

Item No.	Classification: Open	Date: 1 November 2017	Meeting Name: Strategic Director of Environment and Social Regeneration
Report title:		Gateway 2 - Contract Award Approval Camberwell New Cemetery, Area B, Landscaping Works Contract	
Ward(s) or groups affected:		Peckham Rye	
From:		Director of Leisure	

RECOMMENDATION(S)

1. That the Strategic Director of Environment and Social Regeneration approves the award for the Camberwell New Cemetery, Honor Oak, Area B and associated landscaping works for a period of 36 weeks to Tilhill Forestry Ltd, in accordance with the Landscape Framework for the parks capital programme.
2. That the Strategic Director of Environment and Social Regeneration approve the allocation of a contingency which will be held within the capital project budget.

BACKGROUND INFORMATION

3. Southwark Council are implementing the 2012 Cemetery Strategy to provide sustainable capacity for burial in the short, medium and long-term, within their cemeteries, therefore addressing the shortage of burial space in the borough.
4. The site of the former Honor Oak Nursery at the south end of Camberwell New Cemetery (Area B) is proposed for development for burial as a short term option within the Strategy.
5. Planning consent was granted for the Area B works on 16 June 2017.
6. Gateway 2 approval for the landscape framework was granted on the 27 July 2017 which included the decision to award the landscape multi supplier framework to the following contractors for a four year period:
 - a. Blakedown Landscapes SE Ltd
 - b. Ground Control Ltd
 - c. Tilhill Forestry Ltd

Procurement project plan (Key Decision)

Activity	Completed by/Complete by:
Forward Plan for Gateway 2 decision	24/05/2017
Approval of Gateway 1: Procurement Strategy Report for the Landscaping Framework contracts for parks capital programme including Burgess Park West project	08/12/2016

Activity	Completed by/Complete by:
Approval of Gateway 2: Landscaping Framework contracts for parks capital programme including Burgess Park West project	27/07/2017
Invitation to tender	30/08/2017
Closing date for return of tenders	26/09/2017
Completion of evaluation of tenders	13/10/2017
DCRB Gateway 2: Report for Area B works contractor	01/11/2017
Briefed relevant cabinet member (over £100k)	09/11/2017
Notification of forthcoming decision – Five clear working days	10/11/2017
Approval of Gateway 2: Contract Award Report	16/11/2017
Scrutiny Call-in period and notification of implementation of Gateway 2 decision	22/11/2017
Contract award	23/11/2017
Add to Contract Register	24/11/2017
Contract start	January 2018
Publication of award notice on Contracts Finder	November 2017
Contract completion date	September 2018

KEY ISSUES FOR CONSIDERATION

Description of procurement outcomes

7. The Cemetery Strategy approved at the Cabinet Committee in June 2012, includes an action plan to create new burial space within the borough's cemeteries in the short term (2015 – 2022) and medium term (2022 – 2040).
8. This contract is essential to ensure continuity of service provision in the immediate term and will deliver approximately 1000 new burial plots. At current rates, this will help provide sufficient burial capacity to 2027.

Key/Non Key decisions

9. This report deals with a key decision.

Policy implications

10. The procurement of this contract will allow the council to fulfil its obligation to implement the short term burial proposal as set out in the future service strategy for Southwark Cemeteries report approved by Cabinet in June 2012.

Tender process

11. In accordance with the Landscape Framework for the parks capital programme, all projects with an estimated value equal or over £500,000 shall be determined through a mini competition between the three contractors within the framework for Lot 2 projects:
 - Blakedown Landscapes SE Ltd
 - Ground Control Ltd
 - Tilhill Forestry Ltd
12. The Tender Evaluation Methodology is detailed in Appendix 1.

Tender evaluation

13. The tender evaluation panel consisted of the council's project manager, Principle Designer, engineer and quantity surveyor appointed by the Council.
14. Tender evaluation followed a weighted model of 70:30 price/quality. The framework agreement that was issued as part of the landscape framework contract tender detailed the call-off procedure and the proposed 70/30 price/quality ratio at mini-tender stage.
15. Assurance on the 'quality' aspect of the contractors on the framework was gained through the landscape framework tender and associated gateway approval by using a 60/40 price/quality ratio.
16. This tender process and the associated 70/30 price/quality provided the opportunity to gain additional price assurance.
17. On the basis of the completed price and quality evaluation it is recommended that Tilhill Forestry Ltd. is appointed for the Camberwell New Cemetery, Area B landscape works contract.
18. The form of contract for this project is JCT Intermediate Contract with Contractor's Design 2011 which will include the council's amendments.

Plans for the transition from the old to the new contract

19. There is no existing contract in place.

Plans for monitoring and management of the contract

20. The contract shall be monitored by the Principal Designer and the client officer from the parks and leisure team.
21. Payment of invoices will be certified on satisfactory completion of works in accordance with an agreed payment schedule.
22. Progress meetings with the contractor, Principal designer, CDM advisor, and quantity surveyor shall be held where necessary to monitor progress against the programme and the budget.

