

Delegated Decision Report

Decision below £250k



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| Subject: | OGNDP – additional appointment of Womble Bond Dickinson |
| Decision maker: Senior Officer | James Kington, Director of Growth |
| Decision date: | 22/05/2026 |
| Report author: | Andrew Hunt, Green Energy & Sustainability Manager |
| Ward (s): | N/A |

Reason for decision

To approve an additional appointment at a cost of up to £100,000+VAT (£120,000 inclusive of VAT) for Womble Bond Dickinson (WBD) to support the procurement of an Oldham Green New Deal Partner. This appointment will be fully funded from the Council's Green Heat Network Fund Commercialisation grant.

The Cabinet report of February 2024 (OGNDDP Grant Acceptance) delegated authority to appoint consultants and contractors under GHNF grant funding which covers this additional appointment. The original Delegated Decision Report to appoint Womble Bond Dickinson sets out the rationale for the original appointment.

Recommendation(s)

1. That the Council approve this additional appointment for Womble Bond Dickinson.

Background

The Oldham Green New Deal Partnership is the key project in the Oldham Green New Deal programme which will establish a Joint Venture between the Council and a commercial energy infrastructure provider to bring in the large-scale investment needed to upgrade Oldham's energy systems for the future, deliver against Net Zero targets and secure a wide range of economic co-benefits for the borough including jobs, skills, a Social Value Fund and savings on energy bills for residents and businesses.

The project is grant funded from two separate sources:-

- The DESNZ / GMCA Local Net Zero Accelerator programme – Oldham has secured £1.5m grant from the overall GMCA £6.2m programme
- The Green Heat Network Fund (GHNF) – Oldham has secured a revenue grant of £1m and a capital grant of £7.8m

The OGND Partnership project is an innovation project and as such the requirements of the project are becoming clearer as the project develops. It has emerged that the original scope and

budget for Womble Bond Dickinson to provide Legal support for the project is insufficient for the requirements of the project and so the scope needs to be expanded to fully meet requirements.

In practice this is because WBD have undertaken significant extra work in the early stages of the project which has used up the budget originally allocated for support during the tender stage of the project i.e. dialogue and evaluation as well as finalisation of contracts. Additional appointments must therefore be made to allow WBD to fulfil their scope for support with the latter stages of the project

The additional work which has required use of the existing budget so far has been:-

- Substantial additional time and development work required to determine the structure of the project including provision of advice notes on a range of project development areas
- Support with the production of the Project Information Document including a number of reviews and workshops
- Substantial additional support with review of the procurement documents, in particular focusing on:-
 - Amendments required to the DESNZ AZP templates and Government standard PSQ which was not fit for purpose
 - Development of the award criteria questions and associated score methodologies
 - The Council's standard Social Value Portal approach
- Required use of DESNZ template documents under the Advanced Zoning Programme and the need to integrate these into an approach to developing ITT questions for a Strategic Energy Partner

WBD have provided a draft scope for remaining work as follows:-

| Scope | Assumptions | Budget (ex VAT) |
|-----------------------------------|--|------------------------|
| Completion of original commission | <ul style="list-style-type: none"> • As per additional items listed above | £17,150.67 |
| Attend fortnightly meetings | <ul style="list-style-type: none"> • Meetings are one hour and there will be typically two attendees from WBD • Based on the programme there will be approximately 10 meetings | £4k |
| Produce Statement of Conformity | <p>WBD will produce:</p> <ul style="list-style-type: none"> • A red line comparison documents of the Council's draft ITT, Shareholder's Agreement and SEP Agreement as compared to the DESNZ template ITT and Development Agreement; and • an initial draft Statement of Conformity which summarises the changes made to the DESNZ templates, to be reviewed by the respective ITT section leads. <p>WBD will then produce a final Statement of Conformity for the</p> | £8k - 12k |

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| | Council to provide to DESNZ. We assume this will only require one turn. | |
| Finalise draft SEP Agreement, Shareholders' Agreement and Articles in preparation for issuing with ITT. | The non-legal elements of the documentation will be developed by wider project team. We will review and comment on these and these documents will not require more than two rounds of review / comment. | £15K |
| On-Grant Agreement | Updates to On-Grant Agreement to reflect further dialogue with Triple Point. Assumes no significant changes are required. | £1k |
| Review and comment on assessment summaries | <p>The moderated scores and rationales will be produced by the Council and its evaluators. The initial draft assessment summaries will be produced by the Council utilising those moderated scores and rationales.</p> <p>We will review and comment on the documents from a procurement compliance perspective only. This review will not include a review of the moderated scores and rationales for manifest.</p> <p>We assume that there will be no more than three assessment summaries (one to the successful supplier and two to unsuccessful suppliers).</p> | £5k |
| Attend dialogue meeting 1 in respect of each of the SEP Agreement and Shareholders' Agreement | There will be one meeting of up to two hours with each of the three bidders on each document i.e. 12 hours of dialogue meetings | £4,800 |
| Reviewing bidder commentaries for dialogue meeting 1, pre-meets with Council, marking up SEP Agreement and Shareholders' Agreement and Articles following each dialogue meeting. | <ul style="list-style-type: none"> Each bidder will provide a single commentary on each of the SEP Agreement and SHA / Articles prior to each dialogue meeting We will review the commentaries and provide a verbal briefing for the Council of up to 3 hours on each of the SEP Agreement and SHA / Articles Following round 1 of dialogue we will have a meeting of up to 3 hours with the Council on each of the SEP Agreement and SHA / Articles to take instructions on the amendments to be made to each document i.e. 6 hours of meetings. Following round 1 of dialogue we will produce a single updated version of each of the SEP Agreement, SHA and Articles. | <p>Review of commentaries</p> <p>£10k – 23,333.33 k</p> <p>Pre-Dialogue Briefings</p> <p>£5,787</p> <p>Post Dialogue Meetings</p> |

