

## 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](mailto:forwardplan@oxford.gov.uk)

<b>Decision title:</b>	<b>Decarbonisation Project; Decision Point C-</b> Award of contract to Willmott Dixon and Consultants F&G/HoreLea to commence technical design and construction works for the decarbonisation programme.
<b>Decision date:</b>	15 September 2021
<b>Source of delegation:</b> State how the decision was delegated. Was it an express delegation made at a meeting or a general delegation under the Council's Constitution?	Delegated authority was granted to the Transition Director (which has now passed to the Head of Corporate Strategy following an internal restructure), in consultation with the Cabinet Member for Green Transport and Zero Carbon Oxford; the Cabinet Member for Culture, Leisure and Tourism; the Head of Financial Services/Section 151 Officer; and the Council's Monitoring Officer, to commence expenditure of the £10.923 million grant money; to carry out the work, enter into funding and other necessary agreements, including pre-construction and construction contracts, for the purpose of development and delivery of decarbonisation projects across the Oxford City Council estate.
<b>What decision was made?</b> Explain briefly – include financial details of any income or expenditure relating directly to this decision. Please indicate whether information is exempt / confidential.	To award a contract for the technical design and construction (RIBA stages 5 & 6/7) of the decarbonisation project to Willmott Dixon all for a consideration of £9,452,146 and extend the F&G and their subcontractor contract all for the consideration £793,113. Internal fees plus High Voltage (HV) costs all for £428,409. The appointment will be initially covered by a <i>Letter of Intent</i> (LOI) followed by the signing of the JCT Design and Build Contract 2016 to cover all the works from preconstruction to handover (RIBA stages 1-7). The LOI is used for the following reasons <ol style="list-style-type: none"> <li>1. Allow the project to proceed by the 20<sup>th</sup> of September 2021 in order to meet the deadline of 31<sup>st</sup> March 2022</li> <li>2. Allow time to review the legal contract</li> </ol>

Please send the completed form to [forwardplan@oxford.gov.uk](mailto:forwardplan@oxford.gov.uk)

	<p>from both parties the Council and Contractor Willmott Dixon.</p> <p>3. Allow time to finalise contract sum, signing and sealing of the JCT Design and Build 2016 Contract.</p>																														
<p><b>Purpose:</b> What does the decision deliver or achieve?</p>	<p>Decision Point C delivers approval of £10,673,668 combined <i>construction cost</i> (Contract sum) total expenditure broken-down as follows;</p> <table border="1" data-bbox="778 515 1449 824"> <thead> <tr> <th></th> <th>Construction</th> <th>Fees (Spread by Value)</th> <th>OCC Costs (Spread by Value)</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Enabling Works</td> <td>1,650,138</td> <td>135,458</td> <td>45,501</td> <td>1,831,097</td> </tr> <tr> <td>Core Works</td> <td>6,548,214</td> <td>551,860</td> <td>185,371</td> <td>7,285,445</td> </tr> <tr> <td>Battery Storage</td> <td>1,077,020</td> <td>91,132</td> <td>30,611</td> <td>1,198,763</td> </tr> <tr> <td>HV</td> <td>176,775</td> <td>14,663</td> <td>166,926</td> <td>358,364</td> </tr> <tr> <td><b>Total</b></td> <td><b>9,452,146</b></td> <td><b>793,113</b></td> <td><b>428,409</b></td> <td><b>10,673,668</b></td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>• <i>core works</i> £8,484,208 (Battery storage plus core works). This include consultant's (F&amp;G) and internal fees.</li> <li>• <i>enabling works</i> £2,189,461 (Enabling works plus HV) This includes the consultants (F&amp;G) and internal fees.</li> </ul> <p>to complete following works;</p> <ul style="list-style-type: none"> <li>- RIBA Stage 3/4/5/ tech designs and stage 6 construction works for;</li> <li>- Hinksey, Leys, Barton, and Ferry Leisure Centres.</li> </ul> <p>Note: The above costs excludes the auxiliary plant estimates costs for some sites to minimise shutdowns and any contingency. However provisional costs for pool cover (£127,914) are still included in the above costs; these would be paid for from the City Council Salix Revolving Loan Fund. All costs are undergoing due diligence checks by F&amp;G costs managers as well as undergoing a VE (value engineering) process. This process will continue throughout the construction period monitored by F&amp;G and council officers.</p> <p><u>Risk</u></p> <ul style="list-style-type: none"> <li>• The contractor Willmott Dixon is aware that, in order to meet deadlines, the Council is likely to have no option but to</li> </ul>		Construction	Fees (Spread by Value)	OCC Costs (Spread by Value)	Total	Enabling Works	1,650,138	135,458	45,501	1,831,097	Core Works	6,548,214	551,860	185,371	7,285,445	Battery Storage	1,077,020	91,132	30,611	1,198,763	HV	176,775	14,663	166,926	358,364	<b>Total</b>	<b>9,452,146</b>	<b>793,113</b>	<b>428,409</b>	<b>10,673,668</b>
	Construction	Fees (Spread by Value)	OCC Costs (Spread by Value)	Total																											
Enabling Works	1,650,138	135,458	45,501	1,831,097																											
Core Works	6,548,214	551,860	185,371	7,285,445																											
Battery Storage	1,077,020	91,132	30,611	1,198,763																											
HV	176,775	14,663	166,926	358,364																											
<b>Total</b>	<b>9,452,146</b>	<b>793,113</b>	<b>428,409</b>	<b>10,673,668</b>																											

