

Item No.	Classification: Open	Date: 20 September 2023	Decision Maker: Strategic Director of Environment Neighbourhoods and Growth
Report title:		Gateway 2 - Contract Award Approval for the Victory Community Park Landscape Construction works contract	
Ward(s) or groups affected:		North Walworth	
From:		Head of Parks and Natural Environment	

RECOMMENDATIONS

That the Strategic Director of Environment, Neighbourhoods and Growth:

1. Approves the award of the Victory Community Park landscape construction works contract to Blakedown Landscapes SE Ltd for a period of 22 weeks commencing 30 October 2023.
2. Approves the allocation of a client contingency to address the items identified in paragraph 40 and delegates' approval of expenditure of the contingency fund to the Director of Leisure.

BACKGROUND INFORMATION

3. Victory Community Park (VCP) is a small park located next to Victory Primary school and close to residential properties, in the densely populated area of Elephant and Castle.
4. To the west lies Elephant Park, a major new development of mixed residential and commercial units on the former site of the Heygate Estate. It is currently under construction with completion expected in December 2024.
5. In March 2014 the council Cabinet approved £5.6m of capital funding to deliver transformation of parks in Elephant and Castle, and the key pedestrian connections between them. From this, a budget of £1.354m was allocated to VCP. The VCP project is the fifth scheme in a ten-year parks redevelopment programme of nine schemes.
6. Neighbourhood renewal and the creation of new homes has meant there is a need to ensure that VCP is able to respond to the increasing needs of the expanding local community. Walking and cycling route connectivity (also called 'green links') will be improved between VCP and other green spaces, including Elephant Park, just across the road.

7. The park is currently divided by a sunken ballcourt, which cannot be accessed by some people with disabilities. The project will reconnect the east and west sides of the park and make it more accessible.
8. The plans (see appendix 1) includes a total refurbishment of the play area, improvements to the ball-court, a brand new open lawn area, hedgerows, seating, signage, railings and better access for people with disabilities.
9. Planning permission was granted in March 2023.

Procurement project plan (Key Decision)

10.

Activity	Completed by/Complete by:
Forward Plan for Gateway 2 decision	16/08/2023
Briefed relevant cabinet member (over £100k)	15/12/2022
Approval of Gateway 1: Procurement Strategy Report	16/01/2023
Planning approval received	21/03/2023
Invitation to tender	26/05/2023
Closing date for return of tenders	11/07/2023
Completion of evaluation of tenders	24/07/2023
DCRB Review Gateway 2:	06/09/2023
Notification of forthcoming decision – Five clear working days	13/09/2023
Approval of Gateway 2: Contract Award Report	20/09/2023
Scrutiny Call-in period and notification of implementation of Gateway 2 decision	27/09/2023
Contract award	02/10/2023
Add to Contract Register	03/10/2023
Contract start	30/10/2023
Publication of award notice on Contracts Finder	31/10/2023
Contract completion date	02/04/2024

KEY ISSUES FOR CONSIDERATION

Description of procurement outcomes

11. This procurement is for a JCT Standard Building Contract with Quantities (SBC/Q) with Blakedown Landscapes SE Ltd to deliver landscape construction works in Victory Community Park.
12. Blakedown Landscapes SE are an experienced landscape contractor who have delivered award winning landscape schemes for Southwark Council previously.
13. The contract is to be awarded on the basis of Blakedown Landscapes SE Ltd having scored the highest combined submission score. They were the joint highest quality score and the second lowest priced tender.

Key/Non Key decisions

14. This report deals with a key decision.

Policy implications

15. This procurement award has taken into account the council's [procurement strategy](#), related procurement policies and Contract Standing Orders.
16. The project contributes to a number of Council Plan targets including 'provide great playgrounds for children of all ages'. The refurbishment of the play area to a high standard meets this target. The play area will include equipment for children aged two to fourteen years old. It has been designed to maximise opportunities for children with disabilities to play alongside their friends.
17. The Council Plan target 'create more and better parks and green spaces' is achieved through all of the improvements at Victory Community Park. This includes infilling the Multi-Use Games Area (MUGA) to allow people with mobility disabilities to use all areas of the park, creating a new open lawn for activities, improving biodiversity with additional planting and improving access to the nature area.
18. The Council Plan targets of 'work with local people to create more nature sites, woodland planting' and 'plant more trees' are met by planting twenty-one new trees and by improving the community nature garden which is maintained by the local Friends group and is used by the local school. The 'World Border' contains plant species from around the globe; it is also being improved in liaison with the Friends group who created and look after it. It should be noted that the removal of seven trees is required to facilitate the development.

