

Committee Name and Date of Committee Meeting

Delegated Officer Decision – 01 March 2024

Report Title

Rotherham Markets & Library enabling works extension

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

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Ward(s) Affected

Borough-Wide or Name of Ward

Boston Castle

Report Summary

This report seeks the approval of the Strategic Director for Regeneration and Environment, in consultation with the S151 Officer and the Cabinet Member for Jobs and Local Economy to extend the existing contract with Henry Boot Construction Ltd. for the Rotherham Markets and Library redevelopment enabling works in line with the revised programme dates presented at Cabinet on 18 December 2023.

Recommendations

1. The contract duration in respect of enabling works is extended by the Council and confirmed with Henry Boot Construction Ltd.

List of Appendices Included

Appendix 1 Part A - Initial Equality Screening Assessment Markets and Library

Appendix 2 Part B - Equality Analysis Form Markets and Library

Appendix 3 Carbon Impact Assessment - Markets and Library_ref CIA 244

Background Papers

Rotherham Markets & Library Redevelopment: [Cabinet Report 18 December 2023](#)

Rotherham Markets & Library Redevelopment: [Cabinet Report 07 August 2023](#)

Rotherham Markets & Library Redevelopment: [Scrutiny board 02 August 2023](#)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Name of Committee – Click here to enter a date.

Name of Committee – Click here to enter a date.

Council Approval Required

Yes or No?

Exempt from the Press and Public

Yes or No? If yes, use text below.

Yes

An exemption is sought for under Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972 is requested, as this report contains sensitive commercial information with regards to commercial agreements which could disadvantage the Council in any negotiations if the information were to be made public.

It is considered that the public interest in maintaining the exemption would outweigh the public interest in disclosing the information, as the parties' commercial interests could be prejudiced by disclosure of commercial information.

Rotherham Markets & Library enabling works extension Error! Reference source not found.

1. Background

- 1.1 On 7th August 2023 Cabinet approved the enabling works for the Rotherham Markets and Library development and delegated authority to the Strategic Director of Regeneration of Environment, in consultation with the S151 Officer and the Cabinet Member for Jobs and Local Economy, to award contract(s) for the works.
- 1.2 The Council and Henry Boot Construction Ltd (HBC) subsequently agreed an enabling works scope and fee and a NEC works contract was signed. This set out the terms on which the contract and associated construction works would be governed, including how payments can be drawn down by HBC following delivery of the enabling works.
- 1.3 This contract agreement allowed for preparatory works for the Rotherham Markets and Library redevelopment to begin, with mobilisation taking place in September 2023.
- 1.4 This report seeks the approval of the Strategic Director for Regeneration and Environment, in consultation with the S151 Officer and the Cabinet Member for Jobs and Local Economy to extend the enabling works contract in line with the revised programme dates presented at Cabinet on 18 December 2023.

2. Key Issues

- 2.1 The initial end date for the enabling works contract was set as 31 December 2023 with the expectation that the main works contract would be agreed in December 2023 and take precedence. Due to the requirement for an extensive value engineering exercise for the main redevelopment works, this is now not programmed to be agreed and commence until 25 March 2024.
- 2.2 To ensure delivery of works on site can continue and the existing programme can be maintained, consideration of an extension to the existing enabling works contract is required.
- 2.3 The budget approved at Cabinet in August 2023 for the enabling works was [REDACTED]. The initial contract value agreed with HBC was [REDACTED].
- 2.4 Several compensation events have been submitted to the Council for consideration and approval, to date those accepted and instructed are to the value of [REDACTED], presenting a final estimated works cost of [REDACTED].
- 2.5 HBC has informed the Council that their additional preliminaries costs to extend the enabling works contract to March 2024 are [REDACTED].
- 2.6 Therefore, the revised total costs to deliver the enabling works contract scope of works is [REDACTED], this figure is within the budget approved at Cabinet in August 2023.

3. Options considered and recommended proposal

- 3.1 This report focuses on the extension of the previously agreed enabling works contract with HBC exercising the delegated authority approved by Cabinet on 07 August 2023.
- 3.2 This contract was agreed as an Option A under NEC4 terms. NEC4 is considered a highly robust construction contract, enabling best practices in procurement and flexibility in delivery, and, as such, will provide market standard security for the Council.
- 3.3 Extending the existing contract will allow HBC to continue delivery on site and secure the existing programme and costings provided. Therefore, this is the recommended option.
- 3.4 The alternative option is not to extend the enabling works contract. This option is not recommended, because it will create programme delay while the main works contract is agreed, which will result in further costs being incurred.
- 3.5 It is recommended that:
1. The contract duration in respect of enabling works is extended by the Council and confirmed with Henry Boot Construction Ltd.

4. Consultation on proposal

- 4.1 The report relates to the agreement of commercial terms and includes information that is commercially sensitive. Public consultation is not applicable in this context, however, extensive engagement and consultation with a wide range of stakeholders was undertaken on the Markets and Library development project throughout the entire design period.

5. Timetable and Accountability for Implementing this Decision

5.1

	Date	Responsibility
Agreement of compensation event extending the duration of the contract	01 March 2024	Building Design Team
Proposed new end date for enabling works contract	25 March 2024	Henry Boots Construction Ltd

6. Financial and Procurement Advice and Implications

- 6.1 The extension to the enabling works contract will enable delivery of works on site to continue. The cost of the enabling works contract will still be within the budget allocation approved by Cabinet as outlined in the report.

6.2 There are no direct procurement implications arising from the recommendations detailed in this report.

7. Legal Advice and Implications

7.1 In essence this is a variation to the end date of the initial enabling works contract and is provided for within the terms of that contract.

8. Human Resources Advice and Implications

8.1 There are no direct HR implications within this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 There are no known implications.

10. Equalities and Human Rights Advice and Implications

10.1 Forms A (equality screening) and B (equality assessment) were appended to the 18 December 2023 Cabinet report. These are appended for information at Appendix 1 and 2 respectively. No further equalities and human rights implications identified in addition to those covered by the EIA undertaken for the 18 December 2023 Cabinet Report.

11. Implications for CO2 Emissions and Climate Change

11.1 A Carbon Impact Assessment was appended to the 18 December 2023 Cabinet report. This is appended for information at Appendix 3. No further emissions and climate change implications identified in addition to those demonstrated for the 18 December 2023 Cabinet Report.

12. Implications for Partners

12.1. There are no direct impacts from this decision on the delivery of services by partners. The delivery of the Rotherham Markets & Library scheme is widely seen as an important catalyst in regenerating Rotherham town centre and progress towards delivery is likely to be welcomed by partners.

13. Risks and Mitigation

13.1 A comprehensive risk register has been prepared for this project and is monitored and updated by the Council's Building Design Team acting as Principal Designer for the redevelopment. Henry Boot Construction Ltd also maintain their own construction risk register that is shared with the Council, this focuses on programme and construction related challenges and mitigations.

13.2 Impact on existing Council services operating on the current site is a considered risk with this decision. This risk has been managed through careful selection of the final scope of works included in the enabling works

contract to ensure harm or impact on the ability of the Markets service to carry out their responsibilities is minimised.

14. Accountable Officers

Lorna Vertigan, Head of Regeneration

Tim O'Connell, Head of Economic Development

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	Click here to enter a date.
Head of Legal Services (Monitoring Officer)	Stuart Fletcher	26/01/24

Report Author: James Green, Regeneration and Development manager

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