	<p>proceed with them and the current team in delivering the works to completion. However F&amp;G and Council officers will scrutinise all the figures produced by Willmott Dixon to ensure the sums are appropriate.</p> <ul style="list-style-type: none"> <li>• Tight deadline- All grant money towards the works needs to be claimed by 31 March 2022 (extension from original 30 Sept 21 deadline)</li> <li>• Compliance within the £500/tonneCO2 requirement for use of the grant money needs to be met</li> </ul>
<p><b>Reasons:</b> Please provide the reasons for the decision.</p>	<p>The reason is to appoint Willmott Dixon to carry out technical designs and construction work and Consultants F&amp;G/Hoare Lea to advise on costs, project management, construction and design management (CDM) and handover of the decarbonised properties.</p> <p>The decision to continue appointing F&amp;G and Willmott Dixon to proceed with RIBA Stage 5&amp;6 construction phase (procurement stage 2) is due to tight deadline of 31<sup>st</sup> March 2022, there is no time for another competitive tender as Council risk losing the funding if the deadline is missed. They have just completed RIBA stage 1-4 (stage 1 procurement) of the programme. Therefore, appointing them provides continuity, saves time, and they have also amassed a wealth of knowledge during the execution of the feasibility studies and early designs work.</p>
<p><b>Decision made by:</b> Name and title of officer within the senior management structure</p>	<p>Mish Tullar Head of Corporate Strategy</p> <p>Decision taken in consultation with:</p> <ul style="list-style-type: none"> <li>• Cllr Tom Hayes, Cabinet Member for Green Transport and Zero Carbon Oxford</li> <li>• Caroline Green, Chief Executive</li> <li>• Nigel Kennedy, Head of Financial Services</li> <li>• Susan Sale, Head of Law and Governance</li> </ul>
<p><b>Other options considered:</b> List any</p>	<p>There are two options;</p>

Please send the completed form to [forwardplan@oxford.gov.uk](mailto:forwardplan@oxford.gov.uk)

<p>alternatives that were available to the decision taker and why they were rejected</p>	<p><u>Option 1)</u></p> <ul style="list-style-type: none"> <li>- Due to the tight time scales, stop the completion of RIBA stage 3 &amp; 4 design.</li> <li>- Pay all cost for work carried out to date and any cancelation fees approximately £1.6 million</li> </ul> <p><u>Rejection</u> This option was rejected because it does not support the City Council’s new and fourth internal carbon management plan set to run from 2021/22 to 2029/30, in which the Council commits to reduce the underlying emissions and become Zero Carbon by 2030. Furthermore, Council have provisionally agreed with Salix a programme extension to March 2022 (awaiting Salix written approval, expected this month).</p> <p><u>Option 2) - Recommended</u></p> <ul style="list-style-type: none"> <li>- To complete RIBA Stage 3/4/5/6 and handover</li> <li>- Proceed to Procurement stage 2 (Construction Stage)</li> </ul> <p><u>Conclusion</u> As Salix is supporting the Council’s application for an extension of time, option 2 is recommended because;</p> <ul style="list-style-type: none"> <li>- It enables construction work to be completed for Decarbonisation core and enabling works and make maximum use of the grant money available of ca£10.9m</li> </ul> <p>The decision is in line with Council commitment of becoming zero carbon by 2030. The council does not have available funds itself of £10.9m to decarbonise its buildings in line with its aims to be zero carbon by 2030.</p>
<p><b>Documents considered:</b> Please attach any new documents relevant to the decision and state if they are exempt</p>	<div style="text-align: right;">         Cabinet report        decarb programme 1!     </div> <p>Cabinet Paper 15 Sept 2021</p>

Please send the completed form to [forwardplan@oxford.gov.uk](mailto:forwardplan@oxford.gov.uk)

<b>Key or Not Key:</b> (see notes below):	Key (value >£500k) and a significant impact on 2 or more wards.
<b>Wards significantly affected:</b> If 2+ wards are significantly affected this will need to be treated as a key decision (see notes below)	Summertown, Hinksey Park, Blackbird Leys, Barton & Sandhills
<b>Declared conflict of interest:</b> Please record any declared conflict of interest by any Cabinet Member consulted on the decision which relates to the decision.	No conflict of interest
<b>This form was completed by:</b> <b>Name &amp; title:</b> <b>Date:</b>	Onsmus Mazanzi De-carbonisation Programme Manager 10/09/2021

### 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.

<b>Approver</b>	<b>Name and job title</b>	<b>Date</b>
<b>Senior officer(s)</b> 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	
<b>Head of Financial Services</b> if required by the delegation / Constitution	Nigel Kennedy, Head of Financial Services	
<b>Head of Law and Governance</b> if required by the delegation / Constitution	Susan Sale, Head of Law and Governance	
<b>Cabinet Member(s)</b> approval is required for all decisions	Councillor Tom Hayes, Cabinet Member for Green Transport and Zero Carbon Oxford	
<b>Ward Member(s)</b> – Ward Members should be told in advance about anything which particularly affects their ward and which is potentially controversial but please note that Cabinet		

Please send the completed form to [forwardplan@oxford.gov.uk](mailto:forwardplan@oxford.gov.uk)

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 law<sup>1</sup> 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);
  - 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

---

<sup>1</sup> 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)

Please send the completed form to [forwardplan@oxford.gov.uk](mailto:forwardplan@oxford.gov.uk)

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.

FINAL

Please send the completed form to [forwardplan@oxford.gov.uk](mailto:forwardplan@oxford.gov.uk)