

REPORT AUDIT TRAIL**CONSULTATION**

Name/Position	Portfolio/Ward/ Directorate	Date Sent	Date Received	Comments in para:
Councillor Denise Lelliott	Cabinet Member for Jobs and the Local Economy	14/03/24	03/04/24	
Paul Woodcock	Assistant Chief Executive/ Strategic Director for Regeneration and Environment	Click here to enter a date.	Click here to enter a date.	
Jayne Close, Finance	Finance and Customer Services	11/03/24	15/03/24	6.1
Debra Buckingham, Legal Services	Legal Services	11/03/24	11/03/24	7.1, 7.2
Helen Rowe, Human Resources	Assistant Chief Executive's Office	11/03/24	11/03/24	8.1
Karen Middlebrook, Procurement	Finance and Customer Services	11/03/24	15/03/24	6.2
Jonathan Marriott, Asset Management	Finance and Customer Services	11/03/24	15/03/24	
Steve Eling, Equalities	Assistant Chief Executive's Office	11/03/24	15/03/24	
Lorna Vertigan RIDO	Regeneration & Environment	15/03/24	15/03/24	1.1 & 1.2
Tim O'Connell RIDO	Regeneration & Environment	15/03/24	15/03/24	

<u>REPORT APPROVAL TRACKING</u>			
Equalities	Initial Screening completed and included with report	YES	22/05/2023
	Full Assessment completed and included with report	YES	12/07/2023
Carbon Impact Assessments	Carbon Impact Assessment completed and included with report.	YES	14/07/2023
Background information	Capital Projects Update: Cabinet Report 18 March 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		
Appendices	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 256		
Cabinet Member Approval	YES/NO (delete as appropriate)	Click here to enter a date.	
Report Authorised by Strategic Director	YES/NO (delete as appropriate)	Click here to enter a date.	
Report Authorised for publication by Chief Executive	YES/NO (delete as appropriate)	Click here to enter a date.	

Committee Name and Date of Committee Meeting

Delegated Officer Decision – 04 April 2024

Report Title

Rotherham Markets & Library main works award

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)

James Green, Regeneration and Development Manager

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Michael Mullins, Principal Quantity Surveyor, Michael.mullins@rotherham.gov.uk

Ward(s) Affected

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 enter a contract with Henry Boot Construction Ltd for the Rotherham Markets and Library redevelopment main works, in line with the recommendations agreed at Cabinet on 18 December 2023 and revised financial position agreed at Cabinet on the 18th March 2024.

Recommendations

It is recommended that:

1. The Council enters into contract with Henry Boot Construction Ltd for the delivery of the Markets and Libraries project.

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 256

Background Papers

Capital Projects Update: [Cabinet Report 18 March](#)

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

Improving Places Select Commission – 06 February 2024

Council Approval Required

No

Exempt from the Press and Public

No

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

1. Background

- 1.1 On 18 December 2023 Cabinet approved the Rotherham Markets and Library development. Subsequently on the 18th March 2024 Cabinet agreed an updated budget for the scheme.
- 1.2 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 enter the main works contract.

2. Key Issues

- 2.1 Further to the Cabinet decision of 18 December 2023 a construction works contract NEC4 Option A format has been proposed to HBC. Following detailed negotiation, the final NEC4 Option contract in respect of the early works is in agreed form and ready to be signed. The value of the contract is within the budget agreed at Cabinet 18th March 2024.
- 2.2 To maintain the momentum behind the delivery programme it is proposed to sign the main works contract with HBC to allow immediate continuation of works on site.

3. Options considered and recommended proposal

- 3.1 Delivery of the construction works via a NEC Option A contract is the preferred delivery approach for the Rotherham Markets & Library redevelopment. This report focuses on the signing of said contract with HBC, exercising the delegated authority approved by Cabinet on 18 December 2023 to implement this approach.
- 3.2 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. Therefore, it is considered appropriate for delivering works of this nature.
- 3.3 The alternative option is not to sign the main works contract prepared. This option is not recommended, because it will not secure the commitment of HBC to deliver the scheme to an agreed specification for an agreed price in line with the approach adopted by the Cabinet.
- 3.4 It is recommended that:
 1. The Council enters into contract with Henry Boot Construction Ltd for the delivery of the Markets and Libraries project.

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
Agreeing of main works contract	03 April 2024	Rotherham Metropolitan Borough Council
Commencement of main works on site	08 April 2024	Henry Boots Construction Ltd

6. Financial and Procurement Advice and Implications

6.1 The proposed main works contract is within the capital project budget agreed in the Capital Projects Update report to Cabinet on 18th March 2024.

6.2 The award of the main construction contract formed part of the scope for the original procurement exercise undertaken in relation to the Markets and Library works, which was undertaken in compliance with the Public Contracts Regulations 2015 (as amended) and the Council's own Financial and Procurement Procedure Rules, as such there are no direct procurement implications.

7. Legal Advice and Implications

7.1 As set out in the body of the report the main contract for works has been procured in compliance with the Public Contracts Regulations 2015 (as amended).

7.2 The agreed form of contract, (NEC4 Option A) which is to be agreed with the Contractor is highly robust and provides market standard security for the Council.

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 phasing of the final scope of works included in the main 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	Click here to enter a date.

Report Author: James Green, Regeneration and Development Manager

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