

DECISION TAKEN UNDER DELEGATED AUTHORITY

Report to the Interim Director of Neighbourhood Services

31st October 2016

Tender for: Structural Repairs to the wall at the side of 16 Stacey Close Cradley Heath

1. Summary Statement

- 1.1 The council is seeking to appoint a Contractor to undertake major structural works to the gardens, outbuildings, foundations and retaining walls at the side of 16 Stacey Close and the rear of Clyde Street Properties.
- 1.2 There has been a partial collapse of the gardens and retaining wall. The condition of the other section of the wall and gardens, is that failure to carry out the recommended works could result in a further collapse including a workshop/garage. This could lead to serious injury or a fatality.
- 1.3 The anticipated value of the contract is in the region of £239,885.
- 1.4 In order to comply with the council's Procurement and Contract Procedure Rules, a tender exercise was held inviting bids from suitably qualified and experienced Constructionline registered companies.
- 1.5 Six companies were sent the tender documents, however only three tender responses were returned by the deadline 15th August 2016. The council's Procurement and Contract Procedure Rules specify that four submissions are required for a contract of this value, unless the Procurement Services Manager is satisfied that value for money has been achieved by the responses received. In this case, the Procurement Services Manager is satisfied that the range of responses received demonstrates that value for money will be achieved from the market.
- 1.6 The tenders were evaluated in accordance with the stated award criteria based on 100% price and the contractor with the winning submission is Sutton Coldfield Construction.

2. Recommendation

- 2.1 Following evaluation of the returned tenders it is recommended that the Interim Director of Neighbourhood Services in consultation with the Interim Director of Resources, award the contract for structural repairs to the wall at the side of 18 Stacey Close and the rear of Clyde Street Properties to Sutton Coldfield Construction.

In accordance with the Council's Procurement & Contract Procedure Rules, I intend to take the action(s) recommended above.

I ~~do~~/do not have an interest to declare in this matter.



Ajman Ali
Interim Director of Neighbourhood Services

Date:

I do/do not have an interest to declare in this matter.



Darren Carter
Interim Director of Resources

Date: 3-11-2016

Contact Officers

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3. Strategic Resource Implications

- 3.1 Funding for the proposed £239,885 contract is included within the approved Housing Revenue Account for 2016/17 under the Structural Repairs budget.

4. Legal and Statutory Implications

- 4.1 The Council, as a Public body, has to comply with Public Contracts Regulations (2015). This tender exercise has been conducted using a restricted process limited to Constructionline registered companies.
- 4.2 The works will be managed in compliance with the Construction (Design and Management) Regulations 2015.

5. Implications for Council's Scorecard Priorities

- 5.1 The award of this contract will support the Council's scorecard priorities in respect of Great Place by demonstrating the Council's commitment to provide homes that meet people's needs.

6. Background Details

- 6.1 This contract is required to undertake major structural works to the gardens, outbuildings, foundations and retaining walls at the side of 16 Stacey Close and the rear of Clyde Street Properties. (See picture 1 & 2).
- 6.2 Confirmation was received from Strategic Asset Management on the 28th July 2014 that the collapsed wall is in the ownership of Sandwell MBC, and therefore the Council is responsible for its upkeep.
- 6.3 A Tender was originally advertised late 2015, at that time the winning tender return was for the £264,884. A site visit was carried out in February 2016 to establish if the cost to carry out the works was cost effective and if the work identified was necessary.
- 6.4 The Principle Structural Engineer has revisited the plans following the site visit and has altered the design of the replacement wall to reduce the amount of brickwork required.
- 6.5 The following options were considered:
- i) Ground anchors (steel ties through a concrete facing into the good ground behind) was considered to the wall bounding the hammer head. This would have consisted of ties say one third from top and base of the wall. The party wall surveyor has advised that this would require a separate legal agreement with each householder.
 - ii) Precast wall craned into location along the length of the path where some of the wall has collapsed.
 - iii) Constructing a new wall in the hammer head, in front of the wall which is currently unsafe; this was not developed as it would have a significant impact on large vehicles turning, and prohibit one property from using their drive. Furthermore the contractor should not work within the vicinity of the unsafe wall to the end of the hammer head, i.e. keeping a distance of 1.5 its height.

