

ASHFIELD DISTRICT COUNCIL: OFFICER DECISION RECORD

Please use this form to record those executive decisions which are taken by officers and are **not** designated as 'Key Decisions' – or in other words those decisions which are **not** included in the Forward Plan. There is a separate form for recording Key Decisions.

You should also use this form to record decisions about those functions which are reserved to the Council or to its committees. The Constitution explains what these reserved functions are and who is responsible for them.

1. Title/Subject Matter:

Appointment of Kinver Business Solutions as Project Managers, Contract Administrators and Cost Consultants

The appointment of Kinver Business Solutions Ltd (Kinver) via the YPO Framework and provider, Consultancy +.

2. Decision Reference Number:

OP-HOP/CC-ODR199

3. Decision Taken:

To appoint Kinver from the YPO Framework via a Direct Award for the roles of Project Manager, Contract Administrators and Cost Consultants.

The value of the contract is £72,247.50 + VAT. This is excluding the YPO framework fee.

4. **Reasons for the decision:**

Kinver are the incumbent Project Manager, Contract Administrator and Cost Consultants with the latter two roles being added to a previous appointment from July 2024 onwards.

Previously appointed via an extension to the competitively tendered Towns Deal & Future High Streets contract award, Council procurement rules exclude further extension due to procurement limits.

Kinver have guided the Council through the first phase of the project with Contractor, Leisure Energy.

This appointment is for the period from October 2024 through to the end of January 2025 for the conclusion of Phase 1 of the project and February 2025 onwards through to completion of Phase 2 installation works which are currently programmed for completion in December 2025.

The YPO framework is a compliant route to market for the Council for the Direct Award of the contract to Kinver. The award will ensure continuity in service delivery through to conclusion of the works.

The PSDS3b scheme is currently approved and part of the Capital Programme for the Council. The funding necessary for the appointment of Kinver is already included within the budget envelope.

Kinver continue to lead the discussions with Leisure Energy regarding the form of Contract for Phase 2 of the contract including procurement discussions with Nottinghamshire County Council.

5. **Alternative options considered / rejected:**

Do not progress with Kinver via the YPO Framework (not recommended)

The Council could decide to appoint alternative consultants via a framework or open market tender. This is not recommended as it would lose continuity and support of the project at the critical stage as it looks to enter into Phase 2 which is the delivery of works onsite.

This route is also not recommended as a procurement route will see delays to a project that has already been difficult for the Council to progress through to this stage. The project now has a new Senior Responsible Officer and Kinver have been working with them to progress through current actions and challenges.

Deliver the consultant services in house within the Council (not recommended)

The Council could decide that it wishes to deliver the services in-house. This is not recommended as the internal teams are already at full capacity and additionally the roles of Contract Administrator and Cost Consultant were passed to Kinver in July 2024 from the Council due to those capacity challenges.


6. Implications:

Legal: The Council has the power to enter into contracts in order discharge its functions (Local Government Act 1972, s111 and the Local Government (Contracts) Act 1997, s1). The Local Government Act 1972 requires the Council to have regulations for how it enters into contracts. In addition to complying with all relevant UK legislation every contract entered into on behalf of the Council must also comply with the Council's Contract Procedure Rules and the Council's Financial Regulations. Procurement via a Framework is compliant with the Council's rules. [RD 27/02/2025]

Finance: The proposed appointment is funded from the capital programme as set out in the report. [PH 04/03/2025]

Human Resources: As the appointment is for consulting services via the framework, there are no direct HR implications as they are not employees of the Council. IR35 should be checked to ensure compliance. [KB 25/02/2025]

Name / Title of the officer taking the decision:

Name:	Charles Edwards – Executive Director Operations 
Date:	27/02/2025

Use your own name and title. Do not 'pp' for a more senior officer who has asked you to take the decision.

Name/Title of the relevant Executive Lead Member consulted (if appropriate)

Name:	N/A
Date:	

(This decision is not subject to call-in and is circulated for information only).

If a Cabinet Member has a conflict of interest relating to this decision, then this should be declared and a request for dispensation will be considered.

Name/Title of the relevant Committee Chairman consulted (if appropriate)

Name:	N/A
-------	-----