19. The Council Plan targets 'ensure young people have access to positive activities' and 'enable residents of all ages to stay active and healthy' are met by providing a fully refurbished and accessible MUGA, a high quality refurbished play area, an additional table tennis table, and a new open lawn for activities.
20. The Council Plan target 'enable residents of all ages to stay active and healthy' is also met by the provision of extra seating to encourage visits to the park by older people and people with mobility disabilities. Knowing that there is a place to rest can break down barriers and enable those with impaired mobility to be more confident to go out.
21. The project contributes to the council's fairer future commitment theme 2: A place to belong, by providing a high quality park on the doorstep of local communities which is now included within the new Fairer Future Procurement Strategy.
22. The project contributes to the councils fairer future commitment theme 4: A full employment borough, as the contract will provide employment opportunities to local people, including a local trainee with the potential to go on to a formal apprenticeship.
23. The project contributes to the council's fairer future commitment theme 5: A healthy life, by providing a refurbished ball-court that can be accessed by people with disabilities, a refurbished play area and an additional table tennis table that will encourage local people to play sport and have active lifestyles.
24. The facility will have three new bicycle racks to encourage people to travel to the sports centre using sustainable transport.
25. Planning permission was granted on 12 March 2023 (Application number: 22/AP/2455).

Tender process

26. In line with CSO procedures, five companies from the Council's approved list were invited to tender for this contract. The tender was managed via ProContract by the allocated Project Manager from the Policy and Programmes Team within Leisure.
27. The tender period was initially open for five weeks, and in response to requests from tenderers, it was extended by one week. The reasons given were regarding staff capacity and time taken to receive quotations from manufacturers. The closing date was 11 July 2023.
28. Tender submissions were received from three out of the five contractors invited to tender. Two contractors did not return a tender.
29. One of the contractors withdrew from the process due to capacity issues, and one did not respond to the tender and did not give a reason.

Tender evaluation

30. The award criteria has followed the Fairer Future Procurement Framework (FFPT) protocol. The tender evaluation criteria was based on price (60%), quality (35%), social value (5%) weighting.
31. The price evaluation of the tenders was undertaken by the Quantity Surveyor who has compiled a report with recommendations.
32. The quantity surveyor issued a number of questions and confirmations to the tenderers through the portal to confirm the correct final prices submitted.
33. The tender panel evaluated the quality and social value questions within the submissions.

Tenderers	Quality score	Social Value Score	Price Score	Total score	Ranking
Blakedown	26	2	57.22	85.22	1
Tenderer 2	17	3	60	80	2
Tenderer 3	25	3	40.27	68.27	3

34. The overall scores have been calculated by adding the scores for price, quality and social value together. The contract will be awarded to Blakedown Landscapes SE Ltd who were ranked highest.

Plans for monitoring and management of the contract

35. The council's contract register publishes the details of all contracts over £5,000 in value to meet the obligations of the Local Government Transparency Code. The Report Author must ensure that all appropriate details of this procurement are added to the contract register via the eProcurement System.
36. The contract will be monitored by the Project Manager.
37. Valuations will be undertaken by the Quantity Surveyor, and certified by the site administrator on satisfactory completion of works prior to payment of invoices, at intervals agreed at the pre start meeting.
38. Regular progress meetings with the site administrator, Quantity Surveyor, CDM advisor, and Project Manager shall be held to monitor progress against the programme and the budget.
39. Any significant unexpected deviance from either programme or budget shall be highlighted to relevant officers, as issues arise, for resolution.

40. Table of identified risks for the new contract.

Risk	Risk Rating	Mitigation
Potential price increases due to unforeseen circumstances on site	Medium	Soil surveys were undertaken and a soil remediation strategy produced. This was included in the tender, and forms part of the contract. A suitable contingency sum is being held, and the Quantity Surveyor will carry out regular financial monitoring.
The programme may be extended due to unforeseen circumstances	Medium	Blakedown's tender submission included an outline delivery programme. A pre-contract meeting will be held, a detailed programme of delivery will be agreed. A comprehensive monitoring regime will be implemented, comprising of regular progress meetings on site with the lead consultant and Quantity Surveyor, to ensure any additional costs are within the contingency sum.
Potential disturbance to local residents during noisy phases of construction. The site is closely surrounded by residential properties on two sides, and a school on another.	Medium	Blakedown Landscapes SE Ltd are part of the Considerate Constructors Scheme. The project manager will undertake a mail out to nearby properties informing them of the works prior to commencing on site. Interested parties will be kept updated via the project mailing list and site notices. The Project Manager will work with Blakedown to ensure that noisy works are only undertaken during permitted hours.
Challenge to award decision	Low	A procurement process compliant with council Contract Standing Orders has been conducted. Accompanying tender report indicates that the award outcome is justified.
Financial viability of appointed contractor	Low	The FAME/BVD report indicates that there are no concerns with financial viability.

