

**MINUTES OF THE EXECUTIVE PROCUREMENT COMMITTEE  
THURSDAY, 7 DECEMBER 2006**

Councillors \*Mallett (Chair), \*Diakides, Haley and \*Meehan

\*Present

MINUTE NO.	SUBJECT/DECISION	ACTION BY
PROC26	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>An apology for absence was submitted by Councillor Haley.</p>	
PROC27	<p><b>NEW SIXTH FORM CENTRE AT WHITE HART LANE - REQUEST FOR WAIVER OF CONTRACT STANDING ORDERS AND TO VARY THE CONDITIONS OF CONTRACT</b> (Report of the Director of the Children's Service – Agenda Item 4):</p> <p>Our Chair agreed to accept the report as urgent business. The report was late because of the need to complete necessary consultations. The report was too urgent to await the next meeting because of the need to finalise contract and other related issues related to the main works and the earlier contract for demolition works. With the consent of our Chair a revised version of the report containing the comments of the Head of Procurement was tabled.</p> <p><b>RESOLVED:</b></p> <ol style="list-style-type: none"> <li>1. That, in accordance with Contract Standing Order 7, approval be granted to a waiver of Contract Standing Order 12.07(a) (Requirement for security in the form of a bond) in respect of the main contract relating to the Design and Build of the Haringey 6<sup>th</sup> Form Centre dated 3 July 2006 between the Council and Willmott Dixon Construction Ltd.</li> <li>2. That, in accordance with Contract Standing Order 7, approval be granted to a waiver of Contract Standing Order 12.07(a) (Requirement for security in the form of a bond) in respect of the Demolition and Asbestos Removal Contract dated 28 July 2006 between the Council and Willmott Dixon Construction Ltd.</li> <li>3. That, in accordance with Contract Standing Order 13.02, approval be granted to a variation of both the Main Contract (referred to in 1 above) and the Demolition and Asbestos Removal Contract (referred to in 2 above) so as to remove the requirement for a Performance Bond.</li> <li>4. That, in accordance with Contract Standing Order 13.02, approval be granted to a variation of the terms of the Collateral Warranty contained in both the Main Contract (referred to in 1 above) and the Demolition and Asbestos Removal Contract (referred to in 2 above) and to the delegation to the Director of</li> </ol>	<p>DCS</p> <p>DCS</p> <p>DCS</p> <p>DCS</p>

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	<p>the Children and Young People's Service of authority to finalise those terms.</p>	
<p><b>PROC28</b></p>	<p><b>REVIEW OF CONTRACT STANDING ORDERS</b> (Report of the Acting Director of Finance – Agenda Item 5):</p> <p>We were informed that it was no longer proposed to proceed with the amendments to Contract Standing Orders 6.09 (Framework and Consortia Arrangements) and 13.03 (Variations and Extensions).</p> <p>Clarification was sought of the implications of the change proposed to Contract Standing Orders 12.05 and 12.06 (Conditions Applying to Contracts) by which the value of a contract which had to be executed on behalf of the Council under seal was increased from £150,000 was increased to £250,000. We noted that the proposal was a commercial consideration which reflected the increased cost of contracts generally since the Standing Orders were last changed. Having further noted that contracts under seal permitted the Council to start litigation if necessary up to 12 years from the date of the breach whereas litigation in respect of contracts not executed under seal had to be commenced within 6 years of the date of the breach we asked that Members of the Committee be supplied with details of all cases in which legal action of this sort had been taken by the Council in the last 5 years. We asked that a risk analysis be carried out on the proposal which should form the basis of the officer's recommendation. We also asked that with respect to Contract Standing Order 12.03 instead of deleting the words 'within 2 weeks' they be replaced with the words 'within 4 weeks'.</p> <p>With regard to the proposed changes in relation to Contract Standing Order 6.07 (Scope of Contract Standing Orders), clarification was also sought of whether there was a difference in law the difference between 'supervising' and 'managing' contracts. Having been advised that the word 'manage' did imply a measure of control, we asked officers to ensure that there would be no additional liability on the Council as a result of the proposed changes. In response to a question about the adequacy of the management of Council contracts, we were informed that arrangements were to be introduced in February 2007 which were aimed at formalising such arrangements.</p> <p>Concern having been expressed about the some of the limits suggested in proposed Contract Standing Orders 15.01 – 15.06 (Disposal of Assets) we were informed that Contract Standing Orders currently made no reference to Disposal of Assets and those now proposed excluded land.</p> <p><b>RESOLVED:</b></p> <p>That, subject to the foregoing, approval be granted to the proposed amendments to Contract Standing Orders as set out in Appendix 2 to the interleaved report and the General Purposes Committee be requested to recommend the Council accordingly.</p>	<p>HPr</p> <p>HPr</p> <p>HPr</p> <p>HPr</p>

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<p><b>PROC29</b></p>	<p><b>PROCUREMENT OF DESIGNER FRAMEWORK FOR BUILDING SCHOOLS FOR THE FUTURE</b> (Report of the Acting Director of Finance – Agenda Item 6):</p> <p>Details of the contracts which were set out in the Appendix to the interleaved report were the subject of a motion to exclude the press and public from the meeting as they contained exempt information relating to the business or financial affairs of any particular person (including the Authority holding that information).</p> <p><b>RESOLVED:</b></p> <ol style="list-style-type: none"> <li>1. That approval be granted to the award of the framework agreement contract to the consultants outlined below as the Design Team Partners (DTP) for the Building Schools for the Future (BSF) programme – <ul style="list-style-type: none"> <li>Penoyre and Prasad LLP</li> <li>ABK Architects</li> <li>Watkins Gray International LLP</li> <li>TP Bennett LLP</li> <li>Nicholas Hare Architects LLP</li> <li>Building Design Partnership (BDP) Ltd.</li> </ul> </li> <li>2. That approval be granted to the delegation of authority to award the call-off contracts for the individual project appointments of DTP consultants to the Director of the Children and Young People’s Service, in consultation with the Executive Member for Children and Young People.</li> </ol>	<p>HPr</p> <p>HPr/ DCS</p>
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ANTONIA MALLETT  
Chair