



RECORD OF EXERCISE OF DELEGATED AUTHORITY BY OFFICER PURSUANT TO REGULATION 13 OF THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012 & THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

<u>SUBJECT OF DECISION</u>	
Approval to enter contract with BAM for the delivery of Abbey Street Phase 2.	
<u>DECISION REFERENCE</u>	<u>SOURCE OF AUTHORITY AND REFERENCE</u>
DO/55/2024 (VS/MB)	<ul style="list-style-type: none"> • Cabinet Minute no CB110 • Cabinet report: 21st February 2024 – Regeneration Update.
<u>DATE OF DECISION</u>	<u>DECISION MAKER (Name and Job Title)</u>
11/12/24	<p>Victoria Summerfield Strategic Director – Corporate Resources</p>  <p>Maria Bailey Strategic Director – Place and Economy</p> 
<u>RECORD OF THE DECISION</u>	
<p>a) The issue</p> <p>To get BAM into contract as the supplier for the construction of Abbey Street Phase 2, following NBBC's external funding applications / finances approval and delivery as per agreed timescales with funding partners.</p> <p>b) The Decision</p> <p>To approve the contract with BAM for the delivery of Abbey Street Phase 2</p>	
<u>REASON FOR THE DECISION</u>	
<p>The Council has been successful in securing Government funding from Future High Streets Funding, Towns Fund and Levelling Up Fund. BAM Construction successfully delivered Phase 1 works and have commenced Phase 2 of the project through a legal letter of intent pending the full contract being signed. That contract has now been signed. There is a risk that Phase 2 will profile as an overspend and that further value engineering work may be required to bring it back within budget. In discussion with the Senior Officers of the Council and in consultation with the Leader , and noting that work has commenced on site, it is felt that entering a contact reduces the risk profile to the authority and therefore remains the right thing to do.</p>	

<p><u>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED IN MAKING THE DECISION</u></p> <p>Do not accept the contract price provided by the BAM and look at alternative procurement processes, with the risk that the delivery of the Abbey Street project will not be completed by agreed external funders timescales and funds returned circa £26M</p>
<p><u>WARD RELEVANCE</u></p> <p>All Wards</p>
<p><u>FINANCIAL AND BUDGET IMPLICATIONS</u></p> <p>The total Phase 2 construction budget with BAM is £18.8M This is made up of external funding and Council match funding, this is within the approved Council budget.</p>
<p><u>CONSULTATION UNDERTAKEN WITH MEMBERS/OFFICERS</u></p> <p>Leader of the Council Portfolio Holder – Chief Executive Officer Strategic Director – Corporate Resources Strategic Director – Place and Economy Assistant Director –Economy and Regen</p>
<p><u>ANY CONFLICT OF INTEREST DECLARED BY ANY MEMBER CONSULTED</u></p> <p>N/A</p>
<p><u>IN RESPECT OF ANY DECLARED CONFLICT BY A CABINET MEMBER, ANY DISPENSATION GIVEN BY THE HEAD OF PAID SERVICE</u> (Note if the decision is a non-executive decision, no dispensation can be given). N/A</p>
<p><u>EQUALITIES IMPLICATIONS (including any Equality Impact Assessment)</u></p> <p>No impacts identified. The buildings will meet all current building and construction legislation.</p>
<p><u>HUMAN RESOURCES IMPLICATIONS</u></p> <p>No impacts identified</p>
<p><u>FINANCIAL IMPLICATIONS</u></p> <p>See financial and budget implications section above.</p>
<p><u>HEALTH EQUALITIES IMPLICATIONS</u></p> <p>No Impacts Identified.</p>
<p><u>SECTION 17 CRIME & DISORDER IMPLICATIONS</u></p> <p>No direct impacts identified.</p>

RISK MANAGEMENT IMPLICATIONS

If the Council don't appoint a contractor and deliver within the agreed timeframes, including drawing down the funding, the funding will be withdrawn.

The use of the funding supports the long-term strategic action of town centre and economic regeneration.

SME (SMALL/MEDIUM ENTERPRISES) & LOCAL ECONOMY IMPLICATIONS

None identified

ENVIRONMENTAL IMPLICATIONS

The project will be delivered in accordance with regulations.

LEGAL IMPLICATIONS

The appointment will have been through a procurement framework and external Legal Counsel provided support for NBBC in contract drafting.

ANY OTHER COMMENTS

N/A