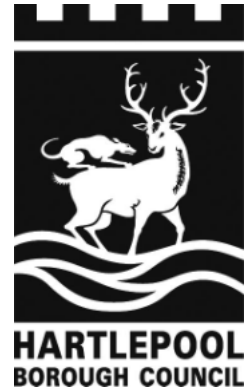


CONTRACT SCRUTINY COMMITTEE AGENDA



Monday, 31 January 2011

at 11.00 am

**in Committee Room C,
Civic Centre, Hartlepool**

MEMBERS: CONTRACT SCRUTINY COMMITTEE:

Councillors Aiken, Ingham, Lawton, London, Maness, Richardson, Simmons, Sutheran and Wells.

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**
 - 3.1 To confirm the minutes of the meeting held on 17th January 2011
- 4. ITEMS FOR INFORMATION**

No items
- 5. ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS ARE URGENT**

6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006

7. TENDERS TO BE OPENED

- 7.1 Burn Road Roundabout 3 Lane Approach (ref 545) – *Senior Engineer (Construction)*

8. ITEMS FOR INFORMATION

- 8.1 The Provision Of Supported Accommodation To People With Mental Health Conditions (CRF 225) (Para 3) - *Procurement and Category Manager*

9. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

CONTRACT SCRUTINY COMMITTEE

MINUTES AND DECISION RECORD

17 January 2011

The meeting commenced at 11.00 a.m. in the Civic Centre, Hartlepool

PRESENT: Councillor Frances London (In the Chair);
Councillors Martyn Aiken, Trisha Lawton, Sarah Maness,
Carl Richardson, Chris Simmons, Lilian Sutheran and
Ray Wells

OFFICERS: Graham Frankland, Assistant Director (Resources)
Terry Maley, Procurement and Category Manager
Philip Timmins, Principal Estates Surveyor
Brendan Colarossi, Senior Engineer (Construction)
Kate Watchorn, Commercial Solicitor
Jo Wilson, Democratic Services Officer

67. Apologies for Absence

None

68. Declarations of Interest

None

69. Minutes of the meeting held on 13th December 2010

Approved

70. Bid for External Funding to increase the number of young people (aged 14-19) accessing education, employment and training - Assistant Director (Resources)

The Procurement and Category Manager advised the committee of the recent agreement by the Portfolio Holder for Finance and Procurement to make an exception to the contract procedure rules in relation to the sub contracting agreements pertaining to a bid for external funding to increase the number of young people aged 14-19 accessing education, employment or training. The Council, via Economic Development, had been invited to tender for £613,000 of funding, with the tender submission due by 25th November 2010. Contractors who would work

alongside the Council had to be named as part of the submission however the tight timescales did not permit a competitive procurement to take place. An exception to the Contract Procedure rules had therefore been sought from, and approved by, the Portfolio Holder. The Council would learn if the bid for funding had been successful later in the month.

Members queried what procedures had been put in place to ensure a level of competition. The Procurement and Category Manager reported that expressions of interest had been advertised on the Council website and those received evaluated against predetermined criteria. Members enquired on the risk of a precedent being set and whether the decision could be challenged. The Commercial Solicitor confirmed that no precedent had been set in this case. In terms of the decision being challenged there were a number of opportunities for alternate providers to make a complaint however there was felt to be minimal risk that this would happen. Members queried why the Portfolio Holder had been asked to grant the exception rather than this committee or the Constitution Committee. The Commercial Solicitor advised members of the section of the Contract Procedure Rules pertaining to this. The Assistant Director indicated that it was within the committee's remit to receive information on exceptions however the decision-making powers rested with the executive. Officers made every effort to minimise the need for exceptions to the contract procedure rules however had the full procurement process been gone through in this case then the bid would have been late and the possibility of external funding lost.

Decision

That the granting of an exception to the Contract Procedure Rules in line with this project be noted.

71. Local Government Access to Information

Under Section 100 (A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of the Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) order 2006.

Minute 72 – King Oswy D Islands - (ref 546) - para 3 information relating to the financial or business affairs of any particular person (Including the Authority holding that information)

Minute 73 – Jesmond Road School Tenders - para 3 information relating to the financial or business affairs of any particular person (including the Authority holding that information)

72. King Oswy D Islands

Three tenders had been received in respect of the above contract which were opened in the presence of the committee.

73. Jesmond Road School Tenders – Assistant Director (Resources)

At the previous meeting of the Committee 2 tenders had been opened in respect of the above contract. Discussion ensued in relation to one of the tenderers not enclosing a ten per cent deposit which had been part of the tender brief and the viability of each of the tenders. Members requested that a further report be brought to them advising of the proposed response to the bids. Further information is provided in the exempt section of the minutes.

Decision

Detailed within the exempt section of the minutes.

The meeting concluded at 11:25 am

CHAIR