

## Record of officer decision

Decision title:	Legal support for Fastershire
Date of decision:	19/03/2019
Decision maker:	Assistant Director Corporate Support
Authority for delegated decision:	<p>Herefordshire Council's Constitution (19 May 2017) Scheme of Delegation, Part 3: Section 7 – Officer Functions: 3.7.5 Operational decisions</p> <ul style="list-style-type: none"> <li>• Is within an approved budget</li> <li>• Is not in conflict with the council's policies, strategies or relevant service plans</li> <li>• Does not amend existing or raise new policy issues</li> </ul>
Ward:	Countywide
Consultation:	N/A
Decision made:	To award contract to Ashfords Ltd for legal support for the Fastershire project for two years with an option to extend for another year from 1 <sup>st</sup> April 2019.
Reasons for decision:	<p>The Fastershire project oversees the fibre deployment across Herefordshire and Gloucestershire linked to the BDUK national programme.</p> <p>Fastershire has its own bespoke contracts with network suppliers along with a partnership agreement between Herefordshire Council and Gloucestershire County Council.</p> <p>Since 2012 the Fastershire project has been involved in the contracting and monitoring of suppliers in the deployment of broadband across the two counties. More recently neighbouring counties have been involved in specific projects with additional funding sources.</p> <p>The type of legal work required is:</p> <p><b>Contracting documentation</b> – prepare legal documents for project(s), including variations, side agreements or amendments to the contract.</p> <p><b>Supplier disputes and litigation</b> – managing issues and difference of legal interpretation based on the conclusion of the current contracts.</p> <p><b>State Aid</b> – interpretation and implementation of state aid requirements, providing client advice and interpretation of legislation and policy.</p> <p><b>Procurement rules</b> – procurement advice and to prepare responses to any legal challenges during the procurement process.</p> <p><b>Funder requirements</b> – advice on process and practice for funding.</p> <p><b>Partner agreements</b> – advice and action regarding this partnership may be required.</p> <p><b>Understanding risk</b> – advise the council on likely risk and level of risk based on a course of action, with an element of scenario planning.</p>

	<p>Based on the requirements relevant companies from the Crown Commercial Framework RM3788 were invited to make a submission. Six tenders were received which were evaluated on the basis of 40% Cost and 60% Quality. The table below shows the total scores of the six tenderers. Based on these total scores, Ashfords LLP were the highest ranked provider.</p> <table border="1" data-bbox="555 434 1313 880"> <thead> <tr> <th rowspan="2">Companies</th> <th colspan="2">TOTAL SCORE</th> </tr> <tr> <th>Combined Weighted Score</th> <th>Overall Rank</th> </tr> </thead> <tbody> <tr> <td>Ashfords LLP</td> <td>88.97%</td> <td>1</td> </tr> <tr> <td>Provider E</td> <td>44.47%</td> <td>6</td> </tr> <tr> <td>Provider A</td> <td>83.25%</td> <td>2</td> </tr> <tr> <td>Provider B</td> <td>77.68%</td> <td>3</td> </tr> <tr> <td>Provider D</td> <td>54.62%</td> <td>5</td> </tr> <tr> <td>Provider C</td> <td>65.65%</td> <td>4</td> </tr> </tbody> </table>	Companies	TOTAL SCORE		Combined Weighted Score	Overall Rank	Ashfords LLP	88.97%	1	Provider E	44.47%	6	Provider A	83.25%	2	Provider B	77.68%	3	Provider D	54.62%	5	Provider C	65.65%	4
Companies	TOTAL SCORE																							
	Combined Weighted Score	Overall Rank																						
Ashfords LLP	88.97%	1																						
Provider E	44.47%	6																						
Provider A	83.25%	2																						
Provider B	77.68%	3																						
Provider D	54.62%	5																						
Provider C	65.65%	4																						
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>The nature of the legal requirement will fluctuate based on a demand based service, though estimated to be in the region of £30k per year. The contract will be awarded by on unit cost outlined in the tender.</p> <p>The contract is for 2 years with option to extend for one year at which point the project should be reducing.</p> <p>Key risk is if there is dispute with suppliers at a significant level the costs of legal support could be significant.</p>																							
<p>Details of any alternative options considered and rejected:</p>	<p>The use of in-house legal support. This was rejected as specialist knowledge of broadband deployment is needed and level of demand given the ad-hoc nature of the advice could create a pressure on the in-house team having to deal with other high level projects.</p>																							
<p><b>Details of any declarations of interest made:</b></p>	<p>N/A</p>																							

Signed..... Date: 19.3.19