



CABINET – 24 MARCH 2020

EXCEPTION TO THE CONTRACT PROCEDURE RULES IN RELATION TO THE TREES, HINCKLEY – URGENT ACTION TAKEN BY THE CHIEF EXECUTIVE

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

PART A

Purpose of the Report

1. The purpose of this report is to advise the Cabinet of urgent action taken by the Chief Executive to approve an exception to the County Council's Contract Procedure Rules to enable the direct award of a construction contract to Tanwood Construction Limited (Tanwoods) in relation to The Trees, Hinckley.

Recommendation

2. It is recommended that the Cabinet notes the urgent action taken by the Chief Executive to approve an exception to the County Council's Contract Procedure rules to enable the award of a contract to Tanwood Construction Limited for the refurbishment of The Trees, Hinckley.

Reasons for Recommendation

3. To ensure that the Cabinet is aware of the urgent action taken in accordance with the Council's Contract Procedure Rules. Rule 6 (b) (ii) provides that, in cases of urgency, the Chief Executive following consultation with the Leader or Deputy Leader, can direct that an exception be made subject to this subsequently being reported to the Cabinet.
4. Due to the urgent nature of the project, it was necessary to award a contract for the refurbishment of the site in the timeframe required to minimise impact on service delivery and service users.

Timetable for Decisions (including Scrutiny)

5. The decision enabled the necessary work to commence in January 2020, minimising the disruption to service delivery and service users.

Policy Framework and Previous Decisions

6. In June 2018, the Cabinet agreed that long-stay residential services at The Trees in Hinckley should continue to be provided, subject to reconfiguration and refurbishment of the existing buildings.
7. In December 2019, the Cabinet agreed to allocate an additional £0.5m for the refurbishment of The Trees, Hinckley arising from changes identified during the detailed design phase of the refurbishment.

Resource Implications

8. There are no resource implications arising from the recommendations in this report.

Legal Implications

9. The Director of Law and Governance advised that in the absence of a Cabinet meeting, approval was required by the Chief Executive in December 2019 before the contract was issued and work commenced.

Circulation under the Local Issues Alert Procedure

10. None.

Officers to Contact

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PART B

Background

11. The Cabinet approved the refurbishment of the Ashwood and Beechwood long-term provision of residential care at The Trees, Hinckley in June 2018 and in December 2019 agreed to allocate additional funding of £0.5m.
12. The Strategic Property Team sought to engage a contractor to complete the refurbishment of the Trees. A revised specification was produced which included the need for the work to commence in January 2020, without delay, so as to have less effect on service delivery and service users. Initial market engagement started with Tanwood Construction Limited utilising the new Minor Works Framework in October 2019.
13. There was an imperative to award the contract and to proceed with the project in January 2020 because:
 - i. the premises did not comply with the Care Quality Commission requirements and the Council had a statutory duty to rectify this;
 - ii. the Adults and Communities Department had worked closely with residents of the Trees and their families to identify suitable alternative accommodation whilst the refurbishment took place and residents needed to move to these placements by 1 December 2019;
 - iii. January and February had been identified as being a quieter period during which works would be expected to have less effect on service delivery and service users.
14. Various procurement options were explored by officers, but all would have involved a delay to the start of the project past March 2020. In order to commence the works to address the issues above the Minor Works Framework was used.
15. In December 2019 officers became aware that an exception to the Contract Procedure Rules was required in order for a contract to be awarded and work progressed in accordance with the planned timetable. Unfortunately, this was not identified in time for a report to be submitted to the Cabinet meeting on 17 December.
16. As there was no Cabinet meeting in January 2020, approval therefore needed to be obtained for an exception from the Chief Executive to enable the award of the contract and for works to commence. The Contract Procedure Rules require that this is reported to the Cabinet.

Equality and Human Rights Implications

17. There are no Equality and Human Rights Implications arising from the recommendations in this report.

Background Papers

Report to the Cabinet June 2018 – Re-configuration of In-House Learning Disability Residential Accommodation

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=5181&Ver=4>