

**REPORT TO:** Executive Board

**DATE:** 14 April 2022

**REPORTING OFFICER:** Strategic Director – Enterprise, Community & Resources

**PORTFOLIO:** Corporate Services

**SUBJECT:** SEN School Naylor Road, Invasive Species Removal Contract - Waiver Request

**WARDS:** Halton View

## **1.0 PURPOSE OF THE REPORT**

1.1 The purpose of the report is to seek approval from Members for a waiver of standing orders to enable the Council to enter in to an ‘enabling contract’ with Bowmer & Kirkland, the contractor who will be delivering the new Special Educational Needs School, Raise Academy, on Naylor Road, Widnes for the Department of Education. The enabling contract consists of the removal from site of the invasive species Horsetail.

**2.0 RECOMMENDATION: That the Board approves the waiver of Part 3 of Procurement Standing Orders (non-emergency procedures – exceeding a value threshold of £100,000) by virtue of Procurement Standing Order 1.14.4 (v) and the contract be awarded directly to Bowmer & Kirkland, to carry out an enabling contract consisting of the removal from site of the invasive species Horsetail.**

## **3.0 SUPPORTING INFORMATION**

3.1 The Department of Education (DfE) are leading on the delivery of the new Special Education Needs (SEN) free school, Raise Academy, to serve both Halton and St Helens Councils, the site which has been selected is on Naylor Road, Widnes. The DfE have engaged with the Contractors Bowmer & Kirkland (B&K) to deliver the project with a planned start date of 1<sup>st</sup> July 2022, subject to planning approval.

3.2 The site investigation works identified both Japanese Knotweed and Horsetail being present on the site, both of which are invasive species. Under the agreement that Halton entered in to with the DfE it is Halton’s responsibility to offer them a clean developable site hence it is our responsibility to ensure these are adequately dealt with.

- 3.3 The Japanese knotweed is located on the site perimeter and does not impact on the new build as such this will be treated to eradicate it. Open Spaces have now included this in their treatment programme so this will be dealt with over time. The Horsetail however is located, in an area that much nearer to the building footprint and in part is in an area that is ultimately going to be used for an enclosed animal area. Similar to the knotweed our preferred option was to undertake a treatment programme to eradicate it over time, however as Horsetail is nearer to the building footprint and is toxic to livestock the DfE are insistent that this is completely removed rather than treated.
- 3.4 We have had discussions with B&K and they have agreed to undertake the necessary work as an 'enabling contract' prior to them commencing the main work, but contracted direct with the Council rather than through the DfE. Using B&K will ensure that there is no conflict with the necessary warranties required with the works and preliminary costs will be kept to a minimum as these will be shared with the main works contract.
- 3.5 Based on the area affected identified in the site investigation surveys undertaken last year, B&K have sought competitive quotes from 3 groundworks contractors and have provided an estimated cost for the remedial work of circa £130k. Final costs cannot be obtained until the full extent of the works are determined and this can't be finalised until the growing season has commenced so we can establish the full extent of the Horsetail's growth. Open Spaces are now carrying out weekly site inspections to ensure the full extent of the work is establish as soon as feasible.

#### **4.0 POLICY IMPLICATIONS**

- 4.1 In line with procurement policy this is the most economically advantageous solution to deliver the works. Engaging with an alternative contractor will create unnecessary expense due to the introduction of duplicated preliminary costs. Warranties are also required for the work so engaging with B&K will ensure that all warranties sit with one contractor and therefore there can be no conflict at a later date should any defects occur.

#### **5.0 FINANCIAL IMPLICATIONS**

- 5.1 The cost of the remediation work can be met from existing budgets.

#### **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

##### **6.1 Children and Young People in Halton**

None

##### **6.2 Employment, Learning and Skills in Halton**

None

**6.3 A Healthy Halton**

None

**6.4 A Safer Halton**

None

**6.5 Halton's Urban Renewal**

None

**7.0 RISK ANALYSIS**

Not undertaking the work will lead to the delay in the Department of Education delivering the new build SEN Free School, Raise Academy.

**8.0 EQUALITY AND DIVERSITY ISSUES**

None

**9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

None under the meaning of the Act.