

Broads Authority

13 May 2022

Agenda item number 13

Standing Orders relating to Contracts- annual report on requests to waive in 2021/22 and list of approved contractors

Report by Director of Finance

Purpose

This report details the 2021/22 annual summary of instances where Standing Orders were waived by the Chief Executive and the three-year review of the Standing Lists for Piling and Fen Contractors.

Recommended decision

- i. To note the annual instances where Standing Orders were waived.
 - ii. To approve the standing list for fen contractors in 5.5.
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1. Introduction

- 1.1. The first part of the report provides details where the Chief Executive authorised a waiver of Standing Orders during 2021/22. Waivers can only be approved by certifying that there is an extreme urgency, only one supplier or in certain other circumstances. It also requires that all waivers authorised under delegated powers must be reported to the Authority on an annual basis.

- 1.2. The second part of the report provides details on the renewal of the Standing Lists following the process set out in the ‘Standing Orders Relating to Contracts’.

2. Waivers authorised in 2021/22

- 2.1. Thirteen separate waivers to Standing Orders were authorised in 2021/22, as shown in Table 1. The costs in the final column are shown exclusive of VAT.

Table 1

Summary of waivers authorised in 2021/22

Ref	Details of Contract	Supplier	Amount (£)
A	Hydrographic survey equipment	Swathe Sales & Support Ltd	£12,887
B	Behaviour change campaign for all National Parks	SD Advertising	£28,000
C	Creative assets for behaviour change campaign for all National Parks	Contented Brothers Ltd	£14,900
D	Web development and hosting of behaviour change campaign for all National Parks	Rubber Cheese Ltd	£8,000
E	Scaffolding for repair of Mutton’s Mill	DJ Oakley Scaffolding Ltd	£19,552
F	Horsey Wetland Project monitoring	Exo Environmental Ltd	£16,148
G	Horsey Wetland Project planting	Ivel Aquatics Ltd	£7,702
H	Payroll services	Norfolk County Council	£8,000
I	Hydrotreated Vegetable Oil	Crown Oil Ltd	£24,510
J	Training for the Heads of Communications for all National Parks	Impact Factory	£3,900
K	Replacement solar panels for RA	Ray Power	£7,628
L	Revisions to animated safety videos	Archant Ltd	£10,000
M	Soil carbon assessment	Cranfield University	£17,835

- 2.2. Further details of the individual contracts and the reasons for waiving Standing Orders are set out below.

- A. **Sole supplier:** Whilst other suppliers exist for large/deep scale applications the BioSonics equipment is most suitable for small scale and shallow waters. BioSonics equipment has been used by the Broads for the past 13 years for surveying water plant growth.
- B. **Urgency:** This project was in response to the increased numbers the National Parks were facing following COVID-19. It was agreed to target visitors for the Easter Holidays with the Parks only agreeing the budget just before then. This meant there was no time to request a further three quotes before the project needed to be delivered.
- C. **Urgency:** This was part of the same project as B and D.
- D. **Contract extension to original contract:** The supplier had previously designed and built the website for National Parks UK. For the site to be modified to include the new campaign in B and C it was not sensible to look for alternative supplier. The waiver also covers the ongoing hosting for this site.
- E. **Competitive quotes not received:** Of the three contractors approached for quotation, only one responded. The contractors approached were recommended by the Norfolk Windmills Trust as suppliers suitable for listed buildings.
- F. **Competitive quotes not received:** Of the three contractors approached for quotation, only two responded. The contractor selected was made on lowest price.
- G. **Urgency:** This part of the project was originally due to be resourced in-house. However the introduction of Farming in Protected Landscape meant resources had to be redirected. The contractor selected was based on them already being successfully appointed to supply the plants and having capacity to plant them.
- H. **Contract extension to original contract:** This was agreed by committee on 24/09/21 (agenda item 12) to extend the contract until 31 March 2023. The contract has been in place since 2014 and has provided value for money. This contract will be retendered for services post 1 April 2023.
- I. **Not the cheapest quote:** Of the suppliers available to deliver to the Broads the chosen supplier was the only one who could deliver via palletised containers and used a sustainable feedstock. Once the trial is complete tanker options can be investigated. This supports the Authority's move towards reducing its carbon emissions.
- J. **Competitive quotes not sought:** The supplier had already provided bespoke training to all the National Parks and remains the preferred supplier of choice. The cost of the training has been recharged to all parks. The total spend for all three training courses since February 2020 is £10,230.54.

