

CABINET

THURSDAY, 27TH SEPTEMBER, 2018

At 7.30 pm

in the

COUNCIL CHAMBER - GUILDHALL WINDSOR,

SUPPLEMENTARY AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
6	viii. Award of Contract for the Braywick Leisure Centre	3 - 8

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Report Title:	Award of contract for the Braywick Leisure Centre.
Contains Confidential or Exempt Information?	YES – Appendix 1 Part II - Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.
Member reporting:	Councillor S. Rayner, Lead/Principal Member for Culture and Communities, including resident services.
Meeting and Date:	Cabinet - 27 September 2018
Responsible Officer(s):	Andy Jeffs, Executive Director David Scott, Head of Communities, Enforcement and Partnerships
Wards affected:	Oldfield and all Maidenhead wards



REPORT SUMMARY

- 1 This reports seeks permission to award a fixed price building works contract to Wates Construction Ltd under the Scape Framework, to commission the main building works for the Braywick Leisure Centre project. The contract figures are set out in Appendix 1 and this is shown in the Part II section of the report.
- 2 The award of the contract would enable work to commence, resulting in turn in the opening of the centre after Easter 2020. This reflects the impact of the archeologic finds during the pre-commencement phase, and extended site dig which required the whole site to be excavated rather than the 10% originally required.
- 3 A unilateral agreement from the planning authority is in place to be able to commence work.

1 DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) **Delegates the authority to award a contract for the sum set out in the Part II Appendix 1 to Wates Construction Ltd for the main contract for the construction of the Braywick Leisure Centre, to the Executive Director, in consultation with the Lead Member for Finance and the Lead Member for Culture & Communities (including Resident Services).**

2 REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 Awarding this contract will ensure a timely delivery of the new leisure centre at Braywick Park after Easter 2020, to replace the Magnet Leisure Centre.
- 2.2 Opening the new leisure centre after Easter 2020 will release the old Magnet Leisure Centre site for redevelopment as part of the regeneration of Maidenhead.
- 2.3 The Project Board approved the Scape framework procurement route and the enabling works contract at their meeting in November 2017. Cabinet

subsequently approved the enabling works contract for this project under the Scape Framework in March 2018.

- 2.4 The overall budget for the project has been approved by Council.

Table 1: Options

Option	Comments
Delegate the authority to award the contract to build the Braywick Leisure Centre to Wates Construction Ltd. This is the recommended option	The project can proceed and can keep to the updated programme, opening new facilities for residents in 2020 and allowing the council to proceed with the development of the Magnet Leisure Centre site as part of the Maidenhead Regeneration project, and realising the capital receipt of the funds, to be used to fund the build of Braywick Leisure Centre.
Do not delegate the authority, to award the contract to build Braywick Leisure Centre.	The scheduled build programme for the new leisure centre will be compromised and a project delay will follow. The wider Maidenhead Regeneration Programme will be adversely impacted.

3 KEY IMPLICATIONS

- 3.1 Braywick Leisure Centre is scheduled for opening after Easter 2020, with 200 car park spaces delivered in winter 2018/2019 to add parking capacity to the town centre as part of the wider regeneration of Maidenhead programme.

Table 2: Key implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Building works contract awarded	31 October 2018	7 October 2018	Before 30 September 2018	N/A	7 October 2018
Building works completed	5 June 2020	24 April 2020	24 March 2020	N/A	24 April 2020

- 3.2 The contract will be awarded under an N.E.C. 3 contract option within the Scape Framework which is an O.J.E.U. compliant procurement vehicle.

4 FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The value of the works contract to be awarded is detailed in the Part II Appendix 1. This sum is within the overall approved project budget of £36,123,000 for the provision of Braywick Leisure Centre, which includes the enabling works costs, design development fees and all other related project costs.
- 4.2 The project has increased in scope, with additional budget for works associated with the early car parking spaces delivery and funds to enable Forest Bridge

School to occupy the adjacent site satisfactorily (provided by the Education Schools Funding Agency), and increased costs due to the complexity linked to the archaeological findings and contaminated land findings, which have been reported in previous updates, and have been considered by full Council.

