

Record of Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Decision made by	Councillor Charlotte Dickson Cabinet Member for Leisure
Key decision?	Yes
Date of decision (same as date form signed)	25 April 2016
Name and job title of officer requesting the decision	Ben Border Leisure Projects Officer
Officer contact details	Tel: 01235 540364 Email: ben.border@southandvale.gov.uk
Decision	That the cabinet member for leisure approves the Vale Council entering into an JCT Minor Works Building Contract with Contractor's design 2011 Amendments version, 1 March 2011 with Francis Construction Limited , for the essential pool surround works and refurbishment of the existing accessible changing room and swimming pool shower provision at the White Horse Leisure and Tennis Centre, Abingdon.
Reasons for decision	<p>Over recent years there have been a number of instances in which individual pool surround tiles have become detached from the screed base, primarily around the main pool, at the White Horse Leisure and Tennis Centre, Abingdon (WHLTC). Further examination of the screed below the positions of the detached tiles revealed soft or weak screed. In addition, water is leaking out of the main pool tank into the basement from numerous locations. Officers instructed Sandberg Ltd (consultant engineer) to inspect the pool's surround and subways and to collect and analyse samples of the screed. Sandberg's report revealed a number of issues and made recommendations for both essential and desirable works.</p> <p>The second part of the project is to make improvements to the existing accessible changing room and village shower provision. This work will extend and enhance the existing accessible changing facility to include a new changing bed. During the closure for the main works, we will also increase the shower provision in the main changing area.</p> <p>The procurement was undertaken following the Vale Council's open procurement procedure as the works contract is below the OJEU threshold. However, in order to be considered for this</p>

opportunity, companies were required to pass against PAS91:2013 (the European standard qualification document) through Construction-line and were verified by the Vale Council's procurement officer.

Due to the nature and complexity of the swimming pool works, the head of economy, leisure and property agreed to an evaluation criteria of 50 per cent costs and 50 per cent quality, instead of the standard 60/40 ratio. This is in accordance with our contracts procedure rules to alter the award criteria (para 101 (b)).

Following our procurement procedures, we advertised the contract opportunity on the South East Business Portal (SEBP). Although the opportunity received initial expressions of interest, only one return was received by the deadline.

Officers investigated why contractors did not submit a tender following their expression of interest. One of their main reasons related to the high liquidated damages, which they considered to be unsustainable for a project of this size and value.

Officers consulted further with our leisure operator, GLL, who confirmed that it would accept a lower figure in relation to the liquidated damages, taking into account that it would be relocating its swimming lessons to Abbey Meadows outdoor pool over the summer months to mitigate its loss of income and the anticipated savings from heating and lighting the pool hall at the WHLTC.

Due to receiving fewer than five contractor tender submission, we repeated the tender process in accordance with our contract procedure rules (para 83).

Following the re-advertised opportunity, three contractors responded to the 'Invitation to Tender' on the SEBP. The tenders were evaluated on a two level award criteria basis. All bids met the level one 'eligibility criteria' and were put through to level two 'selection criteria'.

Officers evaluated the three bids against the agreed 50/50 selection criteria and the results are shown in the following table:

Rank	Bidder	Technical proposal	Financial proposal	Total
1	B	33.5	47.5	81.0
2	A	17.5	50	67.5
3	C	22.0	29.4	51.4

Our external project consultant, S J Treloar and Associates, produced a tender report, which recommended bidder B, Francis Construction Limited, as the best value tender.

	Having considered the submissions and considered the feedback from contractors during the process, the cabinet member for leisure agrees with the appointment of Francis Construction Limited to undertake these works.			
Alternative options rejected	The only alternative option is not to do the work, which would result in further degradation of the facilities and inevitably increase the costs for rectification and the period of closure.			
Legal implications	A formal contract in the form of a JCT minor works building contract with contractor's design 2011 amendments version, 1 March 2011 will need to be entered into prior to the works commencing. Due to the contract value exceeding £75,000 and the nature of the works, a performance bond of ten per cent of the total value of the contract will be required.			
Financial implications	The cost of the works required at the WHLTC will be met from existing budgets in the capital programme. The total cost of the essential repairs and improvement works for this project is £415,623.02. This cost includes a general contingency allowance of £25,000. However, we do not envisage this allowance being required and we will be working with the preferred contractor for value engineering solutions to achieve savings.			
Other implications	None			
Background papers considered	N/A			
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?	None			
List consultees		Name	Outcome	Date
	Legal	Pat Connell	Agreed	19/04/2016
	Leisure	Chris Webb	Agreed	20/04/2016
	Finance	Emma Creed	Agreed	22/04/2016
	Procurement	Phillip Hinton-Smith	Agreed	21/04/2016
	Communications	Gavin Walton	Agreed	18/04/2016

	Head of service	Chris Tyson Clare Kingston	Agreed Agreed	22 April 2016 21/04/2016
Confidential decision? If so, under which exempt category?	Decision open to the public, but the tender report and financial proposals remain confidential under category 3.			
Call-in waived by Scrutiny Committee chairman?	No			
Cabinet member's signature To confirm the decision as set out in this notice.	Signature _____ Councillor Charlotte Dickson _____ Date _____ 25 April 2016 _____			

ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.

For Democratic Services office use only		
Form received	Date: 25 April 2016	Time: 14:00
Date published to Scrutiny Committee	Date: 26 April 2016	
Call-in deadline	Date: 4 May 2016	Time: 17:00

Guidance notes

1. This form must be completed by the lead officer who becomes the contact officer. The lead officer is responsible for ensuring that the necessary internal consultees have signed it off. The lead officer must then seek the Cabinet member's agreement and signature.
2. Once satisfied with the decision, the Cabinet member must sign and date the form and return it to the lead officer who should send it to Democratic Services immediately to allow the call-in period to commence. Democratic Services staff are located on the ground floor north wing (C block) of the Crowmarsh Gifford offices.
Tel. 01235 540307 or extension 7307.
Email: democratic.services@southandvale.gov.uk
3. Democratic Services will then publish the decision to the website (unless it is confidential) and send it to Scrutiny Committee members to commence the call-in period (five clear working days). The decision cannot be implemented until the call-in period expires. The call-in procedure can be found in the council's constitution, part 4, under the Scrutiny Committee procedure rules.
4. Before implementing the decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If the decision has been called in, Democratic Services will notify the lead officer and decision-maker. This call-in puts the decision on hold.
6. Democratic Services will liaise with the Scrutiny Committee chairman over the date of the call-in debate. The Cabinet member (the decision maker) will be requested to attend the Scrutiny Committee meeting to answer the committee's questions.
7. The Scrutiny Committee may:
 - refer the decision back to the Cabinet member for reconsideration or
 - refer the matter to Council with an alternative set of proposals (where the final decision rests with full Council) or
 - accept the Cabinet member's decision, in which case it can be implemented immediately.