- K. **Sole supplier:** These replacement solar panels come from the original manufacturer to a set specification to improve reliability and efficiency of the trip boat, particularly during the peak season.
- L. **Sole supplier:** The original safety animations were subject to a waiver in 2020/21. Value for money was demonstrated by modifying existing videos originally produced by the supplier rather than starting from scratch.
- M. **Competitive quotes not received:** Of the four contractors approached for quotation, only two responded. The contractor selected was made on lowest price.

3. Summary

- 3.1. Twelve waivers were approved by the Chief Executive and one by committee in 2021/22, compared to the nine in 2020/21. Although this represents an increase compared to the previous year, three waivers related to the same project. In total, four of the waivers relate to the work of the UK Communications Team with the total costs being shared by all of the National Parks. All approved waivers were considered to be justified on the grounds of achieving the best outcome for the Authority at the best possible price.

4. Standing Tender List for Piling Contractors and Fen Management

- 4.1. Section 15 of the Authority's 'Standing Orders Relating to Contracts' sets out the procedure for Selective Tendering from a standing list of approved contractors. This Standing Order applies where the Authority or appropriate committee has decided that invitations to tender for a contract are to be limited to those persons or bodies whose names are included in a list compiled and maintained for that purpose.
- 4.2. In the past the Authority has maintained two lists: one for piling contractors and one for fen management contractors. These lists are reviewed every three years.
- 4.3. Upon on the initial review of the piling contractor list it has been decided to remove this list. All future opportunities will be advertised in an open procedure on Contract Finder. It is hoped that by removing the selective list the Authority will receive a better response rate from potential suppliers and secure better prices during periods of high inflation.
- 4.4. In accordance with Standing Order 15, an advert for expressions of interest or inclusion on the Fen Management standing list was published on the Authority's website and Contracts Finder. Interested parties were required to complete a questionnaire.

5. Fen Management Contracts

- 5.1. Since 2001, the Authority has worked with local reed and sedge cutters to facilitate the continuation of this heritage industry (Action Plan for the Reed and Sedge Cutting Industry, 2012). One of the ways in which the Authority has provided support is to offer small-scale fen management work to reed and sedge cutters, at the time of year when commercial reed and sedge cannot be harvested.
- 5.2. This small-scale contract work typically includes scrub clearance and conservation mowing of non-commercial fen on Broads Authority land and / or sites where the Authority is the managing agent. Such contract work aids the Authority in achieving its management obligations.
- 5.3. The contract work is awarded in accordance with criteria set out by the Broads Authority to all interested cutters who can demonstrate appropriate equipment and health and safety standards. A standard day rate for payment is agreed between the Authority and the Broads Reed and Sedge Cutters Association (BRASCA). This rate is assessed annually to ensure the rate represents good value for the Authority, compared to that charged by other similar commercial wetland management contractors, and also to take account of any inflationary change.
- 5.4. The benefits of compiling this list are as follows:
 - All local reed and sedge cutters who actively harvest these products commercially, and wish to apply for small-scale contract work are given an equal opportunity to do so.
 - Information relating to equipment certification and insurance can be gathered, held and updated centrally.
 - Contractor competency and health and safety management can be assessed through a formal process.
- 5.5. The following contractors, unless indicated below, expressed an interest in inclusion in the Standing List, all of whom had successfully joined Standing List in 2019:
 - Chris Henshaw
 - William Burgess
 - Brett Fransham (new for 2022)
 - Paul Eldridge
 - Rowan Nicholls
 - Jeremy Nicholls
 - Lawrence Watts

- 5.6. All of these contractors were asked to complete a form confirming existing details and asked to submit up to date certificates. Each submitted form was reviewed for the purpose of checking that the details provided met the stated approval criteria.
- 5.7. All seven contractors comprehensively provided all the information required and fulfilled the criteria for approval. Whilst this does represent a reduction of eight since 2019 due to retirements, it is recommended that the Authority approves these contractors for inclusion on the standing list as set out in recommendation (ii) above.
- 5.8. The Fen Management standing list will be renewed on a three-year basis (the next being April 2025. The review will consist of the following:
- a) All contractors on the Standing List will be contacted at least 4 weeks before the review and asked if they wish to remain on the list.
 - b) All projects executed using the Standing List will be reviewed and any contractor who has not performed adequately (e.g. breach of contract, not meeting the requirements of the specification, method statements or risk assessments) will be removed from the list.
 - c) Contractors not on the list who have expressed an interest in inclusion on the list, may be recommended to the Authority for inclusion on the list upon submission of an adequately completed questionnaire.
 - d) The list of contractors will then be put to the Authority for approval.

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Background papers: Standing Orders Relating to Contracts