

 <b>Executive 11<sup>th</sup> January 2012</b>		<b>Agenda Item No.</b> <b>9B</b>
<b>Title</b>	<b>Newbold Comyn Leisure Centre Water Flume Replacement Exception Report</b>	
<b>For further information about this report please contact</b>	Russell Marsden. Building Surveyor.	
<b>Wards of the District directly affected</b>	All	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	Executive Meeting 16 <sup>th</sup> November 2011, Agenda Item No. 10	
<b>Background Papers</b>		

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	Yes
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	Yes

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		Chris Elliot, Andy Jones, Bill Hunt
Head of Service		Rose Winship, Jameel Malik
CMT		
Section 151 Officer		Mike Snow
Monitoring Officer		
Finance		Sandra Jones, Melanie Gillman
Portfolio Holder(s)		Cllr Gallagher, Cllr Vincett
Consultation & Community Engagement		
Please insert details of any consultation undertaken with regard to this report.		
Consultation was undertaken with all relevant Section Heads to agree the priority of this project.		
Consultation with the Procurement Manager was undertaken to determine a procurement option that comply with the Code of Procurement Practice.		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

## 1. **SUMMARY**

- 1.1 This report sets out the rationale for requesting an exception to the Code of Procurement Practice in order to enable the construction of a replacement water flume at Newbold Comyn Leisure Centre.

## 2. **RECOMMENDATION**

- 2.1 That the Executive grants an exception to the Code of Procurement Practice in accordance with item 5.2.3 of the same document.
- 2.2 That the Executive delegates authority to the Head of Housing & Property Services in consultation with the Housing and Property and the Cultural Services Portfolio Holders to procure the supply and installation of a new water flume using a single specialist contractor.

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 To ensure that a new water flume is suitably procured for Newbold Comyn Leisure Centre that is in full compliance with relevant Health and Safety statutes and guidance.
- 3.2 The market for the supply and fit of water flumes is highly technical and analysis has revealed it to be extremely limited. Loyal Grove Leisure LLP, who have a considerable track record in the delivery of water flume projects and have provided services to the Council in the past, have been identified as a high quality supplier. Because of the limited market the Council would find it a significant risk that the tendering process might attract tenders that are not only technically limited but would that only drive up the cost through management fees, which is not in its interest.
- 3.3 To ask for an exception, in accordance with the Code of Procurement Practice Section 5.2.3, and following consent from Procurement (Section 5.3), on the premise that it is not in the best interest of the Council to follow the tender procedure.
- 3.4 To ensure that the works executed on site meet the technical specification and operational requirements of The Council.

## 4. **POLICY FRAMEWORK**

- 4.1 **Policy Framework** – The Programme has been coordinated to meet the Council's Corporate Strategy priorities and policies.
- 4.2 **Fit for the Future** – The replacement of the existing water flume at Newbold Comyn Leisure Centre with one that is fully compliant with current health and safety guidelines will ensure a first class facility. This will enhance our customer's experience at this leisure centre contributing to the vision of making Warwick District a great place to live work and visit as set out in the Sustainable Community Strategy.

## 5. **BUDGETARY FRAMEWORK**

- 5.1 The project forms part of the previously approved 2011/12 Corporate Works Programme, with the budget estimate for the supply and installation of the new water flume being £81,000.

## **6. ALTERNATIVE OPTION(S) CONSIDERED**

- 6.1 To tender the proposed replacement works within the open market to water flume supply and installation companies. Previous experience of WDC's Procurement Team has shown the market for water flume supply and installation companies to be extremely limited; obtaining quotations for the design of a replacement flume resulted in a response from only a single supplier who was interested and qualified in undertaking the work. There is a significant likelihood that the same supplier would win a tender process.
- 6.2 To tender the proposed replacement works within the open market. It is possible that an open tender process will receive a number of responses. It is also probable they would these would entail larger non-specialist construction companies undertaking to manage the water flume supply and installation company. Here WDC would pay a fee for a management service that would not be required or represent value for money.
- 6.3 To not replace the existing water flume. If this option is pursued, it is very likely that the existing water flume will have to be closed within the next 12 months, owing to health and safety concerns. This will undoubtedly have significant consequences on the revenue for this flagship leisure centre. Urgent repairs, recently estimated to be in the region of £30,000, would need to be undertaken to keep the water flume operating, though these repairs alone will not rectify all health and safety concerns relating to the existing design.

## **7. BACKGROUND**

- 7.1 The water flume at Newbold Comyn Leisure Centre has provided over 20 years service, and has generally considered to have a significant contributory effect on the revenue stream for this leisure centre, being a reason why many people use this particular swimming pool. Due to the age and heavy use of the water flume, it is now considered to have reached the end of its design life, having had two full recoats of its flume surface, and various repairs to the steel work. Additional repairs to the water flume are not considered to be financially viable.
- 7.3 The ongoing water flume inspection regime has recently identified a number of health and safety concerns relating to the existing installation. Specifically, an increasing number of components of the steel support structure that require urgent replacement as a result of corrosion, degradation of the glass fibre slide due to wear and tear and a dated design of the access stair that no longer conforms to current British Standard guidance.
- 7.4 As a result of the above and the increasing relative cost of the maintenance and repair requirements, it was agreed that the water flume should be replaced as part of the 2011/12 Corporate Works Programme. This was approved by the Executive in November 2011.
- 7.5 Loyal Grove Leisure LLP are market leaders in the supply and fit of water flumes and are considered experts in their field. They are able to comply with all relevant health and safety requirements; in particular, they work to British Standard 1069 for Water Slides. They have previously worked with Warwick District Council in maintaining and repairing the existing water flume.
- 7.6 The normal procedure for works at this threshold would be to undertake an open tender process. However, as detailed above, it is not felt to be in the Council's interest to do so given the highly technical aspect of a new water

flume installation project. It has been confirmed by the Council's Procurement team that an exception to the Code of Procurement Practice does not contravene EU regulations in this case.