

Bolsover District Council

Executive

5 October 2015

Drainage Works Contract

Report of the Special Projects Officer

This report is public

Purpose of the Report

- To seek retrospective approval to let a contract in excess of £50,000 for drainage works at South Street and Common Meadows Recreation Grounds, South Normanton funded through s106 contributions from various housing developments in South Normanton.

1 Report Details

- 1.1 As reported to Executive at its meeting of 27 April 2015, approval was sought the investment of s106 commuted sums in enhancing and improving a number of informal recreation and formal sports facilities across the district. These included football pitches at both South Street Recreation Ground and Common Meadows Recreation Ground, South Normanton.
- 1.2 At its meeting of 27 April 2015, Executive RESOLVED that:
- (1) £52,000 of “formal” Section 106 monies be invested in the drainage of the football pitches at Common Meadow Recreation Ground, South Normanton.
- (2) Pitch drainage works up to the value of £80,000 be procured as a single contract to cover Common Meadow Recreation Ground and South Street Recreation Ground, South Normanton.
- 1.3 **Drainage works to football pitches at Common Meadow Recreation Ground and South Street Recreation Ground**
- Bolsover District Council owns two football pitches at Common Meadow Recreation Ground off Lea Vale, Broadmeadows, which are managed by South Normanton Parish Council and used by local football clubs. These were originally installed in the late 1970s as part of the development of the estate.
- 1.4 Over recent years the pitch drainage had become less effective and an increasing number of games had to be called off during the winter months due to waterlogged pitches.

- 1.5 In addition, South Normanton Parish Council and South Normanton Colts have requested a similar scheme for the pitch at South Street Recreation Ground, which is owned and managed by South Normanton Parish Council and suffers from similar issues to the pitches at Common Meadow, with games being cancelled as recently as April 2015.
- 1.6 In order to avoid any potential claw back of these commuted sums, a large proportion of which had to be spent by 1 September 2015, drainage works were scheduled to be carried out in the off-season over the summer of 2015.
- 1.7 In order to meet the deadline for spending the s106 monies, a tender exercise was carried out via the Shared Procurement Unit in June / July 2015.
- 1.8 A total of 5 tenders were received as follows:

	Common Meadow	South Street	Total
Company A	£63,394.50	£31,594.42	£94,988.92
Company B	£64,513.75	£34,833.46	£99,347.21
Company C	£83,985.00	£41,096.00	£125,081.00
Pugh-Lewis	£55,937.00	£28,021.00	£83,958.00
Company D *	£18,110.00	£7,990.00	£26,100.00

NB. All prices for 4m drain spacings – prices for 3.5m and 3.0m spacings were also requested

**proposal as submitted not in line with tender specification so discounted (aeration rather than drainage).*

- 1.9 Of the tenders received, only Pugh-Lewis were within 5% of the approved budget (Bernhards price was 56% higher than the available budget).
- 1.10 Following further discussions with the parish council and South Normanton Colts FC allowance was made for a closer spacing of drains (as included as an option in the tender specification) to improve drainage of the pitch at South Street Recreation Ground, which had become very waterlogged in places. Additional s106 monies were already in place to cover the additional costs.
- 1.11 In order that the works could be carried out before the start of the 2015/16 football season and to avoid any risk of losing the available funding, it proved necessary to seek approval for the works to proceed via a delegated decision under clause 10.5 of the constitution - where there is a need for a commercial decision so that we can proceed with the works as a matter of urgency and this was subsequently signed by the CEO on 7 August 2015 (DD-084-15-MC).

- 1.12 Works were subsequently completed by J Pugh-Lewis Ltd. in August 2015 and the s106 monies were defrayed before the potential claw back date.
- 1.13 Retrospective approval is sought from Executive for the letting of a contract to J-Pugh Lewis Ltd. to undertake pitch drainage works at South Street and Common Meadows Recreation Ground, South Normanton to the value of £85,734 as per DD-084-15-MC.
- 1.14 In addition, and in order to avoid similar situations arising in future, approval is also sought for a general delegation to let contracts where s106 monies are being used. It is suggested that such a delegation would be able to be approved by the Joint Chief Executive or the Executive Director (Transformation).

2 Conclusions and Reasons for Recommendation

- 2.1 All of the schemes outlined above complied with the requirements as set out in the respective s106 agreements and have met an identified community need.
- 2.2 Approval for the works to proceed was sought via a Delegated Decision under clause 10.5 of the constitution - where there is a need for a commercial decision and works needed to be completed as a matter of urgency.

3 Consultation and Equality Impact

- 3.1 As part of seeking authorisation for a delegated decision, consultation was carried out / approval sought from the Deputy Leader (in the absence of the Leader), the Chair of Scrutiny and the Section 151 Officer.

4 Alternative Options and Reasons for Rejection

- 4.1 Seeking approval from Executive at the earliest opportunity after conducting the tender evaluation was not possible due to the duration of the works and the need to complete them before 1 September 2015 to avoid the potential loss of available s106 monies.

5 Implications

5.1 Finance and Risk Implications

Had the works not been completed before 1 September 2015, a significant amount of the s106 monies could have been clawed back by the respective developers.

5.2 Legal Implications including Data Protection

A Delegated Decision was authorised by the Joint Chief Executive Officer under clause 10.5 of the constitution - where there is a need for a commercial decision so that we can proceed with the works as a matter of urgency.

5.3 Human Resources Implications

None.

6 Recommendations

- 6.1 To retrospectively approve the letting of a contract to J-Pugh Lewis Ltd. to undertake pitch drainage works at South Street and Common Meadows Recreation Ground, South Normanton to the value of £85,734 as per DD-084-15-MC.
- 6.2 To establish a general delegation to let contracts where s106 monies are being used, to be approved by the Joint Chief Executive or the Executive Director (Transformation).

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	Yes
District Wards Affected	South Normanton East South Normanton West
Links to Corporate Plan priorities or Policy Framework	

8 Document Information

Appendix No	Title
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
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