

Mr Edwards, Director of Property and Assets	Ref No: OKD05 (20/21)
April 2020	Key Decision: Yes
Award of Contract for the replacement All Weather Pitch at The Weald School, Billinghamurst	Part I
Report by: Acting Contract and Relationship Manager	Electoral Division: Billinghamurst
<p>Summary</p> <p>The County Council has a statutory duty to provide sufficient primary and secondary school places for all children who need a place. As part of the secondary school curriculum, Physical Education is a core subject and suitable provision is required to ensure a wide range of sport can be offered to ensure children are given the Best Start in Life.</p> <p>The Weald School in Billinghamurst accommodates 1700 pupils aged 11-18 and has a mix of indoor PE provision (sports hall, activity hall) and external provision (grass pitches, multi-use games area and All Weather Pitch (AWP)).</p> <p>The existing sand dressed AWP has reached the end of its life and requires replacement. The pitch regularly floods and drainage has failed and is inadequate. The pitch is currently used by both the school and community groups.</p> <p>Section 106 funds in excess of the budget sought have been received. The condition of the associated agreements is such that the funds can only be used on projects at The Weald Community School in Billinghamurst.</p> <p>In January 2020 the Cabinet Member for Education and Skills took a decision (decision reference ES08 (19/20)) to approve the allocation of £750,000 from Section 106 funds to fund the replacement of the AWP and the completion of a procurement process for the delivery of works. In addition the Cabinet Member approved the delegation of authority to the Director of Property and Assets to award the contract.</p>	
<p>West Sussex Plan: Policy Impact and Context</p> <p>This proposal is in accordance with the Best Start In Life Policy within the West Sussex Plan. It will ensure access to education meeting the needs of the community.</p>	
<p>Financial Impact</p> <p>This proposal will reduce the amount of unallocated Section 106 contributions. However, if the funds are not used within a set timeframe they will be returned to the developers. The replacement AWP will reduce ongoing maintenance costs and will be available for community use with increasing revenue for the school.</p>	

Wider economic impacts would be risk of litigation, reputational risk, costs to the NHS for treating injuries and lost time at work or school if injuries occurred due to the current condition of the all weather pitch.

Recommendation

That the Director of Property and Assets awards the construction contract to replace the all weather pitch at The Weald School to Blakedown Sport & Play Limited for the sum of £722,505.00 which is affordable within the overall budget of £840,000 for this project, subject to the requirements set out in section 11 of the report. The project has been funded from received Section 106 contributions from developers.

Proposal

1. Background and Context

- 1.1 The County Council has a statutory duty to provide sufficient primary and secondary school places for all children who need a place. As part of the secondary school curriculum, Physical Education is a core subject and suitable provision is required to ensure a wide range of sport can be offered to ensure children are given the Best Start in Life.
- 1.2 The Weald School in Billingshurst accommodates 1700 pupils aged 11-18 and has a mix of indoor PE provision (sports hall, activity hall) and external provision (grass pitches, multi-use games area and AWP).
- 1.3 The existing sand dressed AWP has reached the end of its life. The pitch was installed in 1997 and is now over 22 years old with an average life expectancy of 15 years. The pitch regularly floods and drainage has failed and is inadequate. As the pitch has deteriorated there has been a significant drop in community use. An independent condition survey has noted that the surface is worn, compacted and starting to deteriorate with the seams starting to show the signs of failing and the condition is consistent with the age of the facility.
- 1.4 In January 2020 the Cabinet Member for Education and Skills took a decision ([decision reference ES08 \(19/20\)](#)) to approve the allocation of £750,000 from Section 106 funds to fund the replacement of the AWP and the completion of a procurement process for the delivery of works. In addition the Cabinet Member approved the delegation of authority to the Director of Property and Assets to award the contract.
- 1.5 The project to replace the AWP at The Weald Community School in Billingshurst has been procured utilising a single stage design and build approach via the County Council's Procurement team with the County Council's Multi-Disciplinary Consultant (MDC) providing Project Management and technical services.

2. Proposal Details

2.1 The proposal is to replace the AWP at The Weald Community School in Billingshurst.

2.2 Works will include :

- Remove and dispose of the shock pad and artificial playing surface to the current sports pitch;
- Dismantle, break out and remove the existing fencing system including all posts and gates;
- Dismantle, break out and remove existing drainage manholes in accordance with Civil engineer/planning requirements;
- Carry out repairs to floodlighting as required following assessment and install new distribution board;
- Pruning back and remove encroaching vegetation;
- Install new drainage pipes and manholes as advised by Civil Engineer and connect to existing drainage system. Drainage system to be agreed through planning process paying particular attention to impact on surrounding area and in particular Par Brook;
- Install new pre-fabricated shock pad, artificial turf and playing lines;
- Specification of new pitch shall be sand dressed astro turf for competitive Hockey use
- New perimeter ball stops mesh fencing and with recesses for goals or hard standing/Goal Storage Areas;
- Kickboards;
- Signage and litter bins; and
- Dividing nets and rails

2.3 The proposed works will ensure that the County Council meets its statutory duty to provide suitable PE facilities for its pupils.