- 4.3 Council agreed to increase the overall approved project budget to reflect these changes.

5 LEGAL IMPLICATIONS

- 5.1 The Council is enabled, by section 111 of the Local Government Act 1972, to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. The provision of leisure facilities is not a statutory function, however the service helps to contribute to other statutory functions such as health and well-being. Therefore the Council has the power to enter into the proposed Contract with Wates Construction Limited as set out in this report.
- 5.2 The legal implications are addressed within the procurement through the SCAPE framework and associated contract, where liabilities are clearly identified for the project.
- 5.3 The project will be instructed under an N.E.C. 3 contract.

6 RISK MANAGEMENT

- 6.1 A risk register is maintained for the project and a schedule of risk management meetings are completed with the design and construction team to manage the identified risks. Risks associated with this element of the project are shown in Table 4.

Table 4: Risks and Controls

Risks	Uncontrolled Risk	Controls	Controlled Risk
Budgetary implications if project delivery is delayed	MEDIUM	Close management of and potential changes to the build programme following the decision not to award contract.	LOW
	MEDIUM	Negotiations with the centre operator.	LOW
Reputational implications if the project is delayed	MEDIUM	Communication with the contractors, leisure centre operator and residents to maintain trust and confidence in the	LOW

Risks	Uncontrolled Risk	Controls	Controlled Risk
		project. Regular review of progress by the Project Board with the Design Team and Contractor against project programme	
Utilities companies not engaged with sufficient time, and power installations delay build programme	MEDIUM	The enabling contract allows firm orders to be placed with all utility companies.	LOW
Steel production delays build programme	HIGH	The enabling contract allows firm orders to be placed with the steel provider.	LOW

7 POTENTIAL IMPACTS

- 7.1 Prior to the opening of the new centre, negotiations will be undertaken with the current operator of the leisure contract in accordance with the current management contract. This will establish the fee the current operator proposes to operate the new centre. Should this fee be unacceptable to RBWM a new contract will be marketed and a different operator appointed.

8 CONSULTATION

- 8.1 Consultation is part of the wider project and details of the full consultation carried out can be found as part of the report to full Council – 26 September 2017.
- 8.2 Communication with residents and other interested parties has continued and is being maintained through social media and press releases as the project progresses following the previously approved communications plan. Large site hoarding have already been installed along the Braywick Road, t highlight the development and the facilities being developed.

9 TIMETABLE FOR IMPLEMENTATION

- 9.1 Award of the contract will be undertaken immediately to give the best opportunity to maintain the main project schedule.

Table 5: Implementation of contract award

Date	Details
27 September 2018	Cabinet decision to award to Wates
22 October 2018	Contractor is mobilised
25 March 2019	200 initial car park spaces open to the public
April /May 2020	Potential completion of gym, halls, catering areas ready for fit out and staff training.
May/June 2020	Building open to the public

9.2 Implementation date if not called in: Immediately.

10 APPENDICES

10.1 Appendix 1 is shown in Part II. Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

11 BACKGROUND DOCUMENTS

11.1 St. Clouds Opportunity Area – Leisure Centre Asset Strategy report to Cabinet Regeneration Sub Committee on 13 June 2016.

11.2 Braywick Leisure Centre report to Council on 26 September 2017.

11.3 Planning Panel report on 14 February 2018.

11.4 BLC Enabling Works Contract Award – Cabinet March 2018

11.5 BLC Budget update report – Council July 2018

12 CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Cllr S. Rayner	Lead Member for Culture & Communities including Resident Services	6 Sept 18	18 Sept 18
Alison Alexander	Managing Director	6 Sept 18	19 Sept 18
Russell O’Keefe	Executive Director	6 Sept 18	19 Sept 18
Andy Jeffs	Executive Director	6 Sept 18	18 Sept 18
Rob Stubbs	Section 151 Officer	6 Sept 18	18 Sept 18
Louisa Dean	Communications and Marketing Manager	6 Sept 18	
Elaine Brown	Head of Law and Governance (Interim)	1 Sept 18	4 Sept 18

REPORT HISTORY

Decision type: Key decision	Urgency item? No
Report Author: Kevin Mist, Communities Project Lead, 01628 796443	

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