Community, equalities (including socio-economic) and health impacts

Community impact statement

41. This project will support the council's commitment to meet the needs of Southwark's diverse communities by investing in the park, which is located in an area of socio-economic deprivation.
42. For details of consultation see paragraphs 99 to 102.
43. Blakedown's proposed programme estimates construction to commence on 30 October 2023, during the autumn when the park becomes less busy.
44. Completion is expected in early April 2024, should no unforeseen circumstances occur. Prior to the contract commencing, officers will work with the contractor to establish whether any areas of the park can be kept open for public use during the construction period, if safe and practical to do so.

Equalities (including socio-economic) impact statement

45. The Public Sector Equality Duty has been considered by undertaking an Equalities Impact Assessment (EQIA) of the scope of the project and the design. The EQIA recommended a number of improvements to the design which have been implemented:
 - a. Entrances have been designed to be wide with a level threshold.
 - b. Paths will be smooth, with no steep gradients, and made of hard surfacing with no gravel or loose fill.
 - c. Seating will accommodate space for wheelchairs, on both picnic benches and standard benches.
 - d. Pavements should have a detectable demarcation which can be followed by people who are blind or partially sighted, for example a kerb edge, and visual contrast should also be provided.
 - e. To assist elderly people accessing the park, gates should where possible be self-closing and the catch to any gate should not require the user to have to pinch or twist their hand to operate, and a catch that can be operated with a clenched fist is best.
46. People with disabilities were well represented during the second consultation with 15.85% of respondents stating they have a disability. Unfortunately, during the third consultation, people with disabilities represented only 3% of respondents, showing an underrepresentation. However almost half of respondents declined to answer this question, which may have distorted the results.
47. The existing sunken ball-court is not accessible for many people with disabilities including people in wheelchairs, due to the steep gradient on the access

pathway. The EQIA supports infilling the sunken ball-court and providing a new ball-court at street level, which will be wheelchair-accessible.

48. Children living in households claiming out of work benefits can be used as a measure of child poverty in a community. In North Walworth the figure is 24.8% which is higher than the Southwark average of 18.5% and the national average of 13.5%.
49. The community of North Walworth has a larger proportion of black, Asian and ethnic minority people (50%) than London (40.2%) and the UK (13.5%). However, black, Asian and ethnic minority people were under-represented in public consultation.
50. The Sport England Sport For All? Survey report confirms that black, Asian and ethnic minority adults and children are significantly over-represented in the participation base of basketball, relative to their population share.
51. Southwark Legends basketball team were consulted, and were interested in seeing a basketball-focussed ball-court at VCP, which would have basketball hoops at both ends and a football goal at only one end. This proposal was based on observations showing that the ball-court was often used by two groups, each occupying half of the space. Informal practice was much more popular than matches that used the whole court. Basketball pick-up games are played on a half-court, and the proposal would have ensured that opportunities for this type of play were maximised.
52. However during consultation, some local residents requested that football goals are included at both ends of the ball-court, and this has been implemented.
53. Young people under the age of 24 were under-represented in the consultations. The design does however provide many facilities for young people including an improved play area, which has been developed in direct consultation with the local children and families. The design also includes a refurbished ball-court with adjacent seating area and a second table tennis table, as the existing table tennis table is popular .
54. Older residents were well represented during the public consultation and will be provided for, with extra seating across the park and better accessibility in and around the park due to the proposed infilling of the ball-court.

Health impact statement

55. The park and play area encourage children and young people to be physically active, which has associated health benefits.
56. There are significant inequalities in the prevalence of excess weight and obesity in Southwark; children from Black ethnic groups are significantly more likely to be obese compared to other ethnic groups.

57. Levels of child excess weight (age 6) in North Walworth are recorded at 45.8% which is higher than the Southwark, London and national averages.
58. Ensuring sport and play facilities are of high quality, in good working order and plentiful enough to meet demand encourages active lifestyles, which may help address issues of child excess weight.
59. Contact with nature and spending time in green spaces in an urban environment has also shown to have benefits to mental health.
60. Concerns have been raised about the safety of rubber / microplastics in play safety surfacing, the EU is proposing to ban rubber infill for artificial pitches with their use in play surfacing under review. Officers have specified a natural cork surfacing.

