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Contract

Design and Build of Abbey Fields Swimming Pool

Warwick District Council

F20: Modification notice

Notice identifier: 2024/S 000-015323

Procurement identifier (OCID): ocds-h6vhtk-0373dc

Published 14 May 2024, 3:09pm

Section I: Contracting authority/entity

I.1) Name and addresses

Warwick District Council

Riverside House, Milverton Hill

LEAMINGTON SPA

CV325HZ

Contact

Rebecca Reading

Email

rebecca.reading@warwickdc.gov.uk

Telephone

+44 1926456232

Country

United Kingdom

Region code

UKG13 - Warwickshire

Justification for not providing organisation identifier

Not on any register

Internet address(es)

Main address

www.warwickdc.gov.uk

Buyer's address

www.csw-jets.co.uk

Section II: Object**II.1) Scope of the procurement****II.1.1) Title**

Design and Build of Abbey Fields Swimming Pool

Reference number

CS103MC0522

II.1.2) Main CPV code

- 45210000 - Building construction work

II.1.3) Type of contract

Works

II.2) Description

II.2.2) Additional CPV code(s)

- 45220000 - Engineering works and construction works
- 45300000 - Building installation work
- 45400000 - Building completion work

II.2.3) Place of performance

NUTS codes

- UKG13 - Warwickshire

Main site or place of performance

Kenilworth, Warwickshire

II.2.4) Description of the procurement at the time of conclusion of the contract:

A 2 stage mini competition was undertaken through the NHS Construction framework. A single supplier was selected through stage 1, and we have now awarded to that supplier

following stage 2 of price finalisation.

To facilitate contract management and the staggering of the work across 2 sites, the contract has been split into 2 physical contracts. This notice is the second, and last, of these contracts for Abbey Fields following it being signed on 6th September 2022.

II.2.7) Duration of the contract, framework agreement, dynamic purchasing system or concession

Duration in months

36

Section IV. Procedure

IV.2) Administrative information

IV.2.1) Contract award notice concerning this contract

Notice number: [2022/S 000-028238](#)

Section V. Award of contract/concession

Contract No

CS103MC0522

Title

Design and Build of Abbey Fields Swimming Pool

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract/concession award decision:

6 September 2022

V.2.2) Information about tenders

The contract/concession has been awarded to a group of economic operators: No

V.2.3) Name and address of the contractor/concessionaire

Kier Construction Ltd

2nd Floor, Optimum House, Clippers Quay, Salford

Manchester

M50 3XP

Country

United Kingdom

NUTS code

- UKD33 - Manchester

Companies House

02099533

The contractor/concessionaire is an SME

No

V.2.4) Information on value of the contract/lot/concession (at the time of conclusion of the contract;excluding VAT)

Total value of the procurement: £26,846,427.24

Section VI. Complementary information

VI.4) Procedures for review

VI.4.1) Review body

High Court of England and Wales

London

Country

United Kingdom

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

As this procurement was undertaken through a framework, no standstill period was observed. Suppliers that submitted bids to the mini competition via the framework were notified of the outcomes and the reasons for the decisions at stage 1 of the 2 stage mini competition.

Section VII: Modifications to the contract/concession

VII.1) Description of the procurement after the modifications

VII.1.1) Main CPV code

- 45210000 - Building construction work

VII.1.2) Additional CPV code(s)

- 45220000 - Engineering works and construction works
- 45300000 - Building installation work
- 45400000 - Building completion work

VII.1.3) Place of performance

NUTS code

- UKG13 - Warwickshire

Main site or place of performance

Kenilworth, Warwickshire

VII.1.4) Description of the procurement:

A 2 stage mini competition was undertaken through the NHS Construction framework. A single supplier was selected through stage 1, and we have now awarded to that supplier following stage 2 of price finalisation.

To facilitate contract management and the staggering of the work across 2 sites, the contract has been split into 2 physical contracts. This notice is the second, and last, of these contracts for Abbey Fields following it being signed on 6th September 2022.

VII.1.5) Duration of the contract, framework agreement, dynamic purchasing system or concession

Duration in months

36

VII.1.6) Information on value of the contract/lot/concession (excluding VAT)

Total value of the contract/lot/concession:

£26,843,427.24

VII.1.7) Name and address of the contractor/concessionaire

Kier Construction Ltd

2nd Floor, Optimum House, Clippers Quay, Salford

Manchester

M50 3XP

Country

United Kingdom

NUTS code

- UKD33 - Manchester

Companies House

02099533

The contractor/concessionaire is an SME

No

VII.2) Information about modifications

VII.2.1) Description of the modifications

Nature and extent of the modifications (with indication of possible earlier changes to the contract):

Reg 72.1a The original contract provided for certain compensation events which included the

event of unforeseen groundworks. The proposed modification is within the contracts original scope and the resulting price change is within allowances.

VII.2.2) Reasons for modification

Need for modification brought about by circumstances which a diligent contracting authority/entity could not foresee.

Description of the circumstances which rendered the modification necessary and explanation of the unforeseen nature of these circumstances:

Although the potential for historic remains was identified at the site, the extent of these remains was assumed to be low due to the existing Abbey Fields swimming pool. However, following demolition of the swimming pool and more detailed ground investigations, an extensive amount of historic remains were identified on site. These then had to be carefully excavated and assessed prior to being carefully recovered. This discovery caused massive delays in the start of the project after the main contractor has already begun on site and resulted in compensation events being raised by the contractor to cover the delay.

In addition, the resulting historical remains required a changed in design specification for the ground works needed to support the new building. These design changes resulted in additional costs as well as the appointment of additional specialist sub contractors.

VII.2.3) Increase in price

Updated total contract value before the modifications (taking into account possible earlier contract modifications, price adaptations and average inflation)

Value excluding VAT: £26,843,427.24

Total contract value after the modifications

Value excluding VAT: £39,393,427.24