

## **CHIEF EXECUTIVE DELEGATED DECISION NOTICE**

<b>REPORT TITLE:</b>	<b>Rushenden Retrofit Works Project</b>
<b>OFFICER NAME:</b>	<b>Amber Christou, Head of Housing Services</b>
<b>CABINET MEMBER NAME:</b>	<b>Cllr. Derek Conway, Cabinet Member for Housing, Health and Wellbeing</b>
<b>DATE OF PUBLICATION:</b>	<b>20 October 2011</b>
<b>DECISION:</b>	That the Chief Executive Officer agrees to award the external works contract for the Rushenden Retrofit Programme to Lawtech Limited, and the internal works contract for the Rushenden Retrofit Programme to Swale Heating Limited.

### **BACKGROUND:**

The original delegation to the Deputy Leader and Housing Portfolio Holder to award the tender for the Rushenden Retrofit works was approved by Cabinet on 5 January 2011.

Following this, it was agreed to award the contract based on price and quality. Delays in achieving Ofgem approval for the project and ensuring overhead power cables were made safe meant that we were not in a position to sign the works contract until August 2011.

During this time the successful contractor increased their price based on their consideration of market conditions and increased risk of inclement weather. The Best and Final Offer quoted by them unfortunately exceeded the monies available for the works, and both parties therefore agreed amicably to discontinue with the contract.

As the Community Energy Savings Programme (CESP) funding has still not been agreed, the Portfolio Holders for Regeneration and Housing Health and Wellbeing agreed to split the contract between internal and external works, as the funding for the external works is set aside in reserves.

The Interim Head of Procurement completed a further tendering exercise for the external works, and as a result Lawtech Limited were awarded the highest scores based on cost and quality.

The Internal works will be awarded through the South East Consortium Framework schedule of rates to Swale Heating as soon as the CESP funding is agreed.

**REASON FOR DECISION:**

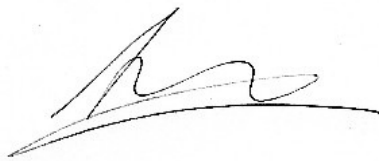
Legal Services have advised that the original delegation agreed by the Cabinet on 5 January 2011 cannot be relied on to authorise awarding these two new contracts. This is because a second tendering exercise was necessarily followed, and the contract is now being split. We therefore need to have a new authority to award the contract.

Lawtech generally require a four week lead in time to start such works; however, they are currently preparing for the works in good faith and wish to start on site 31 October 2011. It is imperative that the external works starts as quickly as possible to mitigate against the risk of poor weather. The nature of the specialist render means that it cannot be applied to the buildings at low temperature, so any delay now could result in the works not being completed until spring 2012.

It has therefore been agreed by the Chief Executive and the Leader to use the Chief Executive's delegation for 'Emergency Measures' for this decision. This option gives the Chief Executive, in consultation with the Leader or Deputy Leader, the authority to take any urgent action between meetings on matters which are outside the scope of powers expressly delegated to any Director or Head of Service, providing notice has been given to the Scrutiny Committee Chairman; and that at least five clear days' notice has elapsed from when copies of the notice of the decision is made available to the public.

Notice of the decision was published on the Forward Plan for Cabinet on 16 November 2011; the Chairmen of the Policy Overview Committee and Scrutiny Committee have therefore been informed of the process and the reason for the urgency measures.

**Signed:**



**Abdool Kara  
Chief Executive**

**Date**

**20 October 2011**