

Council 20/2/2012 Addition to Briefing Note -Contract for new competition standard pool.

This briefing note sets out the current position in respect of the construction contract for the competition standard pool.

At this time last year Council approved the budget necessary to complete the project.

In July 2011 at the City Executive Board Wilmott Dixon were selected as the contractor and officers were instructed to proceed to contract.

The project team have, properly, been working to implement that resolution and will continue to do so.

Due to the issues of the Town Green application and the Judicial Review proceedings, the contract has been drafted as being conditional on these issues being settled to the satisfaction of the Council's Monitoring Officer. If the matters are not resolved satisfactorily the contract will not commence and there will be no grounds for a successful claim against the Council.

A claim for breach of contract could only arise if, after the town green and judicial review issues were resolved to the satisfaction of the Council's Monitoring Officer, the Council then decided not to proceed which would be entirely inconsistent with the previous resolutions of the Authority.

Officers are not aware of where the sum of £3m of potential damages has come from. There is nothing to this effect in the draft contract.

There is now a settled draft of the contract between the Council and Wilmott Dixon and we are in the final stages of diligence processes. It is anticipated that we shall be in a position to exchange contracts later next week.

Tim Sadler.
Executive Director for City Services.
16th February 2012.

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