

### Record of officer decision

<b>Decision title:</b>	Skylon Place (S5) retention payment
<b>Date of decision:</b>	29 October 2019
<b>Decision maker:</b>	Acting Director of Economy and Place
<b>Authority for delegated decision:</b>	Herefordshire Council's constitution - Scheme of Delegation Part 3 Functions Scheme, Section 7 Officer Functions - 3.7.5 operational decisions.
<b>Ward:</b>	Dinedor Hill
<b>Consultation:</b>	None. This is not a new service
<b>Decision made:</b>	To confirm retention payment of the £20,667.73 to Collins Design and Build Ltd, the procured contractor for Skylon Place at Rotherwas, following successful sign off of the sustainability standard.
<b>Reasons for decision:</b>	<p>The cabinet member for corporate strategy &amp; finance approved total expenditure of £1.675m on the construction of 938sqm of commercial floor space spread across 3 units on plot S5 Hereford Enterprise Zone on 05.03.15.</p> <p><a href="http://hc-modgov:9070/documents/d2922/Printed%20decision%20BUSINESS%20UNIT%20SCHEME%20ON%20PLOT%20S5%20OF%20THE%20ENTERPRISE%20ZONE.pdf?T=5">http://hc-modgov:9070/documents/d2922/Printed%20decision%20BUSINESS%20UNIT%20SCHEME%20ON%20PLOT%20S5%20OF%20THE%20ENTERPRISE%20ZONE.pdf?T=5</a></p> <p>Following a competitive tendering process, Collins Design &amp; Build Ltd were awarded the contract in the sum of £1,391,825.43. A Practical Completion Certificate was issued on 15.01.16, and the 3 units have been fully occupied since then.</p> <p>All new buildings on the Enterprise Zone have to meet specified sustainability credentials using a bespoke scheme designed for the EZ. The retention has been held pending the contractor meeting all these requirements.</p> <p>The Final Valuation Certificate has now been issued in the sum of £1,377,848.88 (a saving of £13,976.55 on the contract sum) and an invoice received for the outstanding retention in the sum of £20,667.73.</p> <p>The Purchase Order for this contract (740173) has been closed, with the balance on the order no longer available. Budget is available in the recently approved EZ Capital Interventions Phase 5 budget for Plot Specific Works</p> <p><a href="http://hc-modgov:9070/documents/d6182/Printed%20decision%20Enterprise%20Zone%20Capital%20Interventions%20Phase%205.pdf?T=5">http://hc-modgov:9070/documents/d6182/Printed%20decision%20Enterprise%20Zone%20Capital%20Interventions%20Phase%205.pdf?T=5</a></p>
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	<p>Legal opinion on making this payment has been sought and the received advice is that Collins Design and Build have met all their obligations under the construction agreement and therefore they are contractually entitled to repayment of the retention amount as the final tranche of the Contract Price.</p> <p>The financial advice has confirmed that the Capital Interventions Phase 5 budget is the applicable budget to take the retention payment.</p> <p>Procurement's view is that the contract has been delivered and Collins Design and Build are now entitled to the retention payment.</p>

<b>Details of any alternative options considered and rejected:</b>	None
<b>Details of any declarations of interest made:</b>	None

Signed Richard Ball  
Director for Economy and Place

Date: 29 October 2019