

Report to Cabinet

24 February 2021

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| Subject: | Stabilisation of 2 no. disused mineshafts and shallow mine workings at land off King Street, Wednesbury, Sandwell |
| Cabinet Member: | Councillor Danny Millard Cabinet Member for Inclusive Economic Growth |
| Director: | Tammy Stokes Interim Director for Regeneration and Growth |
| Key Decision: | Yes |
| Contact Officer: | Lead Engineer – Geotechnics Simon Morris / simon_morris@sandwell.gov.uk |

1 Recommendations

- 1.1 That an exemption be made to the Council's Procurement and Contract Procedure Rules in order to obtain a minimum of three tenders for the appointment of a contractor to undertake stabilisation of 2 no. mineshafts and shallow mine workings at land off King Street, Wednesbury.
- 1.2 That subject to 1 above, the Interim Director – Regeneration and Growth award a contract to Forkers Limited for a works period of 10 weeks at a value of £249,187.00 to deliver Stabilisation of 2 no. disused mineshafts and shallow mine workings at land of King Street, Wednesbury, Sandwell, West Midlands.






2 Reasons for Recommendations

- 2.1 Tenders were invited for the Stabilisation of 2 no. disused mineshafts and shallow mine workings at land of King Street, Wednesbury, Sandwell, West Midlands. The length of this contract is for approximately 10 weeks commencing early 2021.
- 2.2 This contract was publicly re-advertised via the Council's InTend portal in accordance with Procurement and Contract Procedure Rules. The value is below EU Works tender threshold and therefore not published in the Official Journal of the European Union (OJEU). Despite actively notifying a number of suitable contractors of this tendering opportunity, only 1 no. completed tender was received. This report relates to the re-tender.
- 2.3 Despite best attempts it has not been possible to obtain three tenders. The most likely reason is due to the specialist nature of the works to be executed under this contract and the relatively limited number of contractors within the UK that can undertake this work. This is further reduced when seeking to appoint contractors based in the West Midlands region.
- 2.4 The development programme for this project is such that re-tendering again for this contract is not desirable as this would cause a knock-on delay for the proposed completion and opening date of the facility. After two attempts at tendering the contract already it highly unlikely any further interest would be generated.
- 2.5 An assessment has been made of the tendered rates and it is deemed the submission of Forkers Ltd is technically and arithmetically correct. They are competitive and representative of current market rates when compared to recent works of a similar nature.



- 2.7 The Procurement Services Manager has been consulted and their advice is that in order for this tender to be accepted an exemption in accordance with Procurement and Contract Procedure Rules 8.11 and 15 is required.
- 2.8 That a contract be awarded to Forkers Limited for a period of 10 weeks at a value of £249,187.00 to deliver Stabilisation of 2 no. disused mineshafts and shallow mine workings at land of King Street, Wednesbury, Sandwell, West Midlands.
- 2.9 That any necessary exemptions be made under the Council's Procurement & Contract Procedure Rules to enable the course of action referred to above to proceed.
- 2.10 The intention is to fund the works using Black Country LEP grant, final approval for these funds having been obtained at the Black Country Joint Committee on the 17th Feb and completion of the requisite funding agreement is imminent.

3 How does this deliver objectives of the Corporate Plan?

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|  | People live well and age well – Provision of cutting edge medical facilities |
|  | Strong resilient communities – Modern sustainable housing and up to date medical facilities |
|  | Quality homes in thriving neighbourhoods – Provision of modern and sustainable housing |



4 Context and Key Issues

- 4.1 The treatment of 2 no. mineshafts and stabilisation of shallow mine workings form the first part of enabling works for the construction of new housing and the Wednesbury Health centre on the site. These works are required in order to:
- a) Ensure the long term structural integrity of the proposed development (Health centre and residential dwellings)
 - b) Ensure that no risk is posed to human health users of the site (tenants and visitors)
- 4.2 The aforementioned works must be undertaken to meet the requirements of the Coal Authority who are statutory consultees within the planning process.
- 4.3 The wider development programme, including the aforementioned works were approved at full cabinet meeting on 14th October 2020.

5 Alternative Options

- 5.1 The works were originally tendered in October 2020 but only 1 no. completed tender was returned. It could be re-tendered again but due to the reasons outlined 1.6 and 6.3 it is highly unlikely further bids will be attracted.
- 5.2 If exemption is not permitted for this contract award there would be knock-on delay for the proposed completion and opening date of the facility. This in turn would delay the provision of urgently needed housing and medical facilities in Wednesbury.



6 Implications

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| Resources: | Financial, staffing, land/building implications |
| Legal and Governance: | The tender exercise has been conducted in accordance with Public Contract Regulations 2015. |
| Risk: | All mandatory Health & Safety, Site Safety and appropriate Insurance requirements are contained within the terms and conditions of contract that will form the contract |
| Equality: | An equality impact assessment was not undertaken. However, terms and conditions in the contract documentation require the contractor to comply with all relevant equalities legislation. |
| Health and Wellbeing: | Implications of the proposals on health and wellbeing of our communities |
| Social Value | Due to the specialist nature of the works the tender was evaluated on a basis of 100% price and there were no specific Social Value requirements included. However, it should be noted that Forkers Ltd are based in West Bromwich so the letting of this contract will contribute to local employment and investment in the local economy. |

7. Appendices

None