- iv) Fencing in lieu of brickwork to the top of the proposed retaining wall, but the party wall surveyor advised that the residents want a brick wall to the rear of their gardens, as existing.
- v) From our limited investigation it appears that the foundations to the lowered wall are below that of the existing garden walls to Clyde Street (the investigation took the form of removal some rubble and digging down, by hand, to ascertain foundation depths of both walls. This investigation was curtailed as the operation was deemed too dangerous).
- vi) Initial discussion were held with the planners, who advised the wall height would require planning permission, however if the new wall was rebuilt mirroring the existing wall, then no planning permission would be required.

- 6.6 Due to the amount of soil that the current wall is retaining in the rear gardens of Clyde Street, the Principle Structural Engineer has stated that the re-enforced concrete footing and retaining wall that has been designed is the most suitable and cost effective solution for this project.
- 6.7 The existing wall is on average 3.1 meters high, the revised design of the retaining wall from the footings to the top of the wall is now 2.4 meters, reducing the amount of brickwork required.
- 6.8 The original tender was to replace 20.5 meters of wall, a further structural survey has identified another 18.5 meters has now become unstable and will need to be replaced, making the total 39 meters (this is included in the new tender return).
- 6.9 The scope of works will involve the contractor excavating approximately 28 cubic meters of soil per garden at the rear of the current partially collapsed wall, and the retaining wall in seven private properties in Clyde Street. Demolition and replacement of one garage/workshop in the rear garden of one of the private properties, as it is built next to the partially collapsed wall. Re-instatement works to the rear gardens once the retaining wall has been completed including slabs to pathways and dividing fences. A fence installed on top of the new retaining wall.
- 6.10 A section of the un-adopted highway at the top of Stacey close will need to be removed and re-instated so that the concrete footing and retaining wall can be installed (See picture 2, area in front of grey/brown rendered wall that will be replaced).
- 6.11 There has been a partial collapse of the gardens and retaining wall. The condition of the other section of the wall and gardens, (picture 2) is that failure to carry out the recommended works could result in a further collapse including a workshop/garage. This could lead to serious injury or a fatality.
- 6.12 With regard to the Council's responsibilities for reinstating privately owned property adjacent to the wall the following extract from the Part Wall Act 1996 is pertinent:

'The Building Owner must provide temporary protection for adjacent buildings and property where necessary. The Building Owner is responsible for making good any damage caused by the works or must make payment in lieu of making good if the Adjoining Owner requests it.'

The Council have engaged consultants AA Projects Ltd to advise on the legal position regarding the Party Wall Act, to serve notice on all properties and liaise as the Act requires. Should the Council wish adjudication on any matter, the Act makes

provision for a third party Wall Surveyor to be appointed; who will make judgments in accordance with the Act.

- 6.13 In accordance with section B6 of the Council's Procurement and Contract Procedure Rules a Risk Assessment was completed and is attached as Appendix 1.
- 6.14 In accordance with the council's Procurement and Contract Procedure Rules, a tender exercise was held inviting bids from suitably qualified and experienced Constructionline registered companies.
- 6.15 The contract is below the OJEU Works tender threshold of £5million, therefore we can award the contract on a 100% price basis. Constructionline membership negates the need for additional quality assessment. Prelims in the JCT construction contract are specific so all aspects of project are covered.
- 6.16 Three compliant tender responses were returned by the deadline 15th August 2016; a table containing details of returned bids is shown below:

Financial Analysis of Returned Tenders

Tenderer	Total Project Cost	Points (Out of 100)
Company A	£239,885.14	100
Company B	£256,280.25	93.6
Company C	£422,948.99	56.7

- 6.17 The most competitive bid received is from Sutton Coldfield Construction Ltd at £239,885.14.
- 6.18 Business continuity is covered by Constructionline membership requirements.
- 6.19 The contract period is 26 weeks; a start date will be agreed following award of the contract.

