

Standing Orders relating to Contracts
Report by Chief Financial Officer

Summary: This report provides Members with the annual summary of instances where they have been waived by the Chief Executive during 2018/19 and the three year review of the Standing Lists for Piling Contractors and Fen Contractors.

Recommendations:

- (i) To note the annual report of instances where Standing Orders have been waived.
- (ii) That the standing list for the piling contractors (5.6) and fen contractors (6.6) be approved.

1. Introduction

- 1.1 The first part of the report provides details where the Chief Executive authorised a waiver of Standing Orders during 2018/19. 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.
- 1.2 It has previously been agreed that any waivers will be reported on an annual basis, after the end of each financial year.
- 1.3 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 During 2018/19

- 2.1 Nine separate waivers to Standing Orders were authorised during the year with nine approved by the Chief Executive. This is summarised in the table below, the cost is exclusive of VAT.

Ref	Details of Contract	Supplier	Amount (£)
A	Purchase of 2 nd hand replacement Crane	PJ Group	32,500
B	Replacement of Ludham Bridge Fendering	GT Rochester	15,096
C	Purchase of Creyke Wheel Track Combi	Aquagronomy Ltd	15,000

D	Purchase of 2 nd hand excavator	Mervyn Lambert Plant Hire	34,000
E	Purchase of 2 nd hand Nato Floats	Schraven Trading BV	10,000
F	Acle Bridge Feasibility Consultant	Planning Solution Consultants Ltd	10,000
G	Purchase of EcoPod compost bag	AB Systems (UK) Ltd	6,000
H	Purchase of Biochar	Carbon Compost Company Ltd	17,650
I	Whitlingham Charitable Trust Car Park Provider	RCP	60,000

2.2 Further details of the individual contract and the reason for waiving Standing Orders is set out below:

- A **Second hand equipment.** Purchasing equipment second hand means that savings can be made when compared to brand new. The difficulty comes in finding other second hand equipment in order to carry out comparisons of the market. All second hand equipment history of service and repairs are analysed to ensure the purchase makes economic sense.
- B **Competitive quotations not sought due to urgency.** This supplier was reported as part of the 2017/18 report for the works previously undertaken by County which had meant larger vessels could not pass under the bridge. The initial estimate of work was exceeded which resulted in this additional waiver. This was recharged in full to County.
- C **Sole supplier.** The creyke wheel was purchased and funded as part of the Catchment Partnership to look at innovative ways to disrupt tramlines to prevent the run off of water. As part of the partnership the wheel is lent out in the Catchment area for estates to trial.
- D **Second hand equipment.** See A. References D and E were all purchased to form the Tree shears as previously agreed by committee.
- E **Second hand equipment.** See A and D. Purchasing compatible floats enables them to be configured to existing stock to suit our operational requirements.
- F **Competitive quotes not received.** Requests were sent to the other National Park Authorities for recommendations on potential consultants. Despite contacting four consultants to quote in order to carry out the business analysis, two declined to quote. The lowest of the two quotes was sent to all members in order to meet the September committee meeting, which had previously been determined as part of the Design competition.
- G **Sole supplier.** The EcoPod compost bag was purchased and funded by Water, Mills and Marshes project. Projects of these types look for

innovative ways to achieve its aims, in this case, testing of composting waste reed in a recyclable bag.

- H **Sole supplier.** Although an additional supplier was identified their product had not completed its testing and did not offer training. The Biochar was purchased and partly funded by the CANAPE project. It will be used to look at the alternative use of reed products as part of sustainable peatland management. It will be lent out to partners to test its feasibility.
- I **Competitive quotations not sought due to urgency.** Although this is not technically Authority expenditure, the Charitable Trust follows our procedures. Following the termination of the previous contractor due to performance issues a new contractor was required urgently before the start of the holiday season to ensure no loss to the Trust's income. This was agreed by the Trustees.

3. Summary

- 3.1 There were more waivers approved by the Chief Executive in 2018/19 compared to the one in 2017/18. However, this is not be unexpected given that both of the external funded projects (Water, Mills and Marshes and CANAPE) are into their delivery phases which explores alternative techniques. The purchasing of second hand equipment can prove challenging to find similar comparisons in a competitive market. All approved waiver requests were considered to be justified and 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 This section of the report outlines the process through which contractors have been invited and assessed for inclusion on a standing list of contractors for both the piling contractors and fen management.
- 4.2 Section 15 of the Authority's 'Standing Orders relating to Contacts' sets out a 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.
- 4.3 In accordance with Standing Order 15, an advert for expressions of interest for inclusion on a standing list was published on the Authority's website. Both sets of interested parties were required to complete a questionnaire.

