

Appendix 3 - 3.10 Memo's (Exemption Urgency)

Function	Cluster	Description of Contract	Estimated Start date of Contract	Estimated End date of Contract	Total Estimated Contract Value £	Summary of explanation of why the contract was urgently required and justification for suspension of procurement regulations, in whole or in part:
City Regeneration & Environment	City Development & Regeneration	<p>Context: There is currently a hydrogen refuelling station delivered, owned and operated by BOC on Council-owned land adjacent to the ACC Kittybrewster depot. This plant is coming to the end of its initial operational lifespan and now requires upgrade and investment to allow it to continue to play an ongoing role in the city's Hydrogen aspirations. The current owners are not minded to make that investment without longer term contractual/operational commitments from the Council. ACC did not feel in a position to commit to the proposed level of opex cost in summer 2023 when this was proposed and therefore sought to put in place a solution that reduced opex costs in exchange for capital investment. It was also perceived that the direct use of public funds, either ACC or external grant, to invest in the improvement of a third party, privately-owned asset may not be fully compliant or appropriate. As such, the principle has been agreed with the current owners of ACC taking on ownership of the plant which would remain on the ACC land and the Council and the current owner, would then work together to life-extend and upgrade the plant with public investment then going into a publicly-owned asset.</p> <p>Contract: The agreement would cover the acquisition of the elements of civils infrastructure, plant and equipment forming the current refuelling station along with any appropriate software or IP licences to operate the equipment safely and effectively for a reasonable additional period of operational lifespan and the current owner's proposed 'life-extension' scope and operations for a period of up to three years.</p>	28/03/2024	<p>Re-Life works by September 2024</p> <p>O & M contract 1st May 2024 to 30 April 2027</p>	<p>£621,600 (to purchase the plant and equipment on site)</p> <p>£1,160,000 (to life-extend the plant to ensure operations for an agreed period)</p> <p>£974,268 (to operate the plant for three years – subject to annual escalation)</p>	<p>The current operational contract for the plant expires at the end of April 2024 after which BOC (current owner) have the option (and contractual default) of shutting the plant down and clearing the site. In addition, ETF capital grant funding can potentially be drawn down for the plant purchase cost (£621.6k) if fully committed and concluded before 28 March 2024. If the transaction is not completed by this date, it will need to be fully funded by ACC. The life extension work to the plant, if purchased, also need agreed and committed at the earliest possible opportunity to minimise the period of plant closure in Autumn 2024 while these works are undertaken which will cause some unavoidable disruption to bus operations.</p>
Corporate Services	Digital & Technology	<p>Lightspeed Systems Safeguarding Tools: The investment in devices for Education will see learners in school receive a device on a 1-2-1 basis. These devices will be used in school and outside of school. Tools are required to safeguard learners using these devices both inside and outside of school</p>	29/02/2024	27/02/2029	£307,800.00	<p>This is now urgently required to support the programme for a 5 year period. A business case was previously submitted but the budget at that time had not been identified, budget has now been identified and agreement between D & T and Education on how this should be delivered. There is now insufficient time to take this through the committee approval hence this request.</p>