

## Record of individual Cabinet member decision

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

<b>Decision made by</b>	Councillor Maggie Filipova-Rivers - Cabinet member for community wellbeing
<b>Key decision?</b>	Yes. The anticipated project cost is more than £100,000
<b>Date of decision</b> (same as date form signed)	04/09/2023
<b>Name and job title of officer requesting the decision</b>	Jan Smith – Leisure Projects Officer
<b>Officer contact details</b>	Tel: 07717 271 895 Email: <a href="mailto:jan.smith@southandvale.gov.uk">jan.smith@southandvale.gov.uk</a>
<b>Decision</b>	<p>To award the contract for a main contractor to deliver the refurbishment of the artificial turf pitch at Abbey Sports Centre, Berinsfield, using a Joint Contracts Tribunal 'the ATP refurbishment' by SODC 'the Council'.</p> <p>There was a total of 23 views of the opportunity with 4 opt outs and 17 who decided not to take part after looking at the documents.</p> <p>The Invitation to Tender (including detailed Employers Requirements) was published on the South East Business Portal.</p> <p>Following, clear and transparent evaluation of 2 (two) compliant submissions, and based on the authority to procure a main contractor via ICMD signed on 20 July 2022, Officers sought tenders for the work and are recommending <b>Blakedown Sport &amp; Play Ltd</b> as the most suitable contractor to carry out the required refurbishment of the outdoor Artificial Turf Pitch (ATP), and that they should be appointed based on providing the best and most advantageous tender, priced at <b>£157,749.00</b></p>
<b>Reasons for decision</b>	<p>An ICMD dated 20<sup>th</sup> July 2022, authorised officers to procure a main contractor to deliver these works.</p> <p>The ATP refurbishment forms part of the Council's plans to improve the facilities available at Abbey Sports Centre.</p>
<b>Alternative options rejected</b>	None. Blakedown Sport and Play Ltd are registered on numerous procurement specialised Frameworks and a known name in the industry.

<p><b>Climate and ecological implications</b></p>	<p>Officers were mindful to ensure the contractors provided a sustainability statement outlining their policies and commitment to specify and procure sustainably sourced, carbon footprint reduced products, provide details around the removal of waste and their services in a way which will also meet our value for money and quality objectives.</p> <p>Lighting header units will consist of LED lights to further reduce the carbon footprint and running costs of the new installation. Drainage improvements will be incorporated into the already installed soakaway system. Provision has been made to minimise contamination</p> <p>Officers posed a question to all main contractors which carried a 7% weight value in the overall 40% quality score, to provide details around their sustainability statement outlining their policies and commitment to specify sustainably sourced, carbon footprint reducing products and the management of waste generated in the delivery of the works.</p> <p>Blakedown Sport &amp; Play Ltd scored 6%. Where possible, Blakedown Sport &amp; Play Ltd will use the local supply chain to cut down on long distance deliveries, thereby cutting the carbon footprint. During the resurfacing works and once the old synthetic carpet is removed from site, Blakedown Sport &amp; Play Ltd aim to donate it for secondary uses such as covering the inside of golf bunkers, golf pathways and cemetery burials. Other applications may include use by farms, equestrian centres, and Schools.</p> <p>Fully recycling artificial turf is not readily available now, so any leftover, unwanted carpet will always be disposed of in a responsible manner to a licenced waste centre.</p>
<p><b>Legal implications</b></p>	<p>There is a Joint Use Agreement (JUA) dated 26 March 1984 in place between OCC as land and building owner and the Council as operator of the Sports Centre (currently undertaken by GLL as service provider). This is referred to in subsequent Supplemental Agreements as the Principal Agreement. The JUA is for a term of 60 years and there are approximately 28 years unexpired.</p> <p>Under Clause 15 of the Principal Agreement, it is OCC that must carry out Works of repair and the Council will contribute to the overall planned expenditure, as agreed, on a year-to-year basis. In addition to undertaking works, OCC are liable for 33.33% of the costs and the Council 66.66%.</p> <p>Under the Principal Agreement, the Council had permission to build the original ATP with a proportionate cost contribution from OCC as set out above. The cost of the original floodlights was borne entirely by the Council as the OCC contribution was predicated on use of the ATP by the former local school which would not have used the facility after school hours and at weekends.</p> <p>It is accepted that, as the school would not require after hours use of the Pitch, OCC should not be expected to contribute to the costs of replacement lighting.</p>

