

Portfolio Holder decision record sheet

Name of decision maker: Councillor Graham Sutton

Portfolio: Planning and Regeneration

Date of Portfolio Holder decision:

Title of decision:

To approve an exemption to comply with the Council's commissioning & procurement standing orders and award a contract directly without the need to carry out a competitive tendering process

Award of consultancy works to Buttress Architects Limited

Part I

Decision made and reasons:

1. To retrospectively approve the suspension of the Council's commissioning & procurement standing orders to enable the direct appointment of Buttress Architects Limited to provide specialist heritage consultancy for the Bury museum project for Strategic Planning and Regeneration without undertaking a tendering process.
2. To award a contract direct to Buttress Architects Limited

The Council's commissioning & procurement standing orders permits the suspension and states that the special circumstances justifying the exception must be noted and recorded in a PH decision record.

The scope of Buttress Architect Limited's work has been increased over three phases from an initial feasibility study and options appraisal for developing the Bury into a museum, to include the submission and support of a round one application to the Heritage Lottery Fund's heritage grants programme. During this period the Heritage Lottery Fund announced that the heritage grants programme would be suspended after August 2018. Previously applications were accepted quarterly. As a result, an application has to be made in August 2018 as currently no further submission dates have been announced for 2019 onwards. Completing the round one application process with Buttress Architects Limited is the most effective way of achieving this target.

There is the need to ensure that expenditure to Buttress Architects Limited is covered by the Council's governance arrangements.

Reports considered: (here reference can be made to specific documents)

Cabinet Report: The Bury Museum Project, October 2017

Officers/Councillors/Ward Councillors/Stakeholders consulted:

Deputy Monitoring Officer comments:

An exemption from the requirement to comply with Standing Orders may be made by the Portfolio Holder responsible for the service affected by the contract subject to the following requirements:

The special circumstances requiring the suspension must be reported to the Council or the Cabinet or the

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	<p>appropriate Cabinet Portfolio Holder and the Group Manager Commissioning, Procurement & Compliance together with a detailed justification for the proposed action, and</p> <p>The suspension and the special circumstances justifying the exception must be noted and recorded in the Portfolio Holder decision record.</p> <p>This Portfolio Holder Decision records the decision and the special circumstances explaining the reasons for the award of contract without complying with the usual tendering rules.</p>
<p>Deputy S151 Officer comments:</p>	<p>The cost of this procurement will be met from within the existing revenue budgets.</p> <p>The nature of the changing HLF deadline has resulted in the requirement to continue to use Buttress Architects to ensure the grant submission can be achieved. At the initial procurement Buttress Architects provided the greatest value for money for this specialist work.</p>
<p>Implications:</p> <p>Risk:</p> <p>The risk of not appointing Buttress Architects Limited is that the project delivery programme would be delayed, and could not be rescheduled until the HLF releases 2019 submission dates. If an alternative consultant was appointed the quality and success of the bid would be put at risk as they would not have same understanding of the project and Dacorum Heritage Trust, or the HLF's views on the proposed approach.</p> <p>Value for money:</p> <p>The quotations provided by Buttress Architects Limited are considered to be competitive. Alternative consultants responding to a procurement process are likely to be less cost effective as additional time would be required for them to become knowledgeable in all aspects of the project. Any resulting delay to the programme caused by a later submission date would result in overall project costs increasing.</p> <p>Financial:</p> <p>A sum of £47,588 has already been incurred with Buttress Architects in respect of the feasibility study and expression of interest to the Heritage Lottery Fund. Approval is now sought to award up to £20k of consultancy work to Buttress, via an exception to the Council's commissioning and procurement standing orders. The work to be carried out is support of the round one application to the Heritage Lottery Fund in order to secure grant funding towards the project. This type of expenditure cannot be classified as capital, as it does not directly add value to the asset being built. The expenditure will therefore need to be met from within current revenue budgets.</p>	
<p>Options considered and reasons for rejection:</p> <p>Undertake a formal procurement procedure to appoint a consultant to complete the round one submission.</p> <p>/This would significantly delay project delivery – the cost plan and project details would not be</p>	

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prepared in time for Cabinet approval in July 2018, and the detailed application documents would not be completed for the HLF's submission deadline of August 2018. The HLF has not released the date for the next opportunity to submit under the new programme in 2019.

Portfolio Holder's signature:

Date:

Details of any interests declared and any dispensations given by the Standards Committee:

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Date decision record sheet received from portfolio holder: Cllr Sutton

Date decision published: 20/09/2018

Decision no: PH-019-18

Date of expiry of call-in period: 27/09/2018

Date any call-in received or decision implemented:

Background

Buttress Architects Limited was initially commissioned to undertake a feasibility study into issues and options for developing the Bury into a museum through a quotation for £24,545, to which a further £3000 was added for a measured survey. This was subsequently extended by a value of £20,043 to develop the project up to an expression of interest to the Heritage Lottery Fund's heritage grants programme and included early engagement with Dacorum Heritage Trust.

This final phase of work will develop and provide support to the project through the round one application to the heritage grants programme. The application will be submitted in August 2018 for a decision in December 2018. A commission up to a further £20,000 of consultancy works is requested raising the total value of works awarded up to £70,000 to allow for all aspects of work arising from the round one application process.

Buttress Architects are the preferred consultants to complete the HLF round one process as they have detailed knowledge of the project costs and the proposed approach to heritage and community offer from the Bury, understand the condition of the Bury through survey work undertaken, have a track record in supporting heritage grants applications and have developed a good working relationship with Dacorum Heritage Trust. Appointing an alternative consultant at this stage would jeopardise the project timetable and the quality of the application. The August 2018 submission is being targeted as after this date the HLF are suspending the heritage grants programme and will launch a new strategic funding framework in 2019. Submission dates under the new programme have yet to be released.