

Exception to the Need to Tender Form

The Constitution of the Chichester District Council requires that most contracts should be subject to a tender process in the interests of best value and fairness and proper public process.

However, the constitution page 171 provides for this to be superseded on certain grounds – see attached.

(1) The Council requires that the following works be completed –

Concrete sea wall / apron repairs at Seacroft, Selsey

In the opinion of the officer who is the contract administrator, one or more of the grounds for an exception applies in this instance.

(2) The ground / s on which an exception is sought is –

The works are required so urgently as not to permit the invitation of tenders (Sea Wall Failure, requiring emergency works). The company awarded the contract have been procured by the Council under a fixed term Coastal Maintenance and Emergency Response contract secured via an approved and valid framework, the Coastal Partners Coastal Engineering Minor Works Framework.

(3) The estimated value of the work is approximately : £ 321,000

(4) The organisation which it is recommended that the works be performed is –

JT Mackley & Co Ltd
Bankside House, Henfield Rd, Small Dole, Henfield BN5 9XQ

Submitted by Dominic Henly (The contract administrator)

(Job Title) Principal Engineer

Date 24/01/2023

The decision must always be considered by the appropriate Head of Service, and by the Chief Finance Officer.

Considered by Alison Stevens (Head of Service)

(Job Title) Divisional Manager, Environment and Health Protection

Decision of Head of Service Approved

Date 24 Jan 2023

Considered by (Chief Finance Officer)

(Job Title) ...Director of Corporate Services.....

Decision of Chief Finance Officer Approved / ~~Refused~~

Date ...25/01/2023.....

Note that the above decision, if approved, must be referred to Cabinet where the contract is estimated to exceed £50,000.

The contract administrator should note that at all times he or she will need to demonstrate that the contract represents value for money and that the Council will receive Best Value for the work undertaken. Further advice may be obtained by the contract administrator or the Head of Service from Legal Section on the Constitution as it applies to this application.

6. Exceptions to the necessity for obtaining tenders

There is no need for tenders to be sought in the following circumstances;

6.1 The work to be executed or the goods or materials or services to be supplied:

- are procured via an approved and valid framework agreement. The use of such agreement to be approved in consultation with the Legal Services Practice Manager and the Chief Finance Officer (or his appointed Representative).

6.2 The work to be executed or the goods or materials or services to be supplied:

- are exclusively manufactured by the supplier, or the goods, materials, or services are sold only at a fixed price and no satisfactory alternative is available;
- must be entrusted to the appropriate utility undertaking;
- constitute an authorised extension of an existing contract;
- is required so urgently as not to permit the invitation of tenders. This must be approved by the appropriate Chief Officer or Head of Service and reported to the next meeting of the Cabinet;
- consist of repairs to or the supply of parts for existing machinery or plant that can only be carried out by the supplier or manufacturer of that machinery, or under licence for a fixed price;
- are to be undertaken by a contractor or supplier with particular expertise. This must be approved by the appropriate Chief Officer or Head of Service and reported to the next meeting of the Cabinet;
- are to be part of a tender invited on behalf of any consortium, Central Purchasing Body or a similar body of which the Council is a member;
- For other reasons where there would be no genuine competition.

6.2.1 In the case of all contracts estimated to exceed £50,000 in value or amount, the justification to waive the need to obtain tenders must be subject to an internal review and approval by the Section 151 Officer and the Monitoring Officer before authority not to obtain tenders is sought from Cabinet prior to the award of the contract.

6.2.2 For contracts estimated not to exceed £50,000 in value or amount, exemption must be obtained in writing from both the appropriate Chief Officer or Head of Service and the Chief Finance Officer.

6.2.3 For contracts estimated not to exceed £10,000 in value or amount, the appropriate Chief Officer or Head of Service may waive the requirement to seek quotations where this would be inexpedient or uneconomic.

6.3 At all times the contract administrator needs to demonstrate that the contract represents value for money and that the Council will receive Best Value for the work undertaken.