



# COTSWOLD DISTRICT COUNCIL

Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>CABINET - 2 NOVEMBER 2020</b>
Report Number	<b>AGENDA ITEM 12</b>
Subject	<b>VALIDATION OF COMPLETED PROCUREMENT EXERCISE TO RENEW FRAMEWORK OF FLOOD DEFENCE CONTRACTORS</b>
Wards affected	ALL
Accountable member	Cllr Andrew Doherty - Cabinet Member for Environment, Waste and Recycling Email: <a href="mailto:andrew.doherty@cotswold.gov.uk">andrew.doherty@cotswold.gov.uk</a>
Accountable officer	Laurence King - Shared Principal Engineer Tel: 01993 861341 Email: <a href="mailto:laurence.king@cotswold.gov.uk">laurence.king@cotswold.gov.uk</a>
Summary/Purpose	Approval is sought from Cabinet on the completed procurement exercise to assist with the transparency and financial efficiency of commissioning flood defence work.
Annexes	None
Recommendation/s	<i>It is recommended that the Cabinet agree with the allocation of the LOTS as stated.</i>
Corporate priorities	The framework has been established following the conclusion of a transparent procurement exercise, which coupled with a clear strategy for the commissioning of flood defence work, will ensure value for money as well as ensuring only quality contractors are commissioned.
Key Decision	NO
Exempt	NO
Consultees/ Consultation	None

## **1. BACKGROUND**

- 1.1. The Council has been awarding contracts for flood defence work from a flood defence contractors framework. Work has now been completed on an updated framework which is being recommended to Cabinet for approval.
- 1.2. The framework consists of five LOTS and covers the geographical areas of Cotswold District, Forest of Dean District and West Oxfordshire District:
  - LOT 1 – Reactive work of any description requiring a 2 hour response to any site across the districts.
  - LOT 2 – Reactive work across any of the districts that requires a response within 48 hours.
  - LOT 3 – Planned works in the public highway or footway.
  - LOT 4 – Planned works in third party land.
  - LOT 5 – Technical consultant, including commenting on planning applications with regard to drainage and flood risk.

## **2. MAIN POINTS**

- 2.1. The respective LOTS have the following contractors allocated;
  - LOT 1 – Amelio and Alliance
  - LOT 2 – Amelio and Alliance
  - LOT 3 – Alliance, MJ Church, Oxford Direct and Firmacore
  - LOT 4 – Amelio, Alliance and Firmacore
  - LOT 5 – Alliance, BMT and Capita property & Infrastructure

## **3. FINANCIAL IMPLICATIONS**

- 3.1. The use of a framework that has fixed costs for certain activities enables accurate and efficient costing of work and delivers value for money. .
- 3.2. In contrast, sourcing a contractor at the point of need inevitably allows for an inflated charge to be made to the Council due to the urgency of the need.
- 3.3. No costs other than officer time have been incurred in setting up the framework.
- 3.4. The terms of the framework state that there is not an obligation on the Council to award any work to the contractors if the need does not arise.

## **4. LEGAL IMPLICATIONS**

- 4.1. The Council must demonstrate that it has followed the Public Contract Regulations when awarding contracts. The use of frameworks with pre-approved contractors means that the Council can justifiably call off the framework which saves time and reduces the risk of challenge.

## **5. RISK ASSESSMENT**

- 5.1. The Council has permissive powers to carry out flood defence work (not a duty) but if it wishes to use those powers, with the inevitable expenditure of taxpayers money, it needs to be able to justify its decisions on how money is spent which means that there is a reputational risk to the Council if procurement is not transparent and cost effective.

**6. ALTERNATIVES/OPTIONS**

- 6.1. The alternative to using a framework for flood defence contractors would be to source contractors as and when required which could cause delays in the delivery of work and increase the cost to the Council due to the “call-out” charges that would be imposed.

**7. BACKGROUND PAPERS**

- 7.1. None.

(END)