

| | | | |
|------------------------------------|--------------------------------|---|---|
| Item No. | Classification: Open | Date: 29 February 2024 | Meeting Name: Acting Strategic Director of Environment, Neighbourhoods and Growth |
| Report title: | | Gateway 2 – Contract Award Approval Fredericks Playground | |
| Ward(s) or groups affected: | | Newington Ward | |
| Cabinet Member: | | Cabinet Member for Leisure, Parks, Streets and Clean Air | |

RECOMMENDATION(S)

That the Acting Strategic Director of Environment, Neighbourhoods and Growth:

1. Approves the contract award for the Frederick's playground landscape construction works to Warwick Landscaping Ltd commencing on 1st April 2024.
2. Approves the allocation of a client contingency to address the items identified in paragraph 46 and delegates approval of expenditure of the contingency fund to the Director of Leisure.

BACKGROUND INFORMATION

3. This procurement relates to :Works
4. This contract is a new provision
5. Frederick's Playground is a former adventure playground. The site is approximately 900m² and is bordered by Chapter Road to the north, Westcott Road to the east, a residential property to the south and an access road to the Doddington Grove housing estate forms the western boundary of the site.
6. In February 2019 and March 2020, capital funding totalling £3m was secured to deliver improvements to five adventure playgrounds in the borough. The funding is to upgrade these playgrounds by installing new play structures, equipment and associated landscape improvements.
7. The playground at Frederick's had all play structures removed due to their poor condition in August 2017 and subsequently soil contamination has been discovered at the location. Since March 2020 the whole site has been closed to the public.

8. The project at Frederick’s playground will transform the space from a restricted access staffed adventure playground to an open access public playground. It will deliver high quality adventurous play targeted at local children aged 8-14 years old, whilst also offering a new pocket park and recreational space for local families that is on their doorstep.
9. The project will introduce integrated accessible play features that allow children with a range of abilities to play together.
10. Research has shown that girls are under-served when it comes to recreational spaces and the project therefore includes design measures recommended by the *Make Space for Girls* initiative

Procurement project plan (Key Decision)

11.

| Activity | Completed by/Complete by: |
|--|---------------------------|
| Forward Plan for Gateway 2 Decision | 12/09/2023 |
| Briefed relevant cabinet member (over £100k) | 06/09/2023 |
| Approval of Gateway 1: Procurement Strategy Report | 20/09/2023 |
| Invitation to tender | 05/01/2024 |
| Closing date for return of tenders | 19/02/2024 |
| Completion of evaluation of tenders | 28/02/2024 |
| DCRB Review Gateway 2: | 06/03/2024 |
| Notification of forthcoming decision – Five clear working days | 13/03/2024 |
| Approval of Gateway 2: Contract Award Report | 20/03/2024 |
| Scrutiny Call-in period and notification of implementation of Gateway 2 decision | 27/03/2024 |
| Contract award | 01/04/2024 |
| Add to Contract Register | 01/04/2024 |
| Contract start | 07/05/2024 |
| Publication of award notice on Contracts Finder | 01/04/2024 |
| Contract completion date | 08/10/2024 |

KEY ISSUES FOR CONSIDERATION

Description of procurement outcomes

12. This procurement is for a JCT Standard Building Contract to Warwick Landscaping Ltd to deliver landscape construction works at Frederick's Playground.
13. Frederick Playground has been permanently closed to the public since March 2020. Prior to closure the site had become uninviting, not easily accessed and offered little in the way of meaningful play value. Fewer than 10 children regularly attended the play service when it was open in 2018/19.
14. Since it has been closed the fenced site has become the target of regular break-ins, vandalism and anti-social behaviour.
15. A landscape design has been developed through extensive consultation with the local community including targeted design workshops for children held at several venues in the Newington ward.
16. Delivering the project and re-opening the playground for public use is a priority for residents and local ward councillors.
17. Warwick Landscaping Ltd are an experienced landscape contractor who have delivered playground upgrade and landscape schemes for Southwark Council previously.
18. The contract is to be awarded on the basis of Warwick Landscaping Ltd having scored the highest combined score. They scored second place on quality scoring but submitted the lowest priced tender.