5. Piling Contractors

- 5.1 In 2013 the Broads Authority agreed to the establishment of a standing list of piling contractors. The benefits of continuing to operate a standing list include:

- Increased time efficiency (open tendering requires publication of a tender advert for a minimum of 28 days)
- Reduced costs (a published tender advert in a trade journal typically costs £500)
- Assurance of contractor competency and health and safety management

5.2 The Authority expects to budget £450,000 over the next three years for piling work. The focus of which will be on 24hr mooring re-piling. The existing standing list has now expired. Typical single contract values are expected to be between £50,000 and £175,000. However contractors on the Standing List may be used for piling works of up to a maximum single contract value of £300,000.

5.3 The following contractors expressed an interest in inclusion on the Standing List:

1. Miles Waterscapes
2. Keltbray Sheet Piling
3. Amis Piling and Dredging
4. G & H Services
5. F R Lowry
6. Drake Towage
7. Red 7 Marine
8. Southbay Civil Engineering Ltd
9. G T Rochester Plant
10. AGA Group
11. Van Elle
12. Universal Group
13. Trevor Hall
14. JT Mackley Co Ltd

Six of these contractors were included on the previous standing list.

5.4 Each of these contractors was then sent a questionnaire which covered the following areas:

- i. Company details
- ii. Project experience
- iii. Work capability
- iv. Sub-contracting
- v. Health & Safety
- vi. Insurances

5.5 Each submitted questionnaire was reviewed with the purpose of checking that the details provided met the approval criteria stated in the questionnaire.

Recommendations

5.6 Twelve of the fourteen contractors who expressed an interest submitted a completed questionnaire with all the information required and fulfilled the criteria for approval. These contractors are:

1. Miles Waterscapes
2. Keltbray Sheet Piling
3. Amis Piling and Dredging
4. G & H Services
5. Drake Towage
6. Red 7 Marine
7. Southbay Civil Engineering Ltd
8. G T Rochester Plant
9. AGA Group
10. Van Elle
11. Universal Group
12. JT Mackley Co Ltd

5.7 Six of these twelve contractors are either already established within the Broads or have undertaken work for the Broads Authority in the past. The exceptions are Keltbray Sheet Piling, Southbay Civil Engineering Ltd, Van Elle, Universal Group and JT Mackley, who have not yet undertaken piling work within the Broads, but have demonstrated good capability and experience of waterside piling elsewhere.

5.8 It is recommended that the Authority approves all eight contractors for inclusion on the Standing List.

5.9 Two contractors, who expressed an interest did not return the questionnaire and therefore are not included in the above recommended list.

6. Fen Management Contracts

6.1 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.

6.2 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.

6.3 The contract work is divided and awarded equally 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.

6.4 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.

6.5 The following contractors expressed an interest in inclusion in the Standing List, all of whom had successfully joined Standing List in 2013:

1. Chris Henshaw
2. William Burgess
3. Robert Fransham
4. David Fransham
5. Rowan Nichols
6. Paul Eldridge
7. Jeremy Nicholls
8. Lawrence Watts
9. Bev Blades
10. Marcus Satchel
11. Michael Nicholls
12. Martin Beaumont
13. Matthew Lee
14. Marcus Satchell
15. Darren Mace

Recommendation

6.6 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.

6.7 All fifteen contractors comprehensively provided all the information required and fulfilled the criteria for approval. It is therefore recommended that the Authority approves these contractors for inclusion on the standing list as set out in recommendation (ii) above.

7. Management of the Standing Lists

7.1 Both Standing Lists will be reviewed at intervals not exceeding three years. Upon each review the following steps will be undertaken:

- 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.

7.2 Each Standing List will be renewed on a three year basis (the next being April 2022). Upon renewal the full process will be repeated whereby an advert for expressions of interest will be published and all interested contractors will be invited to complete an approval questionnaire. A list of competent contractors will then be put to the Authority for approval.

Background Papers:	None
Authors:	Emma Krelle
Date of Report:	4 May 2019
Broads Plan Objectives:	None