

## Record of officer decision

<b>Decision title:</b>	<b>Procurement of Priority Flood Repair Works</b>
<b>Date of decision:</b>	22 September 2020
<b>Decision maker:</b>	Director for Economy and Place
<b>Authority for delegated decision:</b>	<p>Cabinet decision on 23 July 2020 Reallocation of capital programme budgets for priority flood works:</p> <p>(f) subject to the decision taken at Council confirming the changes to the capital programme, the director of economy and place be authorised to procure the priority flood repair works;</p> <p><a href="http://councillors.herefordshire.gov.uk/mglIssueHistoryHome.aspx?lId=50033832">http://councillors.herefordshire.gov.uk/mglIssueHistoryHome.aspx?lId=50033832</a></p>
<b>Ward:</b>	All
<b>Consultation:</b>	<p>Chief Finance Officer, Solicitor to the Council, Cabinet Member for Infrastructure and Transport.</p> <p>The Cabinet Member for Infrastructure and Transport supports this recommendation.</p>
<b>Decision made:</b>	<p>That:</p> <ul style="list-style-type: none"> <li>• All remaining elements of the Fownhope work (estimated scheme value £1m including all management support) be delivered through the Public Realm Services Contract;</li> <li>• The Witney of Wye instability (estimated scheme value £0.5m including all management support) be delivered as a design and build commission;</li> <li>• The Various flood damage Sites (estimated scheme value £0.962m including all management support) be delivered through a new framework contract aimed at providing a 'post' COVID opportunity directly to local SMEs; and</li> <li>• The Managing Agent support to the council's own project and contract management costs, as required to deliver these schemes, is commissioned through the Public Realm Services Contract.</li> </ul>
<b>Reasons for decision:</b>	<p>On 30 April 2020, the Director for Economy and Place decided, In line with section 3.7.9 of the constitution, following consultation with the Chief Finance Officer, Solicitor to the Council, Cabinet Member for Infrastructure and Transport, Cabinet Member for Finance and Corporate Services and the Leader of the Council, That all emergency flood response and recovery resource and activities following Storm Dennis up until this decision have been taken in accordance with our responsibilities under the Civil Contingencies Act 2004 and the associated expenditure incurred is in accordance with s138 of the Local government Act 1972 as an emergency was declared.</p> <p>This includes works completed up to 28 March 2020 plus the repairs undertaken to date on the B4224 at Fownhope.</p> <p>Following the decision taken by Cabinet on 23 July 2020 and the subsequent funding decision taken by the Council on 4 August 2020, the</p>

	<p>works to repair all remaining priority flood damage sites must now be commissioned and delivered.</p> <p>The remaining elements of the Fownhope Scheme (the works for which has been the subject of a detailed design process that has been progressed through the Public Realm Services Contract) will be delivered to their conclusion through the Public Realm Services Contract.</p> <p>The Witney of Wye instability scheme be delivered as a design and build commission, which will be openly tendered which will take approximately 25 weeks.</p> <p>The Various flood Damage Sites be delivered through a new framework contract aimed at providing a 'post' COVID opportunity directly to local SMEs. It is likely that the time to commission this new framework will be approximately 20 weeks.</p> <p>Managing Agent support is commissioned to support the delivery and management of this these works through the Public Realm Services Contract. This commission will cover all the above schemes.</p>
<p><b>Highlight any associated risks/finance/legal/equality considerations:</b></p>	<p>Legal: If this work is not progressed, the council will not have met its duty to maintain the highway. As the works here are not in the Annual Plan for the Public realm Services Contract and given that the contract is not an exclusive contract there is no obligation on the Council to call off these works from that contract. The Council has the choice of procurement routes and has considered these for each scheme.</p> <p>Risk: Community - the wellbeing, connectivity and prosperity of residents and business in Fownhope and the surrounding area will be unduly compromised by the prolongation of the closure of the B4224.</p> <p>Risk: Asset Condition – Sites damaged by Storm Dennis suffer further damage and deterioration by the time repairs are actioned, resulting in the need for further repair work and an increase in the time and cost of the repair of all sites. Some contingency for this has been included in cost estimates, but particularly in the case of Whitney on Wye, the site has yet to be investigated in detail and as such the true scale of the repair needed is highly susceptible to change.</p>
<p><b>Details of any alternative options considered and rejected:</b></p>	<p>The various options for the procurement of these necessary works have been considered. Given the need to relieve the community of the burden from the severance imposed upon them by the necessary closure of the Fownhope road on safety grounds, other procurement routes have been discounted. Openly tendering the scheme will prolong the length of time this road is closed.</p> <p>In regard to the Witney of Wye instability scheme, the alternative option for this scheme is also the use of the Public realm Services Contract. But given there is not the same time pressure an open tender does not affect the delivery of the repair.</p> <p>In regard to the Various flood Damage Sites, the alternative option is again the use of the Public realm Services Contract. This option is rejected as in the circumstance presented, as a consequence of COVID, the opportunity to support recovery in the construction sector locally will be less evident through the use of the Public Realm Services Contract for this scheme.</p> <p>The alternative option for the procurement of the Managing Agent Support needed is open tender. This option is rejected as it is likely that the time to commission will be approximately 10 weeks. This time would have to</p>

	elapse before any substantive progress could be made on the procurement of all of the above schemes. This will result in a delay, leading to the wellbeing, connectivity and prosperity of residents and business being unduly compromised.
<b>Financial Implication</b>	The funding for these priority flood damage works was decided by Council on 4 August 2020.
<b>Details of any declarations of interest made:</b>	None

Signed

Date: 22 September 2020

Name: Richard Ball  
Director for Economy & Place