



ADUR & WORTHING
C O U N C I L S

Adur Executive Member for
Environment and Worthing Executive
Member for Digital and Environmental
Services
26 September 2019

Decision to be taken on or after
4 October 2019

Key Decision: Yes

Wadurs Award of Contract

Report by the Director for Communities

Executive Summary

1. Purpose

- To request that Members approve the award of a construction contract for the delivery of replacement boilers; refurbishing of the air handling units; and construction of the new changing room facilities at Wadurs swimming pool, to Messrs Pilbeam following a compliant procurement exercise.
- To inform Members of the outcome of the procurement process to enable them to make an informed decision to award the Construction Contract to Pilbeam.

2. Recommendations

2.1 The Executive Members are recommended to:

- Note the content of this Report and to approve the award of the contract to Messrs Pilbeam because this company submitted the Most Economically Advantageous Tender (MEAT criteria) as assessed by the tender evaluation process

3. Context

- Following approval from JSC on the 10th September 2019 to move funding from other approved Adur Community Leisure capital projects to this project; the Council has been out to procure for the delivery of the works required to Wadurs Swimming Pool which is run by Adur Community Leisure through a service delivery agreement with the Council. The Council is responsible for the structure and plant at the building. Further details and background information can be found in JSC report dated 10th September 2019 (Agenda Item 10)
- Although Pilbeam was the highest scoring tenderer in the process, the tender evaluation stage confirmed that having regard to the overall programme delivery, Pilbeam best met the MEAT evaluation (most economically advantageous tender) as required by the Council's contract standing orders.
- The Council will enter into a JCT Contract with Pilbeam to carry out the works as required by the Council in its procurement specification.
- Tenders were invited from 6 contractors based on combined cost (60%) and quality (40%) criteria. The tenders were evaluated by 2 assessors and their scores averaged to identify Pilbeam as the tenderer that submitted best value and met the MEAT requirements.
- The works are reasonably urgent as the boiler is reaching the end of its life cycle, and if it were to breakdown, it would have a serious impact on service delivery for Adur Community Leisure. It is anticipated that the works will commence in October 2019 and the contract duration will be 16 weeks (excluding a 2 weeks contractor shut down over the Christmas period). It is anticipated therefore that the works will be completed in February 2020.

4. Issues for consideration

- The tender remains open for acceptance for a period of 90 days and this expires on the 22nd October 2019. Therefore the contract needs to be awarded on or before this date.

5. Engagement and Communication

- The invitation to tender for this contract was issued in accordance with normal practice via the Councils tendering portal and ongoing

engagement has taken place with interested parties throughout via the portal.

6. Financial Implications

- Following the approval of the report on this scheme to the Joint Strategic Committee on the 10th September 2019, the approved budget for the scheme is now £456,190 which is funded as follows:

	Total £
Approved council funding	389,060
Sport England	50, 000
ACL	17, 130
Total funding available	456,190

- Members will remember that Adur Community Leisure were unsuccessful in the bid from Veolia for £40K funding to support the project. As agreed at Joint Strategic Committee, this shortfall will be met from the current revenue budget underspend. However Adur Community Leisure has obtained £50,000.00 of grant funding from Sports England and this is being transferred to the Council to part fund the scheme.
- The tender evaluation report is attached is a commercially sensitive exempt attachment. The overall cost of the scheme can be accommodated within the revised budget.

7. Legal Implications

- Section 1 of The Local Government (Contracts) Act 1997 provides that every statutory provision conferring or imposing a function on a local authority confers the powers on the local authority to enter into a contract with another person for the provision or making available of assets or services, or both (whether or not together with goods) for the purposes of, or in connection with, the discharge of the function by the local authority.

- 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.
- The Council has complied with its obligations under the Contract Standing Orders and invited tenders for this construction contract, the value of the works are below EU level so the tender has been compliant with the Public Contract Regulations 2015.
- In spending the Sport England grant funding, the Council must ensure that both it and Adur Community Leisure comply with the terms of the Sport England grant funding agreement.

Background Papers

- JSC report dated 10th September 2019.
- Exempt Tender evaluation report

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Sustainability & Risk Assessment

1. Economic

- The proposed changing rooms will enhance the user experience and ensure that the facility can remain popular and attract new custom and income.

2. Social

2.1 Social Value

- The proposal supports the Council's commitment to the health and wellbeing of its community and the development of our sports strategy as outlined in our Platforms for our Places.

2.2 Equality Issues

- The proposal will support the use to all members of our community including the provision of a dedicated 'changing places' facility.

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

- Energy efficient boilers are proposed to reduce fuel consumption/CO2 emissions and running costs.

4. Governance

- This proposal supports the Council's development of its sports strategy, as outlined in Platforms for our Places.
- The Council may lose customers to other competitors if the facilities are not maintained to a modern and fully inclusive standard.