

Public Document Pack



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4 October 2019

Dear Councillor

NOTICE OF DELEGATED DECISION – (DD18 19) AWARD OF CONTRACT FOR CONCRETE REPAIRS TO DEAL PIER

Please find attached details of a decision taken by Mr Roger Walton, Strategic Director (Operations and Commercial) to award a contract for concrete repairs to 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 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 black ink that reads "Kate Batty-Smith". Below the signature is a short horizontal line.

Democratic Services Officer

ENCL

1 **NOTICE OF DELEGATED DECISION - (DD18 19) AWARD OF CONTRACT FOR CONCRETE REPAIRS TO DEAL PIER** (Pages 2-6)

Decision Notice

Delegated Decision

Decision No:	DD18
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Subject:	AWARD OF CONTRACT FOR CONCRETE REPAIRS TO DEAL PIER
Notification Date:	4 October 2019
Implementation Date:	30 September 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Classification:	Unrestricted - but the appendix to the report is NOT FOR PUBLICATION by reason that it contains information which is exempt by virtue of the provisions of Paragraph 3 (Information relating to the financial or business affairs of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 carry out concrete repairs to Deal pier to Aesir Construction Ltd.
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Decision:	To award the contract to carry out concrete repairs to Deal pier 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 (whose accompanying appendix is exempt).

Subject:	AWARD OF CONTRACT FOR CONCRETE REPAIRS TO DEAL PIER
Date:	30 September 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 appendix to the report is NOT FOR PUBLICATION by reason that it contains information which is exempt by virtue of the provisions of 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 carry out concrete repairs to Deal pier to Aesir Construction Ltd.
Recommendation:	To award the contract to carry out concrete repairs to Deal pier to Aesir Construction Ltd for the consideration set out in Appendix A.

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 concrete repairs to Deal pier 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 carry out concrete repairs to the Deal pier structure. These repairs are urgent and are located mainly over the angler's cabin and to one of the concrete staircases leading to the lower deck. These works will require the use of an epoxy resin concrete repair system, applied by an approved contractor.
- 2.5. In order to access the defective concrete beams it will be necessary to dismantle and rebuild the angler's cabin on the lower deck and these works are included within this contract.

3. Procurement Process

- 3.1. The procurement process for this project commenced in August 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 is a relatively new company, however the founder and company director is the joiner who successfully fabricated and installed the new seating on the pier. They have also been awarded the contract to replace the pier shelter and pier landside building windows and are currently on the pier carrying out this work.
- 5.2. Aesir Construction have confirmed that they have included for a safety boat to be present whilst a "designed" scaffolding is constructed to provide a safe access platform to repair the lower deck staircase.

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 put in place a contract to carry out urgent concrete repairs to the pier structure which if not completed would eventually result in structural failure of the beams and staircase concerned.

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. The amount required for the concrete repairs is £120,000.

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 Head of Governance has been consulted during the preparation of this report and has no further comment 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 required 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