for using another contractor until tender completed.
b) Cost of open or restricted procedure tendering would exceed the potential for saving, based on the results of a recent tender exercise? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Waiver need related to time constraint and need for continuity of service.		c) Continuity of knowledge or synergy with previous work is an overriding consideration? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Existing contractor carrying out the service
d) The Council has received an unsolicited proposal that contains ideas or concepts in respect of which the intellectual property is owned exclusively by the proposed single tenderer, that the Council wishes to use because it meets immediate needs? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes please provide additional details		If this is a single source tender then the Director of Finance and Corporate Governance must also sign off here and at attached Approval to Proceed to Tender Form
Director of Finance and Corporate Governance	Name:  Signed:  Dated: 2/6/14	Single Source Tender:

