

DECISIONS DELEGATED TO OFFICERS

Complete this form to record details of all decisions made by officers acting under delegated powers. Send the completed form to forwardplan@oxford.gov.uk

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| Decision title: | Appointment of Consultants Faithful and Gould and Tier 1 Contractor Willmott Dixon (Decision Point B) and to carry out detailed work on pre-construction services and advise the Council on the Decarbonisation Programme of the properties listed below. |
| Decision date: | 6 May 2021 |
| Source of delegation: State how the decision was delegated. Was it an express delegation made at a meeting or a general delegation under the Council's Constitution? | In February Cabinet authorised that the Decarbonisation Programme proceed with delegated authority to the Transition Director, in consultation with the Cabinet Member for Zero Carbon Oxford; the Head of Financial Services/Section 151 Officer; and the Councils Monitoring Officer, to commence expenditure to carry out the work to develop proposals for funding and subject to their satisfactory conclusion, enter into funding and other necessary agreements, including construction contracts, for the purpose of development and delivery of decarbonisation projects across Oxford City Council estate. With the Transition Director role now removed from the Council structure, sponsorship for the Programme now sits with the Head of Corporate Strategy along with broader responsibility for the delivery of the Council's zero carbon strategy. |
| What decision was made? Explain briefly – include financial details of any income or expenditure relating directly to this decision. Please indicate whether information is exempt / confidential. | A previous decision was made, at decision point A (06/04/2021), to appoint a Tier 1 Contractor to provide specialist Pre-Construction service under a Pre-Construction Service Agreement (PSCA) for the decarbonisation of the following properties. <ul style="list-style-type: none"> • Hinksey Outdoor Pool • Leys Pool & Leisure Centre • Barton Leisure Centre • Rose Hill Community Centre • Oxford Ice Rink • Ferry Leisure Centre (Replaced Town Hall as back-up site) |

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| | <p>The contractor was sourced from an appropriate Framework in accordance with Procurement policy.</p> <p>Decision was to incur expenditure to get to next decision point B (10 May 2021) estimated to be up to a £300K in order to progress the consultant and Contractors work necessary to meet the grant conditions.</p> <p>This work has enabled the project to successfully reach Decision Point B which is the next stage of the project to which this delegated decision relates.</p> <p>The work from Decision Point B is set out in the sections below.</p> |
| <p>Purpose: What does the decision deliver or achieve?</p> | <p>This decision is at Decision Point B. The decision delivers approval of further expenditure up to £600k in pre-construction services fees to take the programme/projects to Decision Point C which will be the decision whether or not to proceed with for construction. In addition, it delivers the approval to instruct Wilmot Dixon to place an order of materials for £1,702,486.40 say £1,75million to manage lead in items. It is important to note that after this approval is granted by the Delegated officer, the Programme Manager will only allow the Contractor to place material orders after the consultants have issued the Carbon Calculations to confirm the works are within the required envelope of £500/t carbon saved. This is anticipated to be in week commencing 17 May 21.</p> <p>The total commitment = £2,302,486.40 say £2.35million.</p> <p>However, should the Council decide to terminate the order of materials, we have obtained a schedule of cancellation costs issued by Wilmot Dixon which are dependent on the timing of the termination, with minimal costs incurred prior to week commencing 24 May 21.</p> |
| <p>Reasons: Please provide the reasons for the decision.</p> | <p>The decision allows further appointment of both the consultants Faithful & Gould (including sub-consultant Hoare Lea) and</p> |

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| | <p>Willmott Dixon and sub-contractor ODS and other supply chain to continue with producing detailed design (RIBA stage 3 and 4), Employers Requirements, Specifications, Contract Sum, Programme, Health and Safety Phase plans and other documents/survey work necessary for construction (RIBA stage 5). This decision will get the programme/project works to decision point C for construction.</p> <p>The reason for the additional decision to instruct Willmott Dixon to place orders of materials in advance of £ 1.75million is to address extended lead times for ordering equipment from Europe post-Brexit and with the pandemic. Any delays in delivery of equipment could adversely affect the project delivery by 30 September 2021.</p> |
| <p>Decision made by: Name and title of officer within the senior management structure</p> | <p>Mish Tullar, Head of Corporate Strategy, in consultation with the Cabinet Member for Finance & Asset Management; Cabinet Member for Green Transport & Zero Carbon Oxford; Cabinet Member for Leisure and Parks; Head of Financial Services; and Head of Law & Governance.</p> |
| <p>Other options considered: List any alternatives that were available to the decision taker and why they were rejected</p> | <p>There are three options;</p> <p><u>Option 1)</u> Due to the tight time scales there is an option not to proceed with the Decarbonisation programme due to the risk of missing funding deadlines. This was rejected because it's not in line with the City Council's new and fourth internal carbon management plan set to run from 21/22 to 29/30, in which the Council commits to reduce the underlying emissions and become Zero Carbon by 2030.</p> <p><u>Option 2)</u> To proceed with the De-carbonisation programme via a traditional procurement route. This was rejected as it could cause massive delays as well as shifting most risks into the construction stage. This is likely to result in the Council failing to meet the Salix deadline and to a larger extent, it will require the council to have a large contingency sum for both <i>known</i> and <i>unknown</i> risks.</p> <p><u>Recommended - Option 3)</u> To proceed with Decarbonisation programme via a Two</p> |

