

S40 (2)

Reply by email: S40 (2)

Telephone: 01636 655216/7

Email: [freedom@nsdc.info](mailto:freedom@nsdc.info)

Your ref:

Our ref: **RFI-2016-1492**

17 January 2017

Dear S40 (2)

**Request for information: RFI-201-1492**

Your request for information in relation to the lift at Newark Sports and Fitness Centre has now been considered. The information held by the Council relevant to your request is attached with this set out below.

Your first question related to the awarding of the contract for this development to a company who had previously been listed by the OFT following an investigation into alleged price-rigging.

The decision to proceed with the development of a facility to replace The Grove Leisure Centre was made by the council's Policy and Finance Committee in February 2014. Based on the value of the project the Council were required to conduct a tendering exercise through the Official Journal of the European Union (OJEU) and this took place during the summer of 2014. In awarding the contract following this exercise note was taken of OFT guidance issued in 2009 which stated:

“ In the light of the above, it is the recommendation of both the OFT and the OGC, that **the Parties should not be excluded automatically from future tenders**” A full copy of this guidance is attached for your information.

You also asked what legal action is being taken in relation to delays in rectifying the issues with the lift, and have asked what contractual obligations are in place.

Firstly we regret that the lift failed and that repair took longer than we would consider to be acceptable. An engineer's report has now been requested to determine the cause of the problems and to provide reassurance that there will no reoccurrence.

As this fault developed within twelve months of the work on the Centre being completed we are still within a period during which we have retained an element of the overall contract value. Consideration will be given to the contents of the engineer's report and the Council will then determine what the appropriate action would be in relation to the release of of this money.

This request has been handled under the Freedom of Information Act 2000.

I trust that this information is of assistance to you however, if you have any further queries or concerns about the information provided please do not hesitate to contact us. If we do not hear from you within 40 days, starting the day after the date of this letter, we will consider the request closed.

If following our response to your query you are still dissatisfied you have the right to request an internal review. This will be conducted by the Director of Safety or the Deputy Chief Executive who have not been involved with the request or complaint until this point. Should you wish to proceed to this stage please advise us quoting the reference number at the top of this page.

Should you be dissatisfied with the outcome of any internal review to the Council you have a further right of appeal to the Information Commissioner's Office, details of which can be found on the Information Commissioner's website [www.ico.org.uk/](http://www.ico.org.uk/)

More details of this complaints process are available to view on our website at the following link: [www.newark-sherwooddc.gov.uk/yourcouncil/makingarequestforinformation/accesstoinformation-complaintsprocedure/](http://www.newark-sherwooddc.gov.uk/yourcouncil/makingarequestforinformation/accesstoinformation-complaintsprocedure/)

Yours sincerely

David Clarke

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Information Governance Officer