Climate change implications

61. All new landscaping and play equipment will, where possible, be sourced locally, robust, recycled and sustainable products and materials including FSC certified wood, reducing maintenance requirements and ensuring longer lifespan of equipment.
62. The architects explored if rain gardens could be created but have not progressed these as the new planting beds are small and all new hard surfaced areas including paths are designed with a permeable surface.
63. The cork-based play safety surface which has been specified is a new and innovative sustainable product that is not only highly permeable but also carbon-negative.
64. The number of trees needing to be felled has been reduced from twelve to seven. Twenty-one new trees will be planted.
65. Blakedown have proposed to operate a cycle to work scheme, as some of their staff who live within cycling distance.

Social Value considerations

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 social value considerations included in the tender (as outlined in the Gateway 1 report) are set out in the following paragraphs in relation to the tender responses, evaluation and commitments to be delivered under the proposed contract.

66. Blakedown Landscapes (SE) Ltd will register the construction activity with the Considerate Constructors Scheme.

- 67. Blakedown are committed to paying all of their staff London Living Wage and their sub-contractors are required to do the same.
- 68. Blakedown have committed to ensuring that local people are kept up to date regarding the development. They propose to display information boards at key locations, providing up-to-date news, contact details and let people know in advance when sections of the park are required to be closed for works.
- 69. Blakedown have committed to appointing one local person as a trainee, who would then undertake a formal apprenticeship.

Economic considerations

- 70. Two of the three tender returns are of a similar value, showing that this is the current market rate for landscape construction works such as the VCP improvement project.
- 71. Blakedown have stated they will use local companies in their sub-contracting and supply chain arrangements wherever possible.
- 72. Blakedown have stated they will target the local labour market, when employing additional staff.

Social considerations

- 73. Blakedown Landscapes SE Ltd will ensure that all appropriate staff engaged in the delivery of the services are paid the LLW or above and will encourage its sub-contractors to do the same.
- 74. The contract will be let in compliance with section 149 of the Equality Act 2010 under which the council has a duty to have due regard in its decision making processes to the need to:
- 75. Eliminate discrimination, harassment, victimisation or other prohibited conduct.
- 76. Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not.
- 77. Foster good relations between those who share a relevant characteristic and those that do not share it.
- 78. The relevant protected characteristics are age, disability, gender assignment, 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. As the proposed contract is intended to deliver a larger and higher quality sports facility, officers are not aware of any actual or potential adverse impact on any individual or group within the local community having a protected characteristic under the Act.

Environmental/Sustainability considerations

79. Where possible materials specified in the scheme shall be obtained from sustainable sources.
80. Blakedown are required to avoid environmentally damaging materials, and must follow an independent Arboricultural Method Statement, which requires them to protect trees on site.
81. Blakedown are committed to reducing the fuel that they use, and CO₂ emissions for business travel and transport. They propose where possible to only use diesel-powered machinery as a last resort, prioritising electric machinery. Where electric machinery is not feasible, Blakedown have proposed to use biodiesel.
82. Blakedown will not use petrol hand tools. All tools will be electric.
83. Blakedown have confirmed that they will not use diesel generators. The temporary site electricity supply will come from a licensed connection arranged with the electricity supplier. This will reduce the impact on local air quality.

Market considerations

84. A range of experienced contractors were selected from the Council Approved List.
85. Blakedown is a private organisation, founded in 1990 with over thirty years of experience in landscape construction.
86. Blakedown have between fifty and seventy-five employees and have a regional area of activity.

Staffing implications

87. The client function will be provided by the Policy and Programmes Team.

Financial implications

88. The funding for the costs of this procurement is contained within the approved capital project for Elephant & Castle Open Spaces. Victory Community Park is one of nine separate schemes within this overall project.
89. The Elephant & Castle Open Spaces project is managed and implemented by the Policy and Programmes team.
90. The total approved current budget for the entire project is £7.263m (including S106 funding). Previous year's expenditure was £4.369mm leaving a balance available at the beginning of 21/22 of £2.894m.

91. On this basis the GW2 contained in this report is affordable within the current approved budget envelope.
92. The total expenditure for the scheme will be monitored and reported on as part of the overall capital programme.
93. Staffing costs associated with this project will be contained within existing approved budgets and capitalised where appropriate.

