

Agenda Item 14
Report PR21/22-25

Report to	Policy & Resources Committee
Date	25 November 2021
By	TAP Programme Delivery Manager
Title of Report (Decision)	Wallands SuDS in Schools Contract 2021-2022

Recommendation: The Committee is recommended to

- 1) Approve the commencement of a procurement process leading to the appointment of a contractor to deliver the Wallands SuDS in Schools project from February 2022.**
- 2) Approve delegation of authority to the Chief Executive to award contracts for the above, following a competitive process carried out under the terms of the Public Contracts Regulations 2015.**

1. Introduction

- 1.1. The Aquifer Partnership (TAP) is a collaboration between the SDNPA, Environment Agency, Southern Water and Brighton & Hove City Council working together to protect the Brighton chalk aquifer and raise awareness of its presence and importance.
- 1.2. TAP, through the SDNPA, wishes to tender for the construction of an exemplar Sustainable Drainage System (SuDS) at Wallands Primary School in Lewes. This is part of TAP's SuDS in Schools programme.
- 1.3. P&R Committee are not being asked to grant the funding. This has already been granted by the SDNPA from Community Infrastructure Levy (approved by Planning Committee on 14th October 2021). However as the value of this contract is £150,000 approval is required from the P&R Committee for the procurement process to commence.

2. Policy Context

- 2.1. The decision to commission this work contributes towards delivering Outcomes 2 (resilient landscape), 3 (habitat network) and 8 (wise use of resources) of the PMP.
- 2.2. The project is part of programme 7 of the South Downs National Park Climate Action Plan.

3. Issues for consideration

- 3.1. TAP intend to procure a contractor that has high attention to detail and commitment to delivering a gold-standard exemplar project.
- 3.2. The contractor will be required to deliver the scheme as designed by Landscape Architects who will also be appointed as Contract Managers for this project.
- 3.3. Monitoring of the site over a defects period with maintenance, repair or replacement will also be required.

4. Options & cost implications

- 4.1. Procurement of the construction contract is the necessary next step in the delivery of the Wallands SuDS in Schools project.
- 4.2. The competitive tender process will ensure value for money .

5. Next steps

- 5.1. An open process will be undertaken to procure the construction contract, with a single stage tender being advertised through the 'In-Tend' portal.

6. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	No
Does the proposal raise any Resource implications?	No
How does the proposal represent Value for Money?	The competitive tender process is aimed at delivering value for money for the SDNPA
Are there any Social Value implications arising from the proposal?	Yes, social value will form part of the award criteria
Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Consideration will be given to ensure that the procurement exercise and the terms of the subsequent contract comply with the NPA's duties under the Equality Act 2010
Are there any Human Rights implications arising from the proposal?	No
Are there any Crime & Disorder implications arising from the proposal?	No
Are there any Health & Safety implications arising from the proposal?	Health and safety considerations will form part of the award process. Proof of appropriate insurance is required, as are DBS checks for all staff undertaking work at the school.
Are there any Data Protection implications?	No
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy?	The project contributes to the guiding principles of living within environmental limits by and promoting good governance by undertaking thorough consultations with school staff and pupils and encouraging pupil participation throughout the process, including elements such as democratic voting on decisions. It also promotes awareness of and encourages sustainable behaviour among staff, Members and volunteers by disseminating information on the SuDS in Schools project and inviting SDNPA personnel to visit the project.

7. Risks Associated with the Proposed Decision

- 7.1. There are four well documented risks with any procurement and those are listed as follows;
- 7.2. Commercial Risk – That either the price objectives are not achieved up front or there are other costs that arise during the contract that diminish the overall benefits. SDNPA will mitigate this risk by appointing an experienced Contract Manager who can oversee the

construction and any possible increased costs, working to mitigate these. This risk is also mitigated through the competitive tendering process.

- 7.3. Technical Risk – This concerns the difficulty in the market being able to deliver to the specification. This risk is mitigated by a thorough evaluation process including ensuring examples of similar previous works are given and that references are included as part of the process.
- 7.4. Performance Risk – This concerns the ability of suppliers to perform consistently over the life of the contract to deliver the planned benefits. Performance is managed through continuous engagement with the contractor on a number of levels to ensure levels are maintained and issues are resolved at an early stage.
- 7.5. Contractual Risk – This covers things like being able to remedy the shortcomings in the contractors' performance without severely damaging the contract and about avoiding reliance on the contracted supplier as the contract develops. It is impossible not to rely on a contracted supplier in a contract such as this and it is important that the evaluation at the outset, in both stages, capability and award, is thorough.
- 7.6. In Public Procurement, there is also the Legal Risk, where a procurement is found unsound in law, through either the remedies directive or the public procurement rules. The main mitigation to this is to have a procurement professional responsible for the exercise and to keep Legal Services involved at the right stages.

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SDNPA Consultees	Business Service Manager, Chief Executive, Director of Countryside and Policy Management, Director of Planning, Legal Services
External Consultees	Headteacher, Wallands Primary School; East Sussex Estates Team; Landscape Architects
Background Documents	CIL Successful Project Bid Confirmation (available upon Request)

