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## UPDATE ON THE ASSET DELIVERY PROGRAMME

### 1 PURPOSE OF REPORT

- 1.1 This report provides an update as to the progress of the Council's Asset Delivery Programme (ADP).

### 2 INTRODUCTION

- 2.1 On 19 May 2020 the Council resolved:

- That the outcome of the procurement process as set out in the Tender Report be approved (exempt Appendix 1 to the report to the Investment Board).
- That the Preferred Bidder as set out in the Tender Report (exempt Appendix 1 to the report to the Investment Board) be appointed for the Asset Delivery Programme.
- That the Final Business Case (exempt Appendix 2 to the report to the Investment Board) be approved.
- That authority be delegated to the Assistant Director, Assets & Commercial in consultation with the Portfolio Holder for Enterprise to enter into negotiations with the Preferred Bidder identified to confirm financial commitments and other terms contained in the Tender Report and the Full Business Case and to report back to Full Council for final approval.
- That £72,500 of unspent project budget is carried forward to 2020/21 and to agree additional budget of £214,900 to be funded from the Hard/Soft Infrastructure Reserve to fund the resources required to progress the Programme during 2020/21.

- 2.2 This report is to provide an update on the progress made since 19 May.

### 3 UPDATE

- 3.1 Since the Council meeting of 19 May, the following activities have been undertaken:

#### **Appointment of Preferred Bidder**

- 3.2 Further to the resolution of Full Council on 19 May 2020 officers have appointed gb partnerships (GBP) as the Preferred Bidder for the ADP. The Council issued the industry standard Preferred Bidder letter to GBP, which lists items that need to be addressed prior to completion of the formal contract. These items have formed part of the ongoing negotiations between the Council and GBP to conclude a written contract.

## Negotiations

- 3.3 The Council's Senior Responsible Officer (SRO) for this programme has initiated negotiations with GBP in consultation with the Portfolio Holder for Enterprise. The negotiations (which remain commercially confidential) will confirm the financial commitments and other terms contained in the Tender Report and the Final Business Case as well as addressing the matters specifically referenced in the Preferred Bidder Letter.
- 3.4 The Council has established three workstreams to progress the work necessary to achieve a legal contract. Each workstream is comprised of a member of the Leadership Team, supported by professional external advisers, to lead on the various aspects of the negotiations, which are:
- Legal and Commercial;
  - Design Technical and Construction; and
  - Communication & Stakeholder Engagement.
- 3.5 As set out in the Management Case of the Final Business Case, a Partnership Board consisting of GBP representatives, the Council's SRO for the ADP, the Strategic Director, S151 Officer and Portfolio for Enterprise has been established. The Partnership Board is currently operating in a shadow format until the contract is signed. The first meeting was held in June 2020 and discussed progress on negotiations of the three workstreams. It is the role of the shadow Partnership Board to oversee the work of the three workstreams in order that the contract between the parties can be concluded.
- 3.6 The Member Working Group has met twice to discuss the progress of the negotiations and to inform their development and resolution. The Member Working Group will continue to meet regularly as the negotiations continue.
- 3.7 Once both parties are satisfied that there is a contract which is acceptable to them, this will be set out in a further report to an Extraordinary meeting of Council in September 2020, although as at the date this report is being written, a formal date has not been set.

## 4 RISK IMPLICATIONS

- 4.1 Risk is being managed by the ADP's Project Manager via the Risk Register. This is a live document which is continually updated to reflect mitigation of existing risks and the addition of new risks as the programme develops.

## 5 RESOURCE IMPLICATIONS

- 5.1 The resources required to deliver the Programme were agreed by Full Council on 19 May 2020. There are no further resource implications arising at this stage. The financial and commercial implications of the proposed contract will be set out in the report to Extraordinary Council in the autumn.

**6 LEGAL IMPLICATIONS**

- 6.1 There are none arising from this report. The Council is required to comply with the Public Contracts Regulations 2015 in respect of the procurement. Anthony Collins Solicitors LLP have been appointed to advise and provide full support on the procurement and negotiation of the contract documents which will be brought back to Council for approval.

**7 EQUALITY AND DIVERSITY IMPLICATIONS**

- 7.1 An Equality Impact Assessment has not been completed as no decision is being made.

**8 RECOMMENDATION**

- 8.1 It is proposed that the Investment Board **RESOLVES**

That the contents of this report be noted.



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**Background Papers:-**

None.

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