



ADUR & WORTHING
COUNCILS

ADC Executive Member for
Environment & WBC Executive
Member for Digital & Environmental
Services
14 October 2020

Decision to be taken on or after
22 October 2020

Key Decision: Yes

Ward(s) Affected: Selden

Brooklands Lake - Outfall Replacement Tender Award

Report by the Director for the Economy

Executive Summary

1. Purpose

- 1.1 To seek the approval of the Executive Members to award a tender in relation to the planned capital works scheme for the replacement of a failed outfall pipe to Brooklands Lake, submitted 21st September 2020 by JT Mackley & CO Ltd in the value of £129,669.94.

2. Recommendations

- 2.1 Executive Members recommended to authorise the acceptance of the submitted tender and award of the contract to JT Mackley & CO Ltd.

3. Context

- 3.1 Brooklands lake is a surface water storage facility which stores surface water during high tides and drains the excess surface water to sea at low tide through the outfall structure.
- 3.2 The level of the lake is controlled to maintain a set volume within the lake for wildlife and aesthetics. In winter periods the level is reduced to accommodate higher rainfall and surface water volumes.

- 3.3 The lake outfall structure consists of a weir, valves and three outfall pipes. The weir controls the maintained water level within the lake, the valves control the water flow through each pipe, both from the lake and flaps valves to prevent sea water ingress into the lake. Two pipes are used to maintain operational functionality and the third provides a back up in event of a blockage, pipe failure or maintenance and can allow for additional capacity to empty the lake if required.
- 3.4 The western outfall pipe has failed, due to the deterioration of the timber support structure metal fixings and increased loads caused by the failure of the outfall flap valve allowing sand and shingle to enter the pipe.

4. The Proposal

- 4.1 The proposal is to clean the remaining pipe section and replace the failed section of pipe and timber support structure to return the structure to operational use.

5. Engagement and Communication

- 5.1 The Finance and Legal Departments have been involved in the development of this report and the Procurement Team has confirmed the tendering procedure meets the Joint Council's Contract Standing Orders and provides best value.
- 5.2 Windsurfing concessions operating locally to the works area will be informed in advance of the works programme and signs will be erected around the works area informing beach users.
- 5.3 Media communications throughout the construction phase will be dealt with through the Communications Team.

6. Financial Implications

- 6.1 A capital budget of £296,000 is included in the 2020/21 Capital Investment Programme for the reconstruction of the failed outfall pipe.
- 6.2 The Technical Services Section undertook a procurement exercise to establish costs. Six tenders were received and evaluated for cost and quality.

6.3 The total revised cost of the project based on the tender returns is

	£
Tender Cost	129,700
Other Costs / Contingencies	26,600
Professional Fees	18,700
Total cost of Project	175,000

6.4 The procurement exercise has realised a saving of £121,000 on the initial estimate of the works.

7. Legal Implications

- 7.1 s1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation.
- 7.2 s1 Local Government (Contracts) Act 1997 confers power on the local authority to enter into a contract for the provision of making available of assets or services for the purposes of, or in connection with, the discharge of the function by the local authority
- 7.3 Section 14 and 25 of the Land Drainage Act 1991 requires the Council to; maintain the free flow of water through its land, to manage flood risk through its land, and to undertake the required maintenance to facilitate this. This is further elaborated upon within the Flood and Water Management Act 2010 where the powers and responsibilities of Risk Management Authorities and landowners are explained.
- 7.4 The value of the Contract is below the EU threshold for works and therefore the Council must comply with its own Contract Standing Orders when procuring for the works to be undertaken.
- 7.5 It is noted that the procurement process has enabled a substantial saving of £121,000 below the estimated contract value, it would therefore be sensible to consider if the tender has come in as an 'abnormally low tender' that requires further checks and balances on the value of it prior to commencement.

Background Papers

- JSC Report papers, dated 3rd December 2019.
- Corporate Project Initiation Document, signed off on 30/07/2020.

Officer Contact Details:-

Martyn Payne

Senior Engineer

01903 221375

martyn.payne@adur-worthing.gov.uk

Sustainability & Risk Assessment

1. Economic

- The replacement of the failed outfall pipe ensures that the control of surface water from a large area of the Borough is able and prevents flooding affecting the economic development of our places and the economic participation of our communities.

2. Social

2.1 Social Value

- The proposal helps continue to protect communities in the surface water catchment area from surface water flooding.

2.2 Equality Issues

- Matter considered and no issues identified.

2.3 Community Safety Issues (Section 17)

- Matter considered and no issues identified.

2.4 Human Rights Issues

- Matter considered and no issues identified.

3. Environmental

- Matter considered and no issues identified.

4. Governance

- The proposal supports a number of Council priorities across the Platforms by maintaining existing infrastructure in a serviceable condition and preventing surface water flooding.
- The Council would receive criticism and reputational damage if the project does not proceed in the event an incident occurred and surface water flooding affected property.