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Contract

## **Fairwater Community Campus**

Cardiff Council

F03: Contract award notice

Notice identifier: 2024/S 000-037036

Procurement identifier (OCID): ocds-h6vhtk-04b6e3

Published 15 November 2024, 2:07pm

### **Section I: Contracting authority**

#### **I.1) Name and addresses**

Cardiff Council

County Hall, Atlantic Wharf

Cardiff

CF10 4UW

#### **Email**

[environmentprocurement@cardiff.gov.uk](mailto:environmentprocurement@cardiff.gov.uk)

#### **Telephone**

+44 2920873732

#### **Country**

United Kingdom

#### **NUTS code**

UKL22 - Cardiff and Vale of Glamorgan

**Internet address(es)**

Main address

<https://www.cardiff.gov.uk>

Buyer's address

[https://www.sell2wales.gov.wales/search/Search\\_AuthProfile.aspx?ID=AA0422](https://www.sell2wales.gov.wales/search/Search_AuthProfile.aspx?ID=AA0422)

**I.2) Information about joint procurement**

The contract is awarded by a central purchasing body

**I.4) Type of the contracting authority**

Regional or local authority

**I.5) Main activity**

General public services

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**Section II: Object**

**II.1) Scope of the procurement**

**II.1.1) Title**

Fairwater Community Campus

**II.1.2) Main CPV code**

- 45214220 - Secondary school construction work

**II.1.3) Type of contract**

Works

**II.1.4) Short description**

The Authority awarded an enabling works contract to ISG Construction Limited ("ISG") on 22nd February 2023 via the SEWSCAP3 framework agreement. Subsequent to that, and

in accordance with SEWSCAP3, the Authority entered into a main works contract on 22nd December 2023.

ISG Construction Ltd filed for administration on 19 September 2024 and construction works ceased.

As a interim solution to address issues brought about by ISG entering into administration and to address the urgent issues associated with protecting the project/site, the continuation of construction works and to allow sufficient time to undertake a compliant procurement process, the Authority has novated the enabling works and main works contracts for construction for a short-term interim period to the main sub-contractor appointed under the main works contracts.

#### **II.1.6) Information about lots**

This contract is divided into lots: No

#### **II.1.7) Total value of the procurement (excluding VAT)**

Value excluding VAT: £88,441,349

### **II.2) Description**

#### **II.2.2) Additional CPV code(s)**

- 45000000 - Construction work
- 45214220 - Secondary school construction work
- 45214230 - Special school construction work
- 45214200 - Construction work for school buildings

#### **II.2.3) Place of performance**

NUTS codes

- UKL22 - Cardiff and Vale of Glamorgan

#### **II.2.4) Description of the procurement**

The scope of the project includes the construction of three new build schools so as to:

- Replace the Cantonian High School buildings with new build accommodation on the same site expanding the school from six forms of entry (6FE) to eight forms of entry (8FE) with sixth form provision for up to 250 pupils;

- Expand the Specialist Resource Base (SRB) for learners with an Autism Spectrum Condition (ASC), hosted at Cantonian High School from 20 to 30 places in purpose built accommodation in the new school buildings;
- Relocate Woodlands High School to the Fairwater Road site from its current site adjacent to Trelai Park and increase the capacity from 140 places to 240 places in new build accommodation;
- Relocate Riverbank Special School to the Fairwater Road site from its current site adjacent to Trelai Park, and increase the capacity from 70 to 112 places in new build accommodation.

#### **II.2.5) Award criteria**

Price

#### **II.2.11) Information about options**

Options: No

#### **II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

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## Section IV. Procedure

### IV.1) Description

#### IV.1.1) Type of procedure

Award of a contract without prior publication of a call for competition in the cases listed below

- Extreme urgency brought about by events unforeseeable for the contracting authority

Explanation:

The Negotiated Procedure without Prior Publication is being followed and is justified under Regulation 32(2)(c) and/or 32(2)(a) for the award of a public works contracts

#### IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: Yes

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## Section V. Award of contract

A contract/lot is awarded: Yes

### V.2) Award of contract

#### V.2.1) Date of conclusion of the contract

7 November 2024

#### V.2.2) Information about tenders

Number of tenders received: 1

Number of tenders received from SMEs: 1

Number of tenders received from tenderers from other EU Member States: 0

Number of tenders received from tenderers from non-EU Member States: 1

Number of tenders received by electronic means: 1

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

**V.2.3) Name and address of the contractor**

Borley Engineering Services Ltd

1 Alexandra Gate, Ffordd Pengam, Tremorfa

Cardiff

CF242SA

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor is an SME

Yes

**V.2.4) Information on value of contract/lot (excluding VAT)**

Total value of the contract/lot: £88,441,349

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## Section VI. Complementary information

### VI.3) Additional information

Mobilising the novation with the BESL has taken place relatively quickly, including the novation of the supply chain agreements. Novation of contracts will protect the terms of these contracts & pre-agreed fixed pricing should be preserved. Retaining the existing supply chain will save costs in handover / mobilisation & other additional costs relating to restart. CC has determined it is impossible to run any form of compliant procurement exercise within the accelerated timescale due to the complexity of development of tender documents for a project part constructed.

CC has undertaken a review of the current project status & risks & believe a short-term duration of an estimated 22 wks will be necessary to allow CC to undertake a compliant procurement exercise & to address the immediate circumstances of extreme urgency which requires the site to be protected & urgent works to continue as soon as possible.

There is an urgent need to continue & complete the works carried out to date. CC has determined it is impossible to run any form of compliant procurement exercise within the accelerated timescale afforded within the open procedure or mini competition off the SEWSCAP framework, due to the complexity of development of tender documents for a project part constructed. Indicative timescales are as follows:

Develop Tender Pack:4–6wks

Allow sufficient time for Bidders to review tender & submit:8wks

Tender Evaluation:3wks

Award decision:3wks

Mobilise and Contract Start:4 wks

CC has taken independent advice to review all options regarding conducting a new procurement including the use of frameworks. The original procurement process was a mini-competition pursuant to the SEWSCAP3 framework agreement. The project is now more complex given the partly built status and a longer period is now needed due to the added complexity. There is accordingly insufficient time to conduct a procurement process using any procedure (including accelerated timescales) or undertake a framework competition.

CC has novated the main contract for a short-term duration and limited scope to mitigate further delays, by maintaining the supply chain (including the viability of the supply chain)

and mobilising on site as soon as possible. Delays on programme have a significant impact on the school capacity to accommodate pupil numbers, standard of education provision and funding timescale. This is an exceptional situation where extreme urgency has been brought about by events unforeseeable and not attributable by CC, making it impossible for CC to conduct a regulated procedure within prescribed time limits due to the critical nature of the works both in terms of health and safety, viability of the supply chain, state and condition of partly completed works and the required delivery date of the campus. The award (by way of novation of the original enabling and main works contracts) to BESL is strictly necessary and to allow CC the requisite period of time to undertake a full procurement exercise. Whilst the initial contract award is to novate the entire contract for a sum of 88M GBP, CC will immediately vary the contract to instruct BESL to pick up the interim works and carry out these works to completion (as defined) the intention is for a 22 wk contract at an approximate cost of 33MGBP. BESL agrees to novate the contract to a replacement contractor at an identified stage of the works which will be defined in the scope

(WA Ref:145856)

## **VI.4) Procedures for review**

### **VI.4.1) Review body**

High Court

Royal Courts of Justice, The Strand

London

WC2A 2LL

Telephone

+44 2079477501

Country

United Kingdom