

ED2. EXECUTIVE DECISIONS BY A CABINET MEMBER OR AN OFFICER

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

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 and carrying out of highway carriage way surfacing work whilst legal & procurement work to provide a new contract is undertaken.

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

1. I agree the recommendations in the attached report for the reasons given in the report; **OR**


2. ~~My decision is:~~

To authorise a waiver to allow the extension of the Highways resurfacing 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 £520k giving a total contract extension value of £1.27m.

*The reason for my decision is:

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

* Continue overleaf or on an additional sheet if necessary.

Signed:  Date: 30/5/2014

URGENCY

Democratic Services will arrange for the completion of the following:

J. I confirm that in my opinion a decision on this matter is urgent and cannot reasonably be delayed:

Signed:

Date:

To be completed by Democratic Services

Date decision received by Dem. Services: 30 May 2014	
Date decision published: 30 May 2014	Implementation date: 1 June 2014
Relevant O & S Committee: Planning, Transport, Regeneration Overview and Scrutiny Committee	

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, 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)

1. Full description of the proposed tendering exercise (including description of Goods, Works or Services)

The provision of Major Resurfacing 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 Eurovia

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."

It is proposed that the interim short-term contract with Eurovia is extended to allow a 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 £520k will expire.

Project Title		Major Resurfacing	
Date		28 May 2014	
CC	- Director of Finance and Corporate Governance/151 Officer - Head of Procurement - Head of Service for Responsible Officer	Dept	Planning and transportation Directorate, Transportation & Highways Dept
		Tel No.	2393
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
			Ann Osola, Head of Transportation & Highways

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)

FORM A	APPROVAL TO PROCEED TO TENDER
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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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No b. Single Source Tender? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>4. If you answered yes to Question 3a or 3b above, please confirm that a Waiver (Procurement Approval Form D) is attached. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>5. Is there any political sensitivity? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" insert details here Insert details here <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>6. Any further details attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>7. Estimated Start Date : 1 June 2014</p> <p>Estimated End Date : 31 December 2014</p>
<p>8. Commissioning Report attached <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No please insert reasons why</p> <p>9.2. Business case <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No please insert reasons why</p> <p>9.3. Draft Specification <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No please insert reasons why</p> <p>9.4. Project Management Arrangements <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No please insert reasons why</p> <p>9.4.1 User/Stakeholder involvement and communication <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No please insert reasons why</p> <p>9.4.2 Risk and Opportunity Assessment /Register <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No please insert reasons why</p> <p>9.4.3 Contingency plans <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No please insert reasons why</p> <p>9.4.4 Project management record keeping procedures <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No please insert reasons why</p> <p>9.5. Contract Management Arrangements <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No please insert reasons why</p> <p>9.5.1 User/Stakeholder involvement and communication <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No please insert reasons why</p> <p>9.5.2 Risk and Opportunity Assessment/Register <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No please insert reasons why</p> <p>9.5.3 Contingency plans (including civil contingency plans) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No please insert reasons why</p> <p>9.5.4 Post contract evaluation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No please insert reasons why</p> <p>9.5.5 Proposed contract management (inc monitoring) <input checked="" type="checkbox"/> Yes <input 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 checked="" type="checkbox"/> Yes <input 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No please insert reasons why</p>

Procurement Approval Form A – Approval to proceed to Tender

<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 £750,000 • The relevant Head of Service if the full contract value is £350,000 or below. • If above £750,000 a report to Cabinet is required, (rather than this Form A) unless the Director has been delegated the authority. 	<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: X. O'SULLIVAN Signature: ANN O'SULLIVAN Date: 30-5-14</p>	<p>Head of Service</p>
<p>Name: DAVID BULL Signature: DAVID BULL Date: 30-5-14</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>

COMMISSIONING REPORT	FORM B
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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/2014/773

Major Resurfacing

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 Eurovia for Major Surfacing

The 2014/15 Thurrock Highways Capital Programme approved by February 2014 Cabinet includes resurfacing work which will need to be carried out before the new contract will be in place.

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 Eurovia individual commissions be set up for 7 months, from 1st 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 Eurovia.

KEY EVENT	DATE
Publication of Contract Notice	[N/A]
Issue PQOs [Omit if not applicable]	[N/A]
Evaluation of PQOs [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 Eurovia 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

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Estimated Total Cost: £750k		Recommended Tenderer : Eurovia				
Breakdown of Estimated Contract Cost		13/14	14/15	15/16	Later £000's	Total £000's
Contract		750				750
Fees						
Other (Specify)						
Total Cost		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 £000's	Total £000's
1. Revenue Budget <Specify Code>		*				
2. Capital Budget		*				
Supported Borrowing						
Unsupported Borrowing (see note below)						
Grant (Specify)						
Capital Receipts						
Other (Specify)						
Total						
<p><i>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.</i></p> <p>Other Financial Implications:</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

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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

10 RISK AND OPPORTUNITY ASSESSMENT AND REGISTER

Relating to the proposed tendering exercise

Risk	Likelihood	Impact	Level of Risk.	Potential Negative Impact	Mitigation and Management of Risk
	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		
	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

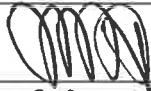


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Relating to the ongoing provision of works/services under the contract

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

Contingency Plans

Provider has proved reliable over a number of years.

