

**Oldham Borough Council
Record of Decision**



1. **TITLE:** Interim Contract Direct Award – Maintenance of Building Energy Management Systems (BEMS)

2. **SERVICE AREA:** Place Directorate

3. **PURPOSE OF DECISION**

Part A: Requirement for an exemption under rule 21.3 (j) of the Contract Procedure Rules (CPRs) to waive the procurement procedures under rule 4 of the CPRs, which would enable a direct award of a contract to be considered under Part B.

Part B: Subject to approval of the proposed exemption under Part A, appoint E.On Control Solutions Ltd. to provide Maintenance of Building Energy Management Systems (BEMS) on Council assets for a period of 12 months.

4. **DECISION MADE BY:** Executive Director Place/Deputy Chief Executive

5. **DECISION:**

RESOLVED - That:

Part A

In accordance with rule 21.3 (j) of the Contract Procedure Rules, approve:

An exemption to the procurement procedures prescribed under rule 4 of the Contract Procedure Rules to allow for a direct contract award without competition to be made to E.On Control Solutions Ltd. to deliver those services detailed in this report.

21.3(j) Where continued provision of Supplies, Works or Services is required for an additional period and this can be justified, for example where a service review includes the intention to co-terminate relevant Contracts within a reasonable period with all exceptional circumstances to be objectively evidenced in the exemption request to enable the decision maker to reach an informed and reasonable decision in the circumstances.

Part B

Subject to the approval of the requested exemption under Part A,

1.

To directly appoint and to enter into a contract with E.On Control Solutions Ltd. for a period of 12 months for Maintenance of Building Energy Management Systems (BEMS) on Council assets with a maximum contract value of £50,000.

2.

Approve the budget required for the proposed 12-month period

3.

Approve the appointment of E.On Control Solutions Ltd. and authorise the completion of necessary contract documentation, so that the Council can enter into a Contract with E.On Control Solutions Ltd. for the proposed Contract.

4.

Delegate authority to the Borough Solicitor to carry out all necessary legal formalities.

6. **REASON FOR DECISION**

Not to allow interim contracts. This would put the Council at greater risk with contractors not having surety of contract and set contract terms.

7. **ALTERNATIVE OPTIONS CONSIDERED**

None

8. **INTERESTS AND NATURE OF INTERESTS DECLARED**

None

9. **PRINCIPAL GROUPS CONSULTED:** Not applicable

10. **DOCUMENT CONSIDERED:** None