

Public Document Pack



Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

Telephone: (01304) 821199
Fax: (01304) 872453
DX: 6312
Minicom: (01304) 820115
Website: www.dover.gov.uk
e-mail: democraticservices@dover.gov.uk

30 July 2019

Dear Councillor

NOTICE OF DELEGATED DECISION – (DD07 19) AWARD OF CONTRACT FOR REPLACEMENT WINDOWS ON DEAL PIER

Please find attached details of a decision taken by Mr Roger Walton, Strategic Director (Operations and Commercial), to award a contract for the replacement of windows on Deal Pier to Aesir Construction Ltd.

As a non-Key Officer Decision, call-in does not apply (paragraph 18(a) of Part 4 (Rules of Procedure) of the Constitution).

The appendix to the accompanying report is exempt under paragraph 3 of Schedule 12A of the Local Government Act 1972.

Members of the public who require further information are asked to contact Kate Batty-Smith on 01304 872303 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in cursive script that reads "Kate Batty-Smith". Below the signature is a short horizontal line.

Democratic Services Officer

ENCL

1 **NOTICE OF DELEGATED DECISION - (DD07 19) AWARD OF CONTRACT FOR REPLACEMENT WINDOWS ON DEAL PIER** (Pages 2-6)

Decision Notice

Delegated Decision

Decision No:	DD07
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Subject:	AWARD OF CONTRACT FOR REPLACEMENT WINDOWS ON DEAL PIER
Notification Date:	30 July 2019
Implementation Date:	30 July 2019
Decision taken by:	Roger Walton, Strategic Director (Operations and Commercial)
Delegated Authority:	Delegation No B5 of the Scheme of Officer Delegations (Section 6 of Part 3 (Responsibility for Functions) of the Constitution) – ‘To authorise contracts with a value not exceeding £200,000.’
Decision Type:	Executive Non-Key Decision
Call-in to apply?	No (<i>Call-in does not apply to Non-Key Officer Decisions</i>)
Classification:	Unrestricted - but the appendix of the accompanying report is NOT FOR PUBLICATION by reason that it contains information which is exempt under Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972

Reason for the Decision:	To award the contract to replace windows in the Deal pier shelters and pier landside buildings to Aesir Construction Ltd.
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Decision:	To award the contract to replace windows in the Deal pier shelters and pier landside buildings to Aesir Construction Ltd.
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1. **Consideration and Alternatives**
 - 1.1 See attached report.
2. **Any Conflicts of Interest Declared?**
 - 2.1 None.
3. **Supporting Information (as applicable)**
 - 3.1 See attached report.

Contact Frank Thompson, Asset Manager - Frank.thompson@dover.gov.uk

Subject:	AWARD OF CONTRACT FOR REPLACEMENT WINDOWS ON DEAL PIER
Date:	23 July 2019
Decision to be taken by:	Roger Walton, Strategic Director (Operations and Commercial)
Report of:	Frank Thompson, Asset Manager
Portfolio Holder:	Councillor Trevor Bartlett, Portfolio Holder for Environment and Commercial Services
Decision Type:	Executive Non-Key Decision
Classification:	Unrestricted - but the accompanying appendix contains information which is exempt under Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972
Delegated Authority:	Delegation No B5 of the Scheme of Officer Delegations (Section 6 of Part 3 (Responsibility for Functions) of the Constitution) – ‘To authorise contracts with a value not exceeding £200,000.’

Purpose of the report: To award the contract to replace windows in the Deal pier shelters and pier landside buildings to Aesir Construction Ltd.

Recommendation: To award the contract to replace windows in the Deal pier shelters and pier landside buildings to Aesir Construction Ltd.

