

## Consultation and Agreement

- The Chair and the Vice Chairs of the NECA have been consulted on this matter and have agreed that it is appropriate for the **Head of Paid Service** to use the delegated powers given to her by the Leadership Board of the NECA and to make an urgent decision.

The Chair and Vice Chairs agreed that this decision is urgent because of the need to progress activity in relation to the appointment of preferred bidder and consequential award of contract to that bidder in relation to the procurement of the Sunderland 'Go Ultra Low Filling Station' and the approval of associated lease and sub-lease. This matter cannot be left until the next meeting of the Leadership Board on 20 March 2018.

Agreement to exercise delegation received from the Chair of the Overview and Scrutiny Committee – *Yes – 6 February 2018*

Agreement received from Chair of the NECA – *Not applicable*

Agreement received from 1<sup>st</sup> Vice Chair of the NECA – *Yes – 7 February 2018*

Agreement received from 2<sup>nd</sup> Vice Chair of the NECA – *Yes – 7 February 2018*

## Record of the Decision

### 1. Subject of Decision

Appointment of preferred bidder and consequential award of contract to that bidder in relation to the procurement of the Sunderland 'Go Ultra Low Filling Station' and the approval of associated lease and sub-lease

### Thematic Lead Area

Transport

### 2. Executive Summary

The purpose of this report invites the NECA Head of Paid Service to exercise authority contained in Part 3.7b (HPS4) of the Constitution to take operational action which is required as a matter of urgency in the interests of NECA, in consultation with the Chair of the Leadership Board, Monitoring Officer and Chief Finance Officer as far as is practicable.

# NORTH EAST COMBINED AUTHORITY

## Record of Urgent Decision by Head of Paid Service



The decision follows a fully compliant OJEU procurement process conducted on behalf of the Combined Authority by Newcastle City Council, with expert procurement guidance from North Tyneside Council.

The decision is not one falling within the requirements of Paragraph 7 of the *Openness of Local Government Bodies Regulations 2014* and it would not be considered a key decision under the Overview and Scrutiny Committee's call-in protocol (discussed at its meeting of 5 February 2018).

### 3. Why the Decision is Urgent

The decision is urgent as if it were to be delayed until 25 March 2018 (being the end of the call-in period following the Leadership Board on 20 March 2018); the project would slip beyond ERDF funding constraints and thereby create a technical breach.

This is more fully addressed in the published urgent decision report dated 6 February 2018.

### 4. Decision

**4(a)** The Head of Paid Service, in consultation with the Chair of the Leadership Board, Monitoring Officer and Chief Finance Officer as far as is practicable, is recommended to approve the following as an urgent decision in accordance with HPS4 in relation to the Go Ultra Low Filling Station to be located at West Wear Street, Sunderland and, to the extent necessary, the filling station to be located on the Science Central site.

1. Name the bidder set out in the Schedule as the preferred bidder to whom the Authority would award the contract, subject to completion of the necessary 'stand-still' period.
2. To award the contract to the bidder named in the Schedule.
3. That the Authority enters into a lease with Sunderland City Council and sub-lease with the preferred bidder.
4. Authorise the Monitoring Officer to finalise and executive all deeds or documents desirable to give effect to the transactions described above.

#### **4(a). If Exempt or Confidential, please provide a reason:**

Confidential Schedule (Appendix) – Not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, Information relating to the financial or business affairs of any particular person (including the authority holding that information).

**NORTH EAST COMBINED AUTHORITY**  
**Record of Urgent Decision by Head of Paid Service**

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**5. Alternative options considered**

To refuse to make the decision under the constitutional delegation HPS4 and to refer the matter to the Leadership Board for decision.

**6. Reason for Decision**

Urgency: The procurement exercise took considerably longer than first anticipated. It was commenced in accordance with the project plan, however, the repeated need to clarify bids throughout the process delayed evaluation such that the decision could not be taken at the Leadership Board held on 16 January 2018. Programme funding approvals anticipated project completion by 30 September 2018 and delays to this completion date will have a detrimental effect on funding and may impact on price certainty.

**7. Date of Consultation with the Monitoring Officer and their Relevant Comments**

Date: 1 February 2018

Comments: The Monitoring Officer has approved the process to be followed in accordance with the Constitution and the relevant Combined Authority Overview and Scrutiny Regulations. The Monitoring Officer is also content that the case for urgency is properly made out and can be put to decision makers.

**8. Date of Consultation with Chief Finance Officer and their Relevant Comments**

Date: 6 February 2018

Comments: Approved

**9. Contact Officer**

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**Approved**

**Date of the Decision:** 7 February 2018