Key/Non Key decisions

19. This report deals with a key decision

Policy implications

20. This procurement award has taken into account the council's [procurement strategy](#), related procurement policies and Contract Standing Orders.
21. 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 four to fourteen years old. It has been designed to maximise opportunities for children with disabilities to play alongside their friends and family.
22. The Council Plan target 'create more and better parks and green spaces' will be achieved through all of the improvements at Fredericks Playground

creating a new open park for activities, improving biodiversity with additional planting and improving access.

23. The Council Plan targets to 'work with local people to create more nature sites, woodland planting' and 'plant more trees' are supported by the project's tree retention strategy. Most of the existing trees at the playground will be retained to provide much needed screening, greening and shade. However, in order to construct some of the new structures five trees need to be removed. To mitigate the project includes planting 10 new trees in the playground and a further 44 new trees around the neighbourhood.
24. 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 park, a high quality refurbished play area, and a table tennis table.
25. 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.
26. 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.
27. The project contributes to the council's fairer future commitment theme 4: A full employment borough, as the recommended contractor has confirmed that there will be an opportunity created for local labour (skilled and unskilled) to work on the site as part of the contract, thereby providing employment opportunities to local people. They have committed to provide the necessary health and safety training together with on-the-job training with a possibility of long-term employment following completion.
28. The project contributes to the council's fairer future commitment theme 5: A healthy life, by providing challenging play equipment, an outdoor gym, table tennis table and trampoline that will encourage local people to have active lifestyles.
29. A certificate of permitted development was granted on 31 January 2024 (23/AP/3127)

Tender process

30. In line with CSO procedures, companies from the Council's approved list were invited to tender for this contract. Whilst CSOs only require tenders to be sought from at least four contractors, officers approached seven

companies for this procurement in an attempt to generate the maximum number of responses under current market conditions.

31. The tender was managed via ProContract by the allocated Project Manager from the Policy and Programmes Team within Leisure.
32. The tender period was open for six weeks. The closing date was 19 February 2024.
33. Tender submissions were received from three out of the seven contractors invited to tender. Four contractors did not return a tender. One of the three submissions was incomplete.
34. Of the four contractors who failed to return, one said they were currently focusing on their core business of woodland management and associated rural land management activities, and three explained they had insufficient resources at this time.

Tender evaluation

35. The award criteria has followed the Fairer Future Procurement Framework (FFPT) protocol. The tender evaluation was based on price (60%), quality (35%), social value (5%) weighting. Whilst the FFPF aspirational target for social value criteria is 15%, the evaluation panel assessed that 5% was proportionate for a project of this size and duration.
36. The price evaluation of the tenders was undertaken by the Quantity Surveyor who has compiled a report with recommendations.
37. The quantity surveyor undertook a tender clarification process with both tenderers through the portal to confirm the correct final prices submitted.
38. The tender panel evaluated the quality and social value questions within the submissions.

| Tenderers | Quality score | Social Value Score | Price Score | Total score | Ranking |
|------------------|---|---------------------------|--------------------|--------------------|----------------|
| Tenderer 1 | 28.00 | 3.00 | 59.05 | 90.05 | 2 |
| Warwick | 27.00 | 4.00 | 60.00 | 91.00 | 1 |
| Tenderer 3 | Tender incomplete. Quality statements not submitted | | | | |
| Tenderer 4 | Declined due to resource availability | | | | |
| Tenderer 5 | Declined due to resource availability | | | | |
| Tender 6 | Declined due to resource availability | | | | |
| Tender 7 | Declined to focus on core service | | | | |

39. The overall scores have been calculated by adding the scores for price, quality and social value together. Both submissions scored highly in both price and quality and overall scores are exceptionally close. On balance, the evaluation panel recommend that the contract is awarded to Warwick

Landscaping Ltd who were ranked highest having submitted the lowest priced tender.

Plans for monitoring and management of the contract

40. 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.

41. The contract will be monitored by the Project Manager.

42. 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.

43. 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.