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| | stage procurement route with an early Contractor involvement. Due to tight time scales set by the funding organisation to complete the works by 30 September 2021, this option is the recommended route. It enables investigative works to be frontloaded and minimises risks. Involving contractor early to undertake all the feasibility work will generally promote lean construction and allow early buildability analysis of the designs, specifications and proposed works. |
| Documents considered: Please attach any new documents relevant to the decision and state if they are exempt | Procurement Stage 1 (RIBA Stage 1&2) Report. This report supports moving on to the next Procurement stage 2 (RIBA Stage 3&4) (<i>Currently under production</i>). Attached documents confidential. |
| Key or Not Key: (see notes below): | Key (Over £600k) |
| Wards significantly affected: If 2+ wards are significantly affected this will need to be treated as a key decision (see notes below) | Hinksey Park, Barton, Blackbird Leys, Rose Hill and Iffley, Carfax, Summertown |
| Declared conflict of interest: Please record any declared conflict of interest by any Cabinet Member consulted on the decision which relates to the decision. | No conflict of interest |
| This form was completed by: Name & title: Date: | Onsmus Mazanzi De-carbonisation Programme Manager 04/05/2021 |

Approval checklist

Delegations made at meetings and the Council's Finance Rules and Contract Rules (Parts 18 and 19 of the Constitution) stipulate who the decision maker must consult with before taking a decision. The table below should be used to record their approval. The relevant Cabinet Member(s) must be consulted on all decisions taken by officers.

| Approver | Name and job title | Date |
|--|---|-------------|
| Senior officer(s) e.g. the relevant service manager / head of service where the decision maker is the Chief Executive or an Executive Director. | Mish Tullar, Head of Corporate Strategy | 4 May 2021 |

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| Head of Financial Services if required by the delegation / Constitution | | |
| Head of Law and Governance if required by the delegation / Constitution | | |
| Cabinet Member(s) approval is required for all decisions | | |
| Ward Member(s) – Ward Members should be told in advance about anything which particularly affects their ward and which is potentially controversial but please note that Cabinet Members must be consulted first. | | |

This form must be completed and sent to Committee and Member Services **as soon as reasonably practicable** after the decision is made. Prompt notification is particularly important for **key decisions** which are subject to call-in, as the call-in deadline is 2 working days from the decision notice being published. Before completing the form please refer to the notes below

NOTES

The law¹ requires the Council to record executive and non-executive decisions taken by officers under delegated powers and to publish them on the Council's website.

These requirements **apply** to decisions that would have been taken by Council or the Cabinet if delegated powers had not been given to an officer:

- under an express delegation granted at a meeting of Cabinet, Council or a Committee.
- under a general delegation (where responsibility is delegated in the Constitution) and the effect of the decision is to:
 - grant a permission or licence;
 - affect the rights of an individual;
 - award a contract or incur expenditure with a value in excess of £10,000;
 - award a contract with a value in excess of £10,000 but less than £1,000,000;
 - acquire or dispose of freeholds or leaseholds with a consideration or premium in excess of £10,000 but less than £500,000;
 - grant to new tenants or dispose of leases with a rental value in excess of £10,000 but less than £125,000 (this excludes assignments, holding over and rent reviews);

¹ the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012/2089 (Regulation 13(4)) and The Openness of Local Government Bodies Regulations 2014/2095 (Regulation 7)

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- grant 'project approval' for projects in excess of £10,000 but less than £500,000;
- make a regulatory order which affects a number of people, for example a Public Space Protection Order or a Parking Place Order;

These requirements **do not** apply to:

- planning and licencing matters where there are established arrangements for recording decisions: or
- decisions which are purely administrative or operational in nature

Officers making such decisions must complete a written statement containing details of the decision taken. A copy of this decision notice must be retained by the relevant service for at least 6 years and any background papers for 4 years.

Exempt or Confidential information

Information relating to a delegated officer decision does not have to be made public if it is exempt or confidential. Summary information from this decision sheet (excluding all exempt or confidential information) will be published on the Council's website.

Key or Non Key Decision

A key decision is an executive decision likely to have a significant effect on people living or working in at least two wards; or to incur spending or savings of £500,000 or more.

A key decision can only be taken and recorded here if notice of it has been published in the Forward Plan for at least 28 clear days. Key decisions taken by officers may be "called in" by any four councillors or the Chair of the Scrutiny Committee within two days of the notice of decision being published.

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