

EAST AYRSHIRE COUNCIL

CABINET MEETING – 17 DECEMBER 2008

CATRINE ENVIRONMENTAL HERITAGE PROJECT - EXTENSION OF CONTRACT WITH AUSTIN SMITH LORD

Report by the Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

1.1 The purpose of this report is to seek the approval of Cabinet to authorise the extension of the scope of the contract between East Ayrshire Council and Austin Smith Lord dated 26th June 2007 relating to the Catrine Environmental Heritage Project, in compliance with the Council's Standing Orders Relating to Contracts & Tendering.

2. BACKGROUND

2.1. The Catrine Environmental Heritage Project (CEHPr) is administered by the Catrine Environmental Heritage Partnership (CEHP) under an Agency Agreement signed by East Ayrshire Council (EAC) and Catrine Community Trust (CCT). Austin Smith Lord (ASL) won a fully competitive tender to prepare a Conservation Management Plan (CMP) and submit a grant application to Heritage Lottery Fund (HLF) in April 2007. The application to HLF was submitted on 31st March 2008, however it was subsequently withdrawn on HLF advice in July 2008. The CEHPr has been re-evaluated following HLF feedback and a revised lower cost, multi-funded plan is now required together with a second grant application.

The lower cost plan involves taking elements of the original CMP and re-packaging them with a visitor & education resource centre and a replica Fairbairn Water Wheel in the centre of Catrine. In addition, the outputs from the Catrine Community Renewables (CCR) business plan require to be incorporated into the revised HLF grant application along with upgraded interpretation, training & education plans and an enhanced community consultation process.

2.2 The original June 2007 contract with ASL was for a total value of £152,800 including two minor variations to the contract. This was funded by the reallocation of the 2006/07 project budgets as agreed by the Council on the 21 June 2007. It was based on a fundamentally different consultants' brief, however the contract contains provision for instructing additional work on day rates and/or the supervision of any capital work contracts on a percentage fee basis following successful grant applications.

2.3 EAC, as Lead Partner, awarded the original contract on 26th June 2007 and also approved, in principle, a financial contribution of up to £1M over financial years 2009/10 – 2010/11 at the Special Cabinet meeting on 26

March 2008, subject to the approval of the HLF funding bid and available resources at that time.

2.4 The Special Cabinet also approved up to £50,000 of expenditure for the development of the HLF Stage 2 submission, subject to the approval of the Stage 1 bid.

2.5 The Council has agreed the Standing Orders Relating to Contracts & Tendering (November 2007) with effect from 1st January 2008, which apply to all contracts for the supply of goods and materials for the provision of services or for the execution of works. The extension of the contract would be awarded in terms of these Standing Orders.

3. EXTENSION OF AUSTIN SMITH LORD CONTRACT FOR CEHPr

3.1 The CEHPr involves the restoration of an 18th century water system, which is powered by the River Ayr at Catrine weir. This weir is in a poor state of repair and exists in a spate river with recorded flows of up to 200 tonnes of water per second. It is important that there is continuity between all design and implementation work on such a project to ensure that any future liabilities can be attributed to one Company and their Insurers.

3.2 It was always envisaged that ASL would be required to carry out additional work on the project and the contract includes day rates and percentages to cover such situations. The circumstances relating to the need to reconfigure the project were not envisaged in the original contract.

3.3 Authorisation is, therefore, sought from Cabinet to extend the contract with the Austin Smith Lord consortium to cover the following:-

- a) Revision of the technical files relating to the conservation of Catrine Weir to include automation of the sluice gates and optimisation of the trash and smolt screening, plus modifications to the existing fish pass.
- b) Provision of documentation to support the use of lime concrete in a spate river situation.
- c) Preparation of a SWOT analysis on five potential buildings/sites in the centre of Catrine to establish the best fit for a proposed visitor & educational resource centre. On agreement of the preferred option, this option is to be designed and costed to RIBA stage "D".
- d) Design of an affordable replica Fairbairn suspension water wheel with rainbow lightshow facility for integration with the proposed visitor & education resource centre.
- e) Enhancement of the education, training and interpretation packages to include the development of an interpretation strategy with displays within the visitor centre, the townscape and the landscape.
- f) Joint development of the CCT website to include all of the appropriate materials generated in item (e) above together with the database material generated from the March 2008 CMP.

- g) Reviewing the outputs from the Catrine Community Renewables project to the extent required to integrate the revenue and environmental outputs with the next CEHPr HLF application.
- h) Working with Historic Scotland to agree the detailed elements of the Scheduled Monument Consent (SMC) application and the allocation of Historic Scotland grant funding to discrete elements of the CEHPr.
- i) Specifying and implementing the processes required to establish the load carrying capacity of the tunnel and its cast iron columns at typical locations. This will include the design and costing of any remedial work deemed necessary.
- j) Planning and implementation of a community consultation process to ensure that the details of the next HLF application have the support of Catrine residents.
- k) Preparing and submitting a full grant application to the HLF by February 2009. The cost elements should be developed to the level of confidence normally expected at RIBA stage "D".
- l) It will be a condition of the contract extension that the Accredited Conservation Engineer is a member of the consultancy team.
- m) It will be a condition of the contract extension that ASL demonstrate that the required level of Public Liability and Professional Indemnity Insurance cover is in place and is contiguous with the original contract.

4. FINANCIAL IMPLICATIONS

4.1 This work will be carried out as an extension to the original contract awarded on 26th June 2007 to be negotiated with Austin Smith Lord based on the day rates contained therein, with the proviso that the total fees and expenses for the extension of the contract will be capped at £50,000 plus VAT.

4.2 The cost of the Contract Extension can be provided from the existing £50,000 approved by Cabinet on the 26 March 2008, for the development of the Stage 2 submission, which can be funded from existing departmental budgets.

5. LEGAL/PERSONNEL IMPLICATIONS

5.1 The Contract Extension will be awarded in terms of Paragraph 20(2) of the Council's Standing Orders Relating to Contracts & Tendering.

6. COMMUNITY PLANNING IMPLICATIONS

6.1 The implementation of the CEHPr will contribute significantly to achieving targets contained in the "Improving the Environment" and "Improving Opportunities" Action Plans of the East Ayrshire Community Plan.

7. RISK MANAGEMENT IMPLICATIONS

7.1 Risk Assessments will be carried out by ASL as required. ASL has the appropriate insurance cover to undertake the consultancy work proposed.

8. RECOMMENDATIONS

8.1 The Cabinet is asked to:

- (i) Authorise the Head of Planning and Economic Development to negotiate an extension to the contract with ASL in terms of Item 20(2) of the Council's Standing Orders Relating to Contracts & Tendering;**
- (ii) Authorise the Solicitor to the Council/Head of Legal, Procurement and Regulatory Services to extend the ASL contract by an additional maximum of £50,000.**

**Elizabeth Morton
Depute Chief Executive/
Executive Director of Corporate Support**

28th November 2008

LIST OF BACKGROUND PAPERS

1. Report to Special cabinet – 26th March 2008 “Catrine Environmental Heritage Project, Heritage Lottery Fund Submission”
2. Report to Cabinet – 2 July 2008 “Regeneration Projects & Budget Allocations”

Anyone wishing further information should contact
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