



North Devon Council

10th January 2025

Request for Waiver

1. NAME AND JOB TITLE OF OFFICER REQUESTING WAIVER:

SarahJane Mackenzie-Shapland, Head of Place, Property and Regeneration

2. TITLE OF PROPOSED CONTRACT:

Engineer for Future High Street project

The proposed contract for the above will be between £12,000 (inc VAT) and £120,000 (inc VAT).

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):

We are seeking a structural engineer to complete the required design and check work for 37 Boutport Street to comply with the scope of the original Clarke Bond instruction and following Clarke Bond ceasing trading. It will include the following: C&S due diligence (DD) check, RIBA Stage 5 and 6 remaining works, Building Control pack if required, Check and re-badging of the CB construction drawings (to become Curtins drawings).

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):

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

A Obtaining three price quotes is not appropriate

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.



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

Curtins Consulting Ltd

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):

On the 20th December we received news (without warning) that Clarke Bond, the Structural and Civil engineer for the FHSF project had ceased trading with immediate effect. This leaves the Boutport Street project without structural engineer support. This is a complex project, which includes a detailed steel construction that requires engineer sign off. A contractor is working on the site and any delay caused by a lack of structural engineer would have client culpability and incur a fee – given the scale of this project the weekly prelim costs are significant. NDC reached out to Curtins as the structural engineer who had been leading the work on Boutport Street had recently left Clarke Bond and moved to Curtins. She has detailed knowledge of the project. Having just joined the firm she has capacity and could start work on the project immediately. Using Curtins is considered best value for the Council as they know the project in significant detail (any other engineer would take significant time to get up to speed) and can start immediately reducing any ongoing delay that an open procurement route would incur.

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

Supplier Name: Curtins Construction Ltd

Quotation Price: £59,600 excluding VAT

5. DECISION TO BE MADE BY: Chief Financial Officer

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.

To be completed by Decision Taker:

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

7. DECISION TAKER'S COMMENTS: None its fine as it is

8. DATE OF DECISION: 10/01/2025

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.