



North Devon Council

MeetingDate

Request for Waiver

1. NAME AND JOB TITLE OF OFFICER REQUESTING WAIVER:

Lucy Wheeler, Programme Manager

2. TITLE OF PROPOSED CONTRACT:

Library Square - Sculpture Bench

The proposed contract for the above will be between £5,000 and £74,999.99.

With this RFW I include a copy of the specification or brief which has been prepared for this contract and which details the goods, services and/or works which will be provided.

Specification Attached (and provide a brief description of the contract below):
The Barnstaple Library Square Project Team have been working to secure an artist who will design and install a sculpture bench. This will be the final contract awarded for the scheme, which also includes new planters, refurbished benches and some landscaping/groundworks. For the sculpture bench we sought Expressions of Interest from artists through the museum networks and on their associated forums. We received 7 EOI's, and 2 incomplete returns. At the next design stage we received 5 completed responses on time. The brief set a fixed price budget of £10,000 therefore we are unable to appoint to the lowest price. This RFW is an audit trail of the contract award decision basis on the assessment of the returns against the brief including deliverability within the S106 re-claim timeframe; breakdown of costs; experience; robustness of material and link to the setting. The designs were ranked by external panel members and the decision to award the contract to Matthew Coe was agreed at Barnstaple Regeneration Board on Friday 28 April

I can also confirm that the contract terms which will be used for this contract will be the Council's standard terms and conditions for goods and services or (where relevant) works or, where this is not the case, I have sought the approval of Legal Services to the alternative terms and conditions that I propose to use for this contract.

In accordance with the Council's Contract Procedures Rules, three alternative quotes should be obtained and the lowest quotation should be accepted.

I can confirm that I have sought advice from Legal Services and we have agreed that it is appropriate that this requirement be waived for the following reason(s):

NOTE: This form, and the decision, must be kept on file and properly recorded for audit purposes.

It is a legal requirement that details of the contract being procured pursuant to this RFW must be included on the Council's Contract Register. A copy of this RFW must be sent to supplyingndc@northdevon.gov.uk immediately following approval.



(Delete A, B **OR** C as applicable)

C Supplier with lowest price quote is not suitable and/or higher price quote is more suitable

3. THE PROPOSAL IS TO AWARD THIS CONTRACT TO THE FOLLOWING SUPPLIER:

Matt Coe - £10,000

4. DETAIL

I can confirm that, despite non-compliance with the requirement to seek at least three quotes, the award of this contract to the above supplier will be best value for the Council for the following reason(s):

We have undertaken a procurement process based on a fixed price contract and the design chosen most closely meets the design brief.

Where quotes were received (option B or C above) please provide summary information below:

Quotation 1:

Does the quotation conform to the provided specification? Y

(If no, please provide detail)

Supplier Name: Alan Potter

Quotation Price: £10,000

Quotation 2:

Does the quotation conform to the provided specification? No – did not comply with site specific design remit.

(If no, please provide detail)

Supplier Name: Chris Peterson

Quotation Price: £10,000

Quotation 3:

Does the quotation conform to the provided specification? Y

(If no, please provide detail)

Supplier Name: Matt Coe

Quotation Price: £10,000

Quotation 4:

Does the quotation conform to the provided specification? Y

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(If no, please provide detail)

Supplier Name: Molly Hawkins

Quotation Price: £10,000

Quotation 5:

Does the quotation conform to the provided specification? Y

(If no, please provide detail)

Supplier Name: Vincent Gray

Quotation Price: £10,000

5. DECISION TO BE MADE BY: SarahJane Mackenzie-Shapland

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To be completed by Decision Taker:

6. REQUEST FOR WAIVER AUTHORISED BY DECISION TAKER?: Y

7. DECISION TAKER'S COMMENTS: 5 quotes were received and they were all for £10,000 and so the contract could not be let to the cheapest supplier. The supplier that has been awarded best met the brief. This waiver is agreed.
8. DATE OF DECISION: 18/05/2023

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