PUBLICATION OF DECISION LIST NUMBER 67/18-19

MUNICIPAL YEAR 2018/19

Date Published: 23 April 2019

This document lists the Decisions that have been taken by the Council, which require publication in accordance with the Local Government Act 2000. The list covers Key, Non-Key, Council and Urgent Decisions. The list specifies those decisions, which are eligible for call-in and the date by which they must be called-in.

A valid request for call-in is one which is submitted (on the form provided) to the Governance and Scrutiny Team in writing within 5 working days of the date of publication of the decision by at least 7 Members of the Council.

Additional copies of the call-in request form are available from the Governance and Scrutiny Team.

If you have any queries or wish to obtain further report information or information on a decision, please refer to:
– Claire Johnson (ext.4239)

Phone 020 8379 then extension number indicated

INDEX OF PUBLISHED DECISIONS – 23 April 2019

List Ref	Decision Made by	Date Decision comes into effect	Part 1 or 2	Subject/Title of Report	Category of Decision	Affected Wards	Eligible for Call-In & Date Decision must be called in by (If Applicable)	Page Number
1/67/ 18-19	Director of Environment and Operational Services (Doug Wilkinson)	Tuesday 23 April 2019	Parts 1 & 2 (Para 3)	Appointment of Replacement Contractor to Construct Edmonton Cemetery Extension	Key Decision KD: 4897/ U204	Bush Hill Park	No Rule 16 (Urgent Decision)	1 -2
DECISIONS								
For additional copies or further details please contact Claire Johnson (020 8379 4239), Governance and Scrutiny Team.								

LIST REFERENCE: 1/67/18-19

SUBJECT TITLE OF THE REPORT:

APPOINTMENT OF REPLACEMENT CONTRACTOR TO CONSTRUCT EDMONTON CEMETERY EXTENSION

Part 1 or 2 (relevant exempt Paragraph)	Wards affected by decision	Decision taken by	Date Decision comes in to effect	Interest declared in respect of the Decision	Category of decision (i.e. Key, Non-Key, Council, Urgent)	Contact Details	Eligible for Call-in & Date to be called in by
Parts 1 &2 (Para 3)	Bush Hill Park	Director of Environment and Operational Services (Doug Wilkinson)	Tuesday 23 April 2019	None	Key Decision KD 4897/U204	Matthew.Watts@enfield.gov.uk Tel: 020 8379 5430	No Rule 16 Urgent Decision

DECISION

AGREED: to award the contract to complete the construction of Edmonton Cemetery extension to bidder A – detailed in the part 2 report.

ALTERNATIVE OPTIONS CONSIDERED

1. Conduct a new tender exercise. This option has been considered and discounted because this would delay the delivery of the cemetery extension by at least 10 weeks and there are no guarantees that a new tender would result in a better price than what has been negotiated with bidder A.
2. Utilise the Highway Services landscape contract. This option has been considered and discounted because there is no cost certainty due to the contract being a re-measurement contract, which is where each element of the project is valued against a schedule of rates and no overall price is agreed. There is also no redress within the- contract for delays that could occur. A further reason for discounting this option is that the value of works is likely to be close to the contract threshold and officers would need to ensure it does not exceed the limits set out in the OJEU notice.
3. Appoint a contractor from a construction framework. This option has been discounted as it is likely to be the costliest option due to the premiums added to framework contracts, plus the potential delay to procure a framework compliant call-off.

REASONS FOR RECOMMENDATIONS

1. The quick appointment of an alternative contractor is necessary to complete the works already started on the extension. This is because of the following reasons:

- A key driver for the extension project was the provision of the new burial space that will meet demand for the next 25 years. Existing burial space within the cemetery is nearing capacity and there is a very real reputational risk of the service having to close the cemetery until the works are ·complete. The fast appointment of a replacement contractor will reduce the risk of needing to close and protect the Council's return on investment in the site.
- When Dawnus Construction Holdings Ltd went into administration the contract was cancelled and responsibility for the site reverted to the Council. The site has been secured and made safe, but delays in appointing a new contractor increase the risk of health & safety incidents and general site security.
- Delays to getting a replacement contractor on site increases the risk of occupation by the travellers or other third parties.
- There will be a loss of budgeted income caused by the delay to the project completion. The appointment of bidder A will be the fastest method of getting the works completed and reducing the impact on the service budget.

