

# **Record of Cabinet decisions**

## **Friday, 11 November 2022**

**Date of publication: 11 November 2022**

**The record of decisions is subject to approval at the next meeting of the Cabinet**

### **Gateway 3 Contract Award Report: Splashes Sports Centre works**

#### **Background:**

This report requested the Leader to agree to award the procurement of the new Splashes Sports Centre works contract. Additional capital funding was recommended by Cabinet and subsequently approved by Full Council at its meeting on 10 November 2022.

The report set out that in July 2021, Cabinet agreed to instruct officers to develop detailed proposals for a new Splashes sports centre in Rainham to provide modern, family-friendly sports and physical activity facilities in the east of Medway, complementing other Council sports facilities. Capital funding for the project had previously been approved by Full Council in three phases (June 2020, July 2022 and November 2022) as the project had evolved and changing market demands were realised.

An Exempt Appendix set out key information in respect of financial analysis, the tender process and evaluation and made a recommendation to award a contract.

The Council's decision to award this contract would be subject to observing the procurement standstill period of a minimum of 10 days in accordance with the requirements of the Public Contracts Regulations 2015. The Council would be unable to enter into the contract before the end of the standstill period.

The Chairman of the Regeneration, Culture and Environment Overview and Scrutiny Committee agreed that the taking of these decisions were urgent and could not be reasonably deferred until the next Cabinet meeting on 15 November 2022, in accordance with Section 11 (Cases of special urgency) of the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 and Rule 17 (Special Urgency) of the Access to Information Rules (Part 2 of Chapter 4 in the Constitution). This is because the companies that had

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submitted bids, had agreed to hold their prices until 11 November 2022. Not meeting this deadline would risk the costs of the contract increasing further.

Additionally, and in line with rule 15.11 of Chapter 4, Part 5 of the Constitution, call-in could be waived where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the Public's interests. The Chairman of the Regeneration, Culture and Environment Overview and Scrutiny Committee agreed that the decisions proposed were reasonable in all the circumstances and to them being treated as a matter of urgency and to waive call-in.

***Decision number:***      ***Decision:***

**131/2022**      **Noting the recommendation made at Cabinet on 18 October 2022 and the decision made by full Council on 10 November 2022, to add a further £5.8million to the Splashes Redevelopment Scheme in the Capital Programme, to enable development of the new Splashes Sports Centre, the Leader agreed, using urgency powers, to award the contract to Wilmott Dixon Construction, as they had been evaluated as the most economically advantageous against the Council's award criteria, as per the evaluation spreadsheet contained within 2.1 of the Exempt Appendix.**

**132/2022**      **The Leader agreed that decision 130/2022 was considered urgent and therefore should not be subject to call-in.**

**Reasons:**

The bidder outlined in section 2.2 of the Exempt Appendix had been evaluated as the most economically advantageous against the Council's award criteria preferred procurement route. Securing a contract on 11 November 2022 will mitigate the risk of the contract price increasing further.

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**Leader of the Council**

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**Date**

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