



## **DECISION OF THE DIRECTOR OF DEVELOPMENT & ENVIRONMENT**

**DECISION NO. 16/17 DE 241**

**SUBJECT: SUPERPOND RESERVOIR CONSTRUCTION ENGINEER CONTRACT – CONTRACT STANDING ORDER EXEMPTION**

### **Background**

To support strategic growth across the district, North Somerset Council has led the development and delivery of the Strategic Flood Solution project to enable development at Weston Villages and Parklands. North Somerset Council has delivered this project on behalf of the developers within this area as a strategic approach to flood mitigation was required and the works needed to be delivered in advance of the wider development. The South Superpond, which is the solution implemented for Weston Villages, is classified as a large raised reservoir under provisions contained in the Reservoirs Act 1975. The Reservoir Act sets out a statutory framework by which large raised reservoirs are created, operated and maintained and establishes various panels of qualified engineers, licenced by DEFRA, to carry out the functions required.

To date a reservoir Construction Engineer has been appointed by the Council for the design and construction of the reservoir and the Preliminary Certificate under Section 7 of the Reservoir Act has now been issued to the Council. Following the issue of a Preliminary Certificate, a reservoir Construction Engineer is required to oversee the efficient execution of the reservoir until the final certificate is issued which cannot be issued sooner than three years after the first Preliminary Certificate and not normally later than five years.

### **Decision**

To award the superpond reservoir construction engineer contract to CH Consultancy and exempt this purchase under Section 5.2.9 of the Contract Standing Orders:

5.2.9 Where there is no effective competition for the goods, services or works in question because payment is fixed under statutory authority or is of such a specialist nature that there is effectively only one supplier.

**Reasons**

CH Consultancy has previously been appointed by the Council as the reservoir Construction Engineer to oversee the design and construction phases of the South Superpond. Continued input from a reservoir Construction Engineer is required to discharge the Council's statutory obligations to ensure the Reservoir is overseen by an appropriately qualified civil engineer until the Final Certificate required under the Act can be issued.

The advice and supervision required is of a specialist nature. There are a small number of other reservoir Construction Engineers that could be appointed, however to manage potential liabilities to the Council it is important to have a single and consistent source of advice to complete this statutory process.

**Other Alternatives Considered**

This is a statutory requirement and a reservoir Construction Engineer must be appointed by the Council. Consideration was given to the use of alternative reservoir Construction Engineers, but was discounted for the reasons outlined above.

**Financial Implications**

The value of this decision will be £17,000 over approximately five years. This will be funded through S106 contributions from development at Weston Villages. This expenditure does not have any impact on the revenue budget.

**Implications for Future Years**

This contract is for five years with funding allocated from S106 receipts from developments at Weston Villages.

Signed..... *M R* ..... Director for Development & Environment  
*on behalf of*  
Dated... *23/12/16* .....