BACKGROUND:
Please note that a copy of the Part 1 report is available on the Council's Democracy pages. As the part 2 report contains exempt information it will not be available to press and public.

SECTION 2: Notice of forthcoming Key Decisions for which it has not been possible to provide notice

This section lists the Key Decisions that are proposed to be taken by the Council, which require publication in accordance with the Local Government Act 2000. The decisions listed are those for which it has not been possible to provide 28 days' notice and need to comply with the Council's urgency procedure. There are two routes that can be followed in this instance to enable a decision to be taken.

1. Rule 15 – General Exceptions

This procedure is used in cases when:

- it is not possible to provide the required 28 days' notice of a key decision; but
- it is possible to provide a minimum of 5 working days' notice prior to the decision being taken;

2. Rule 16 – Special Urgency

This procedure should only be used in exceptional circumstances where it is not possible to:

- provide the required 28 days' notice prior of a key decision; and
- provide a minimum of 5 working days' notice prior to the decision needing to be taken;

These decisions will not be eligible for call-in.

If you have any queries or wish to obtain further report information or information on a decision please refer to: Claire Johnson 020 8379 4239

Date Decision to be Taken	Ref	Part 1/2	Decision Taken by	Decision Proposed under Rule 15 or 16	Proposed Key Decision	Affected Wards	Page No.
23 April 2019	Key Decision KD 4897/ U204	Part 1 & 2 (Para 3)	Director Environment and Operational Services (Doug Wilkinson)	Rule 16	Appointment of a Bidder A to complete the Edmonton Cemetery Works	All Wards	1

DETAILS OF KEY DECISION

Part 1/2 and reason	Date Decision Planned	Decision of	Proposed Key Decision	Ward/s affected by the decision	Contact Name and Number
Part 1 & 2 (Para 3)	23 April 2019	Director of Environment and Operational Services (Doug Wilkinson)	Appointment of a Bidder A to complete the Edmonton Cemetery Works	Bush Hill Park	Matthew Watts 020 8379 5430

Reasons for Urgency:

- On 14th March Dawnus Construction Holdings Ltd., the contractor delivering the Edmonton Cemetery extension works, became insolvent and went into administration. This was an unforeseen circumstance with no prior warning and the Council had no indication that the contractor was experiencing financial difficulties. With Dawnus going into administration a replacement contractor is urgently required to complete the works.
- It is necessary to appoint a replacement contractor immediately because there is currently very limited burial space remaining within the existing cemetery. Based on current demand we expect the existing cemetery to reach capacity (lawn graves and traditional) by late summer.
- Once the decision is taken to appoint a new contractor, there will be a 4-week mobilisation period, followed by approximately 18 weeks of construction works. This will result in a likely completion by mid-September.
- Should the completion of the extension be delayed much beyond late summer then there is a significant risk that the cemetery will need to close for new burials. This will pose a reputational risk to the Council as we will be unable to meet demand from the local community, which is of particularly concern for those who already have loved ones buried within Edmonton Cemetery.
- A delay in the appointment of a replacement contractor will extend the programme further in Autumn, increasing the likelihood of Edmonton Cemetery needing to close.
- Officers have reviewed the options for obtaining a replacement contractor and recommend the appointment of the second ranked bidder from the original procurement exercise. This recommendation has been made because the appointment of bidder A will be the fastest way of securing a contractor for the works, whilst ensuring that good value has been achieved.
- Officers have negotiated with bidder A, who has confirmed that they could commence the works within 4 weeks of receiving instruction from the Council.
- The total cost of for the construction works is still within the £1.6m of the total budget allocated for the construction works.

Background Papers:

No.	Description of Background Papers	Name and Telephone No. of Document Holder	Location/e-mail address
	None		