



Officer Decision/Mayoral Decision No.:	170-2020
DECISION TITLE: NEW UNIVERSITY OF PETERBOROUGH – PHASE 1 LEGAL ADVICE Appointment of legal services to progress the procurement, subscription agreement and joint venture heads of terms under framework RM3786 lot 1	
NAME OF OFFICER/MAYOR EXERCISING DELEGATED POWERS: Kim Sawyer, Chief Executive in consultation with John Holdich, Chair of the Skills Committee	
DATE OF OFFICER/MAYORAL DECISION: 29.1.20	

Responsible Director/Mayor:	Kim Sawyer, Chief Executive
Report Author and contact details:	Heidi Parker, Procurement Manager
Is it a key decision?	NO
All reports will be published on the CA website. Does your report include exempt or confidential information?	NO
KEY DECISIONS ONLY	N/A
Insert forward plan ref number	N/A
Date when Mayor intend to make decision.	N/A
Date report published on the website	N/A
Implementation Date	N/A
Does the report have any annex that contains exempt information?	N/A


Decision taken	<i>Please provide the exact details of the decision taken.</i> To appoint Pinsent Masons LLP as Panel Advisors for the new University of Peterborough procurement under Lot 1 of RM3786 on direct award for the provision Legal Services to progress the subscription agreement and joint venture – Heads of Terms.
Authorisation (<i>delete as appropriate</i>)	At its meeting on 29.5.19, the Combined Authority agreed to mobilise the action plan contained within the board paper to procure project management consultants for the new University of Peterborough project and to procure a HE partner. To enable us to carry out this work it is necessary to enter into contractual relationships for external legal resources to develop a Subscription Agreement, Heads of Terms and



	<p>Joint Venture for both “Unico”. and “Prop Co”. the contract includes the legal advice required for the creation of “Prop Co” and to support the authority through the negotiation process with the HE Partner procurement.</p> <p>This was approved and agreed at the Combined Authority Board on 29.1.20.</p> <p>General authorisation (<i>those decisions delegated to officers as per the Constitution</i>):</p> <ol style="list-style-type: none"> 1. In accordance with CPCA Constitution Chapter 17 Officer Scheme of Delegation and Proper Officers paragraph 3.4 (on page 162) <p>Specific delegation by Board (<i>those decisions delegated to officers by the Board</i>)</p> <ol style="list-style-type: none"> 2. CPCA Board meeting – delegated authority to develop Subscription Agreement and Heads of Terms – link below: <p>https://cambridgeshirepeterboroughcagov.cmis.uk.com/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=lo0YW804XcCPCRY4%2bJQ0eh6J21mtL23xQrDr5VAxIkNfA301rltvyQ%3d%3d&rUzwRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNih225F5QMaQWCtPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSFfXsDGW9lXnlq%3d%3d=hFflUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFflUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJFf55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9QjI0aq1Pd993jsyOJqFvmyB7X0CSQK=ctNJFf55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3d&WGewmoAfeNQ16B2MHuCpMRKZMwaG1PaO=ctNJFf55vVA%3d</p>
Background Information	<p>The project team considered various option by which to procure the required legal support and based on the expert knowledge and previous experience and understanding the Pinsent Masons have of how the CPCA function, it was decided a direct award was justifiable under the terms of the CCS framework requirements.</p> <p>This procurement therefore set out to incorporate the following requirements so as to facilitate the project progressing to the next natural break point of the HEP being appointed and legal arrangements established.</p> <p>Breakdown of phases covered are detailed below</p> <p>Phase 1 – initial project advice, meetings and discussions around structure and process, legal arrangements between PCC & CPCA and legal entity of UoP</p> <p>Phase 2 – ITN1 documents, draft Heads of Terms, review of documents</p> <p>Phase 3 – Tender Assessment legal element & Negotiation meetings</p> <p>Phase 4 – Finalise Legal arrangement between CPCA & PCC and between the JV and the Higher Education Provider</p>



	The delivery of these requirements will be managed via our appointed Project Managers, Mace and Kim Cooke Project Lead.	
Alternative options considered.	The project team considered both an OJEU compliant advertised process and a mini competition off of the CCS framework but due to the timescales available within the overall project and the risk of appointing an inexperienced supplier or creating a conflict of interest with our appointment and that of the potential bidders, the decision was taken to utilise the direct award function.	
Financial Implications	<p><i>Please include the total costs and how the project will be funded. Please include budget codes for your directorate</i></p> <p>Capped Price – used Phase 1 to 3 - £157,782 Phase 4 – £28,716</p> <p>CX0068 – budget code</p> <p>TOTAL = £186,498 Revenue funding from the University of Peterborough</p>	
Consultation	<i>List any relevant consultation undertaken in relation to the decision. For example portfolio holders, other Chief Officers.</i>	N/A
	Chief Executive	N/A
	Responsible Director/Chief Officer	N/A
	Monitoring Officer	N/A
	S73	N/A
	Portfolio Holder	N/A
Declarations / Conflicts of Interests (only if the decision falls under the 'Express Authorisation' category)	<i>List the names of any member who has been consulted on and declared an interest in relation to the decision.</i>	N/A
		N/A
Supporting documentation	<p><i>List any supporting documentation available in relation to this decision (all of this information must be retained for public inspection for a period of at least 4 years – there is no provision for the release of exempt/confidential information).</i></p> <p>Copy of proposal from Pinsent Masons</p>	

Officer/Mayor signature	 Kim Sawyer, Chief Executive	Date 06/02/2020
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