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

45. Table of identified risks for the new contract

| Risk | Risk Rating | Mitigation |
|--|-------------|---|
| Potential price increases due to unforeseen circumstances on site such as more extensive soil remediation. | 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 | Warwick'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 | Medium | Warwick's are part of the Considerate Constructors Scheme. The project manager will undertake a |

| | | |
|---|--------|---|
| construction. The site is closely surrounded by residential properties on all three sides | | 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 Warwick's to ensure that noisy works are only undertaken during permitted hours. |
| Additional lighting has been excluded from this main contract, | Medium | This may change following a lighting assessment |
| Price inflation | Low | As the rates in the tender are fixed prices, the risk only applies to provisional sums, there are sufficient contingency sums held. |
| Potential delay and/or materials shortages due to, unforeseen circumstances | Low | A sufficient lead-in time has been provided to allow for appropriate ordering of materials. The programme will be reviewed periodically. |
| 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 impact statement

46. This project will support the council's commitment to meet the needs of Southwark's diverse communities by providing safe access to new play and recreation facilities in the heart of one of the borough's most densely populated neighbourhoods.
47. Warwick's proposed programme estimates construction to commence in May 2024 and completion is expected in August 2024, should no unforeseen circumstances occur.
48. At 50.4 % of the ward, Newington boasts one of the highest percentage of people from black, Asian and minority ethnic backgrounds in the borough.
49. Newington also has relatively high levels socio-economic deprivation and is ranked 8th most deprived ward in the borough. Children living in households claiming out of work benefits can be used as a measure of child poverty in a community. Across Southwark, this equates to around 18.5% of the population, significantly higher than the national average of 13.5%. Newington, has a higher percentage of child poverty compared to Southwark as a whole at 21%.
50. At 51.0% the ward has the highest level of excess weight amongst Year 6 children in the borough.

51. Improving the quality of parks, sport and play facilities is central to improving health outcomes for children by encouraging the regular use of open spaces for play and physical activity. Engaging with nature and spending time in green spaces has known benefits to health and well-being especially for people living in high-density neighbourhoods. Frederick's Playground will be transformed into a free public open space that will offer a range of playable features that present physical challenge and encourage activity, whilst also providing a local meeting place for children and young people to socialise. Improvements incorporated in the design include:

- Increased width of ramps and platforms on play structures to facilitate wheelchair access and slides designed to allow for children with special needs to be accompanied by a carer.
- Smooth pathways and surfacing throughout the playground with no gravel or loose fill that would impede wheelchair use.
- Bench / seating style allowing horizontal transmission (for people using wheelchairs) and armrests that allow people to rise more easily from a seated position.
- Design pallet, colour style and signage that takes account of neurodiversity.

Climate change implications

52. The project includes the introduction of new planted areas in the playground along with nature rich boundary planting, climbers and hedging, that provides both screening and habitat creation.

53. Where possible materials specified in the scheme shall be obtained from sustainable sources and is designed to minimise the future use of resources such as water, energy and chemicals.

54. Delivery of the project will require the removal of five self-seeded trees whilst ten new trees will be planted as replacements on site, and a further 44 new trees around the neighbourhood, which has been agreed with Planning.

Social Value considerations

55. 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.

56. Warwick Landscaping Ltd will register the construction activity with the Considerate Constructors Scheme.

57. Warwick are committed to paying all of their staff London Living Wage and their sub-contractors are required to do the same.

58. Warwick 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.

59. Warwick have committed to appointing one local person on the project.

Economic considerations

60. Warwick have stated they will use local companies in their sub-contracting and supply chain arrangements wherever possible.

61. Warwick have stated they will target the local labour market, when employing additional staff.

Social considerations

62. Warwick 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.

63. 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:

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

64. 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

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

66. Warwick are required to avoid environmentally damaging materials, and must follow an independent Arboricultural Method Statement, which requires them to protect trees on site.

67. Warwick 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, Warwick have proposed to use biodiesel.

68. Warwick 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

69. Warwick Landscaping Ltd is a private organisation with over 15 of experience in landscape construction.

70. Warwick Landscaping Ltd have between fifty and seventy-five employees and have a regional area of activity.

Staffing implications

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

Financial implications

72. The approved budget for playground investment (5 Playgrounds) is contained in the Adventure Playground capital project (L-2340-0423) and with a lifetime budget approval of £3.063m. Prior years expenditure is £0.098m leaving an available budget balance at 1st April 2023 (23/24) of £2.965m

73. The budget allocated for Fredericks Adventure Playground (L-2340-0423.3) is contained within this programme.

74. The estimated costs contained in this GW2, including contingency, are affordable within the current approved budget envelope.