Factors taken into account

3. Consultation

3.1 The project has been designed and agreed in full consultation and agreement with the school.

3.2 The project has received planning permission.

3.3 The details of the proposal have been shared with the local Member representing the Billingshurst Division.

4. Financial (revenue and capital) and Resource Implications

4.1 Revenue consequences of proposal

The overall impact on the school's revenue account should be positive with reduced maintenance costs and potential additional income generation.

4.2 Capital consequences

Total Project Budget					
Item	18/19	19/20	20/21	21/22	Totals
Construction *	£0	£100,000	£651,400	£0	£751,400
Professional / Design Fees	£0	£86,100	£0	£0	£86,100
Planning Fees	£0	£2,500	£0	£0	£2,500
FF&E	£0	£0	£0	£0	£0
ICT	£0	£0	£0	£0	£0
Total	£0	£188,600	£651,400	£0	£840,000

this includes construction contingency of 10%.

Funding Sources					
	2018/19	2019/20	2020/21	2021/22	Total
Section 106	£0	£188,601	£651,400	£0	£840,000

5. Legal Implications

- 5.1 The Council has a statutory obligation to ensure adequate education provision. By replacing the AWP the Council is discharging this duty.
- 5.2 The Council is a Contracting Authority as defined in the Public Contract Regulations 2015 ("PCR") and as such is governed by those regulations. The value of the proposed spend will be £750,000.
- 5.3 The value of the proposed contract is therefore below the relevant EU Thresholds as referred to in the PCR of £4,551,413 for Works Contracts.
- 5.4 As such the Council has competitively tendered these services in accordance with the procedures set out in PCR.
- 5.5 The Council will enter into a works contract using terms and conditions, approved by Commercial Legal Services and compliant with section 10 of the Council's Standing Orders on Procurement and Contracts.
- 5.6 The Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") is highly unlikely to apply to these works.

6. Risk Implications and Mitigations

Risk	Mitigating Action (in place or planned)
Project costs exceed budget	Ensure design follows project brief
Design changes increase project cost	Regular design meetings held to review the design. Stakeholders and end users to sign off design at each stage. No changes to be made before time and cost implications have been fully assessed.
Consultants and contractors to work with Network Rail.	Design team and contractor to work/liaise with Network Rail due to the close proximity of the all weather pitch to the railway line. There will need to be consultations with Network rails and agreements in place to allow for the work to be carried out.

7. Other Options Considered (and reasons for not proposing)

- 7.1 One alternative is not to undertake the project. This would mean that the school would be unable to deliver the secondary school PE curriculum. Other options were considered including refurbishment of the carpet only but this would not resolve the ongoing current drainage issues.

8. Equality and Human Rights

- 8.1 Everyone has the right to respect for private and family life, home and correspondence under Article 8 of the Human Rights Act. The impact of any proposed changes on the right to family life such as a need to travel further to an appropriate school has been taken into consideration. Article 1 of the First Protocol is the right to education. No person shall be denied the right to education. The proposals therefore support this right as the project will ensure suitable facilities will be available in the local area for all children of school age.

9. Social Value and Sustainability Assessment

- 9.1 Not applicable

10. Crime and Disorder Reduction Assessment

- 10.1 None

11. Covid-19- impact of pandemic on contract award and works commencement

- 11.1 Subsequent to the completion of this tender process, the Covid-19 global pandemic is going to have an impact on the timing of contract award and the commencement of works.

- 11.2 The government has issued Public Procurement Note number 2 of 2020 ("PPN2) which deals with Council's obligations to protect contractor and supplier payments, and payments to their supply chain.
- 11.3 In order to comply with PPN2, amendments will need to be made to the final contract to take into account the Council's obligations but also to reflect the changes in the programme of works etc.
- 11.4 Authority to vary the awarded contract and to agree financial payments to be made during the period of pandemic and government restrictions on meeting, working etc., will need to be obtained from finance (the Director of Finance has delegated authority to her Assistant Director of Finance) and the Director of Property.

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Background papers

[Procurement Policy Note 02/20](#)