23. Any significant unexpected deviance from either programme or budget shall be highlighted to relevant officers, as issues arise, for resolution.
24. Cemetery based staff will be on hand to respond to operational issues which may arise.

Identified risks for the new contract

Risk	How Mitigated
Ensuring the project is completed within the allocated budget.	A comprehensive monitoring regime will be implemented, comprising of regular updates and budget meetings with the consultant and quantity surveyor to ensure no additional costs are attributed to the project.
Ensuring the project is completed on time.	A comprehensive monitoring regime will be implemented, comprising of regular updates and progress meetings with the consultant and lead client officer to ensure delays are kept to a minimum.
The works cause disturbance to residents of properties neighbouring the cemetery and users of the cemetery and recreation grounds.	The contract requires that the appointed contractor adheres to a timetable restricting movement of delivery vehicles to daytime hours. A separate access will be used for vehicle movements.
Unforeseen underground obstructions and/or high levels of ground contamination	Ground investigations have been undertaken to establish as far as possible the level of contamination. A high contingency should be kept in order to deal with situations as they arise.

Community impact statement

25. The development is part of a wider strategy to ensure that the needs of all sections of Southwark’s diverse community continue to be met by the cemetery and crematorium service, by ensuring that burial remains an available choice. Through well planned, high quality landscape design the new burial space will provide accessible grave plots and allow Southwark to deliver an improved burial service to the public.
26. Healthy communities and lifestyles are promoted by creating opportunities for meetings between different members of the community, with high quality public space and active use of public space. The new public accessibility into Area B will promote public use of the cemetery and the new footpaths and nature enhancement proposals will benefit the community.

Social Value considerations

27. The Public Services (Social Value) Act 2012 requires that the council considers, before commencing a procurement process, how wider social, economic and environmental benefits that may improve the well being of the local area can be secured. The details of how social value will be incorporated within the tender are set out in the following paragraphs.

Economic considerations

28. The promotion of local economic benefit will be built into this procurement by:

- Requiring contractors to use local companies in their sub-contracting and supply chain arrangements where possible.
- Should the successful contractor need to employ additional staff to deliver this contract, we request they target the local labour market.

Social considerations

29. The contract requires the successful company to ensure that they comply with the council's London Living Wage (LLW) requirements where applicable.

30. The contract will be let in accordance with section 149 of the Equality Act 2010. The council has a duty to have due regard in its decision making processes for the need to:

- a) Eliminate discrimination, harassment, victimisation or other prohibited conduct;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not
- c) Foster good relations between those who share a relevant characteristic and those that do not share it.

31. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The Public Sector Equalities Duty also applies to marriage and civil partnership, but only in relation to (a) above.

32. This procurement will provide benefits for all sections of the community and will not negatively impact or disadvantage any individual or group.

33. There are considered to be no equalities issues arising from the award of this contract.

Environmental/Sustainability considerations

34. Where possible, materials specified in the scheme shall be obtained from sustainable sources.

35. The architects will be required to address all issues within the works specification to protect trees, and the surrounding habitat.

36. The scheme seeks to ensure minimal on-going use of resources such as water, energy and chemicals. Of particular importance will be consideration of whole-of-life costs associated with the improvement works and the implications for future maintenance.

Market considerations

37. The successful supplier is a private organisation.

38. The successful supplier has fewer than 50 employees.

39. The successful supplier has a national area of activity.

Staffing implications

40. There are no implications for staffing as the client function will be provided by the Parks and Leisure team.

Financial implications

41. The report is proposing to award to contract to Tilhill Forestry Ltd.

42. The report is recommending approval to hold a project contingency in order to allow for increased costs to manage unforeseen ground contamination. Whilst a range of ground investigations have been undertaken there is still a significant risk that either underground obstacles could be found or below level ground contamination all of which would be required to be removed.

43. The total expenditure incurred against the capital allocation for the scheme will be monitored and reported as part of the overall Capital Programme.

44. Staffing and any other future maintenance costs connected with this contract will need to be contained within existing departmental revenue budgets.

Legal implications

45. The proposed contract award is consistent with corporate policy and with relevant legislative duties and powers and is recommended following a mini competition which has been conducted in line with the procedure set out under the framework agreement. There are no other specific legal implications arising from this report.

Consultation

46. Although consultation is not required, two consultation events were held in June/July 2016 and October 2016. These events aimed to engage local residents to review and discuss the different burial landscape design proposals and provide comments and feedback.

47. A stakeholder group was also set up to share information and detail on the proposed plans within the Cemetery Strategy.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance (CAP17/064)

48. The financial and budgetary implications arising from this report are set out in the financial implications..

Head of Procurement

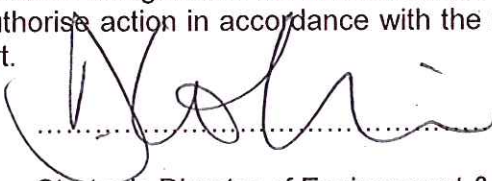
49. A formal procurement concurrent is not required as the value of the contract is below the EU threshold for works.

Director of Law and Democracy

50. A formal legal concurrent is not required as the value of the contract is below the EU threshold for works.

PART A – TO BE COMPLETED FOR ALL DELEGATED DECISIONS

Under the powers delegated to me in accordance with the council's Contract Standing Orders, I authorise action in accordance with the recommendation(s) contained in the above report.

Signature 

Date: 21st November 2017

Designation: Strategic Director of Environment & Social Regeneration

PART B – TO BE COMPLETED BY THE DECISION TAKER FOR:

- 1) All key decisions taken by officers
- 2) Any non-key decisions which are sufficiently important and/or sensitive that a reasonable member of the public would reasonably expect it to be publicly available.

1. DECISION(S)
As set out in the recommendations of the report.

2. REASONS FOR DECISION
As set out in the report.

3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED BY THE OFFICER WHEN MAKING THE DECISION
Not applicable.

4. ANY CONFLICT OF INTEREST DECLARED BY ANY CABINET MEMBER WHO IS CONSULTED BY THE OFFICER WHICH RELATES TO THIS DECISION

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5. NOTE OF ANY DISPENSATION GRANTED BY THE MONITORING OFFICER, IN RESPECT OF ANY DECLARED CONFLICT OF INTEREST

If a decision taker or cabinet member is unsure as to whether there is a conflict of interest they should contact the legal governance team for advice.

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6. DECLARATION ON CONFLICTS OF INTERESTS

I declare that I was informed of no conflicts of interests.*

or

~~**I declare that I was informed of the conflicts of interests set out in Part B4.***~~

(* - Please delete as appropriate)

BACKGROUND DOCUMENTS

Background documents	Held At	Contact
Title of document(s) 1. Gateway 1: Landscape Framework for parks capital programme and Burgess Park West 2. Gateway 2: Landscape Framework for parks capital programme and Burgess Park West Appendix 2:	Environment and Social Regeneration/Parks and Leisure	Tara Kelly 02075251236
Links: 1. \\Lbsjsh-chat-ns1\pns\$\Parks\Parks Programme\15 PMO\Landscape Contractor Procurement\Gateway Report\Gateway 1 report final.pdf 2. \\Lbsjsh-chat-ns1\pns\$\Parks\Parks Programme\15 PMO\Landscape Contractor Procurement\Gateway Report\Report Gateway 2 Contract award approval - landscaping framework for parks capital programme and B.pdf		

APPENDICES

No	Title
Appendix 1	Tender Evaluation Methodology

AUDIT TRAIL

Lead Officer	John Wade, Group Manager, Business Development, Parks and Leisure	
Report Author	Tara Kelly, Project Manager, Parks and Leisure	
Version	DCRB	
Dated	17/10/2017	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	Yes	Yes
Head of Procurement	Yes	Yes

Director of Law and Democracy	Yes	Yes
Director of Exchequer (for housing contracts only)	N/A	N/A
Cabinet Member	Yes/No	Yes/No
Contract Review Boards		
Departmental Contract Review Board	Yes	Yes
Corporate Contract Review Board	N/A	N/A
Cabinet	N/A	N/A
Date final report sent to Constitutional/Community Council/Scrutiny Team		N/A

BACKGROUND DOCUMENT – CONTRACT REGISTER UPDATE - GATEWAY 2

Contract Name	Camberwell New Cemetery, Area B, and associated landscaping works Contract
Contract Description	Remediation and landscaping of the site ("Area B") to bring into use for burials.
Contract Type	JCT Intermediate Works 2011
Lead Contract Officer (name)	Tara Kelly
Lead Contract Officer (phone number)	02075251236
Department	Environment and Social Regeneration
Division	Parks and Leisure
Procurement Route	Landscape Framework for parks capital programme Lot 2
EU CPV Code (if appropriate)	N/A
Departmental/Corporate	Departmental
Fixed Price or Call Off	Fixed
Supplier(s) Name(s)	Tilhill Forestry Ltd.
Contract Start Date	January 2018
Initial Term End Date	September 2018
No. of Remaining Contract extensions	N/A
Contract Review Date	N/A
Revised End Date	N/A
SME/ VCSE (If either or both include Company Registration number and/or registered charity number)	N/A
Comments	None
London Living Wage	Yes

This document should be passed to the member of staff in your department responsible for keeping your departmental contracts register up to date.