75. Staffing costs associated with this project will be contained within existing approved revenue budgets and capitalised where appropriate.

Investment implications

76. 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)

77. FAME Credit check has been undertaken, which details that the company is secure and has a normal risk of failure.

Legal implications

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

Consultation

79. Public consultation and engagement has taken place throughout the design process, including events, meetings, design workshops and surveys. The engagement programme was delivered from August 2022 to March 2023. A consultation summary report can be found on the project webpage.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance (CAP23/100)

80. This report is requesting the Acting Strategic Director Environment, Neighbourhoods & Growth to approve the contract award for the Frederick's playground landscape construction works to Warwick Landscaping Ltd and to approve the allocation of a client contingency to address the items identified in paragraph 46 and delegates approval of expenditure of the contingency fund to the Director of Leisure.

81. The strategic director of finance notes that the costs of the contract will be contained within the departmental capital budgets for the "Adventure Playground" project allocated under the council's capital programme, as mentioned in the financial implications section.

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

83. Staffing and any other costs such as project management connected with these recommendations are to be contained within pre-allocated and existing parks and Natural Environment division revenue budgets.

Head of Procurement

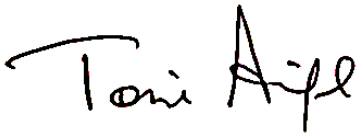
84. A formal concurrent is not required for this report as the estimated value of the procurement is below the advertising threshold for works of this nature, as prescribed by the Public Contracts Regulations 2015 (PCR2015). However, it is confirmed that the award recommendation as outlined is consistent with PCR2015 and the council's Contract Standing Orders (CSO). In accordance with CSO, the 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

85. As the estimated value of the contract award proposed in this report is below the advertising threshold for works as prescribed by the Public Contracts Regulations 2015 a formal concurrent is not required. It is, however confirmed that the recommendations of the report are consistent both with those Regulations and with the council's Contract Standing Orders, which reserve the decision to approve the recommendation to the relevant chief officer, or under his/her 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 

Date 18th March 2024

Designation Action Strategic Director – Environment, Neighbourhoods & 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

N/A

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.

N/A

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)

7. CONSIDERATION GIVEN TO WHETHER, AS A NON-KEY DECISION, THIS SHOULD BE FORWARDED TO THE CONSTITUTIONAL TEAM FOR PUBLICATION IN ACCORDANCE WITH REGULATION 13(4)*

The decision taker should consider whether although a non-key decision, the decision is sufficiently important and/or sensitive that a reasonable member of the public would reasonably expect it to be publicly available. Where there is any doubt, having considered the importance and/or sensitivity of a decision, it should be deemed that Regulation 13(4) would apply.

I consider that the decision be made available for publication under Regulation 13(4).*

or

~~I do not consider that the decision be made available for publication under Regulation 13(4).*~~

(* - Please delete as appropriate)

* Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the council is required to put in place a scheme for recording and publishing some officer executive decisions. This process is sometimes referred to as "Regulation 13(4)".

BACKGROUND DOCUMENTS

| Background documents | Held At | Contact |
|--|---|------------------|
| Gateway 1 Procurement Strategy Approval for Fredericks Playground Landscape works contract | Policy and Programmes Team Southwark Council | Grace Adegboyega |
| Fredericks Playground Transformation webpage | Policy and Programmes Team Southwark Council | Grace Adegboyega |

Link: [Fredericks Playground - Southwark Council](#)

APPENDICES

| No | Title |
|----|-------|
| | |

AUDIT TRAIL

| | | |
|---|--|--------------------------|
| Lead Officer | Deborah McKenzie, Policy and Programme Manager Environment, Neighbourhoods and Growth | |
| Report Author | Grace Adegboyega Project Manager, Environment, Neighbourhoods and Growth | |
| Version | Final Draft | |
| Dated | 29 February 2024 | |
| 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 |
| Contract Review Boards | | |
| Departmental Contract Review Board | Yes | Yes |
| Corporate Contract Review Board | N/A | N/A |
| Cabinet Member | N/A | N/A |
| Date final report sent to Constitutional/Community Council/Scrutiny Team | Date/Month/Year e.g. 07/03/2024 | |