



ADUR & WORTHING  
COUNCILS

**Record of Officer  
Executive Decision**  
**Ref No:** DforC/013/22-23  
**Date of Decision:** 08 December 2022

If you have any questions about this decision please contact Democratic Services on 01903 221006 or email [democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk)

**Record of Decision:** DforC/013/22-23 Small Sites - Hidden Homes Contract Re-Award (Lot 1)

**Decision taken by:** Director for Communities

**Declaration of Disclosable Pecuniary Interests:**

I do not have a disclosable pecuniary interest, or conflict of interest.

**Delegated authority:**

Under 2.6.8 of the Scheme of Delegations, a Director has delegated authority to do all matters in relation to procurement and the letting of contracts after consulting with the Head of Business and Technical Services and the Solicitor to the Council.

The procurement for this contract must have regard to the Council's Joint Contract Standing Orders and to the Public Contract Regulations 2015.

As agreed at the Joint Strategic Committee meeting held on 6th October 2020, the Director of Communities has delegated authority to award the building contracts (following a competitive tender process) for the sites.

**Decision:**

The decision is to award a JCT construction contract for the redevelopment of three sites at Leconfield Road, St Giles Close, and Sylvan Road, known as 'Lot 1' to Cheesmur and Sons (Lewes) Ltd. to provide new Affordable homes, for a sum of £3,042,924.

Following a successful tender exercise to award the building contracts for Lots 1, 2 and 3 of the Hidden Homes sites the Council agreed to award contracts for all three lots to W Stirland Limited. The Director's decision was published on 4th August 2022.

Unfortunately, prior to entering into those contracts W Stirland Limited went into administration and is now no longer trading.

In order to keep the momentum of the projects moving, the Council needed to identify a compliant procurement route to award the contracts to another suitable contractor. The sites identified within Lot 2 have not yet gained Planning Permission and therefore it was agreed that contractor procurement for this lot would not progress until such time as Planning Permission is Granted.

For Lot 1 and Lot 3 the tendering exercise previously carried out in July 2022 was revisited. The tender figures had expired, however it was agreed with the Senior Procurement Officer, the Head of Legal Services, and the Chief Financial Officer that the

second most successful tenderer for Lot 1 and Lot 3 could be approached for a revised tender price, following the principle of Regulation 72 of the Public Contracts Regulations 2015.

The second choice contractor for Lot 1 is Cheesmur & Sons (Lewes) Ltd. (Cheesmur)

The revised contract sum is: £3,042,924

This compares favourably with the W Stirland Ltd contract sum for Lot 1 of £ £3,054,604

Interviews have been held with Cheesmur and officers are satisfied that they are capable of carrying out the construction to a high standard of quality, in a timely manner that will not adversely affect neighbouring homes, schools and businesses.

**Key Decision:** Yes

**Reason For Decision:**

Both Adur and Worthing Councils have a development programme to provide new Affordable housing to help meet the acute demand for homes in the area. As part of this, work on the Small Sites or 'Hidden Homes' programme which involved the development of sites in Adur District within the Council's ownership has been progressing for over two years. Seven sites have been identified as suitable for development and have been taken forward. These will provide a total of 35 homes for affordable rent.

For tender purposes the sites have been split into 3 Lots. The intention is to enter into contracts for Lot 1 and Lot 3.

A procurement exercise, in accordance with Public Contract Regulations 2015 and with the Council's Contract Standing Orders was previously carried out via the Intend portal and advertised on the UK Government's Find a Tender Service (FTS) and National Contracts Finder. A full cost and quality assessment of the tenders received was carried out with input from the Council's advisers, Employer's Agents, Calford Seaden and Baily Garner who have each produced revised tender reports with full analysis to reflect the change of contractors. Tender scoring based on both cost and quality criteria was carried out and it is recommended that the highest scoring contractor, W Stirland Limited, to be appointed for all 3 Lots, however since W Stirland Limited has now ceased trading it is recommended that the Council enters into contractors with the second choice contractors.

Copies of the tender evaluation reports are retained on file for our records.

**Alternative Options Considered:**

The decision may have been taken to re-tender the works, however this may have added another six months to the construction programme and given the size of the projects, in all likelihood would have attracted the same set of local contractors.

A delay to the programme would have exposed the Council to the quickly escalating construction inflation currently seen in the industry.

**Other Matters Considered:**

|                         |   |                             |   |
|-------------------------|---|-----------------------------|---|
| Legal Advice and Issues | x | Financial Advice and Issues | x |
| Sustainability Issues   | x | Equality Issues             | x |

|                         |   |                     |   |
|-------------------------|---|---------------------|---|
| Community Safety Issues | x | Human Rights Issues | x |
| Reputation              | x | Risk Assessment     | x |
| Health & Safety Issues  | x |                     |   |

**Consultation:**

Members were consulted on the project at the JSC on 6th October 2020 and ward members have been kept informed of the progress of the various sites.

**Background Papers:**

- Maximising Space for Homes in Adur - JSC report 6th October 2020
- Delivering Pathways to Affordable Homes, report to the Joint Strategic Committee, 30th March 2021

**Contact Officer:**

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**Call-in:** The call-in deadline for this decision will be 5:00pm on 15 December 2022



**Signed:**

**Dated: 8 December 2022**

**Name: Tina Favier, Director for Communities**

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