Investment implications

94. Adjacent to VCP is a privately owned site that is designated as Borough Open Land, which used to contain a pub, which has long been demolished. The small open space has sat derelict for over twenty years, and is surrounded by hoarding in poor condition. The council has an aspiration to add this land to the park, thus increasing the amount of green open space in the area, which is seeing rapid population increase, reducing the amount of green space per capita.
95. This investment proposal does not have an impact on the deliverability of the VCP scheme. Should the opportunity to purchase the land arise, this matter would be subject to a further report in due course.
96. Investing in parks has been shown to have a positive effect on the local area, including benefits to the economy.

Second stage appraisal (for construction contracts over £250,000 only)

97. FAME Credit check has been undertaken, which details that the company is secure and has a low risk of failure, with a score of 92 out of 100. The annual turnover for 2022 was £14.5m. The full assessment is included in Appendix 4.

Legal implications

98. Please see comments of the Assistant Chief Executive (Governance and Assurance).

Consultation

99. This contract is being recommended following thorough and on-going consultation with internal and external stakeholders about the proposed work.
100. Three public consultations have taken place, in January 2020, September 2020, and August 2021. In February 2023 a fourth consultation focussed on the play area design. The results can be found on the project webpage (see Background Documents).
101. Further consultation has been undertaken with the Friends of VCP, Southwark Legends Basketball team, and local residents who got in touch

during the scheme. Additional consultation meetings were held at residents' request, on 29 July 2021 and 23 July 2022.

102. Statutory consultation was undertaken as part of the planning application process.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance (CAP23/031)

103. This report seeks the Strategic Director of Environment Neighbourhoods & Growth to approve the contract award outlined in this report for the Victory Community Park landscape construction works contract to Blakedown Landscapes SE Ltd for a period of 22 weeks commencing 30 October 2023 and to approve the allocation of a client contingency to address the items identified in paragraph 40 and delegates approval of expenditure of the contingency fund to the Director of Leisure.

104. The strategic director of finance notes that the costs of the contract will be contained within the departmental capital budgets for the "Elephant & Castle Open Spaces" project allocated under the Council's capital programme, as mentioned in financial implications.

105. The total expenditure for the scheme will be monitored and reported on as part of the overall capital programme.

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

Head of Procurement

107. A formal procurement concurrent is not required for this report. However, it is confirmed that the award recommendation proposed is consistent with the Public Contracts Regulations 2015 and the council's Contract Standing Orders, which dictate that decision must be taken by the relevant chief officer, or under their delegated authority, in line with the department's scheme of management.

Assistant Chief Executive – Governance and Assurance

108. A formal legal concurrent is not required for this report. However, it is confirmed that the award recommendation proposed is consistent with the Public Contracts Regulations 2015 and the council's Contract Standing Orders, which dictate that decision must be taken by the relevant chief officer, or under their delegated authority, in line with the department's scheme of management.

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 (and as otherwise recorded in Part B below).

Signature 
Caroline Bruce

Date 20/09/2023

Designation Strategic Director of Environment, Neighbourhoods and Growth

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

- 1) All key decisions taken by officers
- 2) Any non-key decisions that are sufficiently important and/or sensitive that a reasonable member of the public would reasonably expect it to be publicly available (see ‘FOR DELEGATED DECISIONS’ section of the guidance).

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
None

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.

None

6. DECLARATION ON CONFLICTS OF INTERESTS

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

BACKGROUND DOCUMENTS

Background documents	Held At	Contact
Gateway 1 Procurement Strategy Approval for the Victory Community Park Landscape works contract	Policy and Programmes team Southwark Council	Matt Hill 02075251604
Available upon request		
Victory Community Park Improvement Project webpage	Policy and Programmes Team Southwark Council	Matt Hill 02075251604
www.southwark.gov.uk/victory-community-park		

APPENDICES

No	Title
Appendix 1	Design for Victory Community Park
Appendix 2	Quantity surveyor finance report [CLOSED]
Appendix 3	Quality and social value summary [CLOSED]
Appendix 4	Second stage appraisal FAME credit check

AUDIT TRAIL

Lead Officer	Pippa Krishnan, Programme Manager, Policy and Programmes team, Leisure, Environment, Neighbourhoods and Growth	
Report Author	Matt Hill, Project Manager, Policy and Programmes team, Leisure, Environment, Neighbourhoods and Growth	
Version	Final	
Dated	23 August 2023	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance	Yes	Yes
Head of Procurement	Yes	Yes
Assistant Chief Executive – Governance and Assurance	Yes	Yes
Cabinet Member	No	No

Contract Review Boards		
Departmental Contract Review Board	Yes	Yes
Corporate Contract Review Board	No	No
Cabinet	No	No
Date final report sent to Constitutional Team		20/09/2023