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| | | £1,929 |
| | | Updates to SEP Agreement and SHA / Articles |
| | | £6,666.66K – 10K |
| TOTAL | | £79,333.33 – £100,000 |

Discussions with the GHNF funder (DESNZ / Triple Point) have already taken place and the extra cost will be covered via the reallocation of £100,000 from the existing GHNF Commercialisation Grant funded budget.

This commission will be a direct appointment under WBD’s standard engagement terms (amended). Legal services are covered by the ‘light touch’ procurement regime under which the applicable legal threshold for the Procurement Act 2023 is £663,540 inclusive of VAT. With this appointment, the total value of services that WBD will be contracted for is £350,000+VAT or £420,000 inclusive of VAT which is well under the £663,540 threshold above which PA23 applies.

Alternative option(s) to be considered

Option 1 (Preferred Option) – approve the additional appointment. Under this option, the extra WBD scope required for the project will be secured, maximising the probability of a successful project.

Option 2 – do not approve the additional appointment. Under this option, the extra WBD scope required for the project will not be secured, with a likely severe impact on the overall probability of a successful project.

Consultation

N/A

Risks

N/A

Implications

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| Financial | <p>Revenue Implications</p> <p>The additional scope requirement outlined above will see the Womble Bond Dickinson contract value increase by £100,000.</p> <p>£100,000 will be charged to revenue.</p> <p>The £100,000 additional revenue cost will be fully covered by the existing grant allocations for the DESNZ / GMCA Local Net Zero Accelerator programme and the Green Heat Network Fund (GHNH).</p> <p>There is no additional call on Council financial resources</p> <p style="text-align: right;">(John Hoskins)</p> |
| Legal | <p>The appointment of Womble Bond Dickinson is made by the Council under delegated authority in accordance with the Council's procurement arrangements. Womble Bond Dickinson were selected by the service in consultation with Commercial Procurement and instructed by Legal Services as external legal advisers for the OGNDP procurement.</p> <p>The additional appointment relates to legal services falling within the light-touch regime. The total aggregate value of services, including this appointment, remains below the applicable threshold under the Procurement Act 2023 and the Council may lawfully proceed by way of direct award subject to compliance with Part 6 (sections 84–88) of the Act.</p> <p>As the value exceeds £30,000, a UK7 Contract Details Notice must be published following contract entry.</p> <p>Subject to the above, Legal Services raise no objection and confirm the recommendations are lawful and compliant with the Council's Constitution.</p> <p>Sukie Kaur - Solicitor</p> |
| Equality impact including implications for Children and Young People | N/A |
| Procurement | <p>Legal Services selected and appointed Womble Bond Dickinson (WBD) for the OGNDP procurement. The nature of the services provided by WBD are covered by the 'light touch' procurement regime for which the threshold triggering full application of the Procurement Act 2023 (PA23) is £663,540 inclusive of VAT.</p> <p>As the total aggregate value of services that WBD will be contracted for is considerably less than this threshold amount, only Part 6 'Below-threshold contracts' (sections 84-88) of PA23</p> |

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| | <p>is to be contemplated: Given the value of the direct award proposed is above £30,000, the award would constitute a “notifiable below-threshold contract” whereby the Council (under section 87 of PA23) would be required to publish a UK7 Contract Details Notice on the Central Digital Platform as soon as practicable after entering into the contract. Therefore, if approved, the Commercial Procurement Unit needs to be provided with a final/signed version of this report and confirmation that the contract has been entered into, in order to ensure it can meet this transparency obligation on behalf of the Council/Legal Services.</p> <p>Emma Tweedie, Snr Category Manager Commercial Procurement Unit</p> |
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| Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council’s Constitution? | Yes |
| Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council’s budget? | Yes |
| Are any of the recommendations within this report contrary to the Policy Framework of the Council? | No |

Background Papers under Section 100D of the Local Government Act 1972

1. Delegated Cabinet Member Key Decision May 2024 – grant acceptance and appointment of consultants



DelegatedCabinet
MemberKeyDecision

2. Cabinet Report February 2024 – OGNDDP Grant Acceptance



Cabinet Report
Feb24 - OGNDDP Gr

Appendix

N/A

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| Report author sign-off | Andrew Hunt |
| Role | Green Energy & Sustainability Manager |
| Date of sign-off | 20 April 2026 |

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| Approval | |
| Officer approval sign-off | James Kington |
| Role | Director of Growth |
| Date of sign-off | 22/05/2026 |