

Appendix

Detail

Construction works are required to Bramcote Crematorium prior to installation of two new cremators. The scope of works is shown below:

- Supply and Installation of new structural steelwork
- Supply and Installation of new fire rated glazing
- Alterations of existing or installation of new walls/wall linings as specified (including acoustic or FR upgrades)
- General fire stopping works where alterations are commenced
- Alterations of existing or installations of new doors (including internal and external doors of both fire rated and non-fire rated performance).
- New wall, floor and ceiling finishes as specified (including any final fix finishes required)
- Alterations of existing services or installation of Mechanical and Electrical proposals as specified
- Any fixtures, furnishings and equipment as specified
- Any cleaning or maintenance of existing structures as specified
- Management of health and safety (CDM duties as Principal Contractor)
- Compliance with statutory authorities and required sign offs
- Preparation of handover documentation

The supplier for the cremator supply/installation was procured via an open tender in May 2024 (ref: DN712895). The delivery lead time for the cremators has been subject to delays due to unforeseen circumstances and this has impacted the construction requirement as works can only be completed after decommissioning of one of the existing cremators and this is contingent on delivery of the replacement.

Key Dates

The construction work schedule is dictated by the cremator delivery which has been affected by delays. It is anticipated that works are required to start on or around 1 March 2025 with a completion in or around July 2025.

Procurement

Procurement support was originally requested in October 2024 with a start date on site of January 2025. An open procedure was ruled out early on due to the time available. Officers looked at various frameworks and selected the Crown Commercial Services RM6088-Construction Works and Associated Services, Lot 1.1.1 Building Works & Minor Associated Civil Engineering Works and Services–North England due to the absence of fees and the ability to direct award via rate card pricing.

An expressions of interest was conducted amongst the framework providers and, of the three suppliers who expressed an interest in the project, one supplier was

excluded due to a poor financial assessment and one supplier was excluded due to lack of relevant experience. Rate cards were assessed, and a preferred supplier was identified. The project team initiated a dialogue with the preferred supplier to agree a final price for the work, but these talks broke down in early February 2025 without an agreement being reached.

Reasons for Waiver

Due to time constraints, a Financial Regulations waiver is being sought under Chapter 4 Part 2: Financial Regulations (Contracts)...:

48.5.4. where, after advertising in accordance with these rules, it has not been possible to obtain competitive prices for works, supplies or services;

48.5.6. if works, supplies or services are urgently needed for the immediate protection of life or property or to maintain the immediate functioning of a public service that the Council is responsible for, on the basis of an unforeseeable emergency.

The exemption is requested in relation to

7. COMPETITION REQUIREMENTS - 7.1. The nature of the procurement process to be undertaken will depend on the estimated total contract value of the contract.

Estimated total value of the contract-Goods, Services and Works of Medium Value (£100,001 to UK Works Threshold of £5,336,937 including VAT) requires a competitive tending process.

Proposal:

Direct award to Miller Knight (MK)

This company has been selected because:

- MK is based locally.
- It has a very good reputation for quality.
- MK will employ local M&E sub-contractors, F Lamb Ltd and MJ Robinson Ltd
- The project Consultant PQS has worked with MK previously and recommends the supplier
- MK has agreed to undertake 'open-book' pricing (as opposed to CCS framework Contractor from Liverpool)
- MK is available to commence almost immediately. It should be noted that the cremator manufacturer (Facultatieve Ltd [FT]) will be installing the second cremator on 5 April 2025 (which is a critical path item) and that without necessary preceding builder's works (programmed to start on the 15 March 2025), the installation cannot go ahead. This will have the following impact:

- 1) Delay to project (at shortest estimate by two months): FT's installation Engineers are booked six months in advance and have a full diary; if this installation slot is missed, the project will be considerably delayed until FT can re-book the install,
- 2) FT would have to store the cremator on its premises which, contractually, would be paid for by the Crematorium,
- 3) Operating one cremator for long periods without a backup would stress it and increase the likelihood of failure; this would result in coffins being sent to other crematoria at financial and reputational cost to the crematorium,
- 4) There would be no abatement system (system that cleans cremator emissions) until the second cremator is installed contravening environmental standards and the crematorium's permit to operate,
- 5) Crematorium employees are working long hours during the works (cremations start at 06:00hrs and complete at 22:00hrs): these long hours would have to continue until the second cremator is installed and operational.

The cost of the work is [a verbal update will be provided to Cabinet].

The waiver will be for a fixed price based on the actual works required and is only required for the duration of the construction works at the Crematorium. Any subsequent work will be procured in accordance with Financial Procedure Rules (Contracts).

The quote provided by Miller Knight will be reviewed by a qualified Quantity Surveyor.

The cost of these works is under the Works threshold for both Public Contract regulations 2015 and the Procurement Act 2023 so neither apply in this case. The waiver is requested on the basis of the Broxtowe Borough Council's Financial Procedure Rules requirement for a competitive tendering process for Medium Value contracts.