1. Summary

- 1.1. At its meeting held on 4 February 2019, Cabinet approved the business case to undertake the next phase of refurbishment and enhancement works to Deal pier. These works included replacing the windows within the pier shelters, works to refresh the pier landside buildings and apron, new lighting, concrete repairs, installing a new CCTV system and works to the sewage transfer facility on the pier.
- 1.2. Dover District Council has undertaken a procurement procedure for replacement windows within the 8 pier shelters and for enhancement works to the pier landside buildings in accordance with Contract Standing Orders. Approval is now sought to accept the most economically advantageous tender received and award the best value for money tender received and award the contract.

2. Background

- 2.1. At its meeting held on 4 February 2019, Cabinet approved the business case and capital expenditure of £600,000 to undertake the second phase of the refurbishment and enhancement work to Deal Pier.
- 2.2. The phase two pier refurbishment and enhancements works vary considerably and will require a different approach and a different contractor skill set to ensure the best outcome and better value for money.
- 2.3. With this in mind each work stream of the phase two works will be tendered and let separately and not packaged together under one contract. This procurement strategy will enable the design of the different work streams to progress separately enabling

the less complicated works to be procured and completed sooner. This will also result in a saving of 10% to 15% mark up from a main contractor for managing specialist works.

- 2.4. This decision is to award the contract to replace the windows within the 8 pier shelters and for works to enhance the appearance of the pier landside buildings (pier attendants office, shops and pier entrance)

3. Procurement Process

- 3.1. The procurement process for this project commenced in June 2019 and followed the requirements of the Contract Standing Orders with an open advertisement being issued through the Council's Procurement Portal and Government Contracts Finder Website.
- 3.2. The estimated contract value was below the £4,551,413 OJEU threshold for Works Contracts and therefore the Public Contract Regulations 2015 did not apply.
- 3.3. Two completed invitation to Tender (ITT) submissions were received.
- 3.4. The tenders have been checked and there were no errors.

4. Evaluation of Tenders

- 4.1. The evaluation criteria was split into a ratio of Price 100% and Quality 0% and was published in the tender documents at the outset of the procurement.
- 4.2. The ITT evaluation process assessed the suppliers' commercial, technical and financial competencies to meet the minimum criteria of the contract.
- 4.3. The tender report and scoring from the pricing and quality evaluation were combined and the final rankings of Tenderers are detailed within Appendix1.

5. Additional Information

- 5.1. Aesir Construction Ltd are a relatively new company, however the founder and company director is the joiner who successfully fabricated and installed the new seating on the pier.
- 5.2. Aesir Construction have confirmed that they have included for a safety boat to be present throughout the pier shelter window removal and installation.

6. Due Diligence

- 6.1. Post tender clarifications have been undertaken where necessary with bidders and any subsequent amendments to their submissions incorporated into the final evaluation.
- 6.2. In addition to the project specific assessment completed, the winning bidder also provided a satisfactory Suitability Questionnaire confirming their commercial, technical and financial competency to meet the minimum criteria of the contract.

7. Identification of Options

- 7.1. Option 1. Not to award contract.
- 7.2. Option 2. To award the contract and accept the tender received from Aesir Construction Ltd to undertake the works.

8. Evaluation of Options

- 8.1. Option 1 is not recommended.
- 8.2. Option 2 is the recommended option as this will provide each of the 8 shelters with new single pane windows with no timber mullion or transom interrupting the view from each shelter, a concept that mimics the large panoramic windows within the

café. It will also put the contract in place to install new windows in the pier landside buildings (windows facing the sea) which will complement and match the new shelter windows as well as works to refresh the entrance and buildings themselves.

9. Resource Implications

- 9.1. Funds have been allocated in the Medium-Term Financial Plan of £600,000 to undertake the second phase of the refurbishment and enhancement work to Deal Pier.

10. Corporate Implications

- 10.1. Comment from the Section 151 Officer: Accountancy has been consulted and has no further comment. (DL)
- 10.2. Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make
- 10.3. Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties Members are reminded to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>

11. Risk

- 11.1. None.

12. Background Papers

- 12.1. Appendix A - Tender results.

Contact Officer: Frank Thompson Asset Manager frank.thompson@dover.gov.uk .

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted