

Item No.	Classification: Open	Date: January 2018	Meeting Name: Strategic Director of Environment and Social Regeneration
Report title:		Gateway 2 - Contract Award Approval Leyton Square Top Quality Play – Main Contractor	
Ward(s) or groups affected:		Livesey	
From:		Director of Leisure	

RECOMMENDATION(S)

That the Strategic Director of Environment and Social Regeneration:

1. Approves the award for the construction of a top quality playground in Leyton Square to Blakedown Landscapes SE Ltd, following a mini-competition run through the council's Landscape Framework, in the sum of £582,427 for a period of 18 weeks commencing on 12 February 2018.
2. Approves the allocation of a project contingency which will be held within the capital project budget.

BACKGROUND INFORMATION

3. The council has made a commitment to ensure that there is a top quality children's playground in every local area by 2018. A detailed borough wide geospatial analysis was undertaken to identify neighbourhoods that have a high demand for playgrounds (demographics, deprivation, well-being, outdoor space, obesity).
4. Through this assessment, Leyton Square was identified as a priority park for the development of a top quality children's playground.
5. Planning consent was granted for these works on 27 December 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	20/11/2017
Closing date for return of tenders	05/12/2017
Completion of evaluation of tenders	14/12/2017
DCRB Gateway 2: Report for Leyton Square TQP	09/01/2018
Briefed relevant cabinet member (over £100k)	11/01/2018
Notification of forthcoming decision – Five clear working days	12/01/2018
Approval of Gateway 2: Contract Award Report	19/01/2018
Scrutiny Call-in period and notification of implementation of Gateway 2 decision	26/01/2018
Contract award	29/01/2018
Add to Contract Register	29/01/2018
Publication of award notice on Contracts Finder	29/01/2018
Contract start	26/02/2018
Contract completion date	29/06/2018

KEY ISSUES FOR CONSIDERATION

Description of procurement outcomes

7. This procurement will deliver a Top Quality Playground in Leyton Square which will meet the needs and wants of local residents. It will provide a space that can be used by young children which will increase physical activity and result in enhanced health benefits.
8. The development of this playground will encourage young people to demonstrate positive social behaviour and learning opportunities.
9. The form of contract for this project is JCT Intermediate Contract with Contractor's Design 2011 which will include the council's amendments.

Key/Non Key decisions

10. This report deals with a key decision.

Policy implications

11. The procurement of this contract will allow the council to fulfil its manifesto commitment to provide a top quality children's playground in every local area by 2018.

Tender process

12. 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

13. The invitation to tender was issued to all three contractors on the 20/11/2017 with the deadline for responses on 05/12/2017. It was deemed not necessary to hold clarification interviews.

14. Of the three contractors listed above, two submitted a tender. One did not submit a tender as they do not have the resources to deliver this project within the timescales provided.

Tender evaluation

15. The tender evaluation panel consisted of the council's project manager, landscape architect and quantity surveyor appointed by the council.

16. Tender evaluation followed a weighted model of 70:30 price/quality in line with the framework agreement that was issued as part of the landscape framework contract tender which details the call-off procedure and proposes a 70/30 price/quality ratio at mini-tender stage.

17. Assurance on the 'quality' aspect of the contractors was gained through the landscape framework tender and associated gateway approval by using a 60/40 price/quality ratio.

18. Price (70%) was evaluated by the council's project manager, landscape architect and quantity surveyor appointed by the Council.

19. Quality (30%) was evaluated across 5 key areas with each question marked out of 5 and provided with a corresponding weighting.

20. A detailed breakdown of the quality and cost scores is provided in the table below. Overall tenderer A is recommended for award of the Leyton Square Top Quality Play main works contract as they scored the highest for both price and quality.

	Tenderer A	Tenderer B
Quality scores x weighting		
Experience of delivering playground projects (weighting 12)	(4/5) 48	(3/5) 36
Contract management and delivery (weighting 6)	(4/5) 24	(3/5) 18
<i>Management procedures</i>		
Health and Safety (weighting 6)	(4/5) 24	(4/5) 24
Quality Assurance Systems (weighting 6)	(4/5) 24	(3/5) 18

Total	120/150	96/150
Quality score (out of 30)	24	19.2

Plans for the transition from the old to the new contract

21. There is no existing contract in place.

Plans for monitoring and management of the contract

22. The contract shall be monitored by the Principal Designer and the client officer from the parks and leisure team.

23. Payment of invoices will be certified on satisfactory completion of works in accordance with an agreed payment schedule.

24. Progress meetings with the contractor, Principal designer, and quantity surveyor shall be held where necessary to monitor progress against the programme and the budget.

25. Any significant unexpected deviance from either programme or budget shall be highlighted to relevant officers, as issues arise, for resolution.

26. Park based staff will be on hand to respond to operational issues which may arise.

Identified risks for the new contract

Risk	Risk Rating	How Mitigated
Ensuring the project is completed within the allocated budget.	Low	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.	Medium	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.

Community impact statement

27. 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.

28. An improved children's playground will benefit the community by meeting their visions, hopes and needs. It will provide a wide range of play experiences for both younger and older children which give them the freedom of playing outdoors.

Social Value considerations

29. 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

30. The promotion of local economic benefit will be delivered by Blakedown Landscapes SE Ltd by:
- using local companies in their sub-contracting and supply chain arrangements where possible.
 - employing additional staffing if required from the local labour market.

Social considerations

31. The contract requires the successful company to ensure that they comply with the council's London Living Wage (LLW) requirements where applicable.
32. The contract will be let in accordance with section 149 of the Equality Act 2010 ("the Public Sector Equality Duty"). 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.
33. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The Public Sector Equality Duty also applies to marriage and civil partnership, but only in relation to (a) above.
34. This procurement will provide benefits for all sections of the community and will not negatively impact or disadvantage any individual or group.
35. There are considered to be no equalities issues arising from the award of this contract.
36. As a condition of appointment to the council's framework Blakedown Landscapes SE Ltd has declared its compliance with the Employment Relations Act 1999 (Blacklists) Regulations 2010 and the obligations imposed by those regulations will continue during the course of the proposed contract. The Regulations require the contractor to ensure that it will not be a party to or concur in any discriminatory employment practice which could be construed as blacklisting or boycotting any person who has sought employment with it, in breach of the Regulations.

Environmental/Sustainability considerations

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

38. Blakedown Landscapes SE Ltd will be required to address all issues within the works specification including the protection of trees.
39. 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

40. Blakedown Landscapes SE Ltd. is a private organisation with a national area of activity and fewer than 50 employees.

Staffing implications

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

Financial implications

42. There is sufficient budget available to cover this contract.
43. There is also a project contingency which is contained within the overall project budget.
44. The total expenditure incurred against the capital allocation for the scheme will be monitored and reported as part of the overall Capital Programme.
45. Staffing and any other future maintenance costs connected with this contract will need to be contained within existing departmental revenue budgets.

Legal implications

46. 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.
47. There are no other specific legal implications arising from this report.

Consultation

48. Consultation for this project took place in April 2017 followed by subsequent stakeholder meetings which presented opportunities for participants to provide comments and feedback on the proposals. Formal consultation also took place via the planning process.
49. A stakeholder group was also set up to share information and detail on the proposed plans for Leyton Square.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance (CAP17/090)

50. This report is requesting the Strategic Director of Environment and Social Regeneration to approve the award for the construction of a top quality playground in Leyton Square to Blakedown Landscapes SE Ltd, following a mini-competition run through the council's Landscape Framework, in the sum of £582,427 plus contingency for a period of 18 weeks commencing on 12 February 2018.
51. The strategic director of finance and governance notes that the costs of the contract will be contained within the departmental capital budgets allocated under the Council's capital programme.
52. The total expenditure for the scheme will be monitored and reported as part of the overall capital programme
53. Staffing, subsequent maintenance and any other costs connected with this project to be contained within existing departmental revenue budgets.

Head of Procurement

54. A formal procurement concurrent is not required because the contract value is below the EU threshold.

Director of Law and Democracy

55. A legal procurement concurrent is not required because the contract value is below the EU threshold.

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: 24th January 2018

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
5. NOTE OF ANY DISPENSATION GRANTED BY THE MONITORING OFFICER, IN RESPECT OF ANY DECLARED CONFLICT OF INTEREST
<i>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.</i>
6. DECLARATION ON CONFLICTS OF INTERESTS
I declare that I was informed of no conflicts of interests.*

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	Hemali Topiwala 02075250530
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		

AUDIT TRAIL

Lead Officer	John Wade, Group Manager, Business Development, Parks and Leisure		
Report Author	Hemali Topiwala, Project Manager, Parks and Leisure		
Version	final		
Dated	14/12/2017		
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	Yes
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	Leyton Square Top Quality Play Project
Contract Description	Main landscaping works – Leyton Square Top Quality Play
Contract Type	JCT Intermediate Works 2011
Lead Contract Officer (name)	Hemali Topiwala
Lead Contract Officer (phone number)	020 7525 0530
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)	Blakedown Landscapes SE Ltd
Contract Start Date	February 2018
Initial Term End Date	June 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.