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 ANGELO ALVARES	Signature 
Date 30-5-14	
Confirmed by Finance insofar as it relates to Finance implications	
Officers Name KAM GOODRICH	Signature 
Date 29/5/14	
Confirmed by Procurement Services insofar as it relates to Procurement implications	
Officers Name PAUL FRENCH	Signature 
Date 29/5/2014	

CONFIRMATION FROM LEGAL, FINANCE AND PROCUREMENT

12


EXEMPT SCHEDULE 5

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 Major Resurfacing 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 type="checkbox"/> No <input type="checkbox"/></p>
<p>IN PARTICULAR:</p>		
<p>Compliance will occur with all regulatory or statutory provisions and the Councils decision making requirements</p>		<p>Waiver required to provide continuity of service.</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>Inclusion on Council's Contract Register</p>	<p>Responsible Officer must inform Procurement 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>Value for Money will be achieved</p>	<p>Give details eg most economically advantageous tender awarded?</p>	<p>Use of current service provider to maintain continuity of service whilst competitive tendering process completed.</p> <p>Yes <input checked="" 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>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>Document Retention Policy has/will be complied with</p>	<p>Council's 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>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>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>If no, this request will require reconsideration</p>	<p>Advice has been and will be sought and followed from Procurement, Finance and Legal Services</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</p> <p>Les Burns</p> <p>Signature </p> <p>Date 30/5/2014</p>

form

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	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.	From	Les Burns, Chief Highway Engineer
Cc	- Head of Procurement	Dept	Planning and transportation Directorate, Transportation & Highways Dept
Date	28 May 2014		
Subject	Award of Contract for (Major Resurfacing)		

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

Unique Contract Reference Number (See Procurement Services) : PS/2014/773

Description of Contract

The provision of Major Resurfacing 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 Eurovia

Description of Goods, Services or Works

The provision of Major Resurfacing 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 Eurovia

Further Details attached? Yes No

If so provide details

Is there any political sensitivity? Yes No

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
 1.1. Copy of minimum 3 written quotes attached Yes No

2. If contract value is £75,000 or above for a service/supply contract or £500,000 or above for a works contract:
 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 Yes No

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 £1,270,000 including this approval for £750,000.


Name of Supplier / Contractor to be used:
 Eurovia

Duration of Contract:
 Extension provision: (if applicable length of extension)
 7 months from 1 June 2014 to 31 December 2014

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

<p>Use of existing contract whilst new Thurrock tender completed.</p>	<p>tender awarded?</p>	<p>achieved</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>Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Terms as existing contract</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 checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>If yes Specify</p>	<p>External Consultants instructed (if appropriate)</p>
<p>If yes, insert the names here</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Responsible Officer</p>	<p>Contract Award requested by the Responsible Officer, who confirms that the details in this form are correct:</p>

Name: Les Burns
 Signed: 
 Dated: 30/5/2014

<p>Name: Ann Osola Signed: Dated:</p>	<p>Head of Service</p>	<p>In accordance with Rules 7 and 8 of the Contract Procedure Rules we authorise this contract award as requested above.</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>
<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>	

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 the Cabinet Member who holds the relevant portfolio if the full £750,000 or below 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.
From	Ann Osola, Head of Transportation & Highways Les Burns, Chief Highway Engineer
Cc	- Director of Resources and Corporate Governance - relevant Head of Service - Head of Procurement Dept Planning & Transportation, Transportation & Highways Tel No. 2393
Date	28 May 2014
Project Title	Major resurfacing

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 Eurovia for Major Resurfacing. This work needs to continue until a new Thurrock contract is put in place. This includes delivery of part of the 2014/15 Thurrock Highway Capital Programme approved by February 2014 Cabinet meeting.

It is proposed that the interim short-term contract with Eurovia 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 £520k 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/2014/773

Type of Waiver requested:
 (ie for contracts up to £75,000 for service contracts) Yes No
 (ie 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? Yes No
If yes provide details

Further Details attached? Yes No

Is there any political sensitivity? Yes No
If so provide details

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

Total value of contract is £1,270,000 including the current £750k approval request.

Name of Supplier / Contractor to be used:

Eurovia

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) :

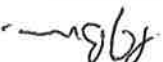

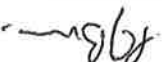

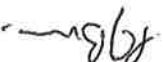
a) For contracts which are not subject to the EU Rules, the work, supply or service is required as a matter of urgency and a delay would be likely to lead to financial loss, personal injury or damage to property; or

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 Eurovia for Major Resurfacing.
 This work needs to continue until a new Thurrock contract is put in place.

<p>Waiver requested by:</p>	<p>Responsible Officer Name: Les Burns Signed:  Dated: 28 May 2014</p>	<p>Head of Service Name: Signed: Dated:</p>	<p>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.</p> <p>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.</p>
<p>Relevant Director Name: DAVID GULL Signed:  Dated: 30-5-14</p>	<p>Head of Service Name: Signed: Dated:</p>	<p>Responsible Officer Name: Les Burns Signed:  Dated: 28 May 2014</p>	
<p>Head of Service Name: Signed: Dated:</p>	<p>Relevant Director Name: DAVID GULL Signed:  Dated: 30-5-14</p>	<p>Responsible Officer Name: Les Burns Signed:  Dated: 28 May 2014</p>	

If Single Source tendering exercise, please state below reasons why

a) It is known (not assumed) that only one supplier can meet the requirement? Yes 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? Yes 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? Yes 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? Yes No
 If Yes please provide additional details

<p>Single Source Tender:</p> <p>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</p>	<p>Director of Finance and Corporate Governance</p>	<p>Name: <i>SEAN CLARK</i> Signed: <i>[Signature]</i> Dated: 2/6/14</p>
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