	<p>The ATP refurbishment works will include elements of alteration, and improvement, particularly to the drainage. Under Clause 7 of the Principal Agreement, alterations require a separate Supplemental Agreement to record the basis by which the works are undertaken.</p> <p>Whilst OCC have approved the project in principle, it is likely that the final specification and scope of work will therefore need to be documented in a Supplemental Agreement, as with other works undertaken by the Council over the years.</p> <p>Notwithstanding Clause 15, a letter of intent dated 20 July 2012 issued by OCC, recorded that the Council would take on responsibility for undertaking future maintenance in return for contributions from OCC which had been prior approved. That is, if the obligations set out in the Principal Agreement were to be reversed.</p> <p>The rationale for this was that the land and buildings were to be transferred by OCC to the Council (on an unspecified basis), but no such transfer has yet taken place, and the terms of the Principal Agreement were never varied.</p> <p>Whilst this is a matter to be resolved with OCC in the longer term, the recommendation is to proceed with the ATP as set out, as the Council will retain control of the project's delivery.</p>
<p><b>Financial implications</b></p>	<p>There is an approved budget available to the Council of £250,000, of which <b>£166,675</b> is Community Infrastructure Levy (CIL) funding, that has been allocated for the ATP refurbishment project.</p> <p>The Principal Agreement excludes OCC from any liability toward the original flood light installations. The cost of the replacement lights is estimated <b>£15,000</b> ex VAT excluding Fees and VAT.</p> <p>This reduces OCC's liability to an estimated <b>£47,578.24</b> excluding VAT of the main contractors' costs, and to <b>£4,066.26</b> excluding VAT, of the Project Management and other fees to deliver the project. OCC total contributions are estimated at <b>£51,644.50</b> excluding VAT. Costs will be finalised on Practical completion of the works.</p> <p>The estimated net cost to the Council after OCC contributions is therefore <b>£106,104.50</b> excluding VAT in relation to the CIL allocation of £166,675.</p> <p>OCC understand that they are liable for <b>33.3%</b> of the Total Project Cost as finally agreed with the main contractor at Practical Completion (PC).</p> <p>Any surplus CIL funding will then be returned to the CIL funding budgets at the end of the project.</p>
<p><b>Other implications</b></p>	<p>None. The costs fall within the CIL element of the overall approved budget of £250,000</p>

<b>Background papers considered</b>	<ul style="list-style-type: none"> <li>Record of individual Cabinet member decision dated 27<sup>th</sup> July 2022</li> <li>Individual Cabinet Member Report – transfer of capital scheme from provisional to approved programme dated 8<sup>th</sup> August 2022</li> <li>Final Approved GW1 for CIL + S106 programme of works</li> <li>GW2 Abbey Sport Centre ATP</li> </ul>			
<b>Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?</b>	None			
<b>List consultees</b>		<b>Name</b>	<b>Outcome</b>	<b>Date</b>
	Ward councillors	Cllr Robin Bennett	Happy to authorise - comments received via email	20/07/2023
	Legal <a href="mailto:legal@southandvale.gov.uk">legal@southandvale.gov.uk</a>	Pat Connell	content to sign off subject to comments	28/07/2023
	Finance <a href="mailto:Finance@southandvale.gov.uk">Finance@southandvale.gov.uk</a>	Emma Creed	Agreed in Finance	27/07/2023
	Strategic property <a href="mailto:Property@southandvale.gov.uk">Property@southandvale.gov.uk</a>	Chris Mobbs	No further comments.	25/07/2023
	Infrastructure and Development <a href="mailto:Infrastructure_Development@southandvale.gov.uk">Infrastructure_Development@southandvale.gov.uk</a>	Mark Hewer	<p>Confirm that there is a CIL allocation of £166,675 in the approved capital programme for this project and that this meets CIL spending criteria.</p> <p>Please confirm once the works have been completed so that the remaining funds can be reallocated to the available balance. Please also provide</p>	26/07/2023

			details and photos of the completed project so that this can be included in the council's infrastructure funding statement.	
	Climate and biodiversity <a href="mailto:climateaction@southandvale.gov.uk">climateaction@southandvale.gov.uk</a>	Jessie Fieth	Blakedown Sport & Play Ltd's response to the climate change questions within the tender process scored well. The good intention to reuse the old turf should be encouraged and monitored.	27/07/2023
	Risk and insurance <a href="mailto:risk@southandvale.gov.uk">risk@southandvale.gov.uk</a>	Yvonne Cutler-Greeves	No comments to add	18/07/2023
	Communications <a href="mailto:communications@southandvale.gov.uk">communications@southandvale.gov.uk</a>	Charlotte Westgate	Keep in touch about comms required, happy to discuss further	24/07/2023
	Senior Management Team <a href="mailto:ExecutiveSupportSAV@southandvale.gov.uk">ExecutiveSupportSAV@southandvale.gov.uk</a>	SMT	Approved	03/08/2023
<b>Confidential decision?</b> If so, under which exempt category?	No			
<b>Call-in waived by Scrutiny Committee chairman?</b>	No			
<b>Has this been discussed by Cabinet members?</b>	Yes			
<b>Cabinet portfolio</b>				

<b>holder's signature</b> To confirm the decision as set out in this notice.	Signature ___Maggie Filipova- Rivers _____ Date _____04/09/2023_____
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**ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.**

For Democratic Services office use only		
Form received	Date: 04 September 2023	Time: 12:03
Date published to all councillors	Date: 04 September 2023	
Call-in deadline	Date: 11 September 2023	Time: 17:00