

**Conwy County Borough Council – Draft Action Plan responding to  
(Emergency Shoreline Repairs 2013-14)**

<b>Recommendation</b>	<b>Agreed</b>	<b>Responsibility</b>	<b>Action(s) to be taken</b>	<b>Implementation Date</b>
<b>R1. All invitations to Tender should be properly reviewed by senior officers before they are submitted to tenderers. Where there is potential for components of the work to be allotted to different firms, the Council must make it clear whether the work can, or will be allotted as separate components, or in total, or either.</b>	Yes	Flood Risk and Infrastructure Manager  Project Officer	The works were considered to be "emergency works" compliant with the requirements of the Councils Contract Procedure Rules  Tender Quality Check Grid to be formally implemented within tender documentation ensuring that all documents have been reviewed and checked for accuracy before tenders are issued.  Detailed Scope of Works to be provided to each Contractor within each work package.	November 2016  On-going
<b>R2. The Council should read and carefully consider submissions by bidding firms and take action if there are issues that affect the tender more widely</b>	Yes	Flood Risk and Infrastructure Manager	The works were considered to be "emergency works" compliant with the requirements of the Councils Contract Procedure Rules  Tender Appraisal Report process in place for planned maintenance works. Tender queries to be addressed prior to contract award.	Complete
<b>R3. When the council is carrying out a course of action that they would not normally have taken but, which is being taken to meet another party's requirements, then the Council should seek written confirmation for the other party.</b>	Yes	Flood Risk and Infrastructure Manager	The works were considered to be "emergency works" compliant with the requirements of the Councils Contract Procedure Rules  Formal communication in place to agree any differences within the Contract.	On-going

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<b>R4. The council should obtain formal valuations from the qualified quantity surveyor to support the interim valuations of large projects.</b>	No	Flood Risk and Infrastructure Manager	<p>The works were considered to be "emergency works" compliant with the requirements of the Councils Contract Procedure Rules</p> <p>This is not appropriate and would be inefficient/unworkable if applied to all large projects.</p> <p>Adequate resource should be identified and applied to deliver projects.</p>	Complete
<b>R5. The council should prepare formal contracts in arrangements where the expenditure could be large or where there are risks of judgements and differences of opinion between the supplier and the Council</b>	Yes	Flood Risk and Infrastructure Manager	<p>The works were considered to be "emergency works" compliant with the requirements of the Councils Contract Procedure Rules</p> <p>Formal Term Contract for Coastal Repairs in place which includes emergency response activities.</p>	Complete
<b>R6. The original extension of the contract appears to have been approved by appropriate individuals but outside the relevant meetings. In order to follow Council standing orders and formally minute approvals, any papers which are not on an agenda should be include in the following meeting. The officer who has operational responsibility for the contract should only proceed once they have received a formal confirmation that all due process is complete.</b>	Yes	Head of Environment, Roads and Facilities	<p>The works were considered to be "emergency works" compliant with the requirements of the Councils Contract Procedure Rules</p> <p>Contract extensions to be approved in accordance with Clause 48 of Contract Procedure Rules prior to contract end date.</p>	On-going
			The works were considered to be "emergency works"	

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<b>R7. Our work found that the emergency works contract was twice extended by members when work was required. I recommend that contract monitoring is put in place so that contract end dates can be anticipated and planned for rather than requiring emergency action.</b>	No	Flood Risk and Infrastructure Manager	<p>compliant with the requirements of the Councils Contract Procedure Rules</p> <p>It is not possible to plan and prepare works to prevent the need to carry out emergency works. Each storm event is different. Extreme coastal storm events can cause substantial damage and disruption even with good pre-planned maintenance regimes in place. Emergency works will vary in size and duration and cannot be estimated prior to an event. An appropriate level of monitoring to be implemented by members of staff during emergency works.</p>	Ongoing
<b>R8. The council should complete a full tender exercise for a new contractual arrangement for coastal emergency works. Part of the exercise should be a consideration of whether a Term Agreement is the correct approach, whether larger projects should be treated differently from smaller projects, and whether the Council should take more active involvement – e.g. negotiating for purchase of rock, rather than allowing bidders to complete for a limited supply. This process should be completed on a timely basis and should be used for any new works going forward.</b>	Yes	<p>Flood Risk and Infrastructure Manager</p> <p>Flood Risk and Infrastructure Manager</p>	<p>Formal Term Contract for Coastal Repairs in place which includes emergency response activities.</p> <p>A new term contract for coastal repairs had already been procured and awarded prior to the release of the audit report and its recommendations. The letter of intent was issued to the contractor on the 18<sup>th</sup> April 2016</p> <p>If required, the purchase of goods and materials outside the terms of the term contract should be carried out in accordance with the Councils Contract Procedure Rules</p>	<p>Complete</p> <p>Ongoing</p>
<b>R9. Internal audit findings and</b>	Yes	Head of Audit and	Internal Audit concerns and findings are included within IA reports and action plans as a matter of	Completed

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concerns should be linked to recommendations so that responses and corrective action can be monitored.		Procurement	course. An audit of Coast Protection works was undertaken by Internal